

**EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL**

RESTORATION OFFICE
Simpson Building
645 G Street
Anchorage, Alaska

June 1 and 2, 1993

VOLUME I

June 1, 1993
10:00 a.m.

TRUSTEE COUNCIL MEMBERS in attendance:

State of Alaska	MR. CHARLES COLE Attorney General
State of Alaska Department of Environmental Conservation	MR. JOHN SANDOR Commissioner
United States Department of the Interior	MR. WALTER STIEGLITZ (Alternate) Regional Environmental Officer
State Department of Fish and Game	MR. CARL ROSIER Commissioner
United States Department of Agriculture - Forest Service	MR. MIKE BARTON Regional Forester
United States Department of Commerce - NOAA	MR. STEVE PENNOYER Director, Alaska Region

RESTORATION TEAM in attendance

DAVE GIBBONS	Interim Administrative Director, Trustees Council
PAMELA BERGMANN	Regional Environmental Assistant, United States Department of the Interior
MARK BRODERSEN	Restoration Chief, Alaska Department of Environmental Conservation
JEROME MONTAGUE	Director, Oil Spill Impact Assessment & Restoration Division, Alaska Department of Fish and Game

BYRON MORRIS Chief, Office of Oil Spill Damage Assessment
and Restoration, United States Department of
Commerce - NOAA

KEN RICE Deputy Natural Resource Manager, United States
Department of Agriculture - Forest Service

MARTY RUTHERFORD Assistant Commissioner of EVOS, Alaska
Department of Natural Resources

PUBLIC ADVISORY GROUP MEMBERS in attendance:

DOUGLAS MUTTER Department of the Interior
Designated Federal Officer

VERN McCORKLE
PAMELA BRODIE
CHARLES TOTEMOFF

OTHERS IN ATTENDANCE who testified

BOB LOEFFLER
JOHN STRAND
MARIA LISOWSKI, U.S. Department of Agriculture
BILL BRIGHTON, U.S. Department of Justice, Washington, D.C.
DR. ROBERT SPIES, Chief Scientist
JOHN JOHNSON, Chugach Alaska Corporation
CHARLES McKEE
KATHY ANDERSON, Eyak Corporation
MIKE BRITTAIN
PAM BRODIE, on behalf of The Sierra Club

VIA TELECONFERENCE

CHARLES K. WEAVERLING, Mayor, City of Cordova
RICK STEINER
GLEN "DUNE" LANKARD, JR.
CHIP THOMA
GARY KOMPKOFF, President, Tatitlek Village Council

P R O C E E D I N G S

(On Record at 10:02 a.m.)

MR. BARTON: Call to order this Trustee Council meeting. Let the record show that Walter Stieglitz, the Director of the U.S. Fish and Wildlife Service here in Alaska, is representing the Department of Interior today. Otherwise all Council members are present. We have quite a full agenda. I assume there have been no revisions to this agenda since Friday. We have a public comment period scheduled from 4:00 to 5:30 this afternoon. Are there any changes in the agenda that any Council member wants proposed? Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman. Just a -- maybe a brief discussion as we start on how -- how we're going to proceed. We've got two days scheduled for this and do we really intend that it take two days, which I think looking at the agenda we're probably going to spend a better part of those two days doing it, maybe as we get to some of these topics we would wish to defer action until tomorrow morning, and the reason I bring that up is the possibility for further -- consideration of them -- they're very complex topics we're dealing with, and second we're going to get a public comment period tonight, and it might be some time allowed itself on some of these issues, the reason we got public comment after they hear from Dr. Gibbons -- some of our deliberations during the day. I'm not specifically requesting that for any item, but as we get to each item, it seems we have the opportunity to do that if we wish. And, some of these like the restoration plan, '94 work plan are

complicated enough, it might not hurt to think about them over night either. So, I just made that point and suggestion.

MR. BARTON: Thank you. Any other comment?

MR. COLE: Yes. Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: What was -- what was Mr. Pennoyer's point.

Sorry, I missed it?

MR. BARTON: I think basically there, we might wish to defer final action on topics that we take up today until after the public comment period tonight, and take final action in the morning. In other words, we're committing to at least meeting in the morning.

MR. PENNOYER: Mr. Cole, I wasn't prejudging which topics but I was simply saying as an observation that is supposed to be a two day meeting, and it looks like it's going to us -- that opportunity would be, and I was simply highlighting that -- topic by topic -- I mean, some of these we can just get rid of right away. If we run into problems on any of them or we wish to hear further information on something that -- some of the comments in front of us, use this -- and that opportunity would be available to us.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Thank you, Mr. Chairman. Yeah, I'd like to support Mr. Pennoyer's idea here on this. I think one of the things we've heard a little bit about here, in the last couple of meetings anyway, is that the public would like to have a comment

period preceding our taking final action on various items, and it would seem to me that this would be a good opportunity to in fact try that approach.

MR. BARTON: Any other comments? I assume that as the topics come up that you -- anyone feels that we should defer it until tomorrow, they'll so state at the end of the discussion before we take final action. Anything further? Can we proceed then with item one on the agenda, the meeting report of the Public Advisory Group, May 24, 25 meeting? Is Mr. Phillips here?

DR. GIBBONS: Mr. Chair.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: Vern McCorkle is here representing the Public Advisory Group for Brad Phillips. Brad could not make it today.

MR. BARTON: Please to see you Mr. McCorkle.

MR. McCORKLE: Members of the Council, ladies and gentlemen, I bring you the best wishes of Admiral Phillips who is sorry he can't be with us today. And, in deference to your tight schedule, I'll try and make my comments and report as brief as possible. The Public Advisory Group, all except two, couldn't be there for emergency reasons, the Valdez local government representative and the subsistence representative from Kodiak could not be there, but all the rest were; also, there was one member of the Trustee Council, General Cole was there and the assistant -- or the alternate for the Forest Service, Jim Wolfe, was present,

together with two members of the general accounting office. We never did figure out why, but I'm sure it was for a good purpose. The group itself met on May 25, following the fact-finding trip to Prince William Sound on the 25th. And, that meeting summary was mailed to people, and the transcript is in process now and should be available shortly. I actually think that the minutes of that meeting are in your packet this morning to study. With respect to the fact-finding trip, we found that it was more successful than anyone might have expected. What it allowed us to do, besides go ashore at points and to travel a small section of the affected area, was to become more familiar with members of our own group and those people who attended. The entire Restoration Team was there, together with other dignitaries and officials. And, as with your meeting, most of our time is given to business and debate -- discussion, and we don't have much chance at all for interpersonal reaction with one another. During that eight or ten hours, that took place, I think we all felt, and those of our senior observers who were there, also believed that that was an extremely valuable meeting. The Public Advisory Group has only been together a few months, and has been going through the normal stresses and strains of trying to seek its direction and is close to doing that now as the material you'll received today in the mail will show. The Advisory Group unanimously passed a motion at its May 25 meeting that the Seal Bay property being negotiated for purchase by the Trustee Council be placed in the State of Alaska's ownership. That recommendation will be coming along as a point of advice. The

Group also deliberated upon restoration alternatives and options, and an overall approach to long-term restoration. That will be discussed again next week, or at the next meeting. In the packet that you have before you, at about page five, you see a page that looks like this, that says, draft approach to restoration, May 25, 1993, and it's not my desire to go over that point by point, except to say that here is the first physical evidence that the Public Advisory Group is taking its mission to heart and feels that it has received enough information and learning in the six months since it has been on board -- six or eight months -- to be able to come up with a matrix upon which it could make recommendations to the Advisory Group. The next meeting of the PAG is going to be July 15 and 16 here in Anchorage, and we will continue to work on that matrix that will lead us to making recommendations to you. What is evolving from the Public Advisory Group is exactly, I think, what you intended should, that is that among the members, all of whom represent definable constituencies, there is a -- a -- very considered and pointed debate taking place, so that each of the -- the constituencies represented, are actually having a good representation on the Public Advisory Group. So, when suggestions from that Group come to you for your consideration, I think you could feel confident that they do reflect the broad view of citizens of the state. They will make recommendations for the 1994 work plan at its next meeting, but as an aid to doing that, it's quite essential that we receive the draft restoration plan just as soon as it's available. A point -- moving to the close of my

report -- that may be of interest to you, even though we have been advised of -- the present state of the art indicates that such vehicles as endowments may not be within our grasp, we, nonetheless, are not persuaded that if a good idea came along, that's the law and the judge's recommendation could not be modified. So, there will be some discussions at our next meeting, which will focus on whether or not to continue discussing the possibilities of an endowment, so as to extend the work of the -- the Trustee Council or the fund indefinitely. That is being discussed. Finally, a package of proposed alternates to Public Advisory council members is nearing completion and will be submitted to you for your consideration soon, perhaps within a week or so. That's -- covers the high points of our meeting. I'll be glad to respond to questions, if there are any. Otherwise, thank you very much for letting us make this report to you.

MR. BARTON: Thank you, Mr. McCorkle. Any questions on the part of the Council members? Mr. Pennoyer.

MR. PENNOYER: One question. You didn't -- in respect to the report, I appreciate your starting to discuss some of the things, I thought you'd all delve into after this process got little bit more underway. On the '94 work plan, you're going to discuss that at the next meeting? Did you have any advice at all for us as to how we should handle that at this meeting?

MR. BARTON: Alright Chuck, we're not actually defining the '94 work plan at this meeting, we're defining its concepts and outlines and staff can start to work on putting something together

we'll look at in August, that's my assumption. Correct? Chuck, do you have any advice at this stage or instructions for the staff.

MR. McCORKLE: No, sir, I don't think that the Advisory Group is ready to state anything, but I could -- I could call your attention to this draft, which is just a couple of pages long and it -- it gives an indication as to the direction the Public Advisory is -- Group -- is thinking. They -- with their motion to suggest that the Seal Bay property stay within the jurisdiction of State of Alaska management, and with their suggestion -- that's the -- that the restoration plan not necessarily be restricted to the identified zone of the spill -- should give you some indication as to the kinds of things they're thinking about, but it would be premature for me to suggest that the Advisory Group has reached any concrete conclusions yet, although they are close to doing that, I feel. I know that's not very instructive, but it's meant -- I guess illuminate more than instruct.

MR. BARTON: Let -- Mr. Cole.

MR. COLE: Where Mr. McCorkle are -- is the Public Advisory Group satisfied that it now has a good sense of its function and what is being asked of it by the Trustee Council?

MR. McCORKLE: The Advisory Group is reaching the conclusion that it should provide a broad base of -- of viewpoints and information to the Trustee Advisory Council. It is developing an agenda, which will help it do that.

MR. COLE: Do you think that the Advisory Group wants or should have further suggestions or directions from the Trustee

Council as to what is asked of it, or sought of it, or desired of it?

MR. McCORKLE: I believe there is a two part answer here.

In our early days, we felt that we needed to have a list, I think. We wanted a manifesto -- here's what you should do, and perhaps the Council, in its wisdom, avoided doing that for awhile, and what is emerging now is a group that is focusing on restoration and has done enough reading from material that's been provided by staff, to be able to make its recommendations, feeling that -- they're studied and they're reviewed -- and the information coming in from our constituencies -- is sufficient enough to give the Council the best recommendations that we can come up with, and we'll probably, as a result of work represented in this draft, add another outline that they're working on -- come up with a mode of operation that will later come to you for your review and approval.

MR. BARTON: Thank you. Mr. Sandor.

MR. SANDOR: From reading your notes for the summary of the meeting, I get the impression there's three different types of endowments that are being looked at, one, the University of Alaska endowing chairs for search and monitoring; and then a separate endowment proposals for fisheries endowment; and then, Senator Sturgulewski's monitoring research and research endowment, and does these -- as I interpreted it, there'll be the separate proposals will be summarized and then available for further discussion on July 1. Is that right, please?

MR. McCORKLE: I think the proper answer there is to say

that that was a recommendation of one of the members of the Council that's representative of the conservation group, and the Public Advisory Group -- I mis-spoke a moment ago when I said the Council, I meant the Public Advisory Group conservation member. I think you've got a copy of that person's letter in your packet. The Public Advisory Group has taken no position on environments -- endowments, and really doesn't have enough information to -- to go beyond what's their goal would be, and their goal would be to find a way to set aside from the funds now available, enough money to perpetuate, perhaps indefinitely, the work of the Restoration Team that's scheduled to be completed in the next several years. They have asked people who know about endowments to -- to tell them what kind of endowments might be available. Now, I realize that -- that we've -- are not going to be experienced enough to provide detailed recommendations on endowments, but there are -- I guess, the most important point to glean from this is that the Public Advisory Group has the feeling that some of the money should be set aside now to create a means of -- to provide ongoing restoration for some indefinite time in the future. How that should be done, how many of the funds available should be involved, has not been discussed, and perhaps won't be, but I do feel that there will be a paragraph in our report to you that addresses that topic and urges that be considered.

MR. SANDOR: In follow up, by July 1, '93, these synopses are to be submitted for distribution to the PAG. Maybe -- if these synopses are prepared, you could also distributed them to

the Council, just for their information. I'd be interested in those three different concepts.

MR. McCORKLE: Absolutely, that -- can certainly be done.

MR. SANDOR: Thank you.

MR. BARTON: Any other questions? Thank you Mr. McCorkle. The second item on our agenda is the draft restoration plan. Dr. Gibbons?

DR. GIBBONS: Yes, we have John Strand and Bob Loeffler, co-chairs of the Restoration Planning Work Group, here to briefly walk you through the package in front of you.

MR. LOEFFLER: Well, the decision today -- I guess on the part of the Trustees, is whether to approve the draft restoration plan for public review. What we'd like to do is take about five or six minutes of your time and go through three things which might help with that decision. First -- described -- this is in some ways been summarized for us -- brochure -- response to the brochure, what we've heard -- from the response coming in from the public. Second, is to tell you the differences between the brochure, which went out a month or so ago, and the restoration plan, and third, to show you how it fits in the overall schedules, so you understand the consequences of approving it or not approving it.

MR. BARTON: Mr. Cole.

MR. COLE: Do we have any written compilation or documentation of the responses to this -- what I call newspaper?

MR. LOEFFLER: The newspaper -- we haven't got the

compilation yet, and that's because the comment period hasn't closed.

MR. COLE: And, when does the comment period close?

MR. LOEFFLER: It's coincident with the draft plan, August 6. So the two run concurrently.

MR. COLE: I'm sort of touching off something here, I'm afraid, but maybe (inaudible) how it works.

MR. LOEFFLER: Sure.

MR. PENNOYER: Mr. Chairman. We got something.

MR. BARTON: We've got a blue book with a whole summary of comments that you got during your -- going around and seeing...

MR. LOEFFLER: Yes, sir. That is the minutes of the public meetings -- sort of an uncompiled and unorganized, so it's organized by public meeting. At the meeting, people also submitted some written comments and brochures which are not in there.

MR. COLE: Do we intend to have some summary of this, which I have read?

MR. LOEFFLER: We intend to have a summary of all the comments received during the period, which will include that, the brochure, and written comments -- phone calls, and that should be sort of organized by issue and community.

MR. COLE: Thank you.

MR. LOEFFLER: Okay, quickly just to go through the -- what we've seen -- the response that we've heard so far on the newspaper insert. In the twenty-two public meetings that we gave, four hundred and seventy-seven people signed in, which means that

probably between five or six hundred people came to the meetings. We're approximately half way through our comment period, and we received about three hundred and sixty brochures. That's -- particularly -- it's sort of an interesting number in that -- that the last planning document, the Framework document, put about this time last year, we received about forty-five comments total. So, we're hoping to get a few hundred more by August 6. While I've not read every comment that's come in, I haven't done it for about two weeks, I've looked in -- we're getting a pretty good distribution through the spill area, including a number from Native villages, and of course, many from Anchorage, much from Prince William Sound, Kodiak, and the Kenai Peninsula. The people have been relatively articulate in their comments. Most have used the check off boxes on the questionnaire, but a lot -- a lot haven't. So, that's the kind of -- what we've been seeing so far from the kinds of questions we're asking. What I'd like to go through quite quickly is, since you've seen the newspaper insert, what we call the brochure, how this document is different. What -- what's added. And, the two points are -- that I would like to sort of -- bear in mind while I do this, is that the plan itself is relatively sort. It's quite brief, and it is approximately the same as the information in the brochure with a few minor differences. The appendices are where the detail is added, and they are added partially because staff thought additional detail was useful and in part because we were answering questions at the public meetings. So the plan itself, the brief part, has only four chapters. After

the brochure, it explains the process, the civil -- civil settlement, who the Trustee Council is. Then chapter two -- that's the first chapter -- chapter two is -- includes information that was in the brochure, information to understand the alternatives, that is the policy questions -- five policy questions -- wanted people to answer, what the categories of restoration are, things like habitat protection, endowments. Chapter three describes the alternatives, and chapter four describes ways of changing the plan -- annual work plan -- sort of the implementation over the life of the settlement. So, with some additions, this is approximately the same language, and almost -- mostly the same information that was in the newspaper insert. The inserts that we have -- the addition the draft plan does, are really in the appendices, and there are five of those. The first one is how the civil settlements have been allocated to date. And, we were asked that question at a number of public meetings, specifically in Valdez and Cordova. People sort of wanted to know how the money is being spent. This provides that information. The second is, every public meeting had a lot of discussion on injury, more than there was in the insert. People wanted to understand -- people wanted to know how we viewed injury in more than the summary fashion, and they wanted to be sure we heard what had happened to them. So, appendix B is an expansion on injury, and I believe it responds to a lot of the questions we got from the public. Appendix C provides more information on habitat protection and acquisition, and it's -- it provides the process which people have seen before, but it also provides

examples of the five imminent threat process -- parcels, so people can work through the process and see how it works. Appendix D is more detail on the general restoration options. It is -- that's that long list on page nine of the brochure, different things that we can do on -- and it provides for more information on evaluation and sort of what they are. The last is on the restoration and monitoring programs. The final gives people information is the comment sheet which is identical to the brochure. So, what we have is a relatively brief draft plan with more detail in the appendices, hopefully that responds to questions. People have said, hey, we want to hear more. They can find more, and it keeps the plan itself brief, and -- I see I've gotten everybody to turn pages, so perhaps I've gone too quickly. If there no questions, I'll go on the third thing I was going to say, which -- which is how this fits into our overall process, and that is in a few days, assuming that you approve this for distribution, within a few days or week, it goes to the printer. There will -- there will probably be some wordsmithing, changes in it because we developed it rather -- rather quickly at the public meetings, so we're doing some final changes, but nothing substantive. If distributed to the public on December 21 -- June 21, sorry -- the comment period closes August 6 and that puts us on the fast track for a final plan out in November, for adoption in 1993. And, I think that is all I have to say.

MR. BARTON: Are you going to go forward now John?

MR. STRAND: No, that was the presentation for the day.

MR. BARTON: Comments from the Council members? Mr. Pennoyer.

MR. PENNOYER: In terms of purpose, I think a lot of what you've done here is to respond to the comments from public hearings. By the way, the amount of work done on the public hearings held and everything is impressive. Should (inaudible) say a little bit more about what we're doing and why we're doing this in addition to the brochure -- the brochure we've sent out? Does -- it takes into the comments from the brochure? You've had six hundred and -- whatever you have, three hundred and sixty comments back -- people I presume filled out this questionnaire, do you want to do it again? We put out the brochure because we're afraid people would not be available during the summer months to comment on a final plan. Does that adequately explain why we've been bombarding people with a double document that is going catch them somewhere -- why I already did this, why do I have to do it again?

(Inaudible - simultaneous talking) And, that is the relationship of the final chapter here on the response. It seems to me that sort of buried back in the appendix. Maybe that and the purpose of the document could be better highlighted, brought up front. That's not informational. That's what you want people to comment back to you on, and perhaps that should be brought up front as part of your real -- whatever it is -- forty page plan, rather than part of the appendices, unless mine's organized wrong.

MR. LOEFFLER: What -- I believe it's in there, we will highlight that. We put the comment sheet at the back so people

could find it without -- at the very back, so people could look to the back and there perforations. So what we'll do is -- is we'll make sure that's highlighted up front, so that it's really clear and have a divider. In other words, make it easier for people to find. We'll also -- we'll also further elaborate on why we're doing this.

MR. BARTON: Mr. Cole.

MR. COLE: I have a fundamental problem with this document in that -- in that I don't see that it's a restoration plan. I -- that's my problem. I don't see that this is a restoration plan, and I think that it causes confusion by labeling it, draft restoration plan.

MR. LOEFFLER: I think your comments are well taken, and I don't necessarily disagree.

MR. COLE: I -- it seems to me that we're going to have to come up with the plan after we go through all these other things, which will be a document entirely different than this document.

MR. LOEFFLER: I think we came -- I mean, I think there's a lot -- a lot of truth to that. We're at the point where we have planned alternatives, which have different directions we can go, and that's the point where they -- write the draft EIS, and so, that -- sort of nomenclature, I believe is a compromise between sort of what we were doing and sort of the typical federal nomenclature used for the EIS process. So, I think having the EIS go on with this document provides us enough steps to do the final

- so we can get the whole package signed off on during 1993, but it is not a draft plan in the sense of saying what we're going to do.

It has a number of different paths, and I think you're right, it will create some confusion for that reason, but I don't have a solution for you.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Why, I agree with both of your comments about -- is it a draft product of a situation that we have that we were driven by the environmental impact statement process itself, and cannot really develop the path -- the alternative -- that until we analyze the different alternatives, is that part of the problem?

MR. LOEFFLER: I'm not an expert on -- on the EIS process, and Ken Rice is sitting next -- near you. He has -- much more an expert than I, but I think it in part it is a compromise between a number of different, so that's clear...

MR. SANDOR: So follow up, on August 6th we'll have the remaining comments of the brochure, and we'll have the comments on the plan...

MR. LOEFFLER: Yes...

MR. SANDOR: And, will we also have the EIS...?

MR. LOEFFLER: Yes, sir.

MR. SANDOR: And -- and will the EIS essentially reflect the same material that's in this and this?

MR. LOEFFLER: It analyzes the ecological and economic consequences of (inaudible - simultaneous talking).

MR. SANDOR: Well, I think that's probably why -- why

we're in the circumstances of not knowing which of these paths we're going down. Ken, what's your -- why are we where we are?

MR. RICE: Mr. Chairman, I'm not sure that where we're at is purely a function of the NEPA process, which you decided to follow in February of '92. Clearly, in the NEPA process, you do look at alternative approaches to achieving your desire end result. I think within the planning process that we had here, there were a number of different policy questions that could have taken you in different directions depending on how you handled those, and by providing the public and yourselves with a variety of answers to those policy questions, you can see -- see the results of answering them in different ways and, hopefully, get a better picture of what course of direction is most appropriate. The environmental impact statement tried to -- as Mr. Loeffler said -- analyze the consequences of those alter -- of those very same alternatives, and give you a little more information than what's in the restoration plan, a little different information, to help you with that decision process.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Well, I guess I'm really encouraged by the number of people who attended these meetings and the written comments that you've gotten, and then, as we expressed before, many of the Trustees' frustration with this process dragging on and on and on, but the NEPA process -- I think, in part, has led to that delay, but Mr. Chairman, I would move that we approve the distribution of this -- this draft quote plan, close quote, which

it's -- it's not yet a plan, but will be once -- after August 6th.

I move approval of the distribution of this plan.

MR. BARTON: Is there a second? Further discussion then? Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman. I think I'm going to support that, but I think the Trustee Council needs to spend some time discussing where it is in the process and what this means, and I think Mr. Cole was trying to get at that. This -- I think is a requirement, sort of a first step. It's -- it's a -- a big first step obviously -- it's still the first step. It's laying out criteria, ideas, accepting concepts, and that sort of thing, but somewhere you've got to make the bridge between that and the actual projects we're going to undertake. And, Mr. Cole in the past has talked about the real restoration plan being the aggregation of the annual work plan, sort of when you're done, you've got this -- all of you've agreed -- a year at a time, and I think that's part of it. I think, however, we also get from this to the next step is sort of a multi-year project plan, which this is not, and then, as an annual work plan, and the multi-year projection plan may be of not more two, or three, or four years, you may not be able to see that much farther until you see the results of the project that you've undertaken. So, this doesn't get us there, and I think that's what I was talking about explaining to people what we were doing. Why we send out the first brochure and why we're now sending another document out and where that leaves us. Maybe when we do the final on this, there needs to be something in there that

sort of explains how that's going to occur. We send the public out also the '94 work plan that's bombarded them with the whole idea of what's in front of them. Multi-year projects, how long they might take, how the funding comes in, and that's part of planning. So, we haven't finished the plan, this is a conceptual framework you can choose alternate -- an alternative -- out of this and still doesn't tell you exactly what you can do. It doesn't give you the exact mix of activities that you can undertake under that alternative. You're simply deciding here that you're going to restrict your scope of thinking to only certain things, or something else, but it doesn't tell you what that mix is going to be exactly, although it gives some examples, it doesn't bind you to them. So, I'm going -- I hear a lot of confusion about that. I agree with the Attorney General, there's a lot of confusion about that. I think this is a step we've got to take, but I'm sort of anxious to explain both to ourselves and the public where that step is in the process we're going to go through.

MR. STRAND: I agree that we can try up front to better capture where this process is going, but maybe it's implicit -- I think I need to say it anyway -- clearly the next step in the process is for the public to read this, to comment, that they've been doing, and at some point in time, later this summer after the closure of public comment, whether it be through the Restoration Team at first, or clearly if it then comes down to you and the Trustee Council, you have to help select and determine which of those paths we go down. Maybe it isn't exactly one of those

alternatives, it could be then also sort of mix and match-type (inaudible) exercise, but clearly the -- if you will, the general approach to restoration you will chart, later this summer. Then, that becomes more of the element of the -- the plan, since there isn't any alternatives. Practically -- there is just but one sort of general path to go down.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Just as an example, we have -- obviously in all the public discussion you've had on the '94 work plan and is it clearly (inaudible - feedback) monitoring and studies and better management, and at some point, rather than ad hoc tag and recovery of the pinks in Prince William Sound and genetic studies on pinks in Prince William Sound, I'd like to see a program that says what we can do to improve management of pink salmon in Prince William Sound. Then agree if -- if they were imminent damaged or not, and some multi-year program. It can't be just one year. I don't want to just go out and tag one year's on the committed to recovering the next year, and so on. It's got to have a finite out end point that says at this point we cut off the management agency picks up the tool and runs with it -- or however we're going to do it. I mean, are we going to involve management or not? That then is multi-year plan, not an annual work plan only, but as multi-year plan that will be expressed an annual work plan, and that's not what we're doing here. We're dealing with the concept that that might be a viable thing to do and asking for comment on the back of

-- people support the idea. But, where -- where in the process will it get back to the multi-year plan of dealing with something like pink salmon in the Prince William Sound. I don't do it specifically in the '94 work plan, although I sort of tried to do that, but I'm suggesting you send out multi-year projects. So, where in planning does that come in? How does the public understand that, because that's still an idea that's missing?

MR. LOEFFLER: I would like to get there in the final plan. My -- or at least -- or at least start down there, down that road. I think in part there's not been a lot of discussion on what the final plan will look like, so I -- I don't feel like I can among RPWG or among the Trustees, and I -- so I don't feel I can make a promise. The public, at this point, is sort of exactly where we're narrowing in on -- for example on the concepts, that you just articulated. But I think it's the feeling of RPWG that we want to be going that direction in the final plan.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer:

MR. PENNOYER: You'd envision that this document that's going out for final review and, hopefully, when you put the put the final out will include things like multi-year programs for management of pink salmon in Prince William Sound? That's the subject here -- by November?

MR. LOEFFLER: Well we think -- they could set up a framework for that, yes, but I don't think I'm -- I think I'm delivering the plan here.

MR. COLE: Mr. Chairman, I have -- some continued reservations, or -- I see this letter addressed to dear interested citizen as trying decide why Michael A. Barton, Regional Forester, so perhaps I should have less concern about it.

(Inaudible - simultaneous talking and laughing)

MR. BARTON: Yes (inaudible - simultaneous talking and laughing).

MR. COLE: I thought that was the cc's -- well, anyway, it starts off, we are proud to present a draft Exxon-Valdez oil spill restoration plan. Now, that's just what somebody received this in the mail will initially read. And then, it comes to light this is -- is not the plan, and what is this dear interested citizen going to think? He'll be more confused, I hope not more confused, but as confused as we are. That's troubling. And then, are we going to put the final plan, as we will call the plan, out for public review too?

MR. LOEFFLER: I don't see anyway to avoid it.

MR. COLE: So, it would be the thought of the Restoration Team that after we've prepared the true plan, we will send that out and ask for public comment on that. Now, I'm just trying to figure out where we're going here so I get a sense of....

MR. LOEFFLER: That's my understanding.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: That's not mine at all. My understanding is you go out with a -- with a draft, that the Trustee Council then reviews all the comments on the EIS, the draft -- whatever we want

to call this document here -- and the brochure, then they pick an preferred alternative, and then there is a thirty-day cool- down period, or whatever that is -- after the decision is made, and then sent, that's it. (Inaudible)

MR. BARTON: Ms. Rutherford.

MS. RUTHERFORD: I think I just wanted to add that -- that when we went out to the public meetings -- the public understood that this -- what was coming out to them was not the final approach, but they appreciated the opportunity to have some input to it, and they recognized that the document that was going to be coming out June 21st was going to be just an expanded version of the brochure, and again, they wanted that opportunity to have some input to tell you what they thought about what the final plan should have in it. I think in a perfect world, it would be nice if you could go out, once you've picked the preferred alternative and we had some opportunity to flush that out, it would be nice to go out for another review. But, given the fact that everyone wants to get on with it, I mean, I think we decided to collapse it as we have.

MR. BARTON: Any other member of the Restoration Team want to help? Mr. Rice.

MR. RICE: Mr. Chairman, I think that that's essentially correct. You can set -- the plan -- the planning process for restoration doesn't have any regulations. You can basically set your own course on that, and if you want to go out with another round of public comments, it's certainly your

discretion. Following the NEPA process, we'd go out with a draft that-- that hopefully, but not required, would have a preferred alternative in it. Under the federal thinking -- if you let the public know just what your course of action or what direction you would like to take is, to give them the opportunity to focus on commenting on that. On the state side, they usually go out with alternatives without focusing on one particular alternative in -- in --in the course of the direction that you're going. That's sort of the direction we've taken so far with this. Once we come out with a draft plan and draft environmental impact statement, under the NEPA process, once we've come out with a final, there's a thirty day period where it's available to the public, but you can't start implementing that plan until thirty days after it's been filed and made available to the public.

MR. BARTON: As I remember -- a time table that we issued on November 10th and the record of decision will be -- on December 27th.

MR. RICE: That's essentially correct.

MR. BARTON: Mr. Cole.

MR. COLE: I don't -- I know virtually nothing about NEPA, but how can you prepare an environmental impact statement when you don't know what your plan is on which the statement is being prepared?

MR. RICE: The -- the direction that we took back when the Framework document came out was -- we said basically our proposed action is to implement restoration for the spill area, and

there's a variety of different courses of direction that you can take. These are very broad directions that we're giving in this document that we have here. If we had more specific information, maybe along the lines of multi-year projects that we could implement, certainly we could have -- we could have put that into the draft plan. We can be as specific as we wanted to be. In this case, we're very, very general, but we're giving some side boards, as -- you might say, as to the source of things that we could undertake or would not undertake.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: A couple of observations, the first one being is I suspect there's certain elements that the public that may be getting a little tired of being asked what they think we should do for restoration and would like to see us get on with it, and one way we can get on with is by finalizing an overview type restoration plan, which you've been talking about here, and then start implementing it on a year-to-year basis. I -- I think we're all uncomfortable with the -- the fact that the draft restoration plan doesn't have a lot of detail, but it occurs to me the nature of the beast is, it can't. As much as we'd like for it -- I mean, it's not typical plan the way we normally look at a plan. It doesn't lay out in great detail where we're headed, and those of us in government, at least, probably just aren't real comfortable with that sort of plan. But, I don't see how -- how we can do it otherwise, frankly -- you know, I don't think anybody's prepared to lay out a program for the -- up to the year 2001. As much as we'd

like to do that, I just don't think it's possible. So, I think the restoration plan is written, provides a general policy, and -- and, at least in a general sense, tells the public where -- where we're headed, at least the options of where we're headed. I guess I'd feel a little more comfortable if the Council were a little more specific as to which of the alternatives we like the best. That might give the public something to shoot at. The way it is now, they don't really have anything to react to as to where the Trustees might be coming from.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman. I -- I think I agree with Mr. Stieglitz. I don't -- I'm not against finalizing this first step. As Mr. Cole said, this is not a restoration plan by itself.

It's a guideline on some of the concepts and parameters we're going to choose as we look at projects, and I'd -- I'd feel a little more comfortable, if somehow in this it described how we got to that next stage. And, it isn't just an annual work plan -- I mean, my example on pink salmon, I don't want to beat that to death, but it's clearly not just '94. Although we went out in '94, we've got to decide what we're going to do over the next ten years on pink salmon, and we'll probably change it four or five times as we go along, but we've got to have a starting point, and the goal for any one year of pink salmon project, I want an idea what our ten is relative to pink salmon over the long-term in Prince William Sound. So, this doesn't get you there, or are you telling me the final plan will try to do that? I don't think it can. I agree

with Mr.

Stieglitz, there's no way between now and November we're probably going to accomplish all of that. What will lead to '94 work plan will have to do some of it. Maybe it just needs to describe up front what this animal really is, and how then we're going to go out and stock the kennel later on with specific breeds, because this doesn't get you there. And, I'd feel more comfortable with this if the public and the Council had an understanding of what the next step was, and I'm not sure we've come to any agreement on that yet -- that I'd be more comfortable with this if that was the case.

MR. BARTON: Mr. Cole.

MR. COLE: I disagree with my federal colleagues. I think it has too much detail. I think we need a broad statement of principles. I don't know, maybe it's only ten pages only. It's the principles we will apply -- for -- the remainder of our work. I think there's huge danger in getting too detailed. I think this is too detailed. I think we should -- receive all the views, put in the food processor and come out with ten pages of principle that will direct the implementation of the annual work plans, and then, follow through of annually applying those principles to each year's work, and -- I mean, that's my idea of a restoration plan.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman. I wasn't -- I don't think Mr. Stieglitz was saying at this time we ought to get that detailed, and I think a lot of the detail in here is -- could be extraneous material that's been prepared in response to questions people had and a lot of it is background. Maybe it doesn't clearly

enough enunciate those principles. I don't disagree with you, and the questions at the end here are not so much should we spend twenty dollars on this, thirty dollars on that, as criteria for -- we should use to evaluate the projects. I was more concerned with stating that that's what we're doing here, and that the next step will be annual and multi-year plans for specific projects and programs, and -- how -- how we get to that next stage.

MR. COLE: I -- let me say this, and I agree that we ought to spell out in the document at the outset where we're heading, what this document truly is, the purposes for which we intend to use this document, i.e., preparation for the restoration plan. And, I don't think we're doing that, saying that, in this document. I think Mr. Loeffler said, we're simply saying this is more like the brochure, but with significantly greater detail, and I think what we're asking the public to do is to synthesize all this material to what they think our overall plan will be.

MR. BARTON: Anymore comments? Mr. Stieglitz.

MR. STIEGLITZ: Yeah, I guess I'm a little puzzled. It seems to me, Charlie, the plan involves more -- major more detail than I could -- but it does lay out general policies that we're asking the public to react to. In a general sense, we're asking them if you think habitat protection is the most important thing we should be doing, or is research or monitoring is the more important thing -- you know, which of these mixes do you like? You know, that's the real guts of it, it seems to me. That's fairly -- very general, and maybe I don't understand what you mean when you use

the term principle.

MR. COLE: Well, I -- I -- I agree that we should -- you know, ask the public and to develop some of the public's response in our own staff -- the broad approach which we should take in exercising our options and judgments to carry out restoration, rehabilitation and enhancement. I think that there is great danger in trying to be too specific about asking people, for example, to -- make selections about what we intend to do with respect to archeological resources now, for example, or dolly vardens, or Pacific herring. I mean those are -- I think things that should go into the annual work plan, and it should be based upon what we're finding from the studies as we go down trial. And to talk about herring in a restoration plan or pink salmon in a restoration plan and the various species in the restoration plan, is getting more detailed than I think it should. I -- have a lot of trouble with these pie charts putting out specific percentages to be applied to habitat protection or anything else. I think slightly more specific.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Well -- this is a -- a very complex thing, and I guess I'm sympathetic to the -- to the -- what must have been a very difficult challenge to the Restoration Team, to try to put this into focus for these different -- for these three different things, namely the -- that the draft plan -- draft environmental impact statement, and this final, and the fact that people impacted in -- were -- have vocations and activities that would not make

them available at such times of the year, and -- I guess, re-reading this letter, it seems to me that with just a few changes that we could say something like this letter and the -- draft restoration plan. A list of additional information that relates to the preparation of the final plan and the environmental impact statement, you go on to say that with twenty-two public meetings and that this information has been utilized and it -- you find out that the earlier draft was sent out because people weren't going to be available later in the summer -- in the summer. I mean, the comment period was deliberately extended to provide adequate public involvement, and then in the next to the last paragraph, we say because the restoration plan is a major federal action, this draft is accompanied by a draft environmental impact statement and the draft plan focuses on the resources and services injured by the spill and how to restore them. The draft environmental impact statement projects both the positive and negative impacts that may result from alternative restoration action, and then, although this is a busy season for you, we ask you to comment, and that we want to adopt the final plan by December -- hope we receive your comments by August 6th. I think if people take the time to read this whole letter and if they've been with us, and particularly these five to six hundred people who attended the meetings and that -- it's important this process continue the way it is. I think we're -- what we're really committed to -- to essentially get this package out and shoot for comments on the environmental impact statements, the draft plan by August 6th, and then to come out with

a final plan which can then be reformulated to with -- what we're talking about here. I think that everybody agrees with -- can the staff -- is that's what's intended?

MR. GIBBONS: We're -- Mr. Chair. We're intending to take the public comments and come to the Trustee Council with a preferred alternative. What course of action do you want us to take, and if we can, in the detail that you're asking? I'm somewhat hesitant to say, yeah, we're going to chart the course for pink salmon and the plan. I -- have some hesitation on that part.

I think that probably belongs to perhaps the implementation that goes underneath that that says -- you know, like the work plans -- they might be multi-year work plans, tiered under this plan, and to get at that. But, yeah, we're clearly continuing to bring back preferred alternatives, based on the public to the Trustee Council to course -- to strike a course of action.

MR. BARTON: Is that today?

DR. GIBBONS: Yeah, that's going to be after the August 6th closure of the public comments.

MR. BARTON: Is that -- is it not inappropriate in this plan if they ask what we want done with, not necessarily how we want to do it?

DR. GIBBONS: That's correct.

MR. BARTON: What we want done, and shouldn't we do that resource by resource, injured resource by injured resource, injured service by injured service? I asked what the technical planning people tell me is the desired future decision.

MR. STRAND: I think so. In a sense we tried to do that very conceptually or generically for each of the resources and services, and I think that as we get additional information, we will be able to do that in more detail by the time the final plan is developed.

MR. STIEGLITZ: Mr. Chairman.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: It seems to me, maybe I'm too close to it, but it seems to me the draft plan does that. Now the question is can the public sort through this and react -- you know, as we hope that they will. It doesn't necessarily -- I think, take it species by species and put everything related to that species up -- you know, under one heading, you might have to jump to a couple -- of couple of different places in the plan to see what the plan might envision relating to any particular species, but the basics are all there, in my view. Whether it needs to be simplified a little bit more, clarified a bit, that's possibly so. I certainly think we need a much better introduction that -- that lays out what this precisely means and how we're actually going to get down to the details that everybody's talking about. But -- you know, my reaction after reading through this thing a couple of times over the weekend is that the basics are there, but can John Q. Public easily pick up on those basics and react to them?

MR. COLE: Can we?

MR. BARTON: That's the question -- can the John Q. Public pickup on it easily? And I have to confess, having gone

through both these documents in the last forty-eight hours, I'm having -- confused with one another, but -- it's -- it just seems to me that we need to describe the relationship of the plan, the EIS, newspaper, and, I think, it's not obvious to me what we want done resource by resource in there, Walt. Maybe you can help me understand that. Mr. Pennoyer.

MR. PENNOYER: Mr. Chair. I agree with you. You look at the questions we're asking people to tell us. Those questions do not tell me that for pink salmon we want to tag and recover pink salmon to better manage natural and hatchery stocks. Those aren't the questions we're asking the public. The background information in there -- the type of things you might do under a particular alternative -- under this alternative you might very well deal with pink salmon, but it doesn't ask the public should we be doing this.

It just says, should we have that option open to us. And I think that's -- clearly we're saying to chose, for example, alternative four and five, the options of better management of pink salmon is open. If you want to -- but it doesn't say you're going to do that, it doesn't say how much of that you're going to do, it doesn't say how many years you're going to do it for. So -- are you telling me the final restoration plan that comes back to us in the fall, late summer, will have that type of detail in it? So, there still is a second step? This step then is the multi-year work plan step, and then there's the annual work plan adoption. Isn't this sort of a three step process? This is giving us principles, Mr. Cole talked about, background -- people understand

this is the type of things you might do if you chose that alternative. The next step is to sit down and decide which one are we going to do over how many years, not the specific number of dollars, but the type of things we're going to do over a certain number years, like pink salmon, how much are we going to do. Think back annually that as the money comes in and adopt specific projects to do it. And, if it is a three-step process, then that isn't totally clear by what we presented here.

MR. BARTON: We really need to define the end point, not how many years we're going to do, but how -- how do we recognize -- on the adoption where we want to get to. Mr. Brodersen.

MR. BRODERSEN: I'm generally -- somewhat reluctant to jump into this. It's been a rather interesting discussion. It still seems like -- might want to do so at this point, but I think where we've been trying to go with the restoration plan is that it's the philosophical guidance in terms of what we get from the Council and from the public, the Council gets (inaudible - coughing) of where do we go with restoration, and then actual implementation is what Mr. Pennoyer is talking about, and that is the next step after -- we have philosophical guidance of the restoration plan. One of things we've been kicking around a little bit is that, as part of the restoration plan, it gives us this -- this philosophical guidance, but there should be (inaudible) of problems. That this is something we've been hearing from -- from a group in these public meetings that -- that perhaps a step that

has been missing, in large part, is that we've been trying to go so quickly to the solutions, that we haven't really focused as much as we should on the problems, and that perhaps as part of this document, which results from the public hearings that we had around various communities, that I think if we could get a list of problems that we've talked about, that would go a long way towards helping us identify the solutions we need to do. As I say, it's just been kicked around, there hasn't been agreement at any level about whether this was a good idea or not, but I'm throwing it out and trying to help in this discussion as to what are the steps that we need to do here.

MR. BARTON: Okay, what's an example of a problem.

MR. BRODERSEN: A problem could conceivably be that the commercial fishermen are not able to get the full benefit of pink salmon like they used to do in the past, just because the pink salmon is reduced. Another problem might be that in the intertidal zone, the fucus aren't coming back as quickly as they should. I hadn't really -- those are actual, specific injuries that we've had occur out there, and then you address how you go about fixing them.

A little bit more on where -- Mr. Pennoyer, I think was trying to go here, is that I think we do need multi-year, many plans, if you will, perhaps a better term, and I've been racking my brain for months here trying for better expressions, by injured resource and service as to how we're going back to take care of them. I've assumed for quite a while now that those would not be included in the restoration plan, that then binds our hands too much as we find

more information; that we want to do this multi-year resource planning effort as part of implementation, as part of the annual work plans. I've heard several folks suggest that maybe the work plan may be -- over several years, I think that's a fine idea. You all tried to get at this in the '94 titles projects that you threw out, wanting people to be able to see when we actually were going to do things at the time. People are much more understanding of not having their projects done this year, if they can see their project is going to be done next year, or the year after, and they realize we haven't forgotten them. People do seem to be aware there's a limited amount of money, and we can only do so much per year. But, that was my vision, I'm not sure I'm in tune with everyone else, but that -- that the actual implementation of this, as Mr. Pennoyer was talking about, is done as part implementation, as part of the work plan. The restoration plan here is to answer five basic questions and come up one alternative, which I assume will be a mix and match of the five, and then that's it. It's to be where Mr. Cole was talking about, I think.

MR. BARTON: Go ahead, Mr. Stieglitz.

MR. STIEGLITZ: Well, I'll say it again. I don't think there's anyway we can crank into what we're going to call the restoration plan, the kind of multi-year plan, species by species, like people are talking about. Things are not constant;, conditions are going to be changing. Population levels are going to be changed in these species. Who knows, and new things may pop up that we haven't even identified yet -- some sublethal effects.

I just don't think it's possible to crank a lot of detail into this plan. The point I really want to make is this though, it seems to me like what we really want out of the public reaction to this draft restoration plan are answers to the five questions on page thirteen. You know, those are the major policy issues that are on the table. Those are going to guide where the whole restoration process goes. The answers to those questions are going to determine, over the long haul, which projects we agree to -- you know, it lays out the kind of guidance I think Mr. Cole is talking about -- you know, that's the real guts, I think, of this whole plan. And -- if we can get adequate public input to those five issues, we can digest that information and come up with Trustee Council's decisions about how we're going to address those over the long haul of restoration, and we will have done what we're seeking to do here.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: What they said (inaudible) but the introduction, or the letter, at least, better explain where we are in the process. This is the preliminary thing out, we did it for this purpose, this larger document is coming out for this reason, that's sort of addressed here, this will lead us to using these general precepts, to guide us into finding multi-year implementation plans and annual work plans -- just where we are in the process, so people don't think this automatically tells me I want to tag pinks in 1996.

MR. BARTON: Mr. Sandor, then Mr. Stieglitz.

MR. SANDOR: This discussion is very helpful, and I --

I think when we go through the next item on draft environment impact statement that discussion will also relate to this. I believe that some modifications in the letter might be -- might be helpful. For that reason, Mr. Chairman, I move that the motion be tabled until either a period following the discussion of the draft environmental impact statement or -- or tomorrow morning.

MR. BARTON: The motion fails for a lack of a second. No motion on the floor to table.

MR. SANDOR: Yes, my motion was to adopt or approve the....

(Inaudible - background talking - simultaneous talking)

MR. BARTON: Failed for lack of a second -- who seconded?

MR. SANDOR: You did.

MR. BARTON: I didn't.

MR. COLE: No one seconded.

MR. COLE: Mr. Chair.

MR. BARTON: Mr. Cole.

MR. COLE: Let me, just highlight a little bit what I think some of the problems that we are asking ourselves to face. As you look at, perhaps page thirty-two and page thirty-five and thirty-six, and your dear interested reader sees those tables, I think that they would be very confused. And in reading those because they're apt to say, what does the Council want with these affected mammals? Should I make a selection as to each one of those items there with a star, or whatever you call that symbol.

You know, are we asking the reader to respond any of these tables?

MR. BARTON: Mr. Loeffler, can you answer Mr. Cole's questions?

MR. LOEFFLER: The answer is that we're looking for policy guidance. If someone has specific comments to the tables, we'd glad to take them.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: Yes, just -- just to point -- these were in the brochure that were released in mid-April, and the public meetings that I attended at least, that the public understood these quite well -- surprisingly well, but with all the check marks. So -- I only went through about seven or eight of them, so that was just my impression that they -- they did fully understand.

MR. COLE: Well, are we supposed to put these various alternatives that they may select by majority vote in the restoration plan? And, if they're not, why are we asking for them to comment on these?

MR. BARTON: Mr. Loeffler.

MR. LOEFFLER: I -- I think that these are -- there are designed to show the implications of -- these are the policy choices. So, for example, if someone says I want to hold you to not doing things for species that haven't -- population haven't declined -- that has some implication for the projects, and these are designed to show that. But, they're -- we do not necessarily -- taking one up with the other.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: This -- first, a point of order, I heard a motion on the table (inaudible - simultaneous talking). Okay, the comment I want to make then is a follow up, and that is, an option -- I think delete the table that Mr. Cole refers to from the plan if -- if Council members are concerned that that might be providing unnecessary detail and might be further confusing the whole situation about what we really want the public to provide to us. It's an option.

MR. BARTON: My concern would be that we simply discuss these options earlier in the draft, it would -- helpful to me to finally find them. So, we either need to delete that discussion or delete the tables. Mr. Loeffler.

MR. LOEFFLER: I think that -- I'd like to summarize what I've heard so far because I think you directed us to go back and do some things, and, if it pleases the Council, I'd like to tell you what I think we're going to do and you can tell us if it's right or not....

MR. BARTON: Are we ready for this, or do we want further discussion?

(Inaudible - laughing)

MR. LOEFFLER: So far, and I don't mean to say this (inaudible) we've been told -- I think that we've been told to provide the introduction letter as chapter one, or the cover letter, to make it clear the relationship between the plan, the EIS and the newspaper brochure. Second, to make it clear that what we are asking for, what the plan -- what the final plan will be, is

not a comprehensive project list -- our marching orders for ever, but rather what we -- we'll be getting is policy guidance, and that the details will be determined under implication -- under implementation -- and specifically under that, we refer people to the five questions on page thirteen to tell them if there are other policies, and they should add those as well -- and, the details of which options are provided to show you the implications of the policies. I think that we've been told that that's kind of where we're going, and that to make that clear in the cover letter -- for -- the introduction. Have I heard that correctly?

MR. BARTON: Comments? Mr. Pennoyer.

MR. PENNOYER: I think generally, I still would like to make it clear the relationship between this and multi-year and annual implementation plans. Even if you approve of the '94 work plan, the Trustee Council is considering a '94 work plan, which we'll take into account implementation of projects over multi-years after '94. This information has been sent out previously and that will be finalized and sent out again for public comment -- just clearly where this is in the process. People comment that's it like an old (inaudible), say, well, I thought we told them what to do. Now, what are they asking us some more questions for? Clearly, you're not being asked in this specifically whether you should build a sea otter hatchery. I mean, you're choosing an alternative to allow you to build a sea otter hatchery, if you like one, but you're not being asked when to do it, how much would you spend on it, or how many years we ought to run it. That will come

up later. Well, maybe it won't, but something like that will come up later, and just clearly where this is in the process. But, again, this is not to say that we're not going to think about this stuff another three years after we do this. We have to come back with a '94 work plan -- I believe will be the first example of having to deal with the multi-year implementation plan concern, because we're not going to pass on some of the '94 projects, I don't think, until we know how they fit into the longer scheme of things.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: Yeah, I -- I think -- you know, a little bit -- provide -- I think you want the whole process at this point -- you know, how the brochure led to the draft plan, draft EIS -- how the work plans -- get the whole process, that's what I'm hearing. Just so...

MR. BARTON: (Inaudible)

DR. GIBBONS: Yeah, very succinct -- you know...

MR. BARTON: (Inaudible)

MR. LOEFFLER: Mr. Chairman -- Dave -- I think our printer deadline, they need to see that before the next Trustee Council meeting.

DR. GIBBONS: Well get it....

(Inaudible - simultaneous talking in background)

MR. BARTON: (Inaudible) Mr. Cole.

MR. COLE: Could we stay on this a bit more? See, I think that if we get too much detail in this document, we lose

focus of what we would like the public generally to tell us about the restoration plan, and I would like to see the document limited so as to focus on our receiving from the public what we would like them to tell us about the restoration plan itself. That's one. Also, what -- if we were to approve this document going out to the public, does that mean we as the Council agree with everything that's said in here?

MR. BARTON: It wouldn't be my understanding -- that's all -- all we've done is approve it to go out for public comment, not necessarily that we were involved with anything -- on all of it. I don't know -- other Council members have contrary views? Mr. Pennoyer.

MR. PENNOYER: Well, since we haven't chosen a preferred alternative, we may end up not agreeing with something -- something that's in there anyway. I -- I guess I would say that we shouldn't send anything out we consider to be completely ridiculous or immoral.

MR. COLE: I didn't say anything immoral.

MR. PENNOYER: (Inaudible)illegal anyway.

MR. BARTON: Is there any other waiting to comment? Yes.

MR. STIEGLITZ: I would assume -- I would assume that if this goes out to the public, the public is going to assume that the Council endorses it. If I were a member of the public and this thing came out to me to comment under the signature of the Trustee Council, I would assume that everybody, at least ten -- would have

agreed with everything that's in there.

MR. BARTON: Well, but I'm not sure what you mean endorse. How can we endorse five alternatives -- I mean, that doesn't mean that we necessarily support all five, We can't support all five.

MR. STIEGLITZ: It's like -- again, I would assume, if I read this, that no one on the Council has a significant problem with anything laid out in the plan.

MR. BARTON: Mr. Cole.

MR. COLE: Let me give you an illustration. On C1 part A, habitat protection and acquisition on private land, quote, the goal of habitat protection and acquisition on private land is to prevent further damage to resources and services injured by the oil spill by protecting key fish and wildlife habitat or human use areas. That's not my understanding of the full scope of habitat protection and acquisition. It's not simply to prevent further damage to resources, it's to enhance already damaged resources. I -- I don't mean to elaborate on that, there's a number of other things in here that I -- about which I could make the same comment, but what I'm saying is -- I just brought this up to make sure that we all realize that there are a lot of statements in here -- that we may not -- Bob (inaudible) or somebody said, well, look here's what you said in this -- draft restoration plan, and then we may be locked into it. For example, there are a number of very positive statements in there about endowments, and -- I question whether they're accurate, and -- let me see if I can find them....

MR. STRAND: On page 20.

MR. COLE: Page 20. Yes, it -- it says -- for example, for these and other reasons, restoration needs will continue long past the year in which Exxon makes the last scheduled deposit under the civil statement. I'm not sure we're all comfortable with that -- along that -- then all of these and other endowments are possible. Do we really want to say that? Should all these categories of endowments be possible? It is in the next page 21, it is possible to place any portion of the remaining settlement funds into an endowment. I'm not sure that our good friend Mr. Brighton, from the Department of Justice, here, would agree with that. So, I just want to highlight that to make sure we all have an understanding of what we're doing if we were to vote to send some of these things out.

MR. BARTON: Well, it seems to me that we have an obligation to be sure that what is said here is accurate and does (inaudible), and that's ...

(Inaudible - simultaneous talking)

MR. PENNOYER: There's one more option here because I think this may apply to other factors as well, the state and federal government may still be dealing with some of the legalities of expenditures, and maybe we should put that in some of those discussions that are ongoing, and just -- just like this statement on endowments, because we don't know if all forms of endowments are possible, and maybe it would be appropriate where we make statements like that -- to change will to maybe, or something like

that. Maybe we should just somehow asterisk this thing, or highlight it and say something to the effect -- the fact that discussions are still ongoing on the appropriate -- on the legal use of settlement funds and some specific projects may fall -- some fall out, or something like that -- just highlight it, because I don't think that discussion has been completed yet.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Yes, a few comments. One is that I agree with Mr. Pennoyer. It seems to me because of the uncertainties regarding the question and legality of using funds for certain kinds of purposes. If the plan basically isn't changed from what we're looking at, I think there does need to be a qualifier in there -- I mean -- to the effect -- this kind of project may require and basically authority, or whatever. The other is, I personally don't have any trouble with the draft plan going out, more or less in the form it is with the modification we talked about, again, with another qualifying saying, the fact that this plan is on the street doesn't necessarily mean that all members of the Council completely agree with everything in it. Those aren't good legal terms, but something to that effect.

MR. BARTON: You do agree it needs to be accurate -- you do agree that it needs to be as accurate as possible?

MR. STIEGLITZ: Yes.

MR. BARTON: Other comments? Mr. Cole? What other action does the Council wish to take? Mr. Stieglitz.

MR. STIEGLITZ: I would move that the Council basically

endorse the draft restoration plan as presented to us today, with the modifications that we have agreed to as a result of all of our discussions, and proceed expeditiously with printing the plan and distributing it for public comments.

MR. PENNOYER: Second.

MR. BARTON: Further discussion? How -- I have a question, how will we get the modifications that we discussed completed, and then what -- what process will we use for that?

MR. LOEFFLER: (Inaudible - out of range of microphone)

MR. BARTON: If you need to get together by teleconference?

MR. COLE: Well, I have some more questions.

MR. BARTON: Mr. Cole? Or, Mr. Rosier hasn't had a chance yet.

MR. ROSIER: Well, that's fine, I just wanted clarification of the motion in regards to, are we endorsing this plan or -- we endorsing plan going to the public at the present time? As I understood it, we are, in fact, looking at some type of qualifications, that would be either in the letter -- cover letter -- or something, along those lines, without endorsing this as it stands. We're endorsing this going to the public for comment.

MR. STIEGLITZ: The intention of my motion was the latter understanding, and with the understanding those qualifiers should be written into the plan itself, because cover -- cover letters get lost sometime. I think it will be written in the introduction of the plan.

MR. BARTON: Or we could just bind the letter right into the plan. Mr. Cole, do you have further discussion?

MR. COLE: Can we change the title of this document so that it does not appear as though -- draft restoration plan? I think everybody agrees that it isn't.

MR. BARTON: Do you have a suggestion?

MR. COLE: No.

MR. BARTON: Does anybody have a suggestion?

MR PENNOYER: (Inaudible - coughing) get around to NEPA concerns about approving work plans without a restoration plan in place? I mean it is -- it is -- I'm not sure totally what a restoration plan is. If it's an accumulation of work plans, when we're done, or it's implementation plan for our guidance. It's supposed to be an umbrella -- restoration plan to guide us in our specific activities, and I hate to call it a restoration umbrella, that doesn't sound thrilling -- that's too far.

MR. LOEFFLER: Mr. Chairman.

MR. BARTON: Mr. Loeffler.

MR. LOEFFLER: One suggestion to meet Mr. Cole's comments. We could call it restoration plan alternative. That's really what it is. I don't have any perception of whether that throws wrenches into the NEPA process and I cannot...

MR. BARTON: Somebody to speak to that.

MR. RICE: Mr. Chairman, NEPA requires that you disclose the effects of -- of the actions and if -- if you think it may be a major action, then you do an environmental impact

statement. Whatever you call this, I think is -- is irrelevant to NEPA. And, if you don't want to call this a plan, whatever name you come up with, I think we'd go in and do a global replacement in both documents -- go out and say here's what -- here's what we're proposing to do. We -- we have a proposed action, then we can go forward with the NEPA process.

MR. BARTON: What happens when we do have plan? Do we do another EIS?

MR. RICE: I'm not sure I, I'd like to talk to my counsel before I answer that.

MR. STIEGLITZ: Mr. Chairman.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: It seems to me like what's a restoration plan may be in the eyes of the beholder, and -- you know, different people sitting around this table have different ideas about what a restoration plan should look like or what all it contains, etc., etc. I also struggled with other names for it, but wasn't able to come up with a better one. I -- I think, with the kind of clarification and qualification that we're talking about now in -- in the introduction of this plan, that the public shouldn't be confused. They should understand we're calling this the restoration plan, and this is what it looks like period. I -- you know, if the motion calls for sticking with the name restoration plan, I personally think we ought to do that, for the lack of a better one.

MR. BARTON: Mr. Cole.

MR. COLE: Well, I think people would be confused. They presumably will keep these documents in the top drawer of their desk, they will see this document entitled draft restoration plan. Four months later we will come out with the restoration plan. Presumably it will be a document entirely different, than this document here. We ought to, at least, preserve our integrity to call these documents what, at least, we think they are, that's number one. And, number two is I think a lot of the trouble that we're facing is, is we haven't clearly thought out ourselves what a restoration plan is...

MR. BARTON: Most of us.

MR. COLE: And -- pardon me.

MR. BARTON: I say, I think that's most of us.

MR. COLE: Yeah. And, no wonder the public out there is confused, because we're confused. We haven't done ourselves the type of analytical thinking that I think necessary to -- enough to lead this process. And, I think it's about time we do it, frankly. I mean, we shouldn't be going on farther with this whole thing until we ourselves are clear in our minds, articulated precisely what the restoration plan ought to be.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Mr. Chairman. Well, I don't know whether Mr. Loeffler's suggestion is -- meets Mr. Cole's objections here or not, but it seems to me that the addition of alternatives gives us some additional flexibility, and as to what we're, in fact, calling this -- and I-- I tend to like the suggestion that I heard down

here myself, but then -- it seems like that was a reasonable -- reasonable adjustment -- to myself.

MR. BARTON: (Inaudible) It certainly sounds that way but I -- before we go down that path, I hope we take the time to talk to the legal folks in terms of the NEPA compliance aspect of the thing. Mr. Sandor.

MR. SANDOR: I'd remind ourselves that what we put out in April was a draft Exxon Valdez oil spill restoration plan summary and alternatives for public comments, and on -- in the second page, what is the restoration plan? And the time we all -- you know, qualified this and said it wasn't a plan -- but, you know, perhaps what we suggest -- or, you know, building on this alternative for public comments stuff, well, anyway we're -- we've been riding a horse that's called a draft restoration plan for some time. So, I don't know when we get off of it, but we ought to be able to make sure that we've got a better vehicle than the one we've been riding.

MR. COLE: We should get off when we can get off gracefully.

MR. BARTON: Before we get bucked off at the end. Mr. Loeffler.

MR. LOEFFLER: I was going to suggest we set a compromise, and you can call it draft restoration plan, alternatives for public comment. So, it's clear that's its alternative to that. I don't know if that compromise manages to confuse both sides of this or not.

MR. BARTON: Motion of the floor is to follow the plan and go ahead and issue it for public review with the qualifiers that we adopt -- discussed earlier.

MR. COLE: At this juncture, I'll move to adopt Trustee Pennoyer counsel that we defer final action on this until we've heard public comments.

MR. BARTON: There's been a motion to table. A second to that? Any objection on the motion to table? So tabled. Is there a twenty minute subject on this agenda, anywhere, Mr. Gibbons?

MR. PENNOYER: Go to the restaurants early and save some time.

MR. BARTON: Why don't we adjourn until 12:45 for lunch. Is there a motion to that effect?

MR. PENNOYER: Could you make it 1:00 you may want to -- so check-in we're not that rushed.

MR. BARTON: Okay, so moved. We'll readjourn -- reconvene at 1:00.

(Off Record at 11:40 a.m.)

(On Record at 1:00 p.m.)

MR. BARTON: Reconvene the meeting. When we left for lunch, we just completed a good discussion on the restoration plan and had moved to table any decisions on that until tomorrow morning. The next item on our agenda is the draft environmental impact statement, but before we go into that, is there anything more we want to say at this time on the restoration plan? Alright.

Dr. Gibbons, the draft EIS.

DR. GIBBONS: I'll turn that over to Ken Rice.

MR. RICE: Mr. Chairman, you've been given a copy of the draft environmental impact statement which is accompanying the draft restoration plan. As you remember in February of '92, you decided to comply with the National Environmental Policy Act and develop an environmental impact statement to go with this restoration plan. The team that has been working on this is headed by Walcoff & Associates. They were given the alternatives in late February and came to us with a draft document that's been through a couple of Restoration Team reviews. I'll briefly run through the major chapters of it, it's basically set out in the format of a standard environmental impact statement, chapter one being your proposed action, purpose and need. The proposed action is taken from the Restoration Framework document that we came out with in March of -- April of '92, and basically it's to implement the restoration of the oil spill area. The plan identifies five issues that are tracked through the document and basically tries to answer those issues. For example, well, they're on page nine through -- pages eight through ten identify the five issues that are tracked in the document, and -- and basically attempt to answer those. The first issue being how would restoration activities contribute to restoring injured resources and services? How would activities directed at injured resources and services effect non-target resources and services? In other words, if you have an activity to enhance habitat for pink salmon, for example, what would happen to

any non-target organisms that use the area, cutthroat trout, dolly varden or other organisms. Chapter two is the alternatives, and that -- that chapter parallels the -- the alternatives that are in the draft restoration plan. Chapter three is the affected environment, which basically describes what is out there in the environment now, as it relates to the activities that we propose to undertake and the effects that those activities may have. And, then chapter four is the -- impacts to the environment that -- this a -- that may occur as a result of any activity we undertake. It's a programmatic document, very general in nature, and it does not get into site-specific impacts. It basically looks at the cumulative impacts of the activities that we may undertake over the course of the restoration, and attempts to project out what changes could occur to the environment over -- over the next ten years or so.

MR. BARTON: Mr. Cole.

MR. COLE: I move we combine the EIS with the quote, draft restoration plan, close quote.

MR. BARTON: Is there a second?

MR. PENNOYER: Second, for the purposes of discussion.

MR. BARTON: Moved and seconded that we combine the draft EIS and the draft restoration plan. Discussion?

MR. PENNOYER: (Inaudible) Mr. Chairman, could I ask the maker of the motion for his rationale for wanting to combine them?

MR. BARTON: You just did.

MR. PENNOYER: Thank you.

MR. COLE: Well, I am of personal view, long held, that we don't need an environmental impact statement at this stage, especially when we reached the conclusion that the restoration plan will be largely a statement of principles, or as Mr. Brodersen puts it, philosophy. And you need only -- an environmental impact statement when you reach a decision to take affirmative action, and that's not the case here. So, I think we're getting off the track, again, on this proverbial horse that Commission Sandor was talking about.

MR. BARTON: Was your motion to not have any EIS?

MR. COLE: No, just put in whatever compliance we need to make a pass at it in the draft restoration plan. And, frankly, if you read this EIS -- with profound respect for those who prepared it, because the mental ability required to put that thing together, I think one needs almost a main frame computer, if not a super computer to work through that, and I think that we should try to simplify what we're doing as very much as possible, if we're going to get, quote, meaningful participation, close quote, as the Justice Department implored us to do, at the time we negotiated this agreement.

MR. BARTON: Well, there is certainly a lot of duplication between the two -- two documents.

MR. COLE: One other thing, I'm just not sure they're all entirely consist, if you read every sentence of every one, it would be an interesting exercise. I presume that the people who did it -- prepared the document -- did, but if one had time, it

would be interesting to see if they're fully consistent with statements of injuries, etc., etc.

MR. BARTON: I'm sure they are. Mr. Stieglitz.

MR. STIEGLITZ: Well, it's certainly an interesting concept. I guess, I would be interested in hearing some reaction from whomever as to how complicated this might be and how much time it might take to marry the two documents. Whoever is appropriate to respond to that.

MR. BARTON: There's Mr. Rice, there's Mr. Strand, there's Mr. Loeffler.

MR. PENNOYER: Mr. Chairman, before you start there -- yeah, there's a couple of different thoughts here, you got exposed to both of them. One is that we might not need it, and that we might be able to, sort of, do something simpler, and the other is that basically their horribly duplicative, and going out to the public, they'd wade through the history of the spill and all -- what describes the alternatives and all the rest of them. So they are horribly duplicative, and that's a lot of paper for somebody to receive. So, from just the standpoint of getting meaningful public input, rather than have people turn around and say, what in the heck they sent us this three times now. One is a draft synopsis, the second was a detailed restoration plan, quote plan, and the other is this EIS, and they basically, sort of, say the same things. So, you have two different concepts there, but in combining them, I guess we'd allude to the fact that, at least, at this stage we're accepting the fact that to proceed on we've got to

do an environmental impact statement, but is it necessary to have all this stuff in here, and in the restoration plan? Could you put them together somehow?

MR. BARTON: Would it be worthwhile to examine again why we thought -- concluded once before we needed an EIS or needed NEPA compliance?

MR. PENNOYER: We need someone to assure us that we can continue with our business, if we don't do it?

MR. COLE: I could give you qualitative assurance that it's not required for the restoration plan. I say qualitative.

MR. BARTON: Under that scenario the NEPA compliance would occur at the project level -- projects implementation.

MR. COLE: Yes.

MR. BARTON: Are there -- who can recall why we concluded that we needed to do NEPA compliance on the plan?

MR. PENNOYER: Mr. Chairman, we were advised we had to do a NEPA compliance on the plan.

MR. BARTON: Is the advisee here within range, or advisor?

MR. COLE: Advisor....

(Inaudible - simultaneous talking)

MR. BARTON: Apparently not. No one is not going to take credit for it anyway. Mr. Sandor.

MR. SANDOR: Well, since the advice...

MR. BARTON: Yes.

MS. MARIA LISOWSKI (from the audience): The primary reason why -- the primary reason why -- I think, there is not total agreement within the legal counsels on whether there needed to be compliance at this point, at the time the Interior Department convinced the rest of the federal agencies that the best approach to take is, that if a plan was being considered, that there should be a programmatic EIS because the plan itself could be considered a major federal action. And, that's why we've been advocating that there should be an EIS attached to the restoration plan. One major advantage to having an EIS with the restoration plan is that there should be an cumulative effects analysis that goes along with the restoration plan. This will give you a document analysis to tier back to during your annual work plans or even on -- on individual projects that you can tier back to that cumulative effects analysis. That's a primary advantage to having the programmatic document.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Question. Would projects or plans in the future not have to have an environmental impact statement or -- because of this umbrella coverage?

MS. LISOWSKI: The individual projects themselves would have to have NEPA compliance, just as we've always said that -- in the last two years we've said that they've -- the individual projects should comply with NEPA in themselves. They can now, tier back to this programmatic document and the effects analysis there, and it can be very beneficial in -- in your analysis on an

individual project.

MR. SANDOR: But there is no savings (inaudible - out of range of microphone) as result of the fact that individual projects will have to have an EIS?

MS. LISOWSKI: The savings is that they may not necessarily have to have as significant a cumulative effects analysis, they can tier back to that analysis in the programmatic document.

MR. COLE: Mr. Chairman.

MR. BARTON: Yes, Mr. Cole.

MR. COLE: What troubles me is how can you have cumulative effect analysis if you don't know what you're going to do? That really troubles me.

MR. LISOWSKI: Well, the document -- the way that the EIS has been set up and Ken -- Ken can correct me if I'm wrong -- but I think that they've -- they've taken each alternative and looked at what the cumulative effect would be if that were the alternative that was chosen by the Council to implement.

MR. COLE: That's the cumulative effects per species, or the cumulative effects -- effects of the plan?

MR. LISOWSKI: Of -- of the act -- undertaking the action of choosing that alternative and implementing that alternative.

MR. COLE: Like I say, I know a little -- about it, but if you did a cumulative effects analysis, it seems to me you'd have to have a cumulative effects of the entire plan, or otherwise you're just getting back to the annual work plan, NEPA compliance.

I mean -- that's where I'm hung up. I don't understand the act, so -- but -- I know -- realize when Congress acts it not -- doesn't always -- only occasionally makes sense, but let's assume this time they're making sense.

MS. LISOWSKI: I think what the analysis that they tried to do is to take each option that's been outlined under that alternative and making the assumption that all of them would be implemented, and therefore doing a cumulative effects analysis of implementing all of those options within that alternative -- so that -- so that any alternative that you chose, would -- there would be cumulative effects analysis for each one of those alternatives.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Oh, I was just going to point out that -- Commissioner Sandor, I don't think its programmatic you're going to do an EIS for all the projects. We've had EA's and categorical exclusions, and all sorts of stuff. So, it's just your going to have to have NEPA compliance for each project, but that might be a far less arduous a task then this one seems to be turning out to be.

MR. SANDOR: Mr. Chairman, when we embarked on this course of action, there was the price tag associated with it. Is my memory correct that it exceeded three hundred thousand?

MR. RICE: Mr. Chairman, the original price tag was, I think, two hundred and eighty-four thousand, something like that -- that Walcoff estimated they could do the entire project for.

MR. SANDOR: Are we contractually obligated to complete that contract?

MR. RICE: I think that the arrangements that we had is that we have a -- agreement with the Justice Department to provide the environmental impact statements. They have the actual contract with Walcoff & Associates, and we transfer the money to the Justice Department and they are paying Walcoff & Associates. If we terminated our agreement with the Justice Department, then I suppose that all that would be remaining is to pay any outstanding bills that came in.

MR. BARTON: Mr. Cole.

MR. COLE: This whole thing then is the Justice Department's fault? (Laughter)

MR. BARTON: I don't think so.

MR. STIEGLITZ: Mr. Chair.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Yeah, reminder -- I have -- I have a request on the table and I'd like -- I would like a response to my question.

MR. BARTON: Could you repeat your request? We've forgotten it already. I apologize.

MR. STIEGLITZ: You're forgiven. Basically, it's some reaction from the staff about the implications of marrying the two documents. What kind of time facts are we talking about? Are we going to lose a lot of additional time by doing that?

MR. BARTON: Mr. Rice.

MR. RICE: Mr. Chairman. I'm -- somewhat hesitate to say how much time would be lost. I don't -- I think that several weeks, at least, would be lost, but it may not be as much as a month, and I would need to discuss with a couple of other people to arrive at that. It's not out of the question, in fact, at least within the Restoration Team, there had been discussion early on, and within RPWG there had been discussion earlier on, about whether we would have two documents or one document, and inasmuch as the environmental impact statement has the alternatives that are discussed in the restoration plan, there is a tremendous amount of duplication there. It's not an impossible task, it would take some more coordination and we would lose a couple of weeks, at least. A month -- RPWG is saying one month?

MR. LOEFFLER: A couple of weeks for sure, three weeks...

MR. RICE: Somewhere in that time frame.

MR. BARTON: Mr. Cole.

MR. COLE: Could we get some -- what one might term loosely on the authoritative statement as to whether, from the federal standpoint, if this NEPA compliance is required in the restoration plan. I think the state is satisfied that it's not required on the basis of -- of a recent memorandum, which the Department of Law prepared, which -- and it's a memorandum I'm very comfortable with -- you know. I mean, I like the theory to keep this stuff simple.

(Inaudible - out of range of microphone - laughing)

MR. COLE: Oh, oh, I should have known better.

MR. BILL BRIGHTON: Mr. Cole, I'm not going to give you an opinion right now, but (inaudible - simultaneous talking). What I will say though is that -- whether NEPA compliance is required or not, assuming it is, it's not going to hurt your position in anyway to combine the two documents together. The information that was going to be in the EIS is also in the other document. I think it also should be clear that -- that were this really a restoration plan, it would make sense for you to engage in the same kind of cumulative effects analysis and evaluation of alternatives as would appear in an EIS in the restoration plan itself. So, it's appropriate from all perspectives to -- in my view, to combine them in a single document. Whether this is the type of plan that actually requires an EIS, I'm not really not in a position to give you an authoritative opinion on -- and I also think that you're pretty far down the road on, at least, preparing the substance of what would be in any EIS, or as -- as part of the overall restoration plan alternatives, as I think you're calling it now.

MR. COLE: You support the motion, I gather. As long as you're there, you know.

MR. BRIGHTON: I see no legal objection to the motion.
(Inaudible - laughing)

MR. BARTON: Any other discussion? Mr. Pennoyer.

MR. PENNOYER: On the Walcoff(ph) contract, is this something we could depend on them partially -- to fulfill their contract, to do some of that combining? Would they send people

out, or is this just something you're just going to have to sit down and do in-house here?

MR. RICE: I think -- Mr. Chairman -- I think it's going to be a little bit of both. We have the electronic version of what you have in front of you, and we so could either work with them on any changes or -- and work with the Restoration Planning Work Group would have to be heavily involved, I think, in doing that.

(Inaudible - out of range of microphone)

MR. PENNOYER: Is this something that would have to come back that would have to come back to us then? We'd have to schedule another meeting to go back through the whole thing again, or is this something that could be handled between now and the subsequent Trustee Council meeting, which won't be for another month plus...

MR. BARTON: Who are you asking the question?

MR. PENNOYER: I don't know? Us?

MR. BARTON: That's what I thought...

MR. PENNOYER: I posed the question because I didn't have an answer. If we have to come back and re-approve the whole document, its going to be a considerable -- probably be considerable time, unless we could give the instructions and then handle it through a mail-out, statement of objection, if there is any, I would assume that if no major components in here are changed. But as Mr. Cole pointed out, there may be discrepancies, and (inaudible) we'll have to referee. I don't know. Ms.

Rutherford.

MS. RUTHERFORD: Mr. Chair, I think there's one thing that the Trustee Council needs to consider. One of the things we struggled to do is on the draft restoration plan, to make the plan itself pretty concise, and the appendices -- you know, are fairly lengthy. I think by combining them, the draft EIS and the draft restoration plan, you'd come up with a -- you'd probably come up with a pretty bulky, rather ugly document. The other thing I think that should be considered is, the public is expecting two different documents. I mean, that is something that we've said in the brochure, and it's something we've said over and over again in the public meetings.

MR. BARTON: I would think the public would thank if we'd only sent them one, however. Dr. Gibbons.

DR. GIBBONS: My -- my only point is, earlier this morning, the Trustee Council requested a review of the re-writes of the link between the brochure and all that. I would make a suggestion that perhaps we can -- if that's the wishes of the Trustee Council to combine these two, is to handle that the same way. Combine them with the rewrite, give it to you and -- and do it on a mail-out, rather than -- than a meeting.

MR. BARTON: I suppose we could do it that way, then if we determined that a meeting was necessary, I suppose we could figure out how to get together. More discussion? Mr. Cole? Mr. Sandor?

MR. SANDOR: Well, I'm still worried about that two

hundred and eighty-four thousand dollars on the table, and does this change -- the combination that is proposed -- going to save any money? Cost any money? Or, is it going to be neutral in that regard? Does anybody know the answer to that question?

MR. BARTON: Mr. Rice.

MR. RICE: Mr. Chairman, I -- I think a large portion of the -- of money for the EIS has been expended. I could envision that if we combine the two documents that basically we would -- complete the rest of the process in-house. In other words, using -- using the staff that we have on hand and may not need to continue with services of Walcoff. Given that we have a draft plan, the next step from the NEPA standpoint is to analyze the public comments and make changes as appropriate in the document before you come out with your final. We may be able to handle that in-house, we may have to use Walcoff. I'm -- I'm not totally sure on that, but I don't think there would be a tremendous savings, in that a lot of the money has already been expended on that Walcoff contract.

MR. BARTON: Would there be a savings in the preparation of both finals, preparing one final, instead of two finals? Analyzing one set of public comments instead of two sets? Dr. Gibbons.

DR. GIBBONS: There would be savings in the printing cost of around fifty thousand dollars.

MR. BARTON: Mr. Sandor? Mr. Cole.

MR. COLE: You know -- see if you'd take a look at

the description of the common murre in the EIS, on the one hand, and -- you -- that's on page Roman numeral three, dash fourteen, and then you see how the common murre was treated in the restoration plan -- which I don't quickly find, but maybe I can -- yeah, on page B-10. If you take a look at a discussion of the common murre on the EIS, it contains a lot of information such as this, breeds in the Commander Islands, St. Matthew Islands, Kamchatka Island, Kuril Island, Schalin, Eastern Korea, Hokkaido, etc., etc. I mean that's a lot of information which seems to me is not directly relevant to what we're doing with the EIS. It goes on, one large polyform, pear-shaped egg is laid. If disturbed, the egg usually rolls in a small circle around its pointed end, etc., etc. Now, I mean, it seems to me that that information does not really get to what we're trying to do here, and we could eliminate so much of that if we combined them. I mean, people would spend hours, if not days, reading a lot of this information, and I could go on, but that's just an illustration of -- of a lot of data in here which I think we could eliminate, by combining these, and get it down to something that would focus on what we want, so people could understand, so it would be meaningful to us.

MR. BARTON: Well, it seems like the first thing to do would be to decide whether we want to do it, and then the second thing, figure out how to do it. Mr. Stieglitz.

MR. STIEGLITZ: Yeah, I just might observe, there was -- some precedent for doing plans and EIS is this -- for instance all the comprehensive plans for refuges here in Alaska were done as

combination plans, and EIS's, plus wilderness review. So, Mr. Cole is right, you'd certainly save a lot of time and a lot of verbiage by combining the two.

(Inaudible - out of range of microphone)

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Two questions. One that -- Mr. Rice were you done with presenting what's in this EIS before we finally decide how appropriate it is to combine it? And the second, what does the delay due to -- Dr. Gibbons, to our schedule?

MR. RICE: I didn't have anything more to present on this.

MR. BARTON: Thank you. Mr. Gibbons.

DR. GIBBONS: Well, I have -- just informed that perhaps --if the Restoration Planning Work Group has a different estimate of the time, they would like to come up and say that, but I -- I think -- you know, the documents -- you know, they can be combined.

MR. BARTON: Does the work group want to come up and address that question?

MR. LOEFFLER: In terms of how long it would take to combine them, I think it would take a significant amount, I'd say.

In terms of how long it would take to combine it, it would take a significant amount of time, whether that's three weeks or a month, I don't know. And -- that also -- the only -- the implication to me that's important is that it puts the final date for adopting this back about the same amount of time, so you could expect approximately February 1st for adoption of the restoration plan.

And, I think that's the major -- that and the cost of staff time -- for a savings in cost. I'm sorry, you know the implications.

MR. BARTON: Thank you Mr. Loeffler. Other comments or questions? Mr. Brodersen.

MR. BRODERSEN: Excuse me for jumping in, but I can't help myself here. If -- I'm -- I'm going to track back over some of the discussion we've had for -- at staff level for the last year and a half, two years, over whether to do these documents separately or together. At this stage, I guess it's not as important that they be separate, but I would certainly hope that by the time that we get to the final of each, that we have separate documents, and the primary reason for this, is that once you're done with the EIS, you're done with it. Whereas, the restoration plan is something that I would hope that we referred back to regularly, and that it's something that needs to be simple, as Attorney General Cole was saying earlier, and that it needs to be something that's useable -- user friendly, whatever, so when it comes time to do the finals for each of these, I think it's imperative that they be separate documents, so that when you're done with EIS, you can shove it into your bookshelf and refer to it if you need to, but that the restoration plan is there and can be used over and over easily -- and as easily addressable. At this stage, it's not quite as important, other than that people have been geared for seeing two documents. As Mr. Barton said, they might thank us immensely if we were to only give them one. I'm not sure what the ramifications are of giving them one at this point, other than that I would

suspect -- well, a person like myself when I go into read this stuff, I would not look at the EIS. I would go in and spend my time reading the restoration plan, and that is a risk we run in that we give them too intimidating a document, and they just don't look at it at all. I don't know if that's true or not. Thank you for your indulgence.

MR. BARTON: Would it not be possible under a scenario you laid out, Mr. Brodersen, to make the record of decision, the plan?

MR. BRODERSEN: You've gotten into an area that I don't know about, and I would have to defer to someone who is familiar with those kinds of issues.

MR. BARTON: If we do combine them, I would urge that we look at that possibility. I think your assessment of the relationship of the EIS and the plan is right. But I do think it is worth a good hard look at using the record of decision as the plan.

MR. BRODERSEN: What does that mean -- for those of us that are not conversed in some of the legal, federal jargon, what does that mean? I don't understand what that is.

MR. BARTON: Well, one way this could play out would be that the record of decision would then pick the -- the alternative -- an alternative that's been laid out in the EIS. The -- finally EIS would come out with preferred alternative, then the record of decision would adopt that alternative or quick craft a different one than the preferred one.

MR. BRODERSEN: What kind of document do you have for referring to in the future once you've done that?

MR. BARTON: Well, you could -- you -- if you -- I think you could shape it to lay out just what it is we want for future use. In other words, what this condition -- general philosophy and the general guidelines, as Charlie lays out, and I think we can structure that in such a way as to provide those sorts of things, and then you do have a clear break with the EIS, but I think the legal folks need to advise us on that, and they don't need to do it today, because that's a decision they can make later. But, it does strike me as a fairly neat and clean way to make that break. Other comments or questions? Mr. Pennoyer.

MR. PENNOYER: I guess before we vote on this, I'd like to be sure what we're saying when we say combine the plans. Sort of slap them together -- one document? Edit them down to the level of the plan from the EIS, or up to the EIS from the plan? More -- (inaudible) we did talk about the pointed eggs, and I think that would be agreed that -- probably everybody would agree it may not be necessary to that in either document, but how much do we want taken out of there? What does this task we're setting people? It could be quite a task, and if you go through and edit every piece of this and come out with different wording and different descriptions by species, or is it just best judgment to the shortest description, exactly what are we asking the staff? I'm not clear what that is at this stage?

MR. BARTON: Does the maker of the motion want to

clarify?

MR. COLE: Mr. Rice understands.

MR. RICE: Mr. Chairman, I think there is a lot of duplication, but there is also two fundamentally different purposes for some of the chapters. The summary of injury chapter, for example, in the draft plan was attempting to present to the public what we know about injury. The affected environment chapter in the EIS, while it draws upon some of that, and paraphrases some of it, also is presenting some other information that was -- was designed to help the reader understand that if we implement any of the options, or if they're asked to make a choice on looking at those options, what is it about that species that would help them in deciding whether doing work on one species was relevant or not. And picking on the same example that Mr. Cole used, as you know a little bit about their life history, you can understand a little bit about some of the options that we put forward there, whether it's restricting -- reducing predation or looking at creating habitat for nesting, or whatever it is for that species. So the were -- they are designed for somewhat different purposes, and we would have to struggle a little bit to make sure that the information we feel important to the plan is there as well as to the EIS. I'm not sure that fully answers your question, but we do have a lot of work ahead of us to try and -- and decide what we cut and what we keep.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Well, I was assured by the statement that

this was -- this combination would not cost anymore money, might possibly save some in production costs, but -- might cost something in the additional time for -- for making the modifications, but I'm afraid I heard a statement that this change might precipitate a delay -- a further delay in the completion of the restoration plan itself and I thought I heard February 1994 as opposed to November 1993. Did I hear correctly?

DR. GIBBONS: I refer you to this schedule I passed out and the key points are line item nine, and that's where we are today; line item fourteen -- Trustee Council pick alternatives for the final plan, which would set this schedule -- well, I'll go through it -- then line seventeen, Trustee Council decision in November; and then nineteen is the implementation of the plan. Those are the key points. You would probably set those back a month, that's what I'm -- that's what we're seeing.

MR. SANDOR: Just one month.

DR. GIBBONS: One month -- that's what...

MS. RUTHERFORD: January 27th to February.

DR. GIBBONS: December 27th to January 27th.

MS. RUTHERFORD: Excuse me.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: I could have sworn I heard the other gentleman say February, then.

MS. RUTHERFORD: End of January, early...

MR. BARTON: February (inaudible). Mr. Stieglitz.

MR. STIEGLITZ: Yeah, another comment. While the idea of

combining these does have a certain appeal, it -- it just occurs to me that there's several factors arguing against that, which have been discussed here. One is possibly further confusing the public.

Secondly, and it really concerns me, about slowing down the process on the restoration plan. I thought it'd been delayed a long, long time and even a month bothers me a bit. I don't know, I guess at this point in time, I'd be inclined to go the path of continue with separate documents. One other thing I would add, Mr. Brodersen had mentioned the possibility of combining them now and splitting them out when we go final, I don't think that would work too well. I think that would really confuse folks. You know, if we're going to combine them, they've got to stay combined, if we're going to keep them separate, they need to remain two different documents.

MR. BARTON: Further comments? Mr. Cole.

MR. COLE: Will there be more work done on this Environmental Statement before it goes out?

MR. RICE: Mr. Chairman. The -- we're trying to rectify inconsistencies between the two documents, and have additional stuff going back to them, and then there will be final editing of the document. In terms of doing further analysis of effects or anything like that, no.

MR. COLE: The reason I mention that is I think this document needs a lot of editing. Let me give you a couple of illustrations. You know -- on page one -- you know, we put in -- second paragraph -- we put an Arabic numerals the figure three and

in the third sentence Arabic numeral six. Ought not those to be

written out if you follow standard -- you know, grammar?

MR. RICE: Mr. Chairman.

MR. BARTON: Mr. Rice.

MR. RICE: I suspect those would be corrected during a final editing.

MR. COLE: How do they get this far in this condition? That's what troubles me.

MR. RICE: Well, Mr. Chairman, they -- the team basically had from sometime in early to mid-February, when they got the alternatives to put this document together, and they didn't have more than about two months to get the first draft to us, so this has not been through final edit. We reviewed this -- the team was up week before last, working with the restoration team on it. We made some editorial changes on that, and printed this for your review.

MR. COLE: Well, if you look at paragraph Roman numeral three dash thirty-eight, the sentence is: historically -- comma -- government -- comma -- the social economic environment of the EVOS has been dominated by resource related industries such as mining, commercial, fishing, timber, harvesting and tourism. That sentences is -- I find, confusing. Historically -- comma -- government -- comma -- I mean, what are we saying there? And, you know, the same thing in the bottom of page forty-one Roman numeral three: nevertheless in the absence of a standard methodology addressed the value of subsistence in mixed cash economy, subsistence economy the concept suggests to means of suggesting a

contribution of subsistence activities to overall household income.

I mean that's just -- I just hate to put -- see us put our name to a document like this where -- unless there's a lot of editing. And, if there's a lot of editing yet to be done, why is it presented to us at this stage to address -- for approval.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Mr. Cole so excellent questions raises another question with respect to the contractor that is doing the EIS, in fact for a substantial part of that two hundred and eighty-four thousand, which -- I presume the contractor should be held accountable for the documents and these kinds of questions should be able to be addressed and then corrected. Is this combination of the -- proposed combination of the EIS, plus the restoration plan, going to compromise in anyway our ability to hold the contractor accountable for the product that it produced with regard to the EIS? Can anyone answer that question?

MR. BARTON: Mr. Rice.

MR. RICE: I'm not sure that I can provide an answer to that question. We would have to decide how much additional work the contractor would need to do in combining the two documents, and how much we would need leave to the RPWG. A -- valid comments on the readability of this document and all I can say is that they're editing it now to make it more readable.

MR. BARTON: Presumably, I would think the contractor would still be responsible for this document and giving the readability and the questions resolved within it. Once we combine

them, I don't know.

MR. STIEGLITZ: Mr. Chairman.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: It occurs to me that somebody must be able to answer Mr. Sandor's question, and I think we've all got the same one. I'm wondering if we wouldn't be well served to put this on the table for a while and get some answers. What are the implication from the standpoint of our contractual arrangements if we combine these documents? We could be talking about substantial amount of money here. I'd like to have some answers from someone who knows the answer, and not taking a shot at you, Mr. Rice, but somebody must know the answer.

MR. BARTON: But, I think it's just a different question than I hear running around...

MR. STIEGLITZ: But the question that we're dealing with here is, what are the implications of combining the two documents, which, as I understand it, would remove any further work on it for the contractor? Do we have an obligation to pay them another hundred thousand bucks for work their not going to do? That needs answering before we make a decision, I think.

MR. BARTON: Mr. Cole.

MR. COLE: Well, my trouble is -- I mean this documents are just not in -- in a condition, from my standpoint, of three state commissioners and federal authorities, to put our names to, and are we ever going to see them again before they go out? I mean, I'm just very troubled about that, and we just sort of bumble

along -- you know, from one thing after another and there's always some excuse, there isn't enough time. There's no reason there wasn't enough time -- I'm a little cranky today, you'll have to forgive me but I don't think there is any excuse for this date, June 1, when we knew this was coming to us for months and months, to get a document presented to us in this condition. Now, if this were in the Department of Law and somebody handed me the document, a brief or a memorandum like this, in this condition, say this is ready for your review and then file it -- you know, I mean, I think that lawyer would be in big trouble. I know that lawyer would be in big trouble. And I don't see why we're sitting here accepting this product, saying, well, it'll hurt the time schedule. I mean, I don't want to put my name to something that is not a quality product. I mean, but I'm not going to hold up this -- this time line, or whatever you want to call it, but, I tell you, I'm not at all pleased with the products we have for our review here today. And, that doesn't -- I'm not talking about the restoration people.

MR. BARTON: This contract -- you've got us going out on three different tracks.

MR. PENNOYER: That's unusual for us...

MR. BARTON: No, it isn't. Let me see if we can get a little order out of this. Can we get somebody checking the questions that Mr. Stieglitz and Mr. Sandor have raised on our liabilities under the existing contract? Can you get somebody?

MR. RICE: Mr. Chairman, the way I understand it, the question is, if we terminate the contract with Walcoff, are we

going to be essentially out any additional money. Is that the basically what you're asking?

MR. SANDOR: No, the question was two-fold, actually with regard to any additional financial obligations that we're undertaking, I'd ask initially if the decision was going to save us money, cost us money or be neutral in that regard, and was told that it would be neutral in that regard, possibly saving money for publication costs, but perhaps count -- counteracted it by the additional time it would take to write, and so, if it was neutral, I -- and is going to result in a better product -- you know, I'm all for it. I then though raised the question of does this combination of the documents release the contractor, for the EIS, from being held accountable to make the kind of corrections the Attorney General so correctly identified, and, if that happens and the contractor is off the hook and cannot be held accountable, that would be very troubling, because somebody pays for this in the end and, as the Attorney General points out, we want to be proud of the products that are produced. So, the question that I have, and Mr. Stieglitz may have another is, does the combination or would the combination of these two documents at this point in time relieve the contractor of any obligation to the Trustee Council to produce a first-class product that six of us would be pleased to endorse?

MR. BARTON: Do you have the question? Are there other questions of that same nature that we would like answered? Hearing none, can you charge somebody to get those while we continue this discussion. I'm concerned about the time difference between here

and the D.C. amongst other things.

MR. RICE: It will be hard getting a hold of my contact in the Justice Department at this time, but I can try to have something for you by -- first thing in the morning. I can go make an attempt at it now.

MR. BARTON: Yes, Mr. Cole.

MR. COLE: If this causes -- too much of a problem and there's not support on the Council for it, I would withdraw my motion to join the two documents, as unsatisfactory as that approach to me maybe. So if there's not strong support for joining the two in the Council, let's eliminate that question.

MR. BARTON: Let me say, that's very attractive to me. I'm just trying to understand all the ramifications of it before I make up my mind. Does anybody?

MR. COLE: And very attractive to me. I -- enforces -- the record will reflect I have been bemoaning the EIS process for the last eighteen months, and I'm not suggesting anything but continued discomforture with this two hundred and eighty-four thousand dollar price tag. But, the worst part of that, Mr. Chairman, would be the letting off the hook of the contractor and having spent that money.

MR. BARTON: That's the question Mr. Rice is going to get answers for, so do you withdraw your motion or not, Mr. Cole?

MR. COLE: Well, if the people want me to withdraw the motion, I would be pleased to withdraw it, and if that simplifies where we're going.

MR. BARTON: I don't think anybody wants you to. I haven't heard anybody say that yet.

MR. COLE: Alright then, I won't.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, (inaudible) per actions, we get that answer, could I also make sure the team takes close look at what combining them costs in terms of time and capability. I'm still not convinced in looking through this, that this is more than just a job of sort of sandwiching chapters together. I think it's going to require major editing, maybe it's a warranted venture, I don't know, and some real discussion about philosophy as to what has to be in there for one purpose versus another. So, if the team's going to go and look at the fiscal question, I would appreciate a closer look at the cost too, because if this jumps from January 27 to March 27, you'll get a lot different answer. As far as I'm concerned, we're sort of dealing with a procedural requirement here, and I'm not willing to give up another two or three months of time to make that a little bit more palatable.

MR. BARTON: Any further discussion on that? We started talking about the content of this thing. Do we want to pursue that? The content of the EIS. Mr. Cole raises several key concerns. Mr. Stieglitz.

MR. STIEGLITZ: Yes, I have the same concern Mr. Cole has. The document needs a very severe editing. It has, not only bad grammar, but -- errors. For instance, it says that sea otters is listed as a threatened under the Endangered Species Act. Yeah, the

southern sea otter is, the northern sea otter isn't, and that's kind of a major faux pas it seems to me. I haven't read it in great depth, word by word, but I suspect that if there's one error like that in there, there's probably others, and I'm also rather appalled that it got this far with that kind of sorts of mistake in it.

MR. COLE: I move we eliminate the entire section on subsistence.

MR. BARTON: I was just going to bring that section up.

MR. COLE: Then, I'll defer to you.

MR. BARTON: Oh, I just -- is there a second to Mr. Cole's motion?

MR. PENNOYER: Second.

MR. BARTON: It's been moved and seconded that we remove the entire discussion of subsistence. Any discussion on that? Mr. Pennoyer.

MR. PENNOYER: Which part (inaudible) purpose, it is a use that we're dealing with in terms of our restoration, so our plan certainly discusses subsistence uses and subsistence restoration, and so on. So, I don't know which section you're referring to, or just taking out of the EIS entirely, which I don't think you can do. I could be surprised...

MR. BARTON: Mr. Sandor.

MR. SANDOR: I have troubles with some of the wording, and also the degree of qualifications on -- in that -- Roman numeral three, page forty-two, this approach is a concept only and

should not be considered the definitive approach for value and a portion of total income represented by subsistence harvesting. Degrees there -- and reduced by the averaging, etc., etc. The concept is offered only as potential means of identifying the contribution of subsistence harvesting control income of EVOS residents. I find the -- the language of this not really succinct and not to the point. I'd like to see the section removed, but I would like to see it replaced, and I think maybe this is where we should really hold -- you know, whoever is the author is, accountable to doing more -- you know, a better job. I support the motion with the hope that it could be replaced. I don't think, as Mr. Pennoyer points out, that we can have an EIS without a discussion of subsistence.

MR. BARTON: Further comment?

MR. COLE: Well, let me say this. It contains a lot of superfluous material. Page fifty, quote, generous hunters are considered good men. Good hunters are often leaders. I mean -- you know, I -- it just seems to me that that type of comment, sociological comment, has no place in an environmental impact statement, and I guess I agree with Commission Sandor that we could -- should not eliminate it entirely, but I think that someone needs to go through this document and say, as we do in the Department of Law whenever I can have any say, is this sentence really necessary in this document, and we try in the Department of Law, to get down to is this word really necessary. And, I think the document is overwritten considerably. I think it could be shortened to about

half, or maybe a third. Somebody, maybe an editor, if that's the way these things are done, should go through and look at every sentence in this hundred-page document, and see if it's necessary, because why should we be giving the public out there a lot of superfluous material to read? You know, they can go to all sorts of resource books and find this material, if they're interested in it.

MR. BARTON: I share your concern with the subsistence section, but I too don't feel that we can just delete it. We do need a discussion of subsistence, but the discussion we have in here, I think brings forth information not relevant to what we're doing. Some of it is factually inaccurate, and the rest of it legally argumentative, and other than that, I liked it.

(Inaudible - out of range of microphone - simultaneous talking and laughing)

MR. BARTON: And then, as long as I'm cranking, I had a hard time understanding the write-up on the economics implication. I don't remember what page that's on now, so -- well, the table on four dash seventy-nine, I must not understand that, and I just think the whole write-up went down the wrong track. If I understand it right, this forty-six thousand government employees in the oil spill-affected area, forty-eight thousand people employed in services, one hundred eighty-seven -- one hundred and eighty-eight thousand -- employed totally. It seems pretty high.

MR. RICE: Mr. Chairman, that includes the Anchorage area, in the population base.

MR. BARTON: But, even then it seems high.

MR. RICE: All I can say is these are based on 1990 census data and statistics from the Department of Labor, I think. It includes military.

MR. BARTON: The economic -- oh, it does, that might be part of the answer then. The economic analysis itself, doesn't seem to me to recognize all the costs associated with implementing the various alternatives or the benefits with implementing all the various alternatives. And, I guess, maybe I just don't understand it, but it talks in terms of a one-time payment of having a greater economic contribution than continuing employment, and I'm not trying to make a judgment one way or the other on that, but it just doesn't seem to me that they add up. Mr. Sandor.

MR. SANDOR: In follow up then -- these data are not confined or focused to the oil spill impact area, but beyond those borders, apparently?

MR. BARTON: Mr. Rice.

MR. RICE: The data that was used to -- for the model -- to analyze the impact includes the Anchorage community. Apparently, the sensitivity of the model wasn't able to capture any changes without including Anchorage in there.

(Inaudible - aside comments out of range of microphone)

MR. SANDOR: Could I ask Mr. Brodersen to reflect on that? I see your nodding your head or shaking your head. What do we have here?

MR. BRODERSEN: I was just agreeing with you, there could

be a potential problem within the Restoration Team. We talked about it extensively. Basically, what it came down to is -- I'm going to need Ken's help here a little bit, because he explained it to me -- but, basically, that's how the data is broken out and that's how the model works, and to create something that worked just for the spill area was beyond our price tag, I guess would be the way to put it, and also, beyond the information that we had in hand to be able to analyze. And so, this is once more an example of doing the best you can given the information and dollars that you have. We didn't particularly like it either.

MR. BARTON: Any comments or questions? What's the wishes of the Council? Mr. Sandor.

MR. SANDOR: Mr. Chairman, how can we -- since these people aren't lawyers working for the Attorney General -- how can we hold -- you know, these authors, these people responsible, and, in fact, ask for a rewrite? How can we do this? Accountability is certainly a part of the contract process, and it -- this doesn't meet our expectations, we ought to -- you know, within a week or two or some area of time, convey what our problems are and insist that we have a rewrite, unless we go the combination. But, even if we go the combination, we certainly want it rewritten to -- for the combination process. Can that be accommodated, Ken?

MR. BARTON: Maybe you could reclaim -- and where do we go from here with this...

MR. RICE: Mr. Chairman, when -- under a scenario of two separate documents, I told the contractor that we would need a

camera-ready copy, and that would be, basically, a document that had been through final edit, and by -- I think -- around the 7th of this month. We realize that in order to get the document to you, that we could not have that editing completed in time. The Restoration Team had just gotten a look at it and made substantial changes to it, so there are a lot of grammatical errors in this document. Under a combined document, I am struggling to -- in my own mind understand where the contractor would have obligations and where we would pick up those obligations within RPWG. Certainly, inasmuch as they are working on it -- editorial -- final edit of these chapters now, we can hold them to that, and then take and cut and paste as we see the need to in a combined document. So, yes, we would still get a much higher improved product out of the contractor.

MR. STIEGLITZ: Mr. Chair.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: This conversation is really reinforcing my feeling that we better proceed with separate documents. I would suggest on the EIS that -- I would -- personally like to see a clean draft, severely edited document before the Council endorses it going out. It -- would it be possible for your -- for you to get with the contractor and do your best to get the document in the best possible shape, give that to the Council members -- for short turn around we could ask the staff to take a look at it and make sure it's clean, which might delay this thing a week or so, but at least we'd be confident the EIS that goes out is going to be

something that more or less meets our approval.

MR. RICE: Mr. Chairman, we could certainly do that.

The schedule, the way we had it laid out was that, we would get the final camera-ready copy and go to the printer with that -- about a two week turn around for the printer, so that would throw off our schedule by approximately a week, assuming we'd still get it around the end of this week or the first of next week -- a camera-ready copy.

MR. BARTON: Mr. Cole.

MR. COLE: Is there a -- a good reason why this document -- draft impact statement -- had not been through final editing before it was given to us on May 21?

MR. RICE: I need to reconstruct some of the history here, as I go along, basically the EIS team received the alternatives sometime in February from RPWG, and then had less than two months to put a document together and get it to the Restoration Team for review. We reviewed some earlier drafts of it, got comments back to us. Two weeks ago they came up to spend a week with the Restoration Team, and we made substantial editorial changes to what they had provided us. They worked throughout that week with us. Last week we were still sending them some additional changes based on their rewrite that we had had. So, the Restoration Team did not have a significant amount of time to spend with this editing it. They did not have a significant amount of time to spend with it, getting a product to us. They basically wrote it and sent it off to us, so they could see if they were in

the ballpark of what we were after.

MR. COLE: Let me...

MR. BARTON: Mr. Cole.

MR. COLE: Let me pursue this just a little more. I don't find that an explanation. It's an explanation in a way, but I don't find it a justification for not having this document in better condition before it's presented to us. I mean, when we set forth these time-lines, the ones we're supposed to have these things completed, it's my understanding that it -- it should be completed by that time and not saying well, we still have two more weeks work to do on it. I mean, where is this system breaking down. Because in -- from my standpoint, as I look at these things -- I mean, it seems to happen repeatedly. We never can meet time lines. And when we meet them, then well -- you know, we really -- say we just have to move this on and we leave with an unsettled view of what we've done. Somebody should have had, in my view at least, this document in a better condition by May 21. When we established these guide -- time-lines, that was our -- the Council's understanding -- you know. If we needed more time to get it in a good shape for us, then we should have allowed it more time. Somehow, some place, the system is constantly -- and that may be too strong a statement -- breaking down. I just think we've got to find out, and maybe it's the Trustee Council's fault that these things are not getting done timely. But, certainly it seems to happen, and I don't see there's any explanation for it.

MR. BARTON: Questions or comments?

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I notice on the EIS that in the fall the schedule is to develop the public comments and views starting June 18th, develop a final EIS starts August 5th, revise the draft starts August 5th, and the final EIS is to the Trustee Council on November 1st. There's a three month period of time in there. Is that enough time to absorb an extra week to get this thing in its final shape? I --I'm not sure you slip the whole schedule by taking out a week or two to -- I guess I'm not asking -- because I'm not sure what takes three months to respond to comments to make the thing final.

MR. RICE: The slippage would be in being able to get it out to the public, and, you're right, we may -- we may have a week that we could absorb in getting a final EIS back to the Trustee Council in November. Certainly in terms of going out to the public by our 21st of June deadline, that definitely would slip if we request another edit, and it could slip more than that if there's changes on the next edit that comes to us, the next draft that comes to us. Certainly, if there were requests for changes, then we have to get them back and have those changes incorporated, so it could be two weeks added on before we can get it to the printer and out to the public.

MR. BARTON: Other comments or questions? Where we going on this?

MR. COLE: Let me say what troubles me again. On the

first page of the draft EIS, fourth paragraph, second sentence -- also studies began as soon as possible following the spill, some opportunities to gather data were lost. The shortage of resources and the difficulty of the work made immediate response -- immediate response impossible. Is that what we mean there?

MR. PENNOYER: (Inaudible - out of range of microphone)
cover all areas, comprehensively?

MR. COLE: Well -- you know, I think they're switching from scientific study and then they use the word response, which has a rather fixed connotation dealing with response to the spill -- you know, and it just -- what I mean, is just the words that -- it's not carefully written. And, I think somebody should pick that up in editing.

MR. BARTON: Well, I think we've all come to that conclusion that that needs to be done. What we need to do now is figure out how to do. Do you have a suggestion for us, Mr. Rice?

MR. RICE: If you have identified any additional comments on this, I will get those back to the contractor by tomorrow morning, and they can incorporate those into the changes that they're doing now. Some words, such as the one Mr. Cole just brought up, I'm not sure the contractor would have caught -- we missed it in our review.

MR. BARTON: Well, how do you want to handle our -- our content concerns. Do you just want us to work individually with you, or how do you want to handle that?

MR. STIEGLITZ: Mr. Chairman.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Yeah. I would move that the Council defer action on the EIS at this point in time, direct the Restoration Team to go back to the contractor, tell them the Council is displeased with the quality of the product, ask for a severe edit, correct the errors -- we identified some of them, make sure they know others in there -- get back the clean document to the Trustee Council members by the 14th of June, and allow us one week turn around time for one final review before this thing goes to the printers. That's assuming the Council is going to make a decision not to merge the two documents.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Sir. Well, we've talked about editing, we've talked about combining documents...

MR. SANDOR/COLE: Second, do we have a second on the (inaudible - out of range of microphone)

MR. BARTON: Is there a second to Mr. Stieglitz's motion?

MR. COLE: I'll second.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I'm not still clear whether we combine these documents or just edit one and not the other, or what we're going to do with it. How do you send this out? I mean, is this going out in one folder, these umpteen thousand mail outs? Is it clearly saying on the front cover, read this one, don't read this one -- or something -- I mean, is going out on separate time lines

a problem -- I'm not -- I'm not clear what your intent was in mailing this out. How you identify the pertinence of one or the other -- that both -- that everybody got the same thing and two things in the same envelope, or...

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: The intent was to go to one printer, you have two separate documents that go in one envelope to the mailing list.

MR. PENNOYER: So that basically, whatever we do with one we do with the other, in essences, from the time standpoint.

DR. RICE: That would be the net result. I don't see how you could evaluate the EIS on a draft plan -- without the draft plan.

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: One other thought I had on Mr. Stieglitz suggestion would -- I would give the Restoration Team a couple of days to try to catch some of the stuff -- before it goes to the Trustee Council. We had a short turn around time on this, and a lot of ours was major moving of sections, and major stuff, that we didn't get a real good chance to sit down and catch stuff like that response. If the Trustee Council would like, we might be able to save you some by going through the document again, looking for technical type -- not editorial, but technical-type stuff -- after the -- the EIS contractor did there sever -- sever edits on it...

MR. BARTON: Mr. Rosier.

MR. ROSIER: I'm thorough confused on this as to who is

responsible for what. Why is the staff here doing the read -- the review and all of this? I mean, what did the contract -- originally require on this? A rough document like this to come back to the -- to the staff of the -- the group, or -- or a finished document, or why are we doing this? I thought we'd spent three hundred thousand dollars, or two hundred and eighty-four thousand dollars, to get a clean document.

MR. GIBBONS: I think it's just the sequence of events -- that's what we paid for, that's what I understand. I'm not the contractor representative on this contract. But, what I understand is -- you know, they are obligated to give us a clean, edited document at the end -- you know, that's readable and understandable.

MR. BARTON: Part of the delay, as I recall was related to the difficulties with which the Council identified the alternatives that we wanted to consider, back sometime ago, and that caused part of this. So, I know the contractor was concerned that they weren't getting the materials in a timely manner, that they needed to deal with them, but it seems like we got six lines going now. One, we need to get the editing done, the technical editing done, the second is, we need to get the content edit done, and somehow we need to identify process to do the second. I assume the contractor can do the first without anymore than us telling them to do it, but now what about the content edit. How do we accomplish the content edit? Dr. Gibbons.

DR. GIBBONS: I might have a suggestion -- if we tell

the contractor that we want that severely edited copy as quickly as possible, the Restoration Team go through that document -- you know, need it be mark it up or whatever, depending on the severity of it, on the content. If it's not too severe, pass that commented, edited copy onto the Trustee Council. If it is severe go back to the contractor and have him make the changes and then give that document to the Trustee Council.

MR. BARTON: So that the Council members then need to work with their individual Restoration Team on the content edit, so that the Restoration Team members can carry that information into the review of the severely edited version that we get back from the contractor. Is that right? Is that what needs to happen?

DR. GIBBONS: That would be the most expedient method of doing that, yes.

MR. BARTON: Okay. Is that the wishes of the Council? Does anybody see any other way to do it? I move we do that, is there a second?

UNIDENTIFIED VOICE: You've already motion on the...

(Inaudible - simultaneous talking)

MR. BARTON: Is that the intent of your motion?

MR. STIEGLITZ: This will be -- covered my motion. The bottom line of my motion is by the 14th of June, we should have back a completely clean document with input from the Restoration Planning Team, the work to be done by the contractor.

MR. BARTON: So, that's the intent of your motion.

MR. STIEGLITZ: Right.

MR. BARTON: But, as far as separate documents, have you superseded Mr. Cole's motion of combining them?

MR. COLE: Well, we've tabled that, until we got this information.

MR. BARTON: Okay, if we vote on what Mr. Stieglitz wants to do, I don't think the intent is that we come back and at a subsequent meeting recombine them?

MR. ROSIER: I don't think that's appropriate at all. I think, if we're going to combine them we need to get a corrected version to combine.

MR. BARTON: Then, you would review a subsequent combining them exercise after June 14th.

MR. ROSIER: That's the second decision. No, not necessarily after that.

MR. BARTON: Mr. Cole (inaudible)

MR. COLE: I was going to say that, it looks like to me that we're going to have our hands full getting an acceptable EIS within the available period of time that we're dealing with. It looks as though we just -- will not have time to reach a meaningful melding of the two documents. That's about -- the fact of the matter. Once again our decisions are governed by something other than what we would like to decide.

MR. BARTON: Is it possible that some preliminary efforts at melding could go on while this correction was taking place so that the whole thing would not have to occur after the corrections? I mean, it seems to me we could do a conceptual

melding, and then just fill in the blanks when we get the right information back.

Mr. Cole: Mr. Chairman, maybe by tomorrow morning we could get a solid report on whether an EIS is required at this stage, and, or what in lieu of this entire document we could do to make or reach compliance. Our research indicates that the Ninth Circuit has consistently held that until the (inaudible -- tape interruption) ... waffles that come out of the shelf across the street.

MR. STIEGLITZ: Mr. Chairman.

MR. BARTON: Yes, Mr. Stieglitz.

MR. STIEGLITZ: I would like to call the question on the motion on the table.

MR. BARTON: Would you restate the motion?

MR. STIEGLITZ: Probably not. The essence of the motion is that by June 14, 1993, through a process involving the Restoration Planning Team and the contractor, the contractor be required to produce an accurate clean, highly edited version of the EIS. That version to be provided back to the Trustee Council for a one week review, and response back to the Restoration Planning Team, at that point the document to be finalized. We need -- I think we need to make sure that contractor performs and that -- we got the best quality EIS possible. If the decision is then to merge, which I assume we'll make one way or the other tomorrow, we're going to need a good, clean EIS in any event.

MR. BARTON: Does -- does the June 14th version that we

get back include both the technical edit as well as the content edit?

MR. STIEGLITZ: Exactly.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: I would tend to vote against that motion unless it's clear that the Restoration Team does not have an obligation to edit this document. I mean, that's taking state or Trustee Council resources and putting them into the -- three hundred thousand dollar contract.

MR. STIEGLITZ: I thought I made it clear, I'll repeat. The responsibility for doing that lies with the contractor, because they're being paid to do it. The Restoration Team, I think can provide some comments to the contractor about errors in the document that they would otherwise not pick up ...

MR. BARTON: On the content edit, I think this has got to be done through the Restoration Team because the contractor doesn't know.

MR. BARTON: As Commissioner Rosier would say, is that in the contract, that the Restoration Team would be furnishing the contractor with the contents of this plan? That wasn't my idea when I voted on it -- maybe it was yours.

MR. PENNOYER: I know we had -- Mr. Chairman, I know we had held up on the preparation of the EIS until we gave them better guidance on some things that might be in it. There were several delays. So, I think all along we've assumed the would require some

guidance for the content.

MR. BARTON: The question's been called -- any objection to the motion? Hearing none, the motion passes.

MR. PENNOYER: Have we (inaudible) for tomorrow, Mr. Chairman?

MR. BARTON: Pardon me?

MR. PENNOYER: Have we made a decision on deferring something until tomorrow?

MR. BARTON: Well, we would be deferring -- deferring a decision on the combination as I -- as I recall, we were deferring the decision on the combination until we got the answers to the questions that Mr. Sandor and Mr. Stieglitz have raised in terms of contractual liability, and also possible savings to accrue.

MR. PENNOYER: And a definitive statement on whether it's a legal requirement or not?

MR. BARTON: A definitive statement, now I don't know if we've got anybody started on that. Could we get the attorneys from the three federal agencies and Mr. Brighton from the Department of Justice that can give us an authoritative responses together and advise the Council, either late today or first thing in the morning as to the legal requirements?

MR. BRIGHTON: We'll talk about it. I'm not sure we're going to be able to give you an authoritative response. We'll see what we can do.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: Is there no one in the Justice Department who is an expert in this field? Maybe we could find him within that fortress back there on Pennsylvania Avenue.

MR. BRIGHTON: There's no one here today. (Inaudible - out of range of microphone)

MR. BARTON: At any rate, we appreciate your willingness to help, and look forward to any information that will help resolve this situation.

MR. STIEGLITZ: Just make sure we have all the pieces out on the table -- remember we do have a motion tabled, which would say proceed with the restoration plan posthaste which we're also going to reconsider in the morning, as I remember.

MR. BARTON: That's correct. We tabled that until tomorrow morning the decision on the restoration plan. Is there anymore to be said, at this point, on the EIS? Or, may we pass on? Anything more that would be helpful.

MR. PENNOYER: (inaudible - out of range of microphone)
Can I suggest a ten minute break?

MR. BARTON: When you chair this thing, you go two, three hours. That's an excellent idea. Let's reconvene in ten minutes.

(Off Record at 2:33 p.m.)

(On Record at 3:00 p.m.)

MR. BARTON: If we could get started. The next item on the agenda is the 1994 work plan. Dr. Gibbons.

DR. GIBBONS: Yeah, I'm going to turn this over to the co-chairs of the '94 work plan, Jerome Montague and Ken Rice.

DR. MONTAGUE: Yes, Mr. Chairman and Council members, I'd like to call to your attention to memo and supporting documents dated May 28 from Dave Gibbons of the Trustee Council, titled 1994 Work Plan. First of all, I'd like to briefly summarize some of the constraints under which this was prepared. The comment period ended May 20th and comments had to be postmarked by that time, and our internal final receiving date was May 25th, and these documents were turned over to the Council on May 28th. So, I'd really like to commend the staff at CACI and those on the 1994 Work Group that worked on this for doing such a good job and essentially getting it done in two and a half days. Particularly, would like to thank Ken Holbrook (ph) and Ward Lane, Melanie Bouch (ph), Diane Munson and others on the '94 Work Group, at CACI, Ron Bruyere and Rebecca Woody. This was faxed out to the Council members on Friday, and on Saturday, I tried to deliver a cleaner version to most of the Council members. I -- I hope you received it. What I would like to do now is first of all go through and outline what we were hoping -- for the Council to act upon today, I'll talk briefly about the schedule and go over some of the documents, the summary of public response, considerations and use of the data, and the assumptions. And then, after I go through that, would return to what's expected of the Council today and answer any questions, and pretty much turn it over to the Council at that point. What we hope for the Council to do today, is approve a set of assumptions

for the Restoration Team and the Work Group to use in developing the 1994 draft work plan, give specific guidance to the Restoration Team on the make-up of the list of projects, in terms of land acquisition, resources and services, and perhaps even specific resource categories. And then, we'd also find it useful to have some guidance on a target funding level for the draft 1994 work plan. A schedule was passed out to you here recently, again today, I think, and I've outlined here, or Dave's outlined here in this memo some of the key upcoming dates for the development of the draft plan, and today we're to have some guidance from the Council, and over the next five days, in conjunction with the Council's wishes and further analysis of the public input, to develop a list of projects that at the Restoration Team level would propose appearing in a draft plan, and, to give this list to the Trustee Council for approval soon after that. The steps after that would be for lead agencies to pretty much assign and prepare the brief project descriptions that would make up the draft work plan, and with the goal of having the draft work plan to the Council by mid-August. I'd like to go through some of the considerations for use of this data. First of all, approximately two thousand of these were mailed out and -- and an unspecified number, but perhaps up to a thousand more were given out or picked up -- given out at public meetings or picked up here at this office, and we received one hundred and thirty-three replies to this distribution. The most comments that anyone -- project received to go forward was thirty-five or thirty-four, I believe. Of the two hundred and ninety

seven projects that were on the original list, the respondents added a hundred and eleven new projects. Two trustee agencies didn't respond formally to the distribution. Sixty-eight projects of the list of two hundred ninety-seven were positively identified to go ahead, and by that I mean that the number of respondents that were in favor of it were greater than the number of respondents that were against it. So, a lot more projects than sixty-eight got positive responses by somebody. The distribution geographically is outlined here, but -- for the public's -- public's use, twenty-two were from Prince William Sound, thirteen from the Kenai Peninsula and Cook Inlet, six from the Kodiak area, twenty-three from Anchorage, eleven from outside the oil spill area, nine outside of Alaska, and forty-nine unknown, and these unknown ones did not have names or addresses either. There was significant public response to the restoration options where no project titles were presented.

For instance, for particular species, the common murre was listed under the projects that we put in there. We also put blanks for people to add projects, and in some options we didn't have any projects for them. In those cases, the public had a pretty high probability of adding something in. One thing that was never our intent and probably worthy to pass on to the Council is that, we never really intended for these to be used as -- as votes for a project, and it just gives some idea of the general public feel of the projects. Twenty-two Port Graham residents sent in individual form letters, meaning that all letters said the same thing, but they had different signatures, and the projects that they asked for

were the Chugach Region Village mariculture project, a clam restoration project, Seward shellfish hatchery, sockeye enhancement and pink salmon hatchery projects. Several petitions were received and they're listed here with various numbers of signatures, and there wasn't one request to have a head of an organization represent more than one signature. But, for all of these that were either form letters, had multiple signatures on petitions, we counted those as one entry as opposed to one entry for each signature. It was the Council's intent, I believe, in putting out the 1994 to 2001 year columns to get some idea of -- you know, when the public wanted projects to be conducted. For the most part, people either checked 1994 exclusively, or in many cases, checked every year. So, all in all, I don't think much can be gained from that in terms of what's the yearly distribution of projects that we might want conducted. And, just to look at the first page of the list of projects that we sent out and how the responses are presented, these yearly columns, including 1994, we entered that here as the year in which the project would start, and it does not mean every year that the project should be conducted. Then we have the column of -- of fund in '94, fund later, which sort of summarizes the yearly column, the do not fund column, the total number of entries that responded to that particular project and the number that didn't respond to that particular project. And, there were no projects that did not have, at least, one response. And, highlighted in the 1994 column -- shaded as your copy may show -- are projects that had more positive than negative entries. If

there's no other questions on that table, I'll finish up here with discussion of the petitions and the assumptions. At the end of your table should be a list of the petitions we received. The first one was to notify the Council that a quarter million acres of lands that are available for acquisition on Kodiak. The Cordova City Council requested funding for two-coded wire tagging projects, and a herring project, and another Cordova petition requesting -- I guess those are the same ones. Citizens of Chenega requested the restoration of subsistence beaches. Now, these assumptions, there's two sets in here, the first set is two pages long, were the assumptions that the Restoration Team prepared in late December, early January, and the one page set of assumptions attached to it at the end is a set of assumptions that was submitted by the federal trustees, I think, in February. So, if there's no other questions, I'd like to move the Council back to the three main action items today of approving a set of assumptions, giving some guidance on the mix of what types of projects should be conducted and a target funding level. Thank you.

MR. BARTON: Thank you, Mr. Montague.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: At the outset, I think we should move to restore another seventy thousand dollars to the coded wire study in -- in Prince William Sound, if Commission Rosier is supportive of that. The last time I erred, I only moved for the -- transfer one hundred and fifty thousand into that, and the request was really

for two hundred and twenty thousand.

UNIDENTIFIED VOICE: Mr. Chairman.

MR. BARTON: It was moved and seconded to provide an additional seventy thousand to a project that we approved at the last meeting, relating to coded-wire tagging. I don't know the project number. Commissioner Rosier, can you help us?

MR. ROSIER: I can't help you on the number, off the top of my head here. I think one of the -- we can run that number down very quickly here. I assume that's -- this is for the pink salmon coded-wire tag program.

MR. BRODERSEN: It's 67.

DR. GIBBONS: Yeah, 93067.

MR. BARTON: On project 93067, it's been moved and seconded that we add seventy thousand dollars to project 93067.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I think that's a '93 work plan item which is on the agenda with some other things for tomorrow. Should we go ahead with the '94 work plan and just defer that until we get to the rest of the...

MR. COLE: I withdraw that motion, I just didn't want to forget it.

MR. BARTON: Yes, Mr. Cole. The '94 or '93.

MR. COLE: Well, this has to do with both of them. I would move that -- that for each of the projects that we have funded, that the Council be provided with an executive summary of

the results of the projects or studies.

MR. BARTON: It's been moved and seconded that the Council be provided an executive summary of each study or each project that we have funded. How does that relate to item eight, Dr. Gibbons?

DR. GIBBONS: That's -- funded in '92, is that the request? '93 has just been approved, and do not -- you know, they're just starting field work. So that would be a status of the projects funded in '92.

MR. BARTON: So, this is a status report of what -- Mr. Cole's asked for executive summary of each project, not just for status of the project.

DR. GIBBONS: Yeah. In early -- in spring of this year, we provided one to you. I can -- I can try to find that and blow -- you know, blow the dust off. It was more than -- it was longer than the executive summary. It was a paragraph or two on every study, or page on every study and what the status was at that -- that point. We can look at that again.

MR. BARTON: Mr. Cole.

MR. COLE: I'm not sure I'm following you (inaudible). I would envision that for each project or study, we would have, perhaps depending upon study, three pages summarizing the study and the results, and the reason I say this is as follows, the studies are done, then the Trustee Council is called upon to make decisions on the basis of these studies. We never really see the studies, or a summary of the studies. I think we need some

mechanism to get some summary of the results of this study to the Trustee Council. It may not be long, but more than a paragraph, just some meat.

MR. BARTON: That's -- and potatoes too.

MR. GIBBONS: That can be done. The '92 final report schedule has ninety plus studies in it, and we can pull those out. A lot of -- all but two of those will meet the June 15th final draft deadline to the -- to the Chief Scientist. We could pull out a summary out of those documents -- out of those documents.

MR. BARTON: Let me suggest you do that, and let's see if that meets Mr. Cole's concern...

MR. COLE: Is there other members of the Council that have that same sense that they would like to see something in the results of the study?

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, Mr. Cole through -- what timing and what purpose? I had that feeling too, but -- I mean, when do we want this, before what decision point, or how would we use this? Just as a general thing, it's not a bad idea, but -- I mean, is this relative to approval of projects in '94? We want to seek a '93 result -- an executive summary? It might be a little tough by August of '94. I'm just wondering about the timing of this?

MR. BARTON: It's have to be '92.

MR. PENNOYER: So, it would be an executive summary of '92 before we make the '94 decision?

MR. COLE: Well, '93 if we have them.

MR. BARTON: Well, we're not -- they're not in the field yet.

MR. COLE: When they're done -- not before they're done, obviously. We'll read them when they're done. I mean, we do these things, and I would just like to have a sense of -- you know, why I voted for that, or I had some reservations about it -- you know, it turned out well. It would just help us to monitor the results of our decision-making process. Did it lead to good data? Is it something in which we should base another study for the ensuing year? Things just get done and then they sort of float out there, we lose track of them.

DR. GIBBONS: We could prepare that for '92. '93 -- I'm not sure -- I know by August we wouldn't have that. We could certainly do that for '92.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Well, I was just -- I was just wondering, are we not producing quarterly reports on most of these projects?

DR. GIBBONS: Financial.

MR. ROSIER: Only financial.

MR. BARTON: Okay, it's been moved and seconded that we get executive summaries of all the projects, the '92 projects.

MR. COLE: Mr. Chairman, and '93 as soon as they're completed. I think the executive summary should accompany the final report.

MR. BARTON: I mean the '93 projects upon completion of

the report. Any further comments or discussion? Mr. Gibbons.

DR. GIBBONS: Yeah, how soon -- if you combine '93 into what you're talking -- fall -- I was thinking we could pull these out of the draft final reports and get that to you within a pretty short time-frame.

MR. BARTON: Mr. Cole.

MR. COLE: I'm not sure why it would take to October to get a summary of the '93 study.

DR. GIBBONS: Well, right now the '93 studies were just -- just funded in projects in March, April and May. Okay, and they're out in the field until September.

MR. COLE: Of course. You're right.

MR. BARTON: Dr. Spies you...

DR. SPIES (from audience): Well sir, we're getting most of the reports in now and most of them are written with an executive summary on them. I'm not sure if it would satisfy all your concerns, Mr. Cole, but they do have executive summaries on the reports that are coming in the draft -- on the reports.

MR. COLE: That's sufficient. If we could xerox those and put together a package.

DR. GIBBONS: That's what I had in mind, Bob. Just -- pulling the documents.

MR. BARTON: Any objection to the motion? Hearing none, the motion is enacted.

MR. COLE: One other matter...

MR. BARTON: Mr. Cole.

MR. COLE: ...if you will, '93. As I recall, the University of Alaska had sent us a letter saying they refused to do any projects for less than forty-four percent overhead. What ever happened to that? Did they back off that?

DR. GIBBONS: Mr. Chair, they saw the wisdom of the decision of keeping twenty percent, and they agreed to that.

MR. BARTON: Any further comments? (Inaudible - coughing)

MR. ROSIER: Mr. Chairman, I'm not sure whether this is the time yet -- to introduce this or not, but as part of the '94 potential project listing here, on May 23rd Attorney General Cole and myself met with people in -- in Cordova and in -- and Valdez. During the course of the Cordova meeting, we were presented with a Resolution 93-2EC which suggests -- which was suggested -- or submitted, I should say, by Prince William Sound Aquaculture Corporation here, and I'll make copies of this available. Basically, what this -- this asks for is -- therefore, be it resolved, it is requested that EVOS Trustee Council pay off Prince William Sound Aquaculture's debt to the state of twenty-four million dollars. Further, the Prince William Sound Aquaculture continues to write seventy percent of its hatchery production to the common property fishery, while using the funds which would otherwise have been used for debt service to establish an annual budget for evaluating the stocks and associated species of the Sound for the purpose of assessing their condition, providing improved opportunities for fishery users on this. I don't know how

we interject that into this plan at the present time. There is an item twenty-nine on the first page of the summary of public responses here which identifies these same type of project for -- for the Valdez Fisheries Development Association, and we also heard at the hearing in -- in Valdez about this and -- and there was some support for that as far as the Prince William -- excuse me, the Valdez fishermen's group was concerned. So, I'll give this to the secretary and introduce this as -- into the record anyway.

MR. BARTON: Thank you Commissioner Rosier. Other comments before we launch into '94 and address the three items we've been asked to address? I guess the first item is what assumptions we want to use in development of the program, and we were given two choices at the tail end of the package -- the last three pages -- end of the package. We didn't take action on these at the earlier meeting. Mr. Pennoyer:

MR. PENNOYER: Mr. Chairman, before you launch into the assumptions, can we talk a little bit about what we intend to do with the '94 work plan at -- where we're going with it, and it might lead us a little bit -- decide whether these assumptions are reasonable, or when needed, or whatever. The '94 work plan is, I guess, is going to be the first work plan under the restoration plan, because we're going to finish -- finalize restoration plan before we implement a '94 work plan, and I think one of the assumptions in here, which is probably applied any year, would be that somehow the umbrella of this work plan -- restoration plan -- is going to cover what we're going to do here, and some of the policy questions that

are outstanding, for example, (inaudible) and other things -- appropriate use of the funds in our view. Are you going to be settled from learning what we get back on the restoration plan, and where we -- what we finally put out as the restoration plan that will deal with some of these major criteria and how you allocate funding. I guess, I still view the '94 plan as the first part of that step two we haven't taken. We talked -- when we talked about a restoration plan, we talked about really having three steps. And, in the first is sort of the restoration umbrella, and we just talked about principles and general things. The second was dealing with some concept of a multi-year approach to certain types of activities, and the third was an annual work plan. And, we're probably going to have a hard time jumping into a '94 work plan myself without talking about some of those longer term things. I'm not saying put off the assumptions, but as we do these assumptions, I think they have to be looked at as whether you're going to stand us in good stead to developing this sort of multi-year approach to our first year's restoration effort. And, as we go through them, I wanted -- I just wanted to bring up -- point ups, so everybody could keep that in the back of their mind. This is not, as it started out to be, I think, just the assumptions that were to get us through some of the objections to doing restoration in '94. It should probably guide us in the way we're going to approach annual work plans and their relationship to a longer term. I just wanted to bring that up as we looked at these, and see if they provide us adequate guidelines.

MR. BARTON: Any comment? What's the will of the Council with regard to the assumptions?

MR. PENNOYER: Want to go through that Mr. Chairman, and just see what everybody -- what's going on.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: Are there not two sets of assumptions?

MR. BARTON: There are -- there are alternative sets of assumptions. We're being asked to pick one or some combination presumably, or some additional assumptions.

MR. COLE: May I ask, what is the source of each?

MR. BARTON: Dr. Montague?

DR. MONTAGUE: Yes, Mr. Chairman. The two page version that should be first was prepared by the Restoration Team in late December, early January, and the second one page set of assumptions was prepared by the Federal Trustees approximately two months later.

MR. COLE: I move we strike the second set.

MR. BARTON: It's been moved that we strike the second group, is there a second? Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, could somebody outline for us, purportedly being the author of the second, I don't know the answer -- one of the authors, but I don't -- outline to us what the difference is -- what we gain by dropping one. I looked through these and I sort of -- not exactly mirror images, but they're some strange differences and inconsistencies between the two, and I'm

not sure what we gain by taking one or the other or mix or matching them somehow.

MR. BARTON: Dr. Montague. Can you explain the differences?

DR. MONTAGUE: Mr. Chairman, I'll explain some. The RT was intimately involved with this, I'm sure other members may wish to help me on this on occasion. Relative to the first one, I guess contradicts on the first set of assumptions. We're basically saying that the restoration plan will not be done before the '94 work plan is approved, meaning that the '94 work plan technically should begin October 1st and the restoration plan would not be approved until December.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Just as an example, the one on the other list says the same thing, but just with more words. I'm not sure whether -- anyway, go ahead. I'm sorry.

DR. MONTAGUE: Well, simply put, the difference between the two-page version would be that there wouldn't be a bifurcated program of -- of before December and after December. There would just be the one plan. The fourth one in the first version, all available settlements -- approved settlements -- actions approved by the settlements, can be considered for restoration in 1994, and that is not on the federal version. Item five on the first version, says '93 projects will need to be closed out in 1994 is appropriate. The federal version says that 1994 -- or close outs of '93 projects must be fully justified. Item six, implementation

activities will be emphasized is not in the federal version. Number seven, there will be increased emphasis on restoration and enhancement of services is not in the federal version. Number eight is identical in both. Number nine is essentially identical. Number ten describes what type of injury can be restored -- similar basically, not significant difference.

MR. BARTON: Mr. Sandor.

MR. SANDOR: What was the rationale for developing the second listing which is so similar two months later? Is this to eliminate the three, four, six, or whatever, items that were unacceptable in the first -- in the two-page listing, or what was the rationale?

DR. MONTAGUE: Mr. Chairman, I believe that is so, but perhaps Dr. Pennoyer can...

MR. PENNOYER: Mr. Chairman, I think, and I wasn't -- primary author -- but, I think that -- that item two -- or item two in the second page is really the difference which we sort of didn't -- that Dr. Montague alluded to, and that was the fact that, in essence we had a contingent '94 work plan that somehow would approve projects that were time critical or lost opportunities, as we have in the past, regardless of further consideration, and would have the second class of projects that would be approved only if they were later certified as being possible under -- the finally adopted restoration plan. So, this is sort two-piece approval process where the first set of criteria did not require that, although it did make the assumption. As a matter of fact, the

first set of criteria doesn't specifically link the '94 work plan to the restoration plan anywhere, I don't think. The second set of assumptions goes farther than that, and actually makes it approval with projects contingent on adoption of the '94 work plan, unless their time critical. The other differences are -- there are a few things in the second package that aren't in the first one. I think there's just the NEPA compliance question is spelled out. I -- they're not controversial there, just some differences. So that, I think, is the primary differences, simply one of paying more lip service to the fact that the restoration plan has to be completed and projects that are -- will only be finally implemented if consistent with that restoration plan.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Would it be acceptable to simple modify the two page listing -- in those items that you refined in the one page listing? In other words, restoration plan number two, on the two page listing, your restoration plan should be in place by the time most of the 1994 work plan is implemented. One could simply add the qualification and requirements that is incorporated in the -- in your number two.

MR. PENNOYER: Well, I don't think, Mr. Chairman, I don't think that quite does it. Again, the footnote on the second one says the Department of Interior does not agree with assumptions three, four, six, seven and ten, so maybe I should let Walt do it, but I don't think he was here when it was done, so that's why I'm saying it. For example, number three says the Trustee Council

hasn't approved any appropriate restoration action prior to having approved restoration plan in place. That's a specific statement in the first set. I think that was disagreed with by the -- by the Department of Interior specifically at the time. They felt that the restoration plan had to be in place before the action received final approval, and, I think, we were trying to get around that concept by having a -- a process whereby either you approve all the projects, but they are sort of contingent on the final -- restoration plan finally being approved, or you do it in a two-step process, as suggested in that second list of documents. So, there's one -- that's, I think, the basic difference between these.

The first document says that all restoration options are approvable without any real discussion of -- only if they fall under the restoration plan. Whereas, the other one makes -- ties it more closely to the restoration plan. I don't know if anybody here from the Interior would like to speak more to that, that's as I recall, Mike, the rationale for that -- that difference, and just adding a couple of things, like NEPA, doesn't quite solve that discrepancy.

MR. BARTON: Mr. Brodersen.

MR. BRODERSEN: I -- I believe that -- providing we don't have anymore slippage in adopting the restoration plan, that this issue becomes moot, because of the slippage in the '94 work plan that occurred a couple of meetings ago. If one looks at the schedules, the Trustee Council was adopting the restoration plan in November and then it becomes final thirty days later, and you're

also being asked to approve the '94 work plan in December. So,

these two dates are pretty concurrent. As long as we recognize that some agencies might have a problem with doing one before the other, I don't think there will be a problem. That -- that these actions are now more or less parallel in time.

MR. BARTON: We were trying to move the work plan -- program up, as I recall earlier, when this -- when we were discussing this second set of assumptions, or shooting for pre-October 1st.

UNIDENTIFIED VOICE: I can't hear you.

MR. BARTON: I said I think we were shooting for pre-October 1st for the '94 work plan when we were discussing these assumptions originally...

MR. BRODERSEN: That's correct. That's to say we slid that time schedule because of some other considerations where the '94 work plan now is not being formalized by the Trustee Council until December, and in theory the restoration plan will also be finalized in December, so we shouldn't have a problem here, providing we don't allow any slippage in the -- adoption of the restoration plan.

MR. BARTON: Which we just discussed.

MR. BRODERSEN: Right.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I thin the practical effect may be moot, but the fact that the statement of principles still says your not going to do it, unless it's included, still is a difference.

Because under your scenario, if the slippage occurred, then the project could still go ahead even though -- in principle, due to the concept of (inaudible - coughing) difference is that under one of these assumptions, you tied the work plan specifically to the restoration plan, for restoration projects. Under the other one, you don't, and I think that's the key difference, and I have not heard yet a contrary view from the federal side is the one is acceptable.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Well, I was wondering, on that if there might be a compromise there on this -- with the first part of item two, in terms of the time-critical nature here on this, if we had something to the effect there that -- that those projects would be only those that would be, in fact, started between October -- the 1st of October and December of '93. That would clear those projects and then the restoration plan would be in place for the remainder of the projects.

MR. BARTON: Other comments or questions?

MR. COLE: I call for the question.

MR. BARTON: Question's been called on the motion. Any objection to the motion?

MR. PENNOYER: I object.

MR. BARTON: Motions fails.

MR. COLE: I can speak in support of the motion? Well, here's the thing. Why don't we just start with the first two page document, and work with it, and then put into it what you would

like to incorporate from the federal document -- that's really what I had in mind

MR. COLE: Mr. Chairman -- misunderstood my motion -- I thought we were simply adopting item one if -- using it as working reference document, I have no problem with that.

MR. BARTON: Is there a motion?

MR. COLE: I so move.

MR. BARTON: What are you moving, just so we all understand?

MR. COLE: I'll move that we use the two page document -- the first document prepared, as a working draft for the purpose of formulating the '94 work plan assumptions, and that they incorporate into that document the provisions in the federal document which they would like to insert.

MR. BARTON: Is there a second? It's been moved and seconded that the first alternative assumptions be used as the basic document from which then items in the second alternative will be inserted. Any more discussion on that motion? Any objection to the motion? The motion passes. Now, what...

MR. COLE: Could we take a short recess here, can we just stand here for just a second? Go off the record

MR. BARTON: We're off the record.

(Off Record at 3:35 p.m.)

(On Record at 3:40 p.m.)

MR. BARTON: Will everybody take their seats please. We've, do we have a proposal or a motion?

MR. PENNOYER: Mr. Chairman, using the two pager as the working draft and with the assumption that we'll go ahead and approved something here -- public hearing is in fifty minutes, get it typed up tonight, and if there are any problems once people see it we can leave this to the exact wording in the morning, but to give the instructions how to proceed -- I propose using the two items -- two place -- two page document, that we go with item one, two unchanged -- I'm sorry -- let's say item two, I think we ought to get rid of the word most. Restoration plan would be in place by the time the '94 work plan is implemented. These are rather vague in terms of ---

MR. COLE: Most of -- you're striking most of.

MR. PENNOYER: Striking most of, yes, not just most. Item three, I -- insert some wording here, which people may be able to do a better job on tonight, but this gives the thrust of the thought. And looking -- using item two in the original federal draft, and trying to incorporate that concept of sort of a dual standard for approval, depending on the work plan adoption. What I didn't want to do is to wait, and even past -- doubly pass projects -- having to doubly pass projects that are in fact -- we'd approved the plan and either would either take place or parts of it wouldn't, that didn't end up being approved in the restoration plan. I changed that entry wording to say, the Trustee Council can approve -- insert for implementation any appropriate restoration action prior to having approved restoration in plant -- in place, if that item is time critical, or represents a lost opportunity.

Other approved...

MR. BARTON: This is a new sentence?

MR. PENNOYER: Yep. Other approved restoration projects must be consistent with the adopted restoration plan to be implemented. Must be consistent with the adopted restoration plan to be implemented. The concept is that we might approve the '94 work plan -- depending when the restoration plan is adopted, specifically precludes something, we just never would implement that project. So, we might have sent a court request forward to get things started, but we just would never implement that project if it didn't actually get approved under the umbrella restoration plan.

MR. COLE: Why don't we just say, must be consistent with the restoration plan when it is adopted?

MR. PENNOYER: That's fine. I was...

MR. BARTON: Let's... concept down.

MR. PENNOYER: I was just assuming the implementation is what you're really concerned about. The -- you could do it either way.

MR. COLE: Well, we use implement -- implemented in that sentence, with the adopted restoration plan to be implemented, I find it a little confusing.

MR. BARTON: Maybe move the to be implemented after project. Other approved restoration projects to be implemented must be consistent with the restoration plan. (Inaudible -- aside comments) Other changes?

MR. PENNOYER: Well, I just wanted to go the list so people can say something if they want to. Five is okay, there's not -- all the same there. Six, implementation activities will be emphasized -- I'm not -- that wasn't in the federal draft. I'm not totally sure, one -- what it means, or what we lose with it. Implementation activities -- everything, I guess -- restoration implementation -- every implementation activity is any type of research or anything else, I would assume, so I didn't know what that statement added.

MR. COLE: You don't know what it means. Dr. Montague?

DR. MONTAGUE: Maybe Dr. Spies will -- I mean Gibbons.

DR. GIBBONS: I -- I think intent here's to do on-the-ground activities, actually restoration work, not monitoring or something, but actually doing something visible on the ground.

MR. COLE: Restoration activities will be emphasized then? Why don't we just say restoration will be emphasized.

DR. MONTAGUE: Mr. Chairman.

MR. BARTON: Dr. Montague.

DR. MONTAGUE: That isn't the point that's trying to be made. I guess planning projects, monitoring projects, blueprint projects, we wouldn't consider being implementation, or another word we use is hard restoration. And, I guess it -- criticism is doing too many studies and too much planning, we wanted to emphasize hard restoration, on the ground implementation activities, and, that's what is meant by it. If we just say restoration, restoration includes monitoring, includes injury

assessment.

MR. COLE: I don't think so.

MR. BARTON: Well, do we agree with the concept, that what we're trying to emphasize here is actual on the ground work?

MR. COLE: Restoration -- restoration is a defined term in the memorandum of agreement. I think that's what we're trying to do -- trying to say here, restoration.

MR. BARTON: What would the alternative choice be to emphasize, if we didn't emphasize restoration?

MR. PENNOYER: Well, Mr. Chairman, I think a lot of the criticism -- Dr. Montague is correct about studies -- a lot of the criticism has been to get on with restoration, and a lot of ours has been background, continuation of damage assessment. I think restoration -- the concept is we're going to start really doing some restoration in '94. I think it's understood what we -- what we mean if we say restoration will be emphasized.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: I would like to say that -- hope Commissioner Rosier will bear me out on this -- but, in Cordova, I was surprised that there was as much support, and there appeared to be strong support, for continued studies among the fifty to seventy-five people who attended this meeting a week ago Saturday, in Cordova. So, I wouldn't want the record to -- to show is as Mr. Pennoyer just said that, there's a strong feeling out there in places, that we should get along with restoration activities --

direct restoration activities. That was a sense, which I had before I went to Cordova, but there's a lot of support in Cordova and Valdez for continued monitoring and studies to be used as a management tool. Commissioner, do you...?

MR. BARTON: Mr. Rosier.

MR. ROSIER: I guess -- I guess -- I guess I'm hooked up here. Yes, I certainly concur with Attorney General Cole on that. The -- I think that the message that we got there -- that I got anyway in Cordova and in Valdez, was that -- that they were really looking for applied -- applied type research. They were not looking at research just for research purposes on this. They were really looking at projects that in fact addressed management -- management-type needs in the community. That there was really a feeling of strong support for -- for better information about the resources that were important to all user groups, as a restoration method and, so, there was very strong -- no question in my mind -- that it, especially in Cordova -- that there was very strong support for that concept.

DR. MONTAGUE: Mr. Chairman.

MR. BARTON: Dr. Montague.

DR. MONTAGUE: Relative to our use internally, I guess, is the word implementation of projects supported on the ground management actions would be considered implementation activities, so -- you know, when we said implementation activities would be emphasized, that excluded studies that weren't intended for -- an immediately management action.

MR. BARTON: What do we want to say in item six? Do you want to change implementation to restoration, is that the sense of the group?

MR. COLE: Yes, one, but I think we should add what Commissioner Rosier has just talked about -- if he can put that concept in the words.

MR. BARTON: Are you in agreement on that? -- that Commissioner Rosier to put that concept into words and well get it incorporated into the typed version, which we'll have one more crack at it in the morning. Dr. Pennoyer?

MR. PENNOYER: Mr. Chairman. Item seven, wasn't it in the federal version, to increase emphasis on restoration and enhancement of services? I don't know what the rationale was for us not wanting that it in doesn't say how much emphasis, it says increased emphasis. So...

MR. COLE: We've already -- we will have covered that in six, won't we?

MR. BARTON: Shall we strike seven? Is that the sense of the group?

MR. PENNOYER: Eight and nine were the same in the two drafts, basically. Ten...

MR. SANDOR: I would propose adding identification protection of critical habitat needs to be -- to proceed as rapidly as possible, giving priority consideration to habitat and species directly or consequentially injured by the spill. It seems to me we need -- what that says is that -- there isn't any distinction,

just as long as critical habitat is identified, because I think that -- you know, it should be linked to the -- to the priority restoration activities in item ten -- should be consistent with item ten.

MR. PENNOYER: Should we be giving priority to those? Isn't that mutually exclusive? You can't do it unless it's going to the spill?

MR. SANDOR: No, what it says is as rapidly as possible is the ...

MR. PENNOYER: Oh, priority in time?

MR. SANDOR: Yeah.

MR. BARTON: Any objection to the inclusion of that modification?

MR. PENNOYER: Mr. Chairman, item nine was about the same between the two -- could be elaborated on, I guess, but that's not -- they were about the same.

MR. COLE: Should we just put in functions after management?

MR. BARTON: Sure, so done.

MR. COLE: Carl, did you get that language you want?

(Inaudible - out of range of microphone)

MR. PENNOYER: Item ten, first draft takes about a third of the page to say what purports to be said in the other draft in about a paragraph, but I'm not sure they're too much different, except, I guess this has for seven as restoration services and resources, as does ten. Ten goes through definition -- elaborate

definition of consequential injuries to services or to resources.
I -- I guess I don't care.

MR. BARTON: Does anybody care?

MR. COLE: Well, if we use number ten in the first set, I would like to add separate direct or -- I'd like to add direct or, so it reads it separate direct or consequential injury.

MR. PENNOYER: Mr. Chairman. Out of the two paragraphs, you'd also insert direct or consequential injury -- and natural resources (inaudible - coughing) direct or consequential injury -- add on here.

(Inaudible aside comments)

MR. BARTON: Any objection to (inaudible)? Any objection on the part of the Council members to that modification? Dr. Pennoyer.

MR. PENNOYER: Mr. Chairman. Item eleven is the same essentially. And, Mr. Chairman, item twelve doesn't work anymore. I guess, we need to substitute December 1st, or just leave it out.

MR. COLE: I move we just (inaudible - simultaneous talking)

MR. BARTON: Any objection to striking twelve?

MR. PENNOYER: Shall we also strike the parenthetical statement at the end?

MR. COLE: Yes.

MR. PENNOYER: Although, I think that's up to Interior.

MR. BARTON: Do you object, Mr. Stieglitz? Alright, so the plan at this point would be to have these typed up over night,

and then presented in the morning for adoption, or do we want to adopt them now and then just modify them if we need to in the morning? Alright, any preference? Why don't we get them typed up tonight, and we'll take action on them in the morning then. At this time, we need to move into the public comment period, are we ready for that? Okay, we'll stand in recess for ten minutes.

(Off Record at 3:56 p.m)

(On Record at 4:12 p.m.)

MR. BARTON: We'll reconvene and start the public comment session -- project. LJ, who's on line? What communities are on line?

STAFF: I'm not certain. At this point, I'm not certain, sir, I think we've had some other communities come on line in the last few minutes. Operator, would you let us know please -- who's on the teleconference.

OPERATOR: Yes, yes I will -- Cordova is on line, Mayor Weaverling is there, Valdez is on line, Gary Kompkoff in Tatitlek, Juneau is on line, and, of course your site.

MR. BARTON: Thank you very much, Operator. If we could get started. What I'd like to do is go down the list, we'll take two commentators at each location, including Anchorage, and work our way down the list, until we've exhausted everyone, and at this point, we'll ask Dr. Gibbons to give a brief summary of what the Trustee Council did today. Dr. Gibbons,

DR. GIBBONS: Thank you, Mr. Chair. Can everybody hear -- okay. The first action the Trustee Council took was concerning

the Public Advisory Group meeting. The Public Advisory Group -- excuse me -- the Public Advisory Group is in the process of developing three options for endowments, and the Trustee Council would like to review those endowments after their prepared. So, that was the first action Trustee Council made today, was to -- ensure that they get a look at the endowment process that the Public Advisory Group is to be developing. The -- the next item on the agenda was the draft restoration plan. The Trustee Council spent considerable time discussing the draft restoration plan, and had some changes in the verbiage for the introduction, and at this point in the meeting, the Trustee Council moved -- or took action that the new verbiage for the draft restoration plan be inserted into the plan and the Trustee Council get a copy of that as soon as possible. Some of the items to include in the modification, included a qualifier on the legal basis of some of the items in the plan. Also, a qualifier that -- not all the Trustee Council has agreed presently on everything that's in the plan, and also that -- most importantly, I believe, is the better -- better introduction linking the brochure that was released in April to the draft restoration plan, and its link to the draft Environmental Impact Statement, and finally the linkage to the annual work plan. So, please -- they were to explain the process of -- of the development of all these various facets of the restorations. The Trustee Council next tabled the decision on the draft restoration plan until tomorrow's meeting. There will be -- the meeting will be continuing on tomorrow. The Trustee Council directed the

Restoration Team, or members of that -- Restoration Team to explore the decision to combine the draft restoration plan and draft environmental impact statement and what ramifications that would entail, including such items as would there be a savings in money, would there be an increased cost, does the -- is the question also -- this is of a legal question being explored -- is an EIS required for a draft restoration plan at this time, and other items such as any contract penalties and stopping the contract to the EIS contractor? And, the answers to some of these questions will be reported on tomorrow on the June 2nd meeting. The Trustee Council approved the motion that by June 14th the Trustee Council is to get a copy of a highly edited version of the draft environmental impact statement, which has been reviewed by the Restoration Team for content, not edited, and with a one week turn around review by the Trustee Council. The next item dealt with on the -- on the agenda, was the '94 work plan. The Trustee Council moved that the Trustee Council is to be provided with a copy of the executive summary of each study funded in 1992 and then in projects of 1993, executive summaries as soon as possible. These are just beginning in the field or have just begun. And, the final motion of the day was that the Trustee Council use the two page list of assumptions developed by the Restoration Team earlier this year, as a working draft, for the purpose of developing a final set of assumptions for the development of the draft 1994 work plan. The second set of assumptions, included in the package, items -- appropriate items from this package would be inserted as -- as the -- were

determined. The Trustee Council has developed a combined listing and which will be typed over the evening and will be reviewed again tomorrow morning for adoption.

MR. BARTON: Thank you Dr. Gibbons. At this time, we'll move to Cordova. Is there anyone there at Cordova that wishes to testify?

MAYOR WEAVERLING: Yes, thank you Mr. Chairman. As there are three people here, there's myself Mayor Weaverling, Mr. - - Professor Steiner, also Glen Lankard, Jr., let's see, Evelyn Brown and John Wilcox. I think at this time Mr. Steiner would like to testify.

MR. BARTON: Alright, go on, thank you. Go ahead Mr. Steiner.

MR. RICK STEINER: Good evening folks. The -- first of all, I didn't hear in Mr. Gibbons' summary whether the Eyak land conservation easement acquisition and the status of that and the status of Seal Bay negotiations were discussed. Were they, or will those be discussed tomorrow?

MR. BARTON: Those will be discussed tomorrow, we haven't gotten to that on the agenda yet.

MR. STEINER: Okay, fine. Yeah, I just wanted to make a quick couple of comments, one about -- first of all it's very enjoyable not attending the meeting and then coming in from the blue here, not knowing exactly what was discussed, but your role -- your job as Trustees, I think, it's starting to get very crucial that we all pay very close attention to what your trusteeship here

is, and I grab -- the consent decree -- and I'm sure you all know this probably much better than the rest of us, but might be something that all of you stand up and put your hand over your heart and say your pledge of alliance to this sort of code before every Trustee Council meeting. Trustee is defined in the consent decree between the government -- are officials to act as trustees of natural resources injured, lost or destroyed as a result of the spill, and then secondly that -- that the government shall act as co-trustees in using all -- and that's all, natural resource damage recovery to the benefit of natural resources injured, lost or destroyed is as a result of the spill, and finally the definition of natural resources means land, fish, wildlife, biota, air, water, ground water, drinking water supplied and other resources owned and managed by the state and the feds. This may seem trivial to a number of folks, but seems to be taking on extraordinary importance when we start seeing some of the proposed projects that are being forwarded to the Trustee Council. Many of these have to do with -- I think more appropriately with municipal claims against Exxon and the claims of the private industries against Exxon -- the private litigation. We have to keep very clear about what the job of the Trustee Council is in this -- in this sense. I've heard a number of towns that start talking about hiring people to quote go after some of the money, end quote, and that becoming the objective rather than the means of using this money for doing the job that the Trustee Council is legally entrusted to. If the Council can do something to help the private industries and municipal claims, I

think it's to try to help get that toward settlement. If we could use some of the considerable energies -- Attorney General Cole who put together the government settlement, and some of the other people of the Council politically, if there's something you can do to stabilize the economic situation in the region, and to try to help Exxon see the wisdom in settling the private cases. Lastly, I would just like to mention very quickly the Eyak negotiations going on with the Forest Service seem to be moving slowly, but at least they are moving, we're glad they are, and some negotiation. I think what a lot of people I have talked with around here would like to hear -- see -- is a three-year moratorium on all logging on Eyak land that would provide -- all the monies being applied toward any final purchase price -- so it's time and trees that you'd get with that. I guess, lastly the idea of buffers, in our mind is very, very -- it's not a purchase in extended sideboards on buffers and such, doesn't make a heck of lot of sense for two primary reasons. One, it does satisfy certain objectives of fisheries protection and certain wildlife protection, but it completely misses cultural, recreation and tourism values that should be considered along side the other wildlife values, and last -- the other part of that is it would be an absolute nightmare to survey, manage and enforce. If the Forest Service thinks it would be difficult to enforce a conservation easement in this region, which it wouldn't over large areas, to think about what it would mean to try to enforce such easements on extended sideboards on certain buffer strips in place of some. That's all I have.

MR. BARTON: Thank you, Mr. Steiner. Mayor Weaverling, we'd like to take one more from Cordova for this round, and then we'll come back in the second round.

MAYOR WEAVERLING: Thank you, Mr. Chairman. Mr. -- Glen Lankard, Jr. would like to speak.

MR. GLEN LANKARD, JR.: Hello, how are you today?

STAFF: Excuse me, would you please spell your name for our court reporter?

MR. LANKARD: Yes, my name is Glen -- on N -- Lankard -- L-A-N-K-A-R-D, Jr., and I go by the nickname of Dune -- D-U-N-E. Okay. A couple of things I'd like to mention, first off is that I am a Eyak Corporation shareholder and a Chugach Corporation shareholder, and a spokesperson for the Eyak Traditional Elders Council here in Cordova, and so when I speak, I speak for the trees and the animals that are not represented, and have not been represented as of yet. And, the important thing that I would like to point out is that since no agreement has been agreed upon over this moratorium or conservation easement to take place at this time, and basically you needed two more weeks to collect more data and information, what that's allowed the loggers to do here, the Eyak Corporation loggers, is to go ahead and speed up their operations and clear cut as much as they possibly can over the next two week period. So, I can't stress enough how important it is for you to come to some sort of a decision on how to address this entire issue, because if there is a way to halt the logging operations and preserve anything here in the Sound, then there has

to be a moratorium, because then what would -- would happen is that would give you the three years, on the moratorium, what that give you, is it would purchase time for us habitat at the end of the three year period for habitat protection. Also, you'd be able to collect your data, you'd be able to make your assessment, you'd be able to determine what your definitions are to conservation easements. So, basically, my message is that -- that the moratorium has got to be instituted as quickly as possible because these loggers are cutting as fast as they possible can, and they did work over the Memorial Day weekend. Also, what I'd like to see incorporated into your thoughts, is that what we call the Native people, the seventh generation factor, that we would like to see one hundred and fifty year cycle purchased and not a sixty to ninety year cycle, because basically, what you're dealing with is a sixth to ninety year cycle that just encompasses the second growth tree. So, basically, you're talking nine to ten inch diameter tree that is all they grow to in ninety years here, because basically what the loggers are taking out of this region are -- is second growth trees. So, we would like you to incorporate the hundred and fifty year cycle into your thoughts, because also what it'll do, is it'll give the Native people seven generations to think about how to do the right thing the next time around, rather than jumping back into another clear cut. And, also on your extended buffers, I'm concerned about the three hundred to five hundred foot buffer zones that you have talked about as far as moving it in the different areas, like -- such as the coastline,

because what it doesn't adequately address, is it doesn't even -- it -- address the cultural resources of the Native people in the Sound. We ventured further than the three hundred to five hundred feet off of the -- off of the coastline. So, we would like you to consider that the entire area to us is considered sacred and is of a high cultural value to all of us. And also, that the protection of the wildlife is definitely -- has to be extended beyond that three to five hundred foot buffer zone. And, as far as tourism and recreation goes, if you're cruising along the river and you have the three to five hundred foot buffer zone, yes, it's going to be nice to have those trees visually right close to you, but everything above that will be clear cut. And, as you can see, in Two Moon Bay last year, a logger was killed because of the landslides that are caused by this clear-cutting on these huge cliffs, and because the -- the Prince William Sound has a lot of these cliffs, we're just going to have a lot of landslides, and I think it's just going to be more trouble than it's worth. So, in the interest of restoration, I think that as quickly as you possibly can to stop these loggers and to figure out some sort of a three year moratorium, we would greatly appreciate this. And, to give you an idea of the economics involved for the shareholders as people who are supposed to receive dividends from these clear cutting operations, last year they dropped almost twenty million board feet of timber, and our dividend was zero. So, there's nothing at stake for us other than the preservation of our lands and our future, so anything that you can do to help speed up this

process would be greatly appreciated. Thank you.

MR. BARTON: Thank you, Mr. Lankard. At this time we'll move onto Juneau. Anyone in Juneau wishing to testify?

MR. CHIP THOMA: Yes, can you hear me.

MR. BARTON: Yes, go ahead.

MR. COLE: No.

CHIP THOMA: This is Mr. Thoma in Juneau, do you hear me Mr. Cole?

MR. COLE: Yes, now.

MR. THOMA: Very good. Two points, I identify with the comments that were made by Mr. Steiner and Mr. Lankard, I thought they were very well reasoned. I think that is the emphasis that should be put on in Eyak lands. I think it's time to move into Prince William Sound and address these issues. I'd just like to comment that I attended the public hearing that was held here in Juneau about three weeks ago. I was very disappointed in the way that the issues were supposedly laid out. I didn't think that the -- the format and the choices that were given to the public -- what public was there, it was mostly biologists from their various state and federal agencies that were there -- I didn't think that those choices that were laid out were done in a reasonable manner. I thought it was more like a Tongass land-use plan scoping session where a variety of choices, one going from bad and the others going to worse, were laid out. And, again I would like to reiterate my own concerns that -- I just don't think that we're moving in the direction of habitat acquisition as speedily as we should before

this money is going to be sucked up by the various agencies that want to spend it. And, finally, I'd like to again put in a request that the Restoration Council, or whoever, consider that we should be spending money, what little money it's going to take, probably in the area of a million or two dollars, to go out to some of these islands on the Aleutian Chain and rid them of rats and foxes, and I think that is a -- something that Fish and Wildlife has wanted to do for years and years, and I think it's something that the scientists ought to look at very closely. If we did that, we could save and ensure a variety of bird species, many of whom were affected by the spill, and I think it would go a long way to protect the entire Pacific fly-away from some of the ravages that are occurring. And, I think that since this money is available for these types of projects, that we should look at the Aleutian Chain and see that we can address these problems that have been ongoing, of course, for over a hundred years. And, that's my testimony.

MR. BARTON: Thank you, Mr. Thoma. Anybody else in Juneau that wishes to testify.

MR. THOMA: There's no one else here, sir.

MR. BARTON: Thank you. Tatitlek, is anybody in Tatitlek -- oh, excuse me, Mr. Cole.

MR. COLE: I would like to tell Mr. Thoma that we read the transcript of his testimony there in Juneau and are well acquainted with it.

MR. THOMA: Thank you Mr. Cole, I sure appreciate that.

MR. BARTON: Tatitlek, is there anybody in Tatitlek that wishes to testify?

MR. GARY KOMPKOFF: Yes, sir, this is Gary Kompkoff, I'm the Village Council President in Tatitlek.

MR. BARTON: Could you spell your name, please?

MR. KOMPKOFF: Yes, Gary -- G-A-R-Y, Kompkoff -- K-O-M-P-K-O-F-F.

MR. BARTON: Okay, thank you, go ahead, please.

MR. KOMPKOFF: Yes, first I'd like to thank you all for allowing us the opportunity to testify. We appreciate the work you guys are going through and I'll go on with the testimony. According to scientific studies, as much as seventy-five percent of the oil spilled by the Exxon Valdez in Prince William Sound remains there. Yet funding for the restoration for the environment services lost or damaged by the spill in Prince William Sound has been minimal. Organization -- areas is far from the recognized spill zone have received significant benefit from the disaster, apparently due to better access to the Trustee Council, or more political clout. We find it very difficult to understand why land purchases in Kachemak Bay, or a salmon hatchery at Fort Richardson can hold a higher priority in the restoration process than the restoration of Prince William Sound area that has been the most impacted in all aspects by the oil spill. The primary focus of the Exxon-Valdez Oil Spill Trustee Council should be the restoration of the environment, resources and services that were damaged or destroyed by the oil spill. The real impact of the spill on the

resources and services is becoming more noticeable with each passing year. Subsistence resources that our people have depended on for generations are no longer available to us. The commercial fishing industry is collapsing. Many residents over-capitalized following the spill. Because of the adverse impacts of the spill, we are all witnessing a heightening sense of despair amongst the residents who depend on these resources for the livelihoods and lifestyles. Things are not getting better, and we are tired of being studied. We'd like to see some restoration done where it is needed the most, in Prince William Sound. And, that's all we have today.

MR. BARTON: Okay, thank you, Mr. Kompkoff. Any questions? Is there anybody else in Tatitlek who wishes to testify?

MR. KOMPKOFF: No sir, there isn't.

MR. BARTON: Okay, thank you very much. Valdez, is there anybody in Valdez?

UNIDENTIFIED VOICE: No one here to testify.

MR. BARTON: Okay, thank you. Anchorage. Yes sir.

MR. JOHN JOHNSON: Yes, shall I come to the center?

MR. BARTON: You bet.

MR. JOHNSON: Greetings. My name is John Johnson, I'm the -- for the past twelve years I've been working with the Chugach Alaska Corporation as their regional cultural -- cultural resource manager, and I also work with -- administrative assistant for our Chugach Heritage Foundation. Just got a few comments here I'd like

to place in there. One, is -- this one -- I don't know what's appropriate place to put this in, but -- I don't know if you've been following the paper -- last week or so, but there's a story in there about our repatriation process (inaudible - background talking) Chugach is working. Is going through and, right now we're getting human remains, Native human remains from Prince William Sound that were taken from the 1900's and in the 1930's, approximately about thirty of them from Pennsylvania in the Smithsonian. And right now, one batch just arrived in Anchorage. It's at the museum, temporary stored. Another batch should be coming in from Pennsylvania next Friday, I think and our problem is we got the money to get them to Anchorage, but we have no money to actually do the -- reburials out there. Some of the remains are directly in the oil spill zone, and others are within the general area around Prince William Sound. I'd like to, just for your consideration, see if it's possible for -- make any special appropriation of possibly six thousand dollars for building crosses, coffins -- for local Native communities to do these projects and to pay for travel to go out and actually put these remains back. And, I kind of consider this of -- lot of the projects funded so far is more time critical. Right now these remains are going to be sitting in the museum here in Anchorage, and, if possible, we'd like to get the job done this summer. We've been working real close with the Forest Service, and I think this amount of extra money would be enough to finish our project I think. On another note, I -- I'd like to express support for a

Native cultural centers and museums throughout Prince William Sound, and, including a large center -- or center at Nucheck (ph) at Hinchinbrook Island. I feel that a lot of things have been damaged from the oil spill, and besides -- besides the animals, the land and the various biological resources, I think a lot of the spirit of the people in the Sound have been damaged. I think by pulling -- putting these centers together, either getting money for design or actual construction, I think it will help to heal a lot of that. And, my last comment is, after looking over this public comment sheet that was passed out, I hate to say, but I think this whole sheet has been stacked, and has been manipulated by a professional opinion takers or -- for example, the people in Port Graham, they may not be the best ones for going through the public process, but they add so many -- some twenty people that had comments, and their comments were reduced to one. Why? Other organization or groups that are well aware of this public process, they can -- they can manipulate the process and make the votes stack in their direction, and I'd like to -- for example, this Nuchek Cultural Center, I've got -- I stress that the Trustees should really look at these letters and look at the quality of the letters rather than the quantity. For example, this Nuchek Cultural Center, I've got a -- probably thirty letters from anywhere from the Governor of Alaska to Prince William Sound tourism coalitions to -- I mean, some of the key groups throughout our area supporting this project, and just -- by looking at this public form here, I -- just kind of baffles me, I guess. And, I

guess that about wraps up my comments. If anyone has any questions?

MR. BARTON: Thank you, Mr. Johnson. Any questions from any Council members?

MR. JOHNSON: I guess the main one I was just thinking - - if were -- consideration of -- if it's possible for -- any help for the reburials.

MR. BARTON: I suggest you talk with Dr. Gibbons and see if you can develop a project for consideration of the group.

MR. JOHNSON: Thank you very much for your time.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Yeah, I would think that it would be desirable for him to also offer some suggestions on our public information form. It was certainly not intended to be stacked, and the process is certainly open to suggestion for improvement.

DR. GIBBONS: Can we...

MR. BARTON: Dr. Gibbons

DR. GIBBONS: Yeah, we noted that and that's why we specifically highlighted that as -- how to deal with some of those petitions and types of things.

MR. COLE: Mr. Chairman.

MR. BARTON: Yes, Mr. Cole.

MR. COLE: I wanted to say that in this blue book of comments, I think I noticed extensive transcript of testimony from people at Port Graham, so there wasn't complete absence of response to that plan from the people at Port Graham.

MR. BARTON: Add anything further on Mr. Johnson's comments.

MR. COLE: Just say, we had -- furthermore, we had a letter of April 23 from the Port Graham Village Council in response to the plan. So, I think -- you know, we're getting some information from them in response to the brochure.

MR. BARTON: Anything else? Well, Mr. McKee, it appears that you're next.

MR. CHARLES MCKEE: Yes, I'm next. Thank you. My name is Charles McKee. First of all, I'd like to start out with this Exxon Valdez Oil Spill Trustee Council -- restoration and its -- to the Trustee Council May 3rd, 1993, from the administrative director and Restoration Team, I wanted to point out to the Trustee Council meeting -- meeting topics are often complicated and difficult to follow, hand outs to the public are also complicated and sure bulk can be overwhelming. The public cannot participate in meetings except in the very defined formal format of public comment period at the end of the Trustee Council meeting. I'd like to point out that -- I myself would be more capable to -- participate in deciphering the overwhelming and complicated -- sheer volume of documentation that comes before this board, as a public member, if I wasn't beset by difficulties outside of this Trustee Council, which I've stressed to before, last meeting, I might add. To point out that on the documentation already submitted to you people were -- I have this design here, with the treasury seal on the map, overlapping each other, one above the bottom one. What you have

there is a delta symbol which is -- it's the strongest energy symbol -- electrical energy symbol that we know of, and so, I'm not a private individual on public because I knew what I was doing when I submitted this to the public as it is. I knew what it meant, it's -- the potential of containing fusion -- fusion reaction -- cold water fusion reactions -- see, and so, I'm capable -- given the opportunity not to be distracted by all the outside disenchanting hate mentality that prevails in our administrative bodies, unfortunately, to that end. To distract an individual, such as myself, to get involved in the complicated and, as I say, sheer bulk of the documentation provided to this Trustee Council. And, on top of all that, I really -- and I've stressed this, but I've never said it in this form before, if the pipeline was built on a cost-plus basis, this indeed should be considered likewise. I worked on the pipeline, I've seen the cost-plus expenditures in its reality and its extent, in many different forms. So, what I handed out to you people today, was what I received from the Trustee Council the day after I met last meeting, and -- indicating that the -- the plea agreement entered into by Exxon Corporation. And the following page is a situation where I've got thrust into, which is an example of the distraction that I've been dealing with, and what I did, was I submitted the documentation that you received into this court record. I've also, prior to this being served on me as of Friday, at 4:00 o'clock in the afternoon, which made me vacate my premises for the whole Memorial Weekend, with nothing on my -- but, what I had on my back. But, I had called the FBI, which

I also submitted to them, all the documentation of hate crime and this subversion that was subjected to me, to them, against the Anchorage Police Department for entrapment and harassment, because they're regulated by this secret society that I mentioned before.

MR. BARTON: Mr. McKee.

MR. McKEE: Charles McKee. I understand...

MR. BARTON: (inaudible - simultaneous talking) there are other people.

MR. McKEE: ... I'm almost finished now. The following page is the Washington Post, March 14, 1993, that elaborates more on the organization I'm speaking to, and then the following page is the same material, but from a different organization. So, now, I'm going to, in superior court, drag this Trustee Council into this harassment agenda.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: Well, I have a question to Mr. McKee.

MR. BARTON: Yes, go ahead.

MR. COLE: Mr. McKee, at the last meeting when you were here, you sent out and handed to us this collection of papers. You'll see the first page was Merchant Vessels of the United States 1955, put out by the Treasure Department, and then the second page, as I was reading it, I find out the Foreward, also put out by the Treasury, but what confused me then in the third page, you had this modern commercial arithmetic and some problems there, and I was trying to get the relationship of the yachts and the

arithmetic.

If you could explain that, I'd appreciate it.

MR. McKEE: Well, the Merchant Marine, I was showing the insignia that is of -- of the Treasury seal. That's what I wanted to point out...

MR. COLE: I see -- I see.

MR. McKEE: ...and the fact that Exxon Valdez was a merchant vessel that happen to run aground on Bligh Reef, and then, all -- all merchant vessels are suppose to be registered by the Act of Congress, which is stated there. And, in the following page, about the arithmetic and stuff, it's not so much that, but that came out of a grammar school, 1940 edition, and it talks about money, the extent of money, the amount of -- metal per gold coin, silver coin, and then you're -- talks about currency. If you'd flip those pages -- it talks about American currency, more so than I was wanting. I could have blanked out that -- the one page talked about the arithmetic, but I just went ahead and copied it and then -- I was just wanting you people to focus on what American currency was taught in 1940s.

MR. BARTON: Does that answer your question?

MR. COLE: Yes, that's very good. Thank you.

MR. BARTON: Thank you Mr. McKee.

CHARLES McKEE: Thank you.

MR. BARTON: At this point, we'll go back to Cordova. Anybody else in Cordova wishing to testify?

MAYOR WEAVERLING: Yes, Mr. Chairman, this is Mayor Weaverling.

MR. BARTON: Go ahead, please.

MAYOR WEAVERLING: And thank you very much for this opportunity to testify and all the good work that you're doing on the Trustee Council. I would like to call your attention to three projects, which we consider extremely important here in Cordova. The Cordova City Council has passed a resolution, Resolution 93-25 which you may have there, I'm not sure. Have you received this resolution?

MR. BARTON: Did we receive that? Oh yes, we have received that. Commissioner Rosier brought that to our attention earlier today.

MAYOR WEAVERLING: Yes, it concerns the full 1993 hydroacoustic trawl and histological surveys of Prince William Sound herring. Also, a second item is the coded-wire tag recoveries from commercial catches, cost recovery catches and hatchery brood stock in Prince William Sound pink salmon fisheries, and the third item is the coded-wire tag recoveries from commercial catches, cost recovery catches and hatchery brood stocks in Prince William Sound, chum, sockeye, coho and chinook wild salmon fisheries. The Council expended funds to tag wild salmon in 1989, 1990 and '91, also hatchery releases of chum, sockeye, chinook and coho salmon in 1989 and 1990. A large portion of these tagged -- returns of chum, sockeye and chinook salmon, will be returning in 1993. Rehabilitation of the sockeye salmon run in Coghill Lake and management of other wild sockeye and chum populations are dependent upon the catch, contribution, timing, and distribution data from

this tag-recovery project, and I would certainly like to encourage you to fully fund this project. And, I would note that even though some of these projects are directly related to the injured resources, they also have positive impact on the community to use these resources. Thank you very much.

MR. BARTON: Yes, Mayor Weaverling, we will be taking those up tomorrow. We appreciate your comments.

MAYOR WEAVERLING: Certainly, will there be a possibility tomorrow to make public comment as well?

MR. BARTON: We don't have, a system set up for that tomorrow.

MAYOR WEAVERLING: Thank you.

MR. BARTON: Is there anybody else there in Cordova, who wishes...?

MAYOR WEAVERLING: There's no one else in Cordova who would care to testify at this time.

MR. BARTON: Thank you. Juneau, are you still on line.

MR. TOMA: Still on line.

MR. BARTON: Anybody else there that wishes to testify?

MR. TOMA: No, sir, there isn't.

MR. BARTON: Tatitlek, we covered. Valdez, anybody else in Valdez? Any other station on line? Okay, Anchorage, who else wishes to testify?

MS. KATHY ANDERSON: Kathy Anderson, Cordova, Eyak, and mine's going to be a little different than normal. I usually come up here and badger you all, but today, I want to say thank you. We

have been in negotiations for the last two months with the Forest Service. We would have hoped to be ready with a presentation to maybe accomplish something. I don't see that happening tomorrow, although we will be on for a status report tomorrow, I hope in the morning, but I wanted to thank Mike personally for what's going on with -- we've been meeting with the Forest Service, the subworking group has been out and done their data collection. They've been enjoyable to work with. I was afraid that -- you know after Charlie's act for Seal Bay that it would be a very difficult act to follow. We're going to ask for front page cover and a middle spread sheet for the Forest Service when we get done with ours. I want Mike Barton to glow just like Charlie did. And, I've been trying to think of a name for you, Mike, maybe not the dealmaker, but something along those lines.

MR. COLE: Do you want another edition of National Inquire, do you?

MS. ANDERSON: Right on. Cause we find out a lot about you, and I want to know more about you Mike. I was hoping we'd get to it today, but I'm willing to wait until tomorrow. I just passed Ken a letter that I received late Friday night to prove that the Forest Service does not close their office at 4:30 on Friday. We worked until 7:00 to come to a closure on a letter, at least expressing on behalf of the Forest Service that our negotiations were not just spending a lot of my time and their time, that we are going somewhere, that the ranking in our area was high, and I look forward to it. I guess, I heard Duner on the line while I was

trying to pick up the letter, and I hope Ken will run copies of this and get it to you so you can all read it this evening, so we'll be ready to hit it hard in the morning, and hope that the Cordova faction will stay on line during the teleconference tomorrow to add some credence to what we're asking. I guess I'm disheartened that we would only have three people from Cordova, but the sun doesn't always come out and we're experiencing some very warm weather. So, I'm going to cut mine real short, but again, I want to thank the Trustees for being here today, and the subworking group for working very diligently on this, that we're not just wasting time and maybe we'll see something concrete come out of this. So, again, thank you.

MR. BARTON: Thank you, Ms. Anderson. We do not have a teleconference set up for tomorrow, however.

MS. ANDERSON: (Inaudible - out of range of microphone).

MR. BARTON: Okay, yes, sir.

MR. MIKE BRITTAIN: My name is Mike Brittain, I'm from Seward, and I'd like to address a topic that I assume will be talked about tomorrow here, which is the public involvement in the process that the Council is taking. What I find, in general, is that some of these mail outs that -- that sheet that was sent out with all the projects on it to the various people in the spill-affected area -- was too complicated and not clear enough as to what these projects concern. Basically, what it boils down to is that there needs to be, I feel, some, possibly a facilitator in each of the spill-affected cities, that is not necessarily an

expert on the subject, but at least has all the materials available in a central spot, possibly a public library, this sort of thing, so that people with questions can go in and get somebody, at least, if not in full possession of the knowledge, at least able to get it, maybe they can call the library up here, answer any questions.

It's just the amount of return on -- on that from the two thousand that were mailed out, there were several other hundred that were given out, I just found it -- I found it deplorable. I myself -- I wasn't able to respond it because I work out in Dutch Harbor. I didn't know anything about it. If I'd -- I'd gotten in the mail, it would have been forwarded, this sort of thing, but hopefully that problem will be taken care of now. But I just think -- I think that the public -- and I -- as I hear the council talking, they mention it many times during their meetings about public input, and I see percentagewise very little of it, and you're not going to get a lot of it here in Anchorage, because Anchorage is not in the spill-affected area. I come up from Seward myself to sit and watch and see what's going on. So, I would like to -- like say, just express my concerns on that, to try to make it easier for the people to get involved. I know there's a lot of people out there that would like to get involved, but quite often they see these complicated forms, thick studies that -- it's just overwhelming to them. Thank you.

MR. BARTON: Thank you, Mr. Brittain. Any questions or comments? Mr. Gibbons.

DR. GIBBONS: Just a comment, I helped facilitate the

Seward meeting. We had an excellent turn out, forty-five plus people, and I thought it was a very good meeting.

MR. BARTON: Mr. Cole.

MR. COLE: Well, just let me comment to Mr. Brittain's testimony. It heartens back to our discussions earlier in the day about quote, draft restoration plan, close quote, and the proposed environmental impact statement, and if you think the newspaper brochure was complicated, you ain't seen nothing yet. I think it highlights what we ought to be looking at when we take another cut at these documents.

MR. BARTON: I'm sure that the Council would be pleased to have any specific suggestions as to how to improve its public involvement process. We recognize we've put a pretty heavy burden on the general public and our concern that we do get responses from the general public as opposed to professional involvers, we'd appreciate any concrete suggestions that ...

MR. BRITTAİN: Yes, I -- I agree with you that the suggestions should come from our end also. Possibly, like I say, maybe a public library as a central spot, maybe just get volunteers of some sort in these communities. There's some organizations in some of these towns that are involved quite heavily in the oil spill restoration and recovery, and somebody -- somebody there instead of, well in Seward's case, a hundred and twenty-five miles up the road, several hours away. Nobody -- there's nobody -- there's not even anybody from Seward that's really on any of the Council, the PAG, Restoration Team, any of that. Basically

speaking of Seward, we have no representation, whatsoever. The closest we get is having somebody on the RCAC, and that's it. So, we're out in the cold, and we were right in the middle of it. Like I say, I'm just speaking for Seward, but I feel it's also true to a certain extent with all the spill-affected cities.

MR. BARTON: Mayor Selby had done an admirable job of participating on these teleconferences. It isn't that you're totally unrepresented.

MR. BRITTAIN: Right.

MR. BARTON: I'm sorry that's Kodiak -- yeah, I'm sorry.

MR. COLE: Mr. Chairman.

MR. BARTON: Yes, Mr. Cole.

MR. COLE: Just to show you how difficult the problem is, we had a two and a half hour meeting a week or two or go, with which there was the implicit criticism about the expense of travel, of holding these meetings even in Anchorage, and the backhanded comment was, well, you really could hold these meetings of the Trustee Council in Juneau, and that would save money. You know, so it's not easy out there trying to cut the line.

MR. BRITTAIN: I understand it's not easy, I understand it is a quite a thorny problem, but I -- I would like to see some -- some effort, I don't know what to -- made to get the public more involved in the process. I think it would make your job easier.

MR. ROSIER: Mr. Brittain, are you familiar with the proposed list of items to improve that -- yes, from the Restoration

Team, and how to you think of that particular list?

MR. BRITTAIN: I think the list -- I think it's a heck of a good start. I think there's -- possibly some items missing, such as, my suggestion of a facilitator in each oil spill-affected town, which would be a central source for people to go to that -- that would actively report to the Restoration Team, PAG, whoever, the Council itself. Somebody there with all the materials and an open line to whoever has the answers, just to make it more of an active thing. The way it feels now is that every -- once every couple of months something happens down there. Well, the teleconference is not participated in all that well, but I think as you saw from the Council's visit to Seward, that there are people down there that are concerned. It's that we feel -- we get -- well, Seward is kind of its own little corner there, there's no doubt about it, geographically speaking. I think if more interest were shown, again, I don't have the perfect solution to it, but I'm just stating the problem more than anything. If more interest were shown, I think more -- more interest -- more feedback would be coming your way, not only in Seward, but the other towns.

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: Just one quick other thing. The thirteen spill-affected communities and Seward Public Library, get the copy of all the -- the documents that the Trustee Council, so...

MR. BRITTAIN: Right.

DR. GIBBONS: Those documents are getting down there, they don't just say -- you know...

MR. BRITTAIN: Yeah, the documents are there. I think to have somebody that knows where to find something, instead of trying to peruse through the reams of paper. Somebody that can -- is more familiar with it than -- than they are now.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Just following up on the list there on this. One of the things that -- that Attorney General Cole and I encountered in Cordova, was an open invitation for all Trustee Council members to -- visit Cordova on fairly regular basis, and we encountered this same threat, in terms of public involvement in both Cordova as well as -- as well as Valdez. It was -- it was something that -- that people were concerned about and there was, at least in my view, the interchange that occurred between ourselves as individual members and the -- and the people that participated -- we had a good turn out at both places -- was quite excellent, and there was a lot of misconception out there about what we were in fact doing and how we were spending the money, and a lot of things of that nature. I mean, serious -- serious misunderstandings of truly what was going on within the Council. I found it very informative anyway.

MR. BRITTAIN: Precisely, I -- I think too that more interest would come with official visits, whether it be of the Council, maybe members of the PAG or Restoration Team, doesn't have to be the whole group -- you know, just a few -- just a couple of people come down to show that, hey, they're here. I know they're here, I've seen them in this room, but -- to most of the people

they're either folks in the newspaper or disembodied voices on the -- on the -- at the teleconference, and that's it. So...

MR. BARTON: Thank you again, Mr. Brittain. Anybody else want to testify?

MS. ANDERSON: Can I just, respond (inaudible - out of range of microphone).

MR. BARTON: One minute, so we can get somebody who hasn't -- thirty seconds was your...

MS. ANDERSON: I guess it's to him I want to speak then. Because in Cordova, and I would suggest to him that if he really has this great need to know what's going on here, we did it voluntarily -- you know, we've got office space available in all communities. I mean, I'm sure he can go to city hall and use their conference room, and it took about ten phone calls to bring in all the sectors, including the commercial fisherman, PWSAC, science center, the school system, the City of Cordova, the Native community, where we sat down and tried to collectively come out with some strengths towards projects so that we were not sending in fifteen of the same things from fifteen different entities, that we were all -- I guess we were all conspiring against this body, and we worked through a -- Harley Oberg (ph), who's our representative, and at his pleasure, they met in Valdez, the different communities of Prince William Sound, including the Native communities, so they could all get behind, instead of a hundred projects, maybe ten really strong good ones that we in -- in the spirit of Prince William Sound collectively, coming out with some good projects that

we could take to this body, that everyone could stand behind. And I thing that could work in Seward too. I would suggest, rather than complaining about it that he go back and be a volunteer and start that process in his community, because it seems to work in ours.

MR. BARTON: Thank you, Ms. Anderson. Yes, sir.

MR. TOM VAN BROCKLIN: Mr. Chairman, members of the Council, I will be brief given the time of day. My name is Tom Van Brocklin, for the record, and Kathy just alluded to what I'm going to refer to today, and that's public participation. I believe the Council has received by this time, a letter and a resolution from a new group formed in Prince William Sound called the Prince William Sound Communities Organized to Restore the Sound or PWSCORS -- Prince William Sound CORS. I'll like, just for the record, to read the brief letter so it's on public testimony, a letter which I hope you've received as well as the resolution. It'll be very brief and we can all head for the heavy traffic outside. This letter here was addressed to Attorney General Charles Cole. On May 26, individuals from all the Prince William Sound communities met in Valdez to form an organization representing interests of the Sound and its people in dealing with the Exxon Valdez Oil Spill Trustee Council. Now, Whittier didn't make it due to weather problems, but they have since agreed to the content of this letter and the resolution, so it was a unified voice of all communities, both large and small, and many of the local organizations. As a result of that meeting the Prince William Sound Communities

Organized to Restore the Sound or Prince William Sound CORS. The reason for this groups creation was a basic one. The people of Prince William Sound feel that to date the needs of the region, the location of most of the documented damage from the oil spilled in 1989, have not been given attention, commensurate with the level of damage to the environment, and the lives of the people. It is our hope that by forming Prince William Sound CORS, we can help change a situation, again here are the communities between -- forth to help in this process. As our first motion of the meeting, the members voted unanimously to oppose a reported -- a reported, and I emphasize reported, recommendation made by the Exxon Valdez Oil Spill Public Advisory Group, to designate the entire state as the 1989 oil spill-impacted region. We believe that such a motion, or action, would serve to trivialize the effect of the oil spill had on the environment, and the people within the region directly and most significantly affected. Now, again that was something, which was purported to have been recommended and we don't know if it went beyond that stage. Secondly, Prince William Sound CORS voted unanimously to send a resolution pointing out that since documented evidence indicates seventy-five percent of the oil spilled by the Exxon Valdez never left Prince William Sound, a proportionate amount of the oil spill settlement funds ought to be directed to the region. That resolution should have been included for you review. Finally, it is the intent of Prince William Sound CORS to work in a productive manner with the Council and the Public Advisory Group to see that the needs of the Prince William Sound

region, its environment and its people are adequately represented in the development of restoration projects and programs. To that end, we have begun by agreeing on a list of initial projects we believe would be appropriately funded through the settlement funds.

That list will be presented shortly, and again, I hope that was also included in your packet. It is our intent that PWSCORS become a constructive organization whose mission will be to help ensure Prince William Sound continues on the long road towards positive restoration. As a member of the five community executive council, and that would have been Doug Griffin who is not here right now, our city manager of Valdez rather, it has been my task to complete this initial communication, and bring it to your attention. So, again, I'm simply here briefly today to put this down for public record that there is an organization working on behalf of the Sound, for all the different communities, and we hope are -- beginning to start a productive relationship with the Council and the various Trustees and staff, and I thank you very much for your time, unless there are any questions.

MR. BARTON: Are there any questions? Steve.

MR. PENNOYER: Thank you very much for this presentation (inaudible - out of range of microphone). You alluded to a list of projects (inaudible - out of range of microphone) might of gotten those. We have not received a list yet, is one forthcoming?

MR. VAN BROCKLIN: Mr. Chair, I thought a list had been sent. I'll make certain that it gets to you, hopefully -- I'll fax a copy -- probably tomorrow morning.

MR. PENNOYER: If there's any way to fax a list to Mr. Gibbons -- Dr. Gibbons by tomorrow morning, we could use it because we've not yet finalized our action on the '94 work plan. I'd like to see it if you have it. Thank you.

MR. VAN BROCKLIN: Thank you.

MR. BARTON: Any other questions? Thank you. Mr. Sandor.

MR. SANDOR: I certainly want to express appreciation for that constructive effort to, I guess look collectively at the projects within the Sound and to prioritize them and I think that as you mentioned and was previously mentioned, this prioritization as conceived and perceived by the individuals within that Prince William Sound area is extremely helpful, at least to me, and I think that's -- that is another thing that GAO needs to, I think, be aware of, is that there are opportunities for this independent - - opportunity for comment. I certainly commend those who initiated it, and invite that person -- I look forward to receiving the list too, you'd mention and to put into perspective with the other projects. Thank you.

MR. VAN BROCKLIN: Mr. Sandor, thank you very much. Thank all of you.

MR. BARTON: Thank you Mr. Van Brocklin. Anybody else who wishes to testify? Ms. Brodie.

MS. BRODIE: Thank you, Mr. Chair. I'm Pam Brodie with the Sierra Club. First, I would like to thank each of you deeply for protecting Seal Bay and Tonki Cape. I'm sorry I did not thank

you in public testimony at the last meeting when you took this action. I was running of to talk to every reporter I could find at the time to tell them what a wonderful thing you did, but I want to thank you now, and say it's a heritage that is going to last forever, and a truly positive thing that has come out of the oil spill that I think you can all be proud of. I'd particularly like to help -- to thank -- Craig Tillery and Alex Swiderski from the Department of Law for the tremendous amount of work that they put into it, and also Marty Rutherford and the people working on the Habitat Acquisition Group, and I would like to thank Attorney General Cole for the extraordinary negotiating you did, and I think that the Trustee Council got a very good deal on this land. I think it shows that the Trustee Council -- this in combination with the Kachemak Bay acquisition -- shows that the Trustee Council is going ahead with very good restoration work, now, even in the absence of restoration plan. I, of course, represent a group that has done a lot of griping about the Trustee Council, and I want to say that, although we have been pushing you to act faster, that we are happy if there are -- is good restoration going on and aren't - - don't feel that you need to -- that you should be worrying too much about, week by week moving the restoration plan, as long as restoration activities are going forward. That the restoration plan should be a good thing, and if it takes a little longer to do it, that's alright with us. About the restoration plan, I agree with a lot of the comments that you folks were making today, that it should be simple, and as far as public comment is concerned,

more information is not necessarily better, that people can be inundated with information and the inundated with paper, and we would appreciate a plan which is a simple statement of principles or philosophy. One thing that -- I'm a little puzzled about, is what projects are -- would be considered legal and which ones not legal, and I might be misunderstanding, but I think I got the impression that at least the Department of Justice has not had a chance to review the draft restoration plan, the draft EIS and the list of 1994 projects that went out. I don't know what legal review has been -- has happened about these, but I am concerned that if a lot of projects are put out for public comment and then they turn out not to be legal under the terms of the settlement, that this raises a lot of expectations on the public that they might be able to get certain things that they want, and then it turns out that they can't. So, I'd appreciate it if that could be clarified. And, finally, I'd like to say, I'm -- regarding Eyak negotiations -- negotiations with the Eyak Corporation, I'm very glad to hear today that that is going better, because we've been very concerned about that. I'd like to say we're particularly concerned about Orca Narrows, also called Nelson Bay (sic), because this is definitely an imminent-threat area and should be part of the negotiations for protecting imminent threat areas. And, if, in fact, the Trustees can't come to an agreement soon with Eyak Corporation, I realize this is complex, we hope, as Rick Steiner was saying, that there could be a moratorium worked out to stop the logging now. Another concern of ours regarding Eyak Corporation is

the meaning of one rotation. We have heard numbers thrown around, like sixty years and ninety years, as a definition of one rotation, but bear in mind that this is an old growth forest now, and if those trees are cut now, the trees that would be cut in sixty years would be very small trees, and if the Eyak Corporation is selling - - if it's protected now for one rotation, then the Eyak Corporation would have still old growth forest sixty years from now or whenever the rotation comes up, and they would have something, in fact, far more valuable than sixty year old trees. I have been to Eyak Lake, and the area around there was logged, as I understand it, eighty years ago, and it's very clear that it was selectively logged, that there are very large stumps and much smaller trees there now, so that the trees that would be taken at this point would be much smaller than the trees that were taken eighty years ago. And, that's the end of my testimony. Thank you.

MR. BARTON: Any comments or questions? Thank you Ms. Brodie. Anybody else care to testify? Anybody else on line? If not, do I hear a motion to recess until tomorrow?

MR. COLE: So moved.

MR. BARTON: Until tomorrow morning at 8:15.

(Off Record at 5:12 p.m.)

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**EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL**

RESTORATION OFFICE
Simpson Building
645 G Street
Anchorage, Alaska

VOLUME II

June 2, 1993

C O N T I N U A T I O N O F P R O C E E D I N G S

(On Record at 8:17 a.m.)

MR. BARTON: I understand Mr. Rosier will be with us shortly, so that we don't make any decisions before he gets here, we'll be alright. When we broke off yesterday evening, we were working on the 1994 work plan assumptions. Do we want to resume with that discussion?

MR. COLE: No.

MR. BARTON: What do you want to resume with?

MR. COLE: Well, Mr. Chairman, it would be my thought that we're all struggling with what to do with that -- with our draft EIS statement and what to do with our draft restoration plan, and it's sort of my thought we ought to hit both of those subjects head on first, since that's the principal exercise of the day.

MR. BARTON: Well, it -- it certainly is, but I do think the '94 work plan is almost as equal caliber, but we certainly can start with whatever, but I would think we need to get to at least those three things done.

MR. COLE: Well, we can throw the 1994 work plan into the mix.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Well, I agree with Attorney General Cole. I think we've got to resolve the question of what we do with the -
- restoration plan and EIS before we can really decide what we're going to do with the '94 work plan. Even the assumptions here

build on things like it says, must be -- other approved restoration projects to be implemented must be consistent with the adopted restoration plan. I mean, depending on what we do with the restoration plan, this may or may not work.

MR. COLE: So, I'm not saying we need to start with those, I wasn't -- wasn't meaning to start a debate here, I think - - all I'm saying is that I think those three things need to be completed before we get done today.

(Inaudible aside comments)

MR. COLE: I move that we not send out draft EIS statement at this time, not until further decision of the Council.

MR. PENNOYER: Seconded.

MR. BARTON: Moved and seconded that the Council not issue the EIS at this time pending further discussion, further decision of the Council. Discussion?

MR. COLE: Well, you seconded it.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Are you asking the mover and seconder to defend their motion?

MR. BARTON: (Inaudible - simultaneous talking) Mr. Sandor we've been - bailed you out.

MR. SANDOR: How long are we going to -- hopefully we can resolve this darn thing today. But -- I'm -- I'm concerned if we do not send out the EIS that we will set a chain reaction of delaying the -- the restoration plan -- you know, beyond late January or February of 1994.

MR. BARTON: Mr. Cole.

MR. COLE: How long is the....

MR. SANDOR:have this delay?

MR. COLE: I remain of the view that logic should direct us to compare an EIS only after we have a restoration plan.

To endeavor to prepare an EIS before we have a restoration plan is like shadow boxing. So, I think that we should concentrate on the development of a restoration plan. Once we adopt a restoration plan, then we can undertake steps to -- comply with NEPA. I think that the critical action required of us at this stage is the adoption of the '94 work plan. I see no exigency in preparing a restoration plan in November, or December, or January, or February for that matter, and the reason that I say that is I think that if -- if we could get a good restoration plan done before that, all so much the better, but given where we are in our current track, I don't see us able to adopt a restoration plan, at least I would be comfortable signing, until we do a lot more work.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I agree with Attorney General Cole on the restoration planning -- plan -- and the EIS. I don't think you can really design an EIS around what we've got so far in the restoration plan and accomplish the goals we meant to accomplish with that EIS, which was a programmatic EIS that will deal with cumulative effects and serve as a basis for annual work plans, which do not require that level of analysis -- of NEPA analysis -- and should perhaps be handled on a project-by-project basis. So,

where -- I guess the real question is where we are in this process.

We sent out a newspaper version of a policy document -- restoration plan. And we all agreed it's not a specific restoration plan, doesn't specific -- it really identify, for example, if a pink salmon were injured and that how they were injured, in our view and what it means we're going to do about it.

It asked policy questions from the public, given the knowledge we have on pink salmon -- what do you think we ought to do with them, and should we restore to pre-spill condition, enhance them -- those type of questions. It doesn't really tell you what the next step is. Are we then in this restoration plan going to use that policy response to get into these detailed planning questions, and our final plan is then is going to incorporate that type of information? If it is, then in fact, that's probably what we should be writing the EIS around. We have a -- a newspaper document out, have document -- Commissioner Sandor has in his hand with a requested response by August 6th. A lot of what's in here was apparently prepared in response to public comment and hearings on that newspaper document, and it's further elaboration, further information for the public, but the questions that are asked here, in the EIS, are the same questions that are asked of the public in that document, and they're basic policy questions that are not specific to -- enough for us to derive an annual work plan. So, there are things they don't say, for example, how were they injured, second what our objective is in dealing with pinks, and third, how are we going to implement that? Any work plan that we

adopt for pink salmon

projects for '94 or beyond, really ought to be in a context of what we're trying to do for pinks. And, the plan as constituted right now doesn't get you there, but it could. Policy questions and the background information are in here for us to get certain information back from the public and then for us to make those decisions before we finalize this restoration plan, that would in essence allow us then to take multi-year approaches to dealing with some of these -- some of these resources. The time line for doing -- two questions are, one is the utility to sending this all back out again, as a backup to the newspaper document that asks some of the same questions, or part of it, and then once we get those responses August 6th, what do we do with them? It seems to me at the time you get the responses back on August 6th, then you sit back and you derive -- derive your final restoration plan with a preferred alternative, which we knew we'd have to deal with, and more specificity in what we think we're going to do on some of these resources. Now on some of them, there may very well be simply, I don't know, and we don't have enough information. We don't have a final damage assessment report. We have to sit back and do some studies to decide where we're going to go. On others, may have enough information now to make those initial decisions on what we want to do with them. So then, you go into the process of choosing up a preferred alternative, dealing with the -- some of the detail on injuries by resource and some of the strategies we want to employ. Now, at that point, I suppose, you could start your EIS process. Now, I don't know what the timing would be of

doing this, but restoration plan that only has the level of specificity that's in here right now, probably doesn't have a lot - - (inaudible) to the EIS process, or to our ability to make decisions on work plans. So, I think there has to be a subsequent period of time and work carried out to make this document into something we can -- we can use better as our basis for multi-year work plans.

MR. BARTON: Mr. Sandor.

MR. SANDOR: That's persuasive, but this publication that went out made this commitment to the public. "The information you will -- you provide here will be used to prepare a final restoration plan that will be presented to the public this fall. Final plan may contain parts of several of the alternatives presented here plus -- plus new information you provide." So, I felt that what this commitment was -- was to just gather this information and then to prepare the final restoration plan this fall. So, I was comfortable with that. With regard to the draft environmental impact statement, which has troubled us all along, this says, "the National Environmental Policy Act requires an environmental impact statement be part of any significant federal actions such as a restoration program. In addition to including information found here, the draft environmental impact statement will analyze the impacts of these alternatives on the physical, biological, social and economic aspects of the environment. It will help the Trustee Council and the public understand the consequences of alternative ways of restoring injuries caused by

the spill." Now, it says "the draft environmental impact statement and the full text of the draft restoration plan," which is I presume what was -- was proposed to be sending out, "will be ready in June '93. Because many people are busy during the summer, this summary is being released now to gather your ideas. If you prefer, you may wait to see the draft environmental impact statement and a draft restoration plan this June before you respond." So -- and -- you know, we can deviate or correct that, but that was the game plan in April, which we approved and sent out. And I -- and I really do like the idea of challenging this EIS thing, and if we got a report that isn't needed -- you know, my God, let's not do that, but that -- that's the game plan I think if people read this they'd believe we're following. So I'm just wanting to -- to be able then to have a rationale and a -- a reasonable explanation of what -- what we're changing and why. But, it says here, literally, that we won't be preparing the final restoration plan until the fall.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: So, basically -- appreciate Mr. Sandor referring us back to what we already sent out. We have a record of changing our mind occasionally, and it's one we'd like to not do anymore than we have to. But, so our -- our proposal is for the restoration plan, that sort of purports with what went out anyway, that we would get public comment back on the policies, the injuries and then do a final restoration plan from that. What we're wrestling with is how we do an EIS based on what we are sending out

now, which is sort of policy questions rather than an actual plan of the type I think we're going to need. And, I'm not sure how to convincingly state why our view now is different than it was when we put the brochure out, but I think that explanation could go along with whatever we send out. It would have to.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: I'd like to clarify the motion on the table. For one thing, is it to find -- if I understand the motion correctly, basically what we're saying is we want to defer further work on the environmental impact statement, at this point in time, but with the recognition that ultimately we will have to prepare one.

MR. COLE: Yes.

MR. STIEGLITZ: Then, a second question I -- I think, because it does relate, I'd -- would appreciate a report back from the folks that were going on -- investigate the status and were contractual arrangements with the preparer of the EIS because -- you know, I think we need to know that before we make a decision on the motion. Have we exhausted our arrangements with them -- you know, or do we have further obligations if we put everything on hold now, etc.?

MR. BARTON: Mr. Rice.

MR. RICE: Mr. Chairman, I am handing out a copy of the interagency agreement that we have with the Justice Department.

As I mentioned yesterday, we have an interagency agreement. They have a contract with Walcoff & Associates for a variety of tasks

and one of the tasks ordered that they wrote to Walcoff was to do some work towards producing an environmental impact statement. I talked to Lisa Polizar (ph) this morning, and she indicated that if we were to, basically suspend or stop work on the environmental impact statement, there would be no consequences or financial consequences that we would incur beyond paying those bills that were still outstanding. They have -- there's no authority to spend any additional money then what has already been obligated, and certainly any unspent money would be returned to the -- the Trustee Council. So, in essence, if we were to suspend work on this, we should stop it as of today, or we could wait for that camera-ready copy which, according to a message I got again this morning, will be Fed-Exed to us on the 7th of this month, going through that editing process, and we should receive it here on the 9th. That would essentially bring that task to closure, the work that Walcoff was doing.

MR. BARTON: Does that answer your question, Mr. Stieglitz?

MR. STIEGLITZ: Yes, it does.

MR. SANDOR: In part, but projecting then that we have this period of six or eight months, or whatever, in which this work is suspended, and then will the contractor complete the EIS -- say between January and July of 1994, without additional cost?

MR. RICE: I don't think they would be able to complete it without additional cost. I think significant portions of the funds that we have provided were -- have been expended,

based on changed time schedules and the need to accelerate work over the last couple of months. I don't have billings beyond March, but some of the indications I've gotten is that over the last two months there have been a -- significant expenditures. My first reaction, if we were to suspend work on it, given that what I think the Trustee Council is saying, that we would have a very different product as a draft restoration, it may be time to go out for a bid and start the process over again. It would be a very different environmental impact statement. Maybe, some of that work could be used, but I suspect some of the analysis would change significantly.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Your statement that we'd have a very different restoration plan is a little bit troubling to me. I'm not -- I'm not clear what you mean by that. We've always had -- we're getting EIS -- we're getting all that -- all the other requirements, just thinking specifically what we need to do our job. We need a plan of some kind, that at least deals with some of the basic questions of how we view these different resources and what we want to do with them. I mean, just as simply stated at that. It's -- okay, do we think murrelets were injured, what do we want to do with them. We need to make that statement, yes, we think they were injured. We think there's a population -- level injury, we think that this enables us to proceed with work to restore them. Restoration option seems to be -- a number of years approach -- we can approach in this fashion. So, we've got -- it

won't be restrictive, not something that says in '93 you got to do this, and in '94 you got to do that, '96 you got to do that. Well, based on the information as we get it and projects as we perceive it. A general game plan. We probably need that for each species, sockeye certainly. Were they really injured? If we -- don't know then it's a question mark, and if they were how do we want to proceed to restore them. And, as a general concept, my view always was the restoration plan probably wouldn't get down to the dollars and cents of individual projects by year, but at least we'd get to the stage where we answered some of those questions. It would force us to answer some of those questions, which we have not answered yet. And so, what -- what's different. I mean, the only alternative then is to have this sort of umbrella, very vague umbrella, and do specific annual work plans with individual projects, and that doesn't hang together enough. What's the in between step we would have done if -- if in your view, this plan what we're talking about doing is so much different than....

MR. BARTON: I think Mr. Rice was addressing the EIS, not the plan.

MR. RICE: If -- if what we go out with is more than policy direction and has some specificity that you're requesting, then the analysis that we would do in an EIS would be -- could be more specific, and we could get more precise with some of what we're doing there. And that's....

MR. PENNOYER: What's you are anticipating we would have done to bridge this in-between step, between this generalized

policy document that the EIS is currently written around, and one that guides us on how to approach our annual work plans. Would you envision an in-between document we'd do another EIS on?

MR. RICE: No, no, not at all. I think -- my -- my statement was more that given what we have now is a very, very general document. Building on that, makes it a -- somewhat of a different plan, and that -- that was what I was alluding to. It wasn't that -- I'm trying to understand what it is that you're saying you want in a -- in a final restoration plan would -- seems to me -- has more specificity in it than what we have now.

MR. BARTON: I'll tell you what I want in a final restoration plan is -- consists of these sections. One is a distinct statement of background; the second is a statement of injuries, those that we can definitively say occurred, and those that we still are check -- determining; a statement of objectives of what we want to do to restore the injuries or to enhance if we want to go to enhancement; the alternatives for getting us to the objectives; the constraints on the expenditure as set forth in the MOA and the settlement agreement and the law; and the end point -- how do we know when we got there and how do we know when we're done. That's what I want to see in a restoration plan. Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, that's why I was trying to decide what Ken was saying was different because that's all in here, those choices just haven't been made. The pieces are all here, there's a table on injuries. It says here's what happened to

this species, here's our level of knowledge. It just doesn't say yes we've made that conclusion, and therefore we want to do something about it. And all those pieces are here. The policy questions we're asking the public to respond to by August 6th, enable us to jump to that next step, which is what you're saying, cause it is here. We just haven't underlined the appropriate one.

We haven't chosen the, quote, the preferred alternative on injuries, on actions it'll take to restore that injury, on questions of enhancement or pre-spill conditions. All those are listed in here, but not fit. My assumption was always that to some degree we would make those choices for the final restoration plan.

We have a preferred alternative. A preferred alternative would also lead us to make some decisions and some assumptions on injuries. And, so I wasn't quite sure what your view of the final restoration plan was, because all that stuff is here, we just haven't underlined the appropriate section. We haven't made the choice.

MR. BARTON: Well -- Mr. Cole.

MR. COLE: Well, you say it's there, but it may be there in one hundred fifty pages or so, but it is not clearly focused on what we want to do and what we ask the public to do. I mean, one of the problems is we have five hundred sheets of paper here that we haven't focused on what we really want to do and intend to do. You know, we're just sort of drifting with a lot of paper. Calling things a draft restoration plan when they're not a draft restoration plan. It's somewhat of a far cry from it. What

we have to do is get our fundamental thinking straightened out and then go from there, but -- while I'm on this subject -- can I make another motion?

MR. BARTON: No, not with one on the floor. No. Mr. Stieglitz.

MR. STIEGLITZ: Well, (inaudible - out of range of microphone)

MR. COLE: I like -- be in favor of not paying this -- this EIS contractor any more money until we have a heart-to-heart talk with him about the quality of the product. Why should we just continue to pay him more money, and look what we get. I -- I don't think we ought to pay him.

MR. BARTON: Well, are you going to make a motion to that later so we can discuss that later?

MR. COLE: Give me to permission.

MR. BARTON: We'll certainly act on the motion that you just made.

MR. COLE: Okay.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Well, I want to speak to it. It seems to me, like at this point, while yesterday we talked about merging two documents, that clearly, that's not in the ballpark at this point in time. So, we're talking about two -- separate documents. If so, let's put the restoration plan aside just for a minute, we keep mixing them up here. Let's deal with the motion, and -- but part of that -- and I would -- I would amend the motion, if you will, at

this point in time -- and I'm going to make this for this reason. At this point in time, until we have a -- at least a draft final restoration plan in place, it's going to be hard to decide exactly the scope and direction of the EIS. It is going to take some modification. It is going to take additional work to make the conversion, but -- but I would amend the motion to the effect that, we require the contractor to produce a camera-ready copy. A -- a cleaned up version, you know, of what we have now, so the government, in fact, gets what we paid for. I understand we already paid for that. So...

MR. COLE: I object to the amendment. I think that that amendment is not germane to what we're doing. Is it, or is it?

MR. BARTON: The original motion was not to go forward with EIS, and this is dealing with EIS, and the Chair rules it is germane.

MR. PENNOYER: Trying to clarify your motion, Charles, in supplements.

MR. BARTON: Is there a second to the amendment?

(Inaudible - out of range of microphone)

MR. BARTON: Is there a second to the friendly amendment?

(Inaudible aside comments out of range of microphone)

MR. COLE: Well, let me say this with respect -- why ask them to do more work on something we don't want to use.

MR. STIEGLITZ: Well, because in fact we may be able to

build off of what we have right now. We've already paid for -- and there's a lot of background material and so forth, that's in this document that's useable in another EIS. Why redo that? And, if we paid for a clean, quality EIS -- you know, whether you would get that or not, I think we ought to demand that of the contractor. (Inaudible aside comments out of range of microphone) and a better product we end up with out of this process, it will make it easier, I think, to get into the -- to the next EIS, whenever that....

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I know what he says -- as much of the contract money we've spent, and would this require more money? I mean, do we cut our loses now in terms of knowing we have to produce something different. Use the draft we've got, even if it isn't final, and cleaned up, or is this actually is, as Mr. Stieglitz is suggesting, and it costs us more money out of this contract.

MR. RICE: Mr. Chairman, I don't have a -- up-to-date billing as to exactly how much has been spent to date. When I talked to Justice Department this morning, I was told that Walcoff had been informed they were not to incur additional expenses beyond what was already authorized, which is the money that we've been provided to date, and that if they were unable to complete a camera-ready copy within the estimated -- their estimate of expenditures -- that they would get with the Justice Department, they would then contact me, and tell me what could be done and what couldn't be done. They expected to have that yesterday. They were

waiting for some information from the subcontractor, and therefore didn't have their meeting to be able to tell us where they were at, in terms of expenditures to date. I would not -- unless the Trustee Council authorizes additional expenditures, then once those funds are used up, the contractor basically stops work.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: I'll clarify my amendment. If it costs more money to obtain the camera-ready copy, then I would propose we not do it. If it's already paid for, in other words, it's already -- the contractor arrangement has been paid for -- then I think we ought to require it.

MR. BARTON: Mr. Cole.

MR. COLE: My first -- my first motion was, let's make a decision that we aren't going to do -- complete EIS at this time. We'll wait and do an EIS when we get the restoration plan. That's one motion. Now, I would prefer that we address -- make that decision and then decide what we will do with the contractor on this piece of work that....

MR. BARTON: There's been no second to the...

MR. COLE:have here now. You know, we keep saying, pay. My theory is we don't send them another check -- you know.

MR. RICE: That's fine.

MR. COLE: Yeah, don't send them another check. We haven't paid for this because what they've done is certainly of -- not of the quality that -- you know, we were represented to get.

That they were required, in my view, to produce, and -- so why should be pay them.

MR. BARTON: It might be enlightening if Dr. Gibbons or whoever knows could lay out just the sequence of events that has gotten us to this point in terms of -- of providing -- when we started the restoration plan, when we had something to provide the contractor, when that was provided the contractor, how long the contractor actually had versus what the contractor thought they were going to have.

DR. GIBBONS: I -- I can briefly lay that out. On the original schedule for the contractor, the Trustee Council was to approve a restoration alternatives in November of '92. And, then the schedule was to have the contractor build upon those to produce a document by June 1st. The contract -- my understanding, got the alternatives in February, which was about two and a half to three months late, still held to the June 1st date. And so, there was -- they -- they cut their basic time to develop the DEIS -- the draft environmental impact statement -- in half about, and just accelerated the whole process as much to get it. Well, that's part of the problem that we're facing.

MR. BARTON: Thank you.

MR. COLE: Where do we have a copy of the contract here?

(Inaudible - out of range of microphone)

MR. BARTON: No, that's the annual review. The contract itself....

(Inaudible - out of range of microphone)

MR. BARTON: Yeah, between Justice and Walcoff.

MR. RICE: Mr. Chairman, I was unable to locate a copy of it. It's basically a task order where the Justice Department did -- wrote a very brief task order to Walcoff to produce -- give an estimate of the cost of producing a draft document.

MR. COLE: We have (inaudible - out of range of microphone).

MR. RICE: We have an agreement with the Justice Department, and we have provided them two hundred and eighty-four thousand dollars.

MR. BARTON: Provided Justice Department.

MR. RICE: That's correct.

MR. BARTON: Justice then has some arrangement with the contractor. What's the nature of that arrangement? Is that a contractual arrangement or...?

MR. RICE: They have a contract with Walcoff for a variety of tasks, and they can change those task orders as their needs change. And, basically once we had an agreement with them, my understanding is they wrote a task order basically to Walcoff and said do this task.

MR. COLE: Prepare an EIS?

MR. RICE: That's correct.

MR. COLE: That's the extent of the contract?

MR. RICE: That's essentially correct. Is there --

does anybody know?

MR. BARTON: Well, it seems there must be more to it than that. I mean that would be the basic thrust of thing, but there -- I would assume there's more to this than this thing. Can we get a copy of that task order, somehow?

MR. RICE: I was looking through -- through my files and didn't see it, but I could certainly try to get one.

MR. BARTON: Maybe Justice could fax us one.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Part two of the question if that (inaudible - out of range of microphone) Mr. Cole's motion (inaudible).

MR. BARTON: The amendment has failed for lack of a second.

MR. STIEGLITZ: I'm going to call the question on the motion.

MR. BARTON: The motion again was dispense with the EIS until some later date as determined by the Trustee Council. Is that a fair summary of the motion, Mr. Cole?.

MR. COLE: I want to make sure Mr. Stieglitz's clarification that... (Inaudible aside comments)

MR. STIEGLITZ: That's my understanding.

MR. BARTON: Is that your understanding?

MR. COLE: Suspension of the -- of the activity not canceled.

MR. BARTON: Until some later as determined by the Council.

MR. COLE: I'm not sure what the distinction is between cancellation and suspension. I mean, my idea is not do any more work on the EIS until a later date as determined by the Council, and I think our sense is that work would be initiated again after we have developed a restoration plan.

MR. SANDOR: Clarification of the motion on the floor ...

MR. BARTON: Mr. Sandor.

MR. SANDOR: ... the matter of suspension versus cancellation was with the unknown circumstance on the contract, whether or not it exists and what it says. I would feel more comfortable if -- if the word was suspension of the activity, so that we're not unilaterally canceling the contract, and I would speak in favor of the motion if it's a suspension.

MR. BARTON: Fine with the mover?

MR. COLE: That would be acceptable.

MR. BARTON: And the second? Does everybody understand what it is we're about to vote on? Anybody who does not understand what we're about to vote on?

MR. COLE: Why don't you restate it -- so we all understand it.

MR. BARTON: It's the Chair's understanding of Mr. Cole's motion, as seconded by Mr. Pennoyer, that we will suspend all work on the EIS on the part of the contractor until such time

as the Council determines it wishes to proceed again. Is that fair? Any objection to the motion? Motion passes. Mr. Cole.

MR. COLE: Could we notify the Justice Department of that -- rather formally and have them so notify the contractor?

MR. BARTON: Yes, Mr. Rice, you -- your contact with -- on this.

MR. RICE: I will notify them by phone this morning and follow up with a letter today.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Moving on to the next topic, I think -- restoration plan, I guess.

MR. BARTON: Are we done with EIS before we move on, to add? Is there anything further? Mr. Sandor.

MR. SANDOR: I would -- I would ask the Trustees to agree that in this notification to the Justice Department of the suspension, and that we formally convey to them our dissatisfaction with the product itself.

MR. COLE: (Inaudible - out of range of microphone).

MR. BARTON: Mr. Cole.

MR. COLE: And that the Justice Department not pay the contractor anymore money until we've sorted out the relationship.

MR. BARTON: Is that -- said that -- are we -- form of a motion.

MR. COLE: Yes, it's so moved.

MR. BARTON: Moved and seconded that we inform the

Department of Justice not to pay the contractor anymore of the restoration settlement funds. Mr. Stieglitz.

MR. STIEGLITZ: Back to my previous at this point. I assume if we vote this motion up, that means -- even though it doesn't cost anymore money, that we're not going to have an in effect a finished product out of Walcoff. I mean, just so we need to understand that, if that's our druthers.

MR. COLE: My motion is that the contractor not do anymore work on -- on this EIS project.

MR. BARTON: Even if we can -- even if they can -- can clean this up with no more money.

MR. COLE: Yes, they do no more work, period.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Just wanted the clarification.

MR. BARTON: I think we're cutting our nose off to spite our face.

MR. COLE: Well, here's my thinking. But maybe I'm down the wrong road, but why do anymore work at this time on an EIS that we're not -- well, that clearly is not focused on the restoration plan which we intend to adopt. I mean, that's why I think we shouldn't do anymore work on the EIS. I think further effort on the EIS should be done after we adopt a restoration plan, so that work on the EIS can be tailored to the restoration plan. Now, that's what got me where I am, but maybe I'm thinking wrong.

MR. BARTON: No -- I don't disagree with that. It's just that if -- if the contractor has already committed to a

technical edit of this document that we have in front of us, and it's not taking anymore money to do that, it seems to me that that might be a good thing to proceed with. Portions of this may be of some utility in -- in the -- when we do finally do an EIS, such as the background material.

MR. COLE: (Inaudible - out of range of microphone) everything's taking more money. Whenever you commit resources to work on this document, it takes more money.

MR. BARTON: I say, if it does not...

MR. COLE: Well -- you know -- I would like to say in a sense, not to be flippant, but why would it not? And -- and further end -- we're dissatisfied economically with what we have, we should stop right now because to the extent they put more work into it, our -- position that this is not a good document, loses attractiveness.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer, and then Mr. Stieglitz.

MR. PENNOYER: This is sort of a circular argument -- I mean, I don't need a camera-ready copy of something I'm not going to use, but I might need the pieces to use later. My assumption is we've got the product, we paid for it, we got something. The corrections are editorial or substantive. If they're substantive, then maybe we need it. If they're basically editorial, organizational, then I don't know if we do need. We've got the pieces if we decide to use this stuff later, I -- assume it can be delivered to us in a form on disk or something we can use them.

So, what would camera-ready do for us. I'm not clear that that -- help solve anything.

MR. RICE: Mr. Chairman. We do have an electronic version of what you have in front of you, and so we could use that in the future. They are going through a technical edit at this time, cleaning up the document. They were not pleased with having to provide the Trustee Council with the document in the form that it's in now. The work that they were doing prior to delivering it to the Restoration Team was very fast, and they -- they did not feel comfortable with what they had provided us, but we demanded it on a certain date, and they delivered on that date. If we go for a camera-ready copy, then we will have basically brought that task to closure and say, okay, you've completed your task, then we can move on to the next task.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Well, I guess I can't come up with any valid argument about why not requiring the contractor to provide a camera-ready document, if it doesn't cost us anymore money, and we don't know that it's going to cost us more money. I -- you know, nobody can verify the cost factor, but if it's a requirement of the contract, they would have been paid for the work, why not have them finish the document, because there's -- I'd say there's a good chance, when we get around to initiating work on an EIS, this may well be the basis for that, and the better document we have now, the easier it will make it when we get back into the process again. I don't see that we have anything to lose, if the commitment is

already there in the form of the contractor, the payment's already been made, why not have them give us a finished product?

MR. BARTON: Mr. Sandor, then Mr. Rosier -- no, Mr. Rosier.

MR. ROSIER: Not -- it's not clear to me at the present exactly what we have in fact bought. How much of the two hundred eighty-four thousand dollars have we actually expended, paid to the contractor at this point? Can you help me on that Ken?

MR. RICE: Not very much, because the last billing I have is from the 12th of April, which was basically through March.

At that time, the billing was a hundred and twenty-four thousand dollars. However, because they have a subcontractor and they were waiting for the bills to come in from the subcontractor, they were kind of -- a month late on some of that. So, I suspect that they were billed -- that money that had been spent in March, we haven't been billed for. April, May, and now into June have not been -- I have not seen any billing records on that. When I talked to Walcoff, they indicated that they were very closed to using up all the funds. But, again because they hadn't received their bills from the subcontractor, they didn't know exactly where they were at with it. The Justice Department had said, don't spend -- you're not authorized to spend beyond the money that has been approved by the Trustee Council, and you'll stop work at the point where you've -- have used up all of that money.

MR. BARTON: Mr. Sandor.

MR. SANDOR: What I'm -- kind of uncertain -- is that

- is that there may be billings in the pipeline that have utilized all the two hundred and eighty-four, and we don't even have the camera-ready copy anymore as of this date. And so -- so the question that raised -- what if anything would it cost to complete with a camera ready copy is -- appears to be -- it would probably cost more. That -- most -- conclusion (inaudible -- out of microphone range).

MR. RICE: My understanding, Mr. Chairman, is that Justice would not honor those bills that exceeded the two hundred and eighty-four thousand that we have -- already authorized.

MR. BARTON: Mr. Rosier.

MR. ROSIER: If we've expended the two hundred and eighty-four thousand dollars, then certainly I think that -- that Stieglitz's argument, is right on point. We should, in fact, force the contractor to come up with a camera-ready copy. If we have funding then -- that's still to be expended, as far as the contract is concerned, then it would seem to me then that that Mr. Cole's motion is the appropriate motion. If we've expended two hundred and eighty-four dollars, I'd like to see something other than the rough draft copies that we've got at this time.

MR. BARTON: Mr. Cole.

MR. COLE: Well, my theory is that we find out -- I mean, where we are with respect to how much money we paid them and what if any more it will cost to complete the job, get us a final project, what we should say, don't do anymore work until we find out exactly where we are. That's the idea that behind my motion.

And, I'm not saying that they haven't earned the two hundred and eighty-four. Maybe some of the responsibility for where we are lies with us. I don't know. I just think we ought to put the brakes on, freeze everything 'til we find out. And by the way, who is the subcontractor?

MR. RICE: Mr. Chairman, the subcontractor is a firm called Dynamac (ph). They're a firm that specializes in doing environmental work.

MR. COLE: Have we approved subcontractors?

MR. RICE: List of the team that would be working on this was provided to the Forest Service, and we reviewed that list and basically bought off on the qualifications of the personnel that would be working on it.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: There -- there has to be someone in this universe that knows the answer to the question.

MR. COLE: Don't bet on it.

(Laughter)

MR. STIEGLITZ: The question being, if we request the contractor to give us the camera-ready copy, does that cost us one dollar or more? I mean, somebody has to answer that, and I assume it's someone in -- in the bowels of the Justice Department. All I'm suggesting is, that -- that we reach agreement that, if we can obtain a camera-ready copy at no additional cost, we do so. If this person, when they give us the answer, says it's going to cost you more folks to take it camera-ready, then we say stop, cease,

desist, no more work. Can we agree with that?

MR. BARTON: Well, if you clarify what no more cost is. You're talking about no more costs than -- than has already been incurred versus no more cost beyond the two hundred and eighty-four thousand.

MR. STIEGLITZ: I'm talking about no more cost over and above what's already been obligated to then.

MR. COLE: Incurred by the Council. Obligated is -- could be the whole two eighty-four.

MR. RICE: Well I -- you know, what Justice is (inaudible)?

MR. BARTON: Mr. Sandor.

MR. SANDOR: I am now even more greatly concerned, if in fact, we're to say that -- that we've obligated two hundred and eighty-four thousand just at this stage of the thing. It was my understanding our commitment was for the entire EIS concept. Are we now -- saying the completion may be more than that? I -- I suspect this person or persons unknown within the bowels of whatever, (laughter) must surely be -- sought out -- the contractor -- must be scrutinized, and all the more reason to approve the motion on the floor to cease action on this -- and, I'd be greatly disturbed if that two hundred and eighty-four thousand has been squandered. That look's like a -- a cost plus contract on the EIS. I thought that two eighty-four was for the whole EIS. Am I wrong in that -- recollection?

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Sir, the question of whether we can get it for the two eighty-four or not, doesn't even -- I mean, we should get it. I presume we have the two hundred eighty-four -- we should have a camera-ready copy. The only other question is, if we're somewhere below that, at two hundred or something, then maybe we cut our losses and just accept the fact we don't need to spend an extra eighty-four to get a camera-ready copy. But, if we've expended the two eighty-four, I don't feel like going to them and saying, well, okay guys just quit. Or, ask them how much more is it going to cost of the two hundred eighty-four for you to give us a camera-ready copy, and then they ought to give it to us. We agreed -- paid for -- a product, I think, and we should get it. Now, if it costs additional to what has been spent, in other words if we haven't spent the two eighty-four, we don't want to spend a lot more money just to get this final product. But, if we have spent the two eighty-four, which is your indication, then we ought to have the final product in front of us. We shouldn't be saying well, how much more are you going to charge us to give us that final product. They ought to clean it up, make it so we can use whatever pieces we want to use of it later on, in this final restoration plan. So that's the key element. Mr. Brighton can go talk to the bowels of the department and find out if there's any -- if we spent the two eighty-four. If we have, we want a final copy, if we haven't, stop the work.

MR. BRIGHTON: Mr. Rice has better connection with the bowels than I do.

MR. BARTON: I think we ought to let -- Mr. Brighton (inaudible -- simultaneous talking). I think we've put Mr. Brighton in a difficult position.

(Inaudible - out of range of microphone)

MR. PENNOYER: Having expended the two eighty-four, we expect the final product. If it hasn't been, we don't expect to spend more money to get a final document.

(Inaudible - simultaneous talking)

MR. COLE: I just can't get there with Mr. Pennoyer's thought. If they haven't completed the work, we don't owe them two eighty-four. If they haven't completed the work, we don't owe them two eighty-four. If we tell them, don't do any more work on this EIS, then we can talk to them about how much we owe them for what they have done, and -- then see where we are. Maybe they will say they've only done -- they can cut their -- off their work, because it's two forty for what they've done. That's it. Obviously, if they haven't completed the work, we don't owe them two eighty-four and, so, we can say, well, how much do you want for what you've done, rather than going forward and getting it up to two eighty-four.

MR. PENNOYER: I can buy that negotiation ...

MR. COLE: It's real simple.

MR. PENNOYER: (inaudible - simultaneous talking) we wanted to negotiate with them, but the product's only two hundred thousand dollars, that's great.

MR. COLE: They haven't given us the completed work

product, so they haven't earned the two eighty-four, that's seems very simple. Where's the problem.

MR. SANDOR: Call for the question.

MR. BARTON: Would the maker restate the motion?

MR. COLE: The question is -- the motion is to instruct the contractor to do no more work on the EIS, period, until further notice.

MR. BARTON: The question's been called. Any objection to the motion?

MR. STIEGLITZ: Objection.

MR. BARTON: Motion fails. Mr. Pennoyer.

MR. PENNOYER: (Inaudible) substitute motion that feels in the concept of getting whatever we paid for, since we've already paid for it.

MR. STIEGLITZ: Yeah, I'm wondering, when's the Council scheduled to meet again?

MR. BARTON: I hope not until (inaudible - out of range of microphone).

DR. GIBBONS: Right - right now the schedule is mid-August.

MR. STIEGLITZ: What I was -- obviously, we had all the answers to the questions we're asking here, I think the decision would be pretty easy, but we're mixing some rather key answers and I don't....

MR. COLE: Don't do anymore work, and then we can talk to them -- you know, about where we are and what the situation

is, and if nothing else to commit the further judgment what to do to the executive director, once he gets that he can send us a memorandum -- where we are.

MR. STIEGLITZ: That's what I was getting around to Charlie, is if we can sort of put that decision on -- I mean, it's fine for now say no more work, but I hate to leave that hanging for a long period of time. I'd like to get some answers to the questions about what are the added costs, have they already spent the entire amount, etc., etc., and then we make the final cut about whether we want to ask -- or -- or entitled to a camera-ready product at not added cost.

MR. COLE: The Forest Service is the contracting party with the Justice Department. I would supplement the motion by saying we will commit that what further action to be done between the contractor and Justice Department and Trustee Council to the Department of Agriculture Forest Service representative.

MR. BARTON: Is that a motion?

MR. COLE: That's a motion. That means you.

MR. BARTON: I understand who it means, I just want to be sure you do. (Laughter)

MR. STIEGLITZ: Does that mean you're going to empower them to do all the checking out that we've been talking about here? Okay.

MR. COLE: (Inaudible - out of range of microphone) ... you know, finish it off, or stop and talk about the price or whatever.

MR. BARTON: It's been moved that the Department of Agriculture, sort this out, and make a decision on where we go from here with the full backing of the Trustee Council as maybe required sometime in the future, ultimately. Anymore discussion on the motion? Any objection to the motion? We'll do it. Now, are we done with the EIS? Mr. Pennoyer.

MR. PENNOYER: Only takes about three hours to do the restoration plan. I think -- I wanted to go back a minute to where we are, and what this document in front of us is....

MR. BARTON: Which document?

MR. PENNOYER:The restoration plan -- document -- overview, alternatives, whatever we're calling it. I'd made the statement that it was all in here, and therefore, we were still in the midst of a process whereby we would later finalize this, as it says in the brochure, and come up with a more specific restoration plan out of all of this. Mr. Cole, basically -- took me somewhat to task, because he doesn't feel it's in there, in an explicit fashion. I think that's true -- I think, when I said it was all there, I said the pieces are there that allow us to build this restoration plan. We've asked -- the backup of this in the final pages, both in the pass-out and this, some policy questions of the public. Those are not terribly specific, but they are a starting point that allows us, I think, to make this policy calls, based on that input, and, from there go into the process of saying more specifically, which resources we think -- we agree -- are injured, at what level, and what we want to do about it. So, we have a

question as to how much or all -- all of this to send out now, in addition to the brochure we sent out, and their both on the same time track, August 6th deadline to respond. The next question we have is where we proceed from there. We get the responses back from this request, some of it's information -- more information -- some of it's just regurgitation of what was in the brochure in terms of the questions that are asked. We get that back August 6th, then what do we do? And, how long is it going to take to do it, whatever it is? And, I -- I still think we ought to be able to fashion this restoration plan in a way that allows us to do an EIS from it, and still have the restoration draft plan before '94 final actions are taken on the '94 work plan. Now, that's a draft, and I realize the draft would still have go out -- maybe for some type of subsequent review, including an EIS, and maybe that won't be finalized until late spring of '94, or something like that, but we still would proceed with the '94 work plan, we'd still have the draft restoration plan in front of us. I -- I don't think there's a reason to start a new process. I think all we have to do is be more explicit in where we want this process to go. So, I think the first question is, do we want to send all this out as a backup to that newspaper brochure -- synopsis -- we sent out originally. Is there something to be gained from doing that? Is the additional information -- the public request and that is included in this, reason to send it out? Should it be somehow reformulated to make it simpler? But, then not assume that we're trying to tell the public at this stage, exactly we're going to resource by resource.

We're going out seeking some more information. As the brochure said, we going to write a final restoration plan, with preferred alternatives, and some more detail on the injured resources and what we intend to do about them, before we finalize this. That's where I think we are, and otherwise, I think we've sort of thrown the baby out with the bath water. And I think we can proceed in this process, and still get this thing done. It's going to take us a little longer to do than I think we had assumed, because I think some people's view of where we're going to end up here is a little bit more simplistic than it and is really going to do us a good service and having an EIS and having restoration plan wrapped up. So, I still think we can do this. The question is do we want to mail all this out? Does the newspaper brochure do the trick? Do we just want to send out an informational packet, in addition to the newspaper brochure, instead of all the other background and preamble and so forth? But, I still think we ought to proceed.

MR. BARTON: (Inaudible) another alternative too, that we might modify this in some fashion, which is -- I guess is....

MR. PENNOYER: I think we ought to proceed with our August 6th thing, just assume -- maybe a little more work is required after August 6th than perhaps some folks felt would be to come up with this sort of umbrella programmatic restoration plan.

MR BARTON: Mr. Sandor.

MR. SANDOR: I agree and I think our task is actually simplified with our decision on the EIS, and certainly there won't be the complication of having both the EIS package and the plan.

I'd like to see the bridge between -- you know this publication and this package that we have, and essentially work towards this final plan, which we committed ourselves to develop after August 6. And -- I think the staff did a good job, but just perhaps a little bit too voluminous -- could be trimmed. Is it possible for the Restoration Team to -- based on what you've heard this morning and our decision on the EIS to perhaps modify the -- the second draft of these -- these alternatives in a way in which it would bridge to the final restoration plan that's to be prepared after August 6th?

I think our task is simpler now as a result of the EIS action.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: I think what you're asking us is to increase the level of detail in the restoration plan, is that correct?

MR. BARTON: No.

MR. PENNOYER: No, the reverse. (Inaudible aside comments out of range of microphone). That level of detail would be -- there would be more specificity in the restoration plan that we finally develop with a preferred alternative, after the August 6th response.

MR. BRODERSEN: Mr. Chairman (inaudible - out of range of microphone) I will ask the question. I don't understand where he's going. I really have been listening here and he's confused me. I'm kind of reluctant to respond to any of the questions that Mr. Sandor and all are asking because I don't understand what you've been saying for the last few minutes, in terms of where you're

going. I had the same confusion that Dr. Gibbons did. I thought you were asking for more specificity on the restoration plan, and I'm totally confused.

MR. PENNOYER: The final restoration, that's correct. In the draft that goes out now, no.

MS. RUTHERFORD: (Inaudible aside comments out of range of microphone) The next one that would come out would be a draft final, it would still be (inaudible -- out of range of microphone).

MR. PENNOYER: Well, I guess -- let's go back a step because I think we're missing a beat here. In looking at what we've got here, the question of the utility of this plan, to make that bridge to annual work plans. In other words, we want a plan that will allow us to then deal with annual work plans, some of them may get -- may have multi-year considerations, but annual work plans. That we would have a plan in place that would help guide us to deal with those annual work plans. This current plan, for example, specifies some injuries to pink salmon -- talks about what they might be. It doesn't really tell anybody what we want to do about that. So, after August 6th the presumption is we come back in and write a restoration plan that did tell people what we wanted to do about pink salmon.

DR. GIBBONS: So what you're saying -- Mr. Chair, that you're going to pick a preferred alternative and that will guide us -- path of what we're going to do for the resources and services that were injured, after....

MR. BARTON: That final plan (inaudible - simultaneous talking).

DR. GIBBONS: The final plan, yeah.

MR. PENNOYER: EIS around that. In other words, the policy questions you ask in here about restore to pre-spill conditions or beyond -- all those questions, don't they -- specifically what you want to do about pink salmon. And so, the assumption is that we come back and make some statements in the final plan, where we could, resource by resource, of what our intent was. Not the specific project we're undertake, but our intent. Yes, it was injured, our intent is to restore it to pre-spill condition or beyond, our intent is to use certain strategies at this stage that we see you starting on. This gives you a proviso to start your '94 work plan and then those beyond. It's going to change; we know that, but this is the starting point. This -- all of our discussion here has been, in the last bit, that what we have here so far doesn't allow you to write an EIS -- that really takes care of the programmatic EIS concept, and gives you an ability to deal with cumulative effects in a way that's going to help us with the annual work plans, because it's not specific enough. But, the pieces in here -- it's all here. It's just we haven't made the choices. It's not here. We have not underlined the choice of what we want to go with.

MR. BARTON: I don't agree with the whole there, a lot of it. Mr. Cole.

MR. PENNOYER: ... a choice. But most of the information is there to base those decisions on.

MR. BARTON: We've not spelled out what our objectives are, have we?

MR. PENNOYER: That's correct.

MR. BARTON: Mr. Cole.

MR. COLE: Well, I think that -- first, I think that if the -- we leave the Restoration Team with the present state of direction that they will be utterly confused, and I would be amazed if you could come back with something that would satisfy what we think we want at this time, because I think our instructions -- what we're telling the Restoration Team now is totally confused. I think that we should build on this newspaper brochure, what we send out, then we said -- you know, we're going to send you a little more information later on, and I think we can do that -- you know, with this other document. But, I think it should be cut down to maybe fifty pages, or less. For example, if you'll turn to D7, and this is just my ideas, but -- you know -- where D7, D9 and those things -- you see -- if we send this out to the public with this much detail, I think there is no way that we can expect to receive something meaningful on all of these subjects. It's -- it's too much detail. It asks too much of the public. I think what we're asking the public for is to furnish us with the type of information that we can use to develop the restoration plan. And I think asking for this amount of information, it's not helpful in -- in -- in enabling us to develop a restoration plan. We need to

tell the public in this initial letter exactly what we want them to -- to do and why. And -- and stop it there. That's what I think, and that's why I say we should -- we should give the injury information. Mr. Barton had a good thought with your list. Why don't you go over those again and then see if we can get some place with that.

MR. BARTON: A succinct statement of the background, statement of the injuries; both known and those that we're still determining; our objectives about what we want to do about those injuries, the alternatives for getting there; the constraints in law and in the court documents on how the monies may be used; and the end point, how do we know when we're done.

MR. COLE: Can't we just sort of -- cut this down? And I -- frankly just to be a little more detailed or hopefully to give a little more guidance to the Restoration Team, I would eliminate -- the -- a good part of the Appendix B, with all of thoughts of restoration options, because that's what -- I think the type of information we need for the annual work plan -- maybe I'm a dissenter, a lone voice there.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: If I might comment, I don't disagree with what Mr. Cole's saying here, but the key to this thing is what we're asking -- the public to respond to. I think -- if -- if you look at -- at the last section in there which says tell us what you think, it really is asking the public to address the big picture,

the policy issues. It does ask a question specific to endowment, should we have endowments or not. But, it doesn't ask them to respond to project by project, and I think that's what you're getting at, Charlie, that we don't want to set up another situation of -- where we got an overly complicated response request and we ask them to evaluate one project against another and all that sort of thing. It just occurs to me we're probably asking the right questions of the public, and maybe there isn't a need to include all the detail of that individual projects as part of the plan. I realize they're included as appendices and, you know, and it's not necessarily part of the formal plan, but people are going to regard it as that, and if they're in there, they're going to want to react on it, I suspect, or at least some people will. So, I just might suggest you look at the questions and see if those are the kinds of things that we want response from the public from and then sort of tailor the plan around that.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I -- I understand that some of these questions back here dealing with general policy, could go out without all the rest of this information included. This type of information is what we're going to require to draft this final plan. I mean, we need to know what you can do for different resources, what some of the options are in dealing with it. When we decide that our objective is do something for a specific species, we'll need the type of background that's in here. Whether we use that to draft the final restoration plan, then send that

background out to the public, I'm not sure. I guess I'm not -- I'm still not sure we're hurt by the public understanding some of the things we're going deal with after August 6th in terms of making these decisions. Even though we've only asked initially for some policy questions, I'm not sure when they choose between alternatives, if they need to know what some of the practical things are that you may give up. I mean, you're going to give up doing sea otter hatcheries if you go for alternative two, for example. And, maybe they need to -- don't smile, Pam, we're not going to give you a sea otter hatchery -- maybe they need to know that. So, I'm not -- I guess the Restoration Team went out and talked to the public based on the newspaper brochure. Based on some of that discussion, they felt some of that information was helpful to the public in dealing with -- advising us on how to proceed on a restoration plan. Maybe we should hear from them on specifically why some of this would be included. We will need nearly all of this. I mean, it's going to be something that we're going to need to formulate objectives and specifics and options by resource. Whether the public needs it now or not, I don't know.

MR. BARTON: Mr. Cole.

MR. COLE: Again, a little more specific, I think that certainly section B has a lot of good information in and should be retained, maybe trimmed up a bit. I don't know. I -- but I thought that was a good summary of injuries.

MR. BARTON: Appendix B?

MR. COLE: Yes, Appendix B. And, it describes the

injury, describes recovery and -- I thought that was -- you know, good, except for killer whales program from NOAA. Outside of that -- (laughter) -- or the Justice Department -- B is good. I think C is good, might trim that down. That deals with habitat protection, and there's a lot of interest out there -- in the public, about habitat protection and where we're going. And then, I would eliminate, I think, essentially the fifty-one pages of D, because I think that gets much more specific, and that's the type of information we would send out with an annual work plan. And then -- I think Chapter Three is good, a little more detail, but I would eliminate pages 35 through 39, in the draft, and I would look at the table on A3 a little bit -- read this. Do we need the summary of the '93 work plan in there on pages A8 and 9?

(Inaudible - out of range of microphone).

MR. COLE: (Inaudible). Anyway, that's would be my thoughts on what we ought to do with it. Then, I think we could cut it -- that -- thereby at least in half.

MR. BARTON: Mr. Sandor.

MR. SANDOR: The commitment that we've made is to prepare a -- a final restoration plan after the input of August 6th, and our principle objective, I believe, is to answer -- get answers to these questions, tell us what you think. Our only commitment -- what I think in defense of the team that put this together, they probably took literally the full text, because we will send out the full text in June of 1993, and I don't think we need to do that. But, I think it has to be something, obviously,

between this and this, but has to answer all of these questions. There has -- provide adequate information to answer these questions. You know, I would -- move that -- that we give the Restoration Team and the staff the direction to modify this document, condense it down to the -- to the material they believe is necessary to answer these questions, and keep our commitment about soliciting comments by August 6th -- in preparation of the final restoration plan.

MR. BARTON: Is there a second? Discussion?

MR. PENNOYER: Second.

MR. BARTON: Second the motion. Second -- it needs to go a little further, I think. Mr. Sandor.

MR. SANDOR: More than discussion -- rationale for that is we can go through and pick out specific pages here that we -- you know we think may not be necessary, but there must be, what, two hundred pages here of material, and you're going to -- the team is going to have to have some discretion in developing the product.

Are we still shooting, I trust, for a June 18 or 19 date, in order to keep on track. In that motion, given this discretion of trimming this down, as you discussed, can you do that? Can you achieve that objective?

DR. GIBBONS: Yeah.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: Yeah, I understand this motion here is to trim it down, but yesterday there was direction also to beef up the introduction to make it clear -- the links and all that. And,

that's going to take a little more time. To cut it down, it's fairly easy. To add that other material in there, it's going to take a little time to develop it. So -- you know, we have our -- you know, we can do it. I think that the schedule was -- June 14th, as I recall, to get that other wording to you, and I'd have to check with the staff to see if we could jerk other parts of this out and include that as a package to you by June 14th with the wording in there.

MR. SANDOR: The point is to clarify and condense, but to use the discretion to -- to essentially build what's necessary and request what's necessary to answer these questions -- they've been the discussion here. If we go through page by page -- you know, it's going to be difficult.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, I think that's probably okay, except for kind of one piece of it, and that is, what Mr. Cole is doing here, basically, was taking all specific restoration options out, by species, and not relating those to any work plans.

I don't feel -- I don't think that's going to work entirely. I think the actual projects and how you do them will be annual work plans, but the concepts of how you're going to deal with different species, which I think these projects are -- I think they're going to have to be in a restoration plan. You're going to have to have the background of what you can do for pink salmon, even though you change it. I think you're going to have to say something about how you deal with pink salmon. I'm not saying we have to leave D in

this iteration, but I think when we do the final restoration plan after August 6th, we're going to have to come back to D, so in our own minds we understand what the options are for dealing with the different species, and how we might approach that. And then, the restoration plan at that point would have to have an EIS done, there would be a draft restoration plan, and it'd have to come out as a final in the spring. But, I think we're going to have to come back to what's in D, maybe not exactly this -- these pieces -- but I think we as Trustees -- Trustee representatives, you're going to have to understand what our options are for these various species and how we -- and the choices we need to make in dealing with them.

That will change. This restoration plan is not cut in stone. As we do annual work plans, we're going to also modify the basis. We're going to get new information, decide that something doesn't work, some avenue goes up a blind alley, or we discover something new we didn't know before, but we have to come back to that. I don't know if we need to include that in this initial draft going out to the public to answer the questions we've asked. We probably don't need that much detail, but I don't think we can just drop that out of the restoration plan.

MR. BARTON: Are you referring to specifically Appendix D?

MR. PENNOYER: The stuff that's in Appendix D, whether it's written this way exactly, or not, I don't know. These concepts are -- I think are something we're going to have to deal with when we do that final restoration plan after August 6th. And,

we're going to have know this. Right now, we think we can do certain things for certain species, and we think you can't for others. And that may change, but I think we're going to have to have some discussion about -- before we draft the final restoration plan.

MR. BARTON: Mr. Cole.

MR. COLE: Well, with respect, the reason I think D should be out is I don't think we can get -- a meaningful response from the public from the information contained in D. I think it's much too detailed, I think we have to rely on greater scientific background and expertise and experience, as we adopt the various specific approaches to restoration. I think we lose things that we want from the public by asking them to be essentially scientists or -- or agency personnel who work with these things. That's what I think -- the reason I think we should eliminate D. I agree that we have to address some of those things in the restoration plan, but we're not looking, in my view, from that level of detail from the public.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Well, I'll pass at this point. I wanted to follow up on a comment that Mr. Pennoyer has made on a couple of occasions in regards to multiple changes to the plan and so forth, and I would like to talk about that a little bit after we get this -- get past this discussion -- we're in here right now. If we -- if we're looking at, and making changes in the plan, I hope that we've got a procedure that's a great deal faster, and a great deal

simpler than the process that we're going through in giving birth to this document at the present time. I'm not sure exactly what that process is, but

MR. BARTON: Mr. Sandor.

MR. SANDOR: I think in this cover letter -- you say you're going to rewrite and clarify, it already makes references to -- you know sections of the documents that being transmitted that relates to the -- I think it would be good to follow that with these questions so, and -- so that the people can look at that and to see what it is they're being asked to respond to -- and it may be helpful and to have done this -- reference to the sections of -- of the so-called plan to -- where appropriate in the discussion of alternatives for example, to relate there to parenthetically to appendix whatever. But, I think right up front, the public -- we might be aided by knowing what it is we're soliciting. I guess, Mr. Chairman -- you know, reflecting on what's happened the last two days, what guidance does the Restoration Team -- do you have enough to go on? My motion assumed that, based on our discussion, you could take, you know, reflect on input from this, the discussion here and rewrite a -- a more condensed version of this, and is that unreasonable? Is that discretion, or do you need more guidance or help? Would you want us to go through section by section? What do you want?

MR. BARTON: Mr. Brodersen has been trying to say something for some time.

MR. BRODERSEN: Thank you, Mr. Chairman. I would like to

offer an alternative suggestion which is mine, so it doesn't count for much because it doesn't have the rest of the RT or anything, but I'd like to suggest we focus on what it is we want folks to help us with, and that's the -- five policy questions that we ask in here, and then also a mix-and-match to create an alternative. We have the brochure out already that basically does that for us in a very simple form. It's been fairly well received, although as with anything like this there is some confusion over it, so that perhaps what we want to do instead of sending out this document is we want to do a two to four page discussion of what we discussed here to our mailing list and to whomever else we can get it to that's interested in it, say that the brochure is out there, we want these questions answered, we emphasize what the questions are in that, and then we also tell people that as a result of public meetings, we heard that people wanted more information, we have these appendices available, which we have been discussing here today, and list what they are, give a one or two sentence what they are, anybody who wants them, please request them. Please help us with these questions. And so, we don't do this document. All we have available here are the appendices. As far Appendix D here on general restoration, I think it's much more than an informational item to folks to let them know the kinds of things that you're thinking about. I don't think it's intended at this point to solicit comment back on that. It's a way for you to transfer information to the public. My -- I went to thirteen of the public meetings. I was very impressed with the sophistication of the

public that's following this. They really do have a pretty good handle on the kinds of things that you all are trying to do and the kinds of things that need to be done. I think we need to be careful not to sell the public short on these kinds of things. Appendix D to me is just an information transfer from you to them, at this point. And, I don't think we should try for anything more out of it, at this point. I would hope that you would give serious consideration to the possibility of not doing a draft at this point and, instead, condensing it way down to a short discussion of what you all have done yesterday and today, and then -- then offer the appendix -- appendices -- to those who want them for more information to be able to comment to us meaningfully by August 6th on the brochure.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, I was just going to suggest something very similar to that, rather than eliminated appendices at this point. I was going to suggest that we basically do the up-front part in some fashion. Cut it off there, and have available or even as a separate chapter or separate envelope, or something of all the appendices, so that if we did have the questions -- we discussed yesterday moving the questions up front anyway. Begin reading those and some of the preliminary lead in that -- rearrange a little bit what's in the brochure there, but -- and have all the rest of it. And I think most of the rest of it is just informational from the injury assessment to Appendix D, all that are basically -- the -- spill expenditures and so forth, of work

plan expenditures, all those are informational and are not essential except to the background to those who are interested. I was going to suggest we make it part of package, but clearly identify it. You could do it separately, and only send it out to communities or libraries, make it available, or upon request.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Dr. Gibbons and other members of the team, do you -- if you share the views of Brodersen and Pennoyer, can we get this out in a time-frame that we had planned, I guess -- what the 18th or 19th?

DR. GIBBONS: Well, I would say -- it's my estimate says yes, we could.

MR. SANDOR: Will you endorse that proposal on the floor.

DR. GIBBONS: I guess -- yeah, I would -- some people definitely want the appendices that are in here. I went to some of the public meetings too, and they asked some specific questions about these. And so, we need to make those available, at least to the public so they can comment more on the brochure. Some of the thoughts on the brochure was that we don't have enough detail to respond to some of the questions that you're asking, and so we have to make that available to the public, I think, and that would be my

MR. SANDOR: Mr. Chairman, I would -- you know, modify my motion which was to give the Restoration Team the discretion of putting out a new package or something between this and this in

line with the discussion that we've had and we can either let them run with it, get it out on the 18th or have another look at it. I would be comfortable with getting it out without having to reconvene another meeting yet. So my motion....

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: The introductory letter is the lead-in and some of the response we've had before is even more pertinent now, and the relationship of this exercise, what do we do after August 6th to the EIS and the '94 work plan, still needs to be spelled out and I'd kind of like to see that, so my assumption is that would still be mailed to us -- see a lead-in -- the rest of it I agree with you.

MR. BARTON: Mr. Sandor, I didn't mean to cut you off.

MR. SANDOR: And then, we ought to also, in this letter explain our adjusted plan for doing the EIS, that is later. If the second would agree to the amended motion, then that's what's on the table.

MR. BARTON: Would you restate the amended (inaudible - simultaneous talking).

MR. SANDOR: The motion is, Mr. Chairman to give the Restoration Team the discretion of finalizing the package to go out on or about the 18th of this month, and it would be a condensed version of this with a rewritten cover letter and the questions and information that is necessary to respond to the questions.

MR. PENNOYER: Appendices provided separately or upon request, or -- in places we already know or desire that

information?

MR. BARTON: Any further discussion on the motion? Any objection to the motion?

MR. COLE: I object.

MR. BARTON: Is there a substitute motion? Further discussion? Mr. Sandor. This is like an auction block.

MR. PENNOYER: I don't know -- the coffee's ready.

MR. BARTON: Let's reconvene in fifteen minutes.

(Off Record at 9:57 a.m.)

(On Record at 10:10 a.m.)

MR. BARTON: Get on with this discussion. The council, any council member have a motion to offer? Any further discussion on the Restoration Plan? Do you want to move on to the '94 work program?

MR. SANDOR: I would just to say, Mr. Chairman, can we move on to the '94 work plan unless we finish this first?

MR. BARTON: I was being factitious and trying to move us. (Laughter) Everybody was so enthusiastic.

MR. PENNOYER: Mr. Chairman, maybe the discussion could center around what the problem is with the previous motion and I, I think there's a lot of support for the general way of proceeding that was in the previous motion, with the abbreviated front lead-in referencing the tie-in with the brochure we already sent out; tie-in with the restoration planning process and the EIS later would tie in the '94 work plan, providing the appendices in some fashion as an informational item, either upon request or to those who

already have requested it, and I think the general procedure was okay. It's sort of a question as, the more specific content of particularly the appendices, and if we could deal with that, perhaps we could, we could get on with it. There's some things in particular, item D was outlined before in our discussion a couple of different times as having things in it that may be problematical and some seeming things supported by the Trustee Council that we know have not been in the past in annual work plans or in general discussion and having a lot more detail to perhaps public needs to answer the questions, the policy questions we posed to them. So perhaps if we could somehow deal with modifying your original motion, which I think from a procedural standpoint I hear general concurrence, but - specificity of what is going to be incurred and how we do it, may be the problem. Is there a way to do that?

MR. BARTON: Mr. Sandor?

MR. SANDOR: Well, in the spirit of the original motion was to give discretion to the Restoration Team to what was to be included, including the appendices, and the rationale for that was that they, of course, had been working on the process and had feedback from public meetings here and what the people might want. I thought moving the questions up front, people who had received the package, some would want appendix D and would read it and some would not, and, and my thought was that we could err on the side of providing too much information, if in fact the Restoration Team felt it was desirable to do so. I -- I don't know, Dr. Gibbons, do you have some suggestion of what you actually believe ought to go

out to bridge this gap from this to where we want to be on this? What would, what motion would you want to have, what charge would you want to have?

DR. GIBBONS: Well, I kept thinking about the motion that was on there to go out with the plan, then suggest that if people wanted appendices, to have them request it, and when I started looking at it, the first forty pages are basically the brochure, and so an option might be is to go out with a letter to all the people in the area with an explanation of a link between the draft restoration -- that the brochure -- this information that we're developing now, a draft restoration plan, the EIS, the work plans, and then ask them if they would like to have the appendices for further comment on the brochure to please let us know and we can send those out. But to send out just the restoration plan is basically been done with the brochure already.

MR. SANDOR: This goes about June 18 or whatever, by mid or late June and an August 6th return time. Request for appendices could be sent out in, I guess they could be given a telephone number to request, and it should be able to go out in a week.

UNIDENTIFIED: That sounds fair.

DR. GIBBONS: Either that or we could do what you suggested, just to have them printed and send them out with the cover letter and therefore the time frame could be met, but have an explanation cover letter for the information on the links and then the appendices for informational purposes.

MR. COLE: Since I singularly objected to the last

motion, I would like to say one of the reasons for objecting to it was to committing to the discretion of the Restoration Team what goes out -- is not giving them sufficient guidance. What we have here is exercise of discretion by the Restoration Team, and we're somewhat troubled by it. I think it's incumbent upon us to give the Restoration Team more guidance in what we want put out. That's the basic reason I objected. Secondly, I think we should not duplicate in this document what is in the newspaper brochure. I mean, if somebody wants that information, we should simply send them another copy of the newspaper brochure. I think that what we send out now should be in the nature of a supplement to the newspaper brochure. People will not understand why they are getting this repetitive series of printed materials, really basically reiterating what they already have received and, in fact, what many of them have already commented upon. We send out the same thing, we get requests for responses to two sets of documents, many of which overlap in much, and put the same response date. So I think that we should therefore eliminate from this document what's already contained and well done in the newspaper brochure, and then add whatever further information we think is necessary or might be helpful. And lastly, I would eliminate those specific options because I think they pose trouble for us. And I guarantee they will pose trouble for us.

MR. BARTON: Alright the option is then Appendix D.

MR. COLE: Every time we have the sense of that it almost inevitably comes to pass.

MR. BARTON: There's a possible solution to that is just to use examples. I think the purpose is to help the public understand what we mean when we say general restoration. There is a lead-in to that, and if we just used a couple of examples, perhaps that would get around the problem Mr. Cole identified. Mr. Pennoyer?

MR. PENNOYER: Well, Mr. Chairman, I think the motion from Commissioner Sandor included the first couple of concepts that Mr. Cole enunciated that we wouldn't duplicate. We provided additional elaboration or information in appendices only to those who are interested in getting them and the lead-in, and the questions would vary, would not duplicate, but would reinforce what was in the original brochure. I think that is incorporated in the motion as I understand it. The Appendix D question, I'll give you an example, near and dear to me are killer whales. That is the problem. It proposes one way of dealing with the killer whale black cod fishery problem is to make the fisherman switch to pots. Well, this is a long, heart-felt, hard-fought battle in the Gulf of Alaska, and this is the subject of a major amendment, a federal plan amendment, to exclude the use of pots in the Gulf of Alaska and its huge -- precipitated a huge court battle and allocation between trollers and long-liners on black cod and it got, really, it was quite a hard fought thing. So all the statement that's in there, that in fact if small boats mostly catch black cod, this thing may not be feasible, yet this is the option that is offered up. It's certainly that's one worth discussion and has been

discussed at great length in the federal council process under the Magnuson Act. It's purportedly to be supported by the Trustee Council. I couldn't support that at this time. So it is a possible -- something to think about, and maybe in specific areas, but it is going to require a lot of discussion, and I think I would certainly rule out an area where we identified, but this happens, the problem shifts from area to area, depending on how the fishery is conducted them. It could be problematic, it's something we want to think about, I think, before we hold it out as a potential option. There are others of that nature, some including examples that we rejected two to three times in the past in discussion of annual work plans, and so, Appendix D, there requires editing, or it requires, I think, what you proposed which is to give examples and the types of things that are included in general restorations to the public and evaluate not the specific projects, we can evaluate the alternatives and what you gain or lose if you chose one alternative over another. So if we can find a way to craft to give enough information so people understand what we mean by general restoration and give some examples and that's the way around this process, then I think the rest of the process sounds good.

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: Yes. I'm sure the Restoration Team could pull some examples that, you know, that are pretty, pretty straight forward, you know, so there wouldn't be too much controversy, that have been funded in the past. So we could do the examples.

MR. BARTON: Mr. Brodersen?

MR. BRODERSEN: If we go with what I think Mr. Pennoyer is talking about here, it seems like we should be able to have a cover letter or introductory letter, whatever one wants to call it, to send to the public by itself by the middle part of next week that could then say that these appendices are available and that people could send back in or call back in to get them fairly rapidly, and that would keep us from having to send out a large number of trees to our public by waiting until the latter part of June when the appendices are actually ready. That perhaps we want to send to the mailing list and whoever else we can figure out to, a three to five page, notice, cover letter, whatever it is we're talking about here and get the process rolling here fairly quickly, and then have them request the appendices they want, rather than doing a huge mailing of all the appendices to folks who don't really want them.

MR. BARTON: Well I think, the content of these appendices are still a question. I thought the deal was, content, but. Mr. Cole?

MR. COLE: On page D-21, it says under the title general restoration options, descriptions, subparagraph A descriptions by option number. Then it contains this sentence. "This sentence provides the general description of each of the different general restoration options." I don't think that's an accurate statement. A description of each of the different general restoration options. Then if you look at D-46, under B, additional options

which have

not been evaluated, there's this sentence. "Other options have been suggested during the process that have not yet undergone a technical review." Now if you put those two sentences together, the implication is that all of the specific numbered options have undergone a technical review, and I don't understand that to be the case. Certainly, some form of technical review, but I don't think they've had the thorough technical review that I would have in mind and, therefore, the implication that each of those options are acceptable in some fashion, at least technically. That, that's the sort of thing I think we're getting on trouble on when we get to these numbered options.

MR. BARTON: Do you find the use of examples to be a satisfactory solution to that?

MR. COLE: Yes. For example, let me -- since I see some furrowed brows -- let me give more specific illustration which I find troubling. Number three, option three, "This option would examine the feasibility, examine the feasibility of subsidizing of voluntary change of gear types in the Prince William ..."

UNIDENTIFIED: What page are you on?

MR. COLE: D-22. " ... of subsidizing of voluntary change of gear in the Prince William Sound black cod fishery." That's number three and, and there's another one also that gives me a lot of trouble, "Minimize incidental captures of marbled murrelets by fishing nets by changes in gear or timing of fishing."

I mean those two projects, frankly, give me a lot of trouble, and I wouldn't want any implication to go out that those are acceptable

options, and I think that's what we do when we send this out. Say, here's an option, so like this. Then we select these options and find out we're paying for changes in fishing gear to fishermen. I'm not sure that that would get through the Trustee Council. So, that's some of my problems.

MR. BARTON: Further a comments or questions.

MR. MORRIS: Mr. Chairman?

MR. BARTON: Mr. Morris.

MR. MORRIS: The technical review that referred to was the workshop with principal investigator, peer reviewers, RT and Restoration Planning Work Group in identifying which options were considered feasible versus which were considered unfeasible. This occurred probably a year and a half or so ago.

MR. BARTON: Do we have a motion on the floor, this morning? Ms. Bergman.

MS. BERGMAN: I just wanted to point out to the Trustee Council that the options that are listed in this appendices are already included in the brochure. So some of those that you were referring to specifically have already gone out to the public, the one on killer whales, the one on marbled murrelets. Those were information that had already been presented to you all for inclusion in the brochure, so Appendix D is simply providing some additional text supporting information.

MR. PENNOYER: -- whatever it is, fifty pages of Appendix D and two pages of newsprint. I mean, I don't have it in front of me, but what --?

MS. BERGMAN: Gentlemen, what I am referring to is like on killer whales, it says one of the options that would be included in alternatives four and five would be to determine techniques for changing black cod fishery gear to avoid conflicts with fishermen and implement actions to remove adverse effects. So that option, which would be possible for consideration under alternative four and five, is included in the brochure for the public's consideration. What Appendix D is provide some textual descriptions that expounds on that a bit.

MR. PENNOYER: But Appendix, Mr. Chairman?, Appendix D gets into subsidizing, alternative -- specific alternative gear types -- a lot of more -- What I, -- the brochure simply says determine techniques to avoid conflicts, right, so I mean --?

MS. BERGMAN: There's more detail there. But the concept of -- the overall concept of doing that is already in the brochure. That would the point I'm making.

MR. PENNOYER: I'm not, I guess I don't have a problem with the overall concept of looking at it, but when you get into specifically talking about the types of gear, and how you're going to do it, the subsidizing question and so forth, you're -- these examples here are not, I think, are some of the examples you might pull up and use, but Appendix D goes into a lot more detail and lends a lot more credence to a specific piece of an option, being what you're going to do. We are, I think, after August 6th, going to have to deal with that. It's just the question is whether we do it here, and whether we do it by sending something out to the

public that sort of infers we've made some of those choices potentially already, or whether we're doing that based on the answering of some of the overall policy questions to start with and then getting into this type of detail in resource by resource, making those determinations. We've not done that.

MS. BERGMAN: Mr. Chairman?

MR. STIEGLITZ: Mr. Chairman, I think we've had thoroughly beat Appendix D up and down, backwards and forwards. I'd like to get away from that a little bit for minute. I would move that we direct the Restoration Planning Group to revise the draft restoration plan before us with these things in mind. That first of all, we -- we make the clarifying changes that we discussed yesterday in the introductory portion. None of the appendices would be attached to the plan. I would suggest that we add a bit of text concerning general restoration on page 34 of the draft, or what's now page 34 of the draft plan, and just use a couple of the examples that the Trustee Council can all approve of, and I would like to provide a time frame for doing this. We talked yesterday about giving the team approximately two weeks to do it. Let's start with that. Let's say by June 15th. Part of the motion is that members of the Trustee Council would personally consult with and direct their staff members on the Restoration Planning Group as to their feelings about changes, necessary modifications, clarification in the plan.

MR. BARTON: The Restoration Planning Group or the Restoration Team?

MR. STIEGLITZ: Whoever is writing this plan. End of motion.

MR. BARTON: Second?

MR. SANDOR: I'll second the motion.

MR. BARTON: Any further discussion?

MR. COLE: Restate the motion, please.

MR. BARTON: I will, I wrote it down. As I understand Mr. Stieglitz's motion, as seconded by Mr. Sandor, we ask that the Restoration Team direct the Restoration Planning Work Group to revise the document that we have in front of us, including the discussions that we had yesterday, but specifically related to clarifications in the introduction, that no appendices will be attached to the general distribution, add text on general restoration measures specifically referring to page 34 of the existing draft, and use a couple examples of general restoration that are agreeable to all Trustee members, that the Trustee Council members will personally consult with their Restoration Planning Work Group members and any others they might deem appropriate, I assume, and this all be done by June 15th. Is that your motion, Mr. Stieglitz? Any further discussion on the motion? Mr. Sandor?

MR. SANDOR: Is this -- and is this understood by the Restoration Team, Dr. Gibbons?

DR. GIBBONS: The only question of clarification, then you would, you're sending out pages 1 through 43 with changes?

UNIDENTIFIED: 1 through 43? Which leads to how the plans fit together and . . .

MR. BARTON: -- Well, yeah, with changes, I guess, that's what we're doing.

MR. MORRIS: Plus comment sheets.

MR. BARTON: Plus the comment sheets, that's a good addition.

MR. PENNOYER: Mr. Chairman, 1 through 43 I think duplicate a lot of this stuff. Do we really want all of 1 through 43, or?

MR. BARTON: Well that, and that was Mr. Gibbons question?

MR. PENNOYER: I didn't get the impression we were asking for that.

MR. COLE: I move that we . . .

MR. BARTON: Whoa, we got a motion on the floor. Do you want to amend the motion?

MR. COLE: Yeah, I'll move to amend the motion to make it clear that nothing goes out of the revised documents which we have before us that -- containing material which is in the newspaper brochure, and that there's an explanation of the two documents, how they're used.

MR. BARTON: Second to one or the other amendment. Is there a second to the amendment?

MR. PENNOYER: Mr. Chairman, for discussion purposes, I second it. We might have to modify a little bit of it. Just mentioning the word restoration plan is duplicative. I think you mean, substantially duplicate. So you don't just blindly send out

1 through 43, you do the letter, you explain the process and so forth, you know the appendices that are going to be provided have some duplication because the injuries referring to in here are just more elaborate. So it's no significant duplication in general mail-out, if you don't just reiterate the oil spill, the dates, how many gallons and the miles of oil spread and on and on and on, you don't need to do all that.

DR. GIBBONS: Mr. Chairman, so, what my understanding of that would be is we would revise the cover letter, probably perhaps, maybe put the questions on there again, I'm not sure what the Trustee Council would like or not, and then make the links between all the various parts of DEIS and Restoration Plan and then, not include pages, most of pages 1 through 43 because that is really, you know, . . .

MR. BARTON: Well that's the nature of the amendment, it was not adopted . . . Mr. Stieglitz?

MR. STIEGLITZ: Well, it's -- I can't vote for the amendment simply from the standpoint that if you don't include some of the material in the plan that's in the -- in this, you're not going to have much of a plan because some of the real basics that are in the restoration plan are also in here. For instance, the table showing the extent of injuries. I don't know how you can have a restoration plan without depicting that. If we could agree, we could use some discretion about how much repetition occurs between the two documents, I mean, I can buy that, but I don't know how you can have a draft restoration plan without including some of

the materials from the newspaper.

MR. BARTON: What did the maker of the motion envision happening on June 16th on this?

MR. STIEGLITZ: Happening on June?

MR. BARTON: Where do we go after the Restoration Team completes its task, or are they going to send this then back to the Council members and then we would review that?

MR. STIEGLITZ: It wasn't part of the motion. I think it would be advisable for the Council to review the revised draft before release it. Yes, with a short time frame to do that, just so we're all comfortable with the examples and the introductory language that we talked about.

MR. BARTON: Yesterday we talked about a one-week turn around.

MR. STIEGLITZ: Right. Right.

MR. BARTON: Dr. Pennoyer?

DR. PENNOYER: Sir, I think we've got some confusion on the basic approach here, on what we're doing. My view was we weren't sending out a restoration plan on June 16th. This was the restoration plan with an update of how this ties to a final -- I mean a draft, excuse me. This was -- this was with an explanation of how this draft policy, whatever it is, ties in with the actual restoration plan of development, which will occur after August 6th.

And we were simply making those times clear in the letter, making the discussion of the EIS, which they're not going to have, which we promised, where it went to and where's it's going to come back,

clear in a letter, and then providing supplemental information we've heard from the public a leg in terms of appendices that will be available to them. I didn't have the view, we were trying to send out a new restoration plan draft on June 16th. Now if that's our general view, we probably have to go back and discuss the basics again, because if we're doing that, we need to do a lot more work, and we should hold the whole thing up and not send anything out until after August something or another and violate the public comment guidelines, and so forth. I don't think we can prepare a Restoration Plan between now and June 16th, other than what we already have with additional supplemental information for the public to look at. They're going to comment back on that, which will help us reach some policy decisions, which will enable us to prepare a draft, a final draft restoration plan, and an EIS to go with it. So I hadn't viewed that we're trying to send out a restoration plan on June 16th. If that's the view of the original motion, we probably ought to go back and revisit it. I don't think we make it good enough for June 16th, calling it a restoration plan, other than what we already have.

MR. BARTON: What is your intent, Mr. Stieglitz?

MR. STIEGLITZ: (inaudible --out of microphone range)

MR. BARTON: Your intent was to send out a restoration draft -- draft restoration plan?

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Getting to the bowels of something, I'm not

sure what but, Mr. Stieglitz, are you talking about the statement of principles that, the real restoration plan by the 16th?

MR. STIEGLITZ: Well I'm not sure what statements of principles?

MR. COLE: Well, I'm talking about, do you envision that it'll be a draft of the proposed restoration plan will be sent out on the 16th of June?

MR. STIEGLITZ: Something called a draft restoration plan, yes, would go out sometime in June.

MR. COLE: Because my understanding up to this very moment was that we were going to send out what really amounts to a supplement to the newspaper brochure.

MR. STIEGLITZ: Supplemental ...

MR. COLE: Yeah. Now, and, and not put anything in the supplement that was in the newspaper brochure, but to tell the public, well, here's some supplemental material and -- to go along with the newspaper brochure, etc., etc. That was my idea of what we were going to do.

MR. STIEGLITZ: I think perhaps it might be useful, if we go that route, to explain the sequence. We have been around, around, around with this thing. I mean, it's getting a little confusing to everybody. If, if we follow this course, whosever idea that was, that what, what, what are the other events to lead up to a final restoration plan?

MR. PENNOYER: Well that's sort of what we asked as an explanation in the letter that goes out to tie it together with, --

the way -- way it looks now to me is we're going to go out and the questions we've asked are going to give some general policy guideline. A couple specific like endowment or no endowment -- I'm not sure how those relate to the other questions, but we've sent a series of questions. We're going to reiterate them in the letter again, because some people got missed the first time. The public, in looking at this draft synopsis, have asked us some further questions. So we've got appendices, which we talk about modifying also, that are being prepared and are available to the public. When we get these answers back by August 6th, and perhaps some of the ground work before that, we're going to have to prepare the draft restoration plan that is going to deal more specifically with our objectives, list of items that Mr. Barton enunciated earlier -- our objectives, our statements of injuries by resource, some of the options available of dealing with those injuries by resource, sort of a D-1 approach -- that will then lead us into an annual work -- that will get us a draft restoration plan hopefully that, we'll probably have to seek more public comment on and write an EIS around. We'll get all that stuff back sometime in the spring of '94 in final form.

MR. STIEGLITZ: Let me pursue that.

MR. PENNOYER: I guess.

MR. STIEGLITZ: ... in the process of being a little clearer, you say that we, sometime after August, we'll prepare a draft restoration. We'll prepare a restoration plan which may have to go out for more public comment. Is it -- would it be your

vision that, in fact, it's a true draft plan. It does go out for an extended public comment period, and then some months in the future, we finally have a final restoration plan?

MR. PENNOYER: I think it probably would because I think to get an EIS that goes with it, you're going to be subject to all the NEPA public hearing requirements anyhow. We have put off doing the EIS until we have this more, better, statement of principles and objectives and injuries in front of us so we can do an EIS from it. So I think those two are going to go lock-step together, but having a draft in front of us, I think enables us to proceed with the '94 work plan.

MR. BARTON: Would that be a draft or a proposed final?

MR. PENNOYER: Sorry, proposed final draft. I don't know what the words are. Until you call it final, it's always draft, isn't it.

MR. BARTON: (Indiscernible)

MR. PENNOYER: Alright, so then I suppose it's a draft. A final draft. After August 6th.

MR. STIEGLITZ: Mr. Chairman?

MR. BARTON: Yes?

MR. STIEGLITZ: I think it might also be very useful if you could describe precisely what goes out after July. Are we talking about three pages, or are we talking about a summary of -- another summary of the comments that we've gotten? What are -- what are we talking, you know, we've spending lots of time over the last hour talking about our instructions to the Restoration Work

Group about what's supposed to go into a plan. Why have we been talking about a plan if we're not contemplating doing one until sometime later in the summer?

MR. BARTON: Mr. Cole?

MR. COLE: I'll explain that. We want to prepare the plan after we get the full public comment on the alternatives and there is meaningful public participation. When we collect all the data, then we will set about preparing a plan. That's the idea.

MR. STIEGLITZ: So we're contemplating sort of a long-range instructions to the group. When they finally get around to writing a plan.

MR. COLE: Well, no, not when they finally get around to it. When this material comes in on August 6th, it's to be collected summarized, reported to the Trustee Council, and then we will start drafting a restoration plan, then and there.

MR. BARTON: Seems to me that we have several tasks laid out, one of which is to send out some information in short term, whatever form that takes. Second would be to get the public comments back on that information plus the newspaper. Put together a proposed final plan which then would be injected into the NEPA process for which then a draft environmental impact statement would be developed for the proposed plan. That would go out for public comment again. We would get those comments back on that and develop a final environmental impact statement and issue a record of decision sometime a year from now or better.

MR. COLE: Mr. Chairman, could we have a question on my

motion to amend?

MR. BARTON: Yes.

MR. COLE: That we not duplicate anything, that would maybe help us along.

MR. BARTON: The amendment to the main motion, which Mr. Cole made and Mr. Pennoyer seconded, I believe, was to amend Mr. Stieglitz's motion, which I will go through again if we need to, but that none of the material that goes out in the short term be a duplication of what was sent out in the newspaper -- substantive duplication -- duplication of what has been gone out in the newspaper. Question has been called. Is there an objection to the amendment? Hearing none, the amendment stands. The motion is so amended.

MR. PENNOYER: What's the motion?

MR. BARTON: The motion at this point is to issue something in the short term that is not substantively -- substantive duplication of what is in the newspaper, includes a clarification of the introduction, that there will be no appendices attached, that the text on general restoration will be used on the present page 34 -- that upon page 34 of the existing draft -- and will use a couple of examples of general restoration options that are mutually agreeable to Trustee Council members, that the Trustee Council members, will personally consult and direct their restoration planning Work Group members and this will all be done by June 15th at which time then, as I understood you to say, that this will then be returned to the Council members for their review

and further action. Mr. Cole? I don't know if I can remember it again.

MR. COLE: Well, this is simple. I'll motion to amend that revision to be done by the 21st of June rather than by the what, the 16th?

MR. BARTON: 15th?

MR. COLE: 15th.

MR. BARTON: Is there a second to the motion, or the amendment?

UNIDENTIFIED: Seconded.

MR. BARTON: Moved and seconded. Is there an objection to the motion?

MR. PENNOYER: Mr. Chairman?

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: August 6th is the public comment deadline? Is this still going to get out in time to allow for meaningful understanding of what we've done?

MR. COLE: If we send it back - August 6th back to the 15th. I mean that's not carved in stone and let's let the process work a little more effectively, rather than these artificial dates. Is there any...

MR. BARTON: Mr. Rice?

MR. RICE: I, my vision of what we're sending out is an extremely small document, so I think our printing time is drastically reduced on that, so we may be off on a couple of days of getting it out to the public, but not by that much.

MR. BARTON: Well, if we're not going to get this done 'til June 21st for Council members to review, (simultaneous aside comments) -- if we got any reaction from the Council by July 1st, it would be remarkable -- and -- so that, I assume the way, of at least a couple, that would lead into the period by a couple of weeks.

MS. RUTHERFORD: Mr. Chair?

MR. BARTON: Yes.

MS. RUTHERFORD: I'm confused about something. I ask for clarification. I understand that the amendment proposes making some changes, especially to appendix D...

MR. BARTON: The motion does, which we haven't voted on yet. We're dealing with the amendment to change the date that you all get this done by June 21st. . . .

MS. RUTHERFORD: I understand, but it's important to the date. I think.

MR. BARTON: Okay.

MS. RUTHERFORD: What I think we understand is that we do this three or four page letter, we get your review, we send it out in a timely fashion. In the meantime, we're working on these amendments, changes to the appendices. And we all agree on what finally goes out. Is it your intentions that the -- only the three or four page document go out first, and then the appendices are available for people who are interested in having them?

MR. BARTON: The main motion says no appendices will go out.

MS. RUTHERFORD: Ever? But that they are offered in this cover letter?

MR. BARTON: They're not offered.

MS. RUTHERFORD: They're not offered?

MR. BARTON: The examples of the general restoration options are included. As I understand the motion though, no appendices will go out.

MS. RUTHERFORD: Including the expanded injury information or the settlement expenditure information?

MR. BARTON: That's the motion.

MS. RUTHERFORD: Thank you.

MR. BARTON: Mr. Pennoyer?

MS. RUTHERFORD: Then we can meet your deadline.

MR. PENNOYER: I -- I guess I don't understand that. I thought we were going to make we were going to modify Appendix D to use examples and introduction but we were going to make available to the public if they wanted it the expanded injury information they requested in public hearings and the other information. Now we're not going to mail it out, but we're going to say in the cover letter, this information is available upon request, maybe send it to the library. You're just going to say we're not going to do any of that?

MR. BARTON: Well, I'm interpreting what the maker intends, which is dangerous I guess. What is the intent of the maker?

MR. STIEGLITZ: It is in this case, because the motion is

that the appendices are not attached to the document we send out, the plan or whatever name we want -- if they're sent out under separate cover letter for some other reason, that was intended to be precluded.

MR. BARTON: Okay. I'm glad you clarified your motion.

But that doesn't address the difficulties some of us with the content of the appendices -- if there's still available, they still exist in their form. Now either we need to take them out of existence or we need to modify them, if we chose, to meet the difficulties that some have with them. Mr. Pennoyer?

MR. PENNOYER: Include -- redefine general restoration with the examples, I thought that was for the appendix, because general restoration is already defined in the brochure, rightly or wrongly with some examples already, and if we only send a cover letter out without doing 1 through 43 again, then I'm not sure why we deal with general restoration in the cover letter. I thought that was going to be the modification of that appendix, so that we could in fact, provide it upon request.

MR. BARTON: I wonder if this would benefit from a little recess?

MR. COLE: If we go to the '94 work plan, my suggestion is that we take this up after lunch when our minds are cleared.

MR. BARTON: We can do whatever we choose to do, I guess, in regard to the agenda. Some were concerned that we couldn't deal with the '94 work plan until we had resolved this, so -- Mr. Stieglitz?

MR. STIEGLITZ: Yeah. While this is fresh on my mind, I guess I really don't want to lose it and I think it's important, I think to the intent of the main motion and how the amendment affects that -- and again, maybe I'm the only one that's confused at this point and time, but in the newspaper brochure, it lists the five alternatives that are also included in what is now the draft restoration plan and it also asks questions about the same major policy issues that are contained in the draft restoration plan. Now based on the amendment, those questions would not be asked in whatever we're going to send out in June. And does everyone understand that to be the case, and is that the intent of the amendment?

MR. COLE: No.

MR. STIEGLITZ: Well, that's my problem. I mean, to my way of thinking, those things are critical to this whole restoration planning process, and I don't know how we can send anything out in June that doesn't include those and ask that question, even though it has already been asked in another form. I mean, I think that has to be part of what we send out in June.

MR. COLE: What things are you referring ...

MR. STIEGLITZ: Pardon me?

MR. COLE: What things are you referring to?

MR. STIEGLITZ: Specifically about the description alternatives and the questions about the major -- the five major policy issues.

MR. COLE: Oh, yeah.

MR. STIEGLITZ: They are in here. The amendment to the motion precludes them being included in the June document, and I think that's a mistake.

MR. BARTON: Mr. Cole?

MR. COLE: If that's -- in my understanding, that's not the case. We said no substantive changes . . .

UNIDENTIFIED: Substantive duplication.

MR. COLE: Yes. No substantive duplication. That would not be a substantive duplication -- substantive duplication. This document which I think, my idea, we intend to send out will be, you know, contain a nice transitional letter and try to focus on what we want the public to do. We'd say, here's some more information that the public has asked for, giving more details of the injuries, maybe some more information about the expenditures, and, and that's all. Try to just focus this just a little more with a little more information, but not to have essentially the same document go out.

I appreciate this clarification. It is my understanding with respect to what you gentlemen perceive?

MR. BARTON: Mr. Sandor?

MR. SANDOR: Well, I think, just getting back to this document which we discussed before, we made a commitment that people can respond -- could have responded to this package at the public meetings or earlier or wait until this more complete package went out in June. This more complete package needn't be more complete -- needn't be redundant. However, it must include the -- the tell-us-what-you-think section and essentially that's verbatim

-- I guess with some addition, but essentially verbatim. So -- this -- at least one page has to, has to be duplicated in its entirety. The spirit though that is certainly represented in this document is that if people want more information, they can get it, and they may want it. So I'm troubled by any suggestion that we not give the appendices or the information that we have if people want it. It ought to be modified or somewhat, I guess, but I guess the bottom line on this is that this -- this page, essentially had to be reduplicated, and then I guess the way your motion reads, the appendix doesn't have to -- will not go out and will not even be referenced.

MR. BARTON: Well, it's not, as I understand what the maker of the motion intends.

MR. SANDOR: I seconded the motion at the time thinking that the appendices would be available upon request.

MR. COLE: I think we all agreed that the appendices would be available on request, are we not?

MR. SANDOR: Well, you know, then when we're back, I think, that's something we could live with except for this exception that must be duplicated on what do you think?

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: Yeah. If I can give you my thoughts on what we could get you as a package for your review would be the cover letter which we talked about, linkage statements to the plan, future actions of the Trustee Council, what's the next steps, what we, you know, draft restoration plan -- final draft restoration

plan, include the policy questions, right up front, right after the cover letter, asking them again to reiterate the questions we're asking them, and then we can get you the appendices, and what -- what I heard said here today was that there was no comment about Appendix A, and that was a request from the public, we got a lot of that request and we need to check those numbers. You know, we've checked them and checked them, but check them again. But what I heard was Appendix B and C were good, but needed to be trimmed somewhat. There was some information we could reduce out of those.

Appendix D needs to be revamped, this to include several examples at the approval of the Trustee Council and let it go at that. We can those appendices for you as part of that package in June so you can look at them to make sure that we followed your thoughts on those.

MR. COLE: So moved.

MR. PENNOYER: Seconded.

MR. BARTON: Okay, that's the second amendment that's pending. We had the June 21st amendment first. Let's act on that.

MR. COLE: Where are we on the June 21st. Do you need that much time to do it well?

MR. BRODERSEN: Mr. Chairman?

MR. BARTON: Yes, Mr. Brodersen?

MR. BRODERSEN: If we could just send out cover letters stating that we talked about, we could have that to you in two days, and then the appendices don't need to be ready until a couple

weeks after that because people will have to call back in or write back in to request that. So I -- to make the August 6th date which I think we're trying to try for. Let's -- let us try to get you a cover letter as quickly as we can, which will be sometime next week, and we'll get you the appendices as soon as we can after that trying to maintain the late June publication date of the appendices.

MR. BARTON: Well, then -- is there any objection to the motion of June 21st? I object. Now.

MR. COLE: -- That's taken care of that. [Laughter]

MR. BARTON: You were about to make another amendment, Mr. Cole?

MR. COLE: No, I'm wiped out. [Laughter]

MR. BARTON: Mr. Stieglitz?

MR. STIEGLITZ: I want clarification, the cover letter that -- that Mark is talking about, is this cover letter that would accompany -- or tell people the appendices are available if they want them, that -- that's the only function of that cover letter, right?

MR. BRODERSEN: Stand-alone cover letter.

MR. STIEGLITZ: Okay.

MR. PENNOYER: No, no. The cover letter also includes what the process is, the relationship for the EIS we didn't send out, the restoration plan we're going to send out, and the linkage to the '94 work plan. It explains all that.

MR. STIEGLITZ: Is it going to include the questions?

MR. PENNOYER: Yes.

MR. STIEGLITZ: So it is, the plan in quotes, or whatever it is?

MR. BRODERSEN: It's not a plan.

MS. RUTHERFORD: It refers back to the brochure.

MR. STIEGLITZ: It's an explanation of what this amendment, what we're going through here.

MR. BRODERSEN: I -- it seems a little longer than three to five pages, when you get down to the whole package.

MR. BARTON: We'll not count pages today. We'll count pages later. Alright, are we ready for the question on the main motion now? Any objection to the main motion? Hearing none, the main motion passes. Is there any more business to be done on the restoration plan? Are we ready to move along. We spent eleven hours, and we're at item four on the agenda. The '94 program of work. I like -- [Laughter]. We'll start moving here shortly. Dr. Gibbons, the '94 work plan. Dr. Gibbons, the '94 work plan.

DR. GIBBONS: Yes, we passed out this morning some new. -- our notes from the assumptions that you developed yesterday. I think there's comments, I mean, there's copies in the foyer for the public, but I guess that's where we need to start with the assumptions.

MR. BARTON: Any comments or questions on the draft of the assumptions that we intended to capture yesterday's discussion. Mr. Sandor?

MR. SANDOR: Since it's on the table, I move that -- that

the summary be approved.

UNIDENTIFIED VOICE: Seconded.

MR. BARTON: Moved and seconded. Any further discussion?

DR. MONTAGUE: Mr. Chairman?

MR. BARTON: Mr. Montague?

DR. MONTAGUE: As the point of clarification, the meeting yesterday, item six, the word "restoration" was, as I understood it, to be defined as in the memorandum of agreement. I wondered if it would be -- if that's the case, perhaps I should read what that definition is because it is --

MR. BARTON: Does any member of the council need that read? The definition of restoration as defined in the MOA? As contained in MOA?

MR. PENNOYER: What purposes, something different than is in there now?

MR. BARTON: Just to clarify. I think was Mr. Montague's comment. Mr. Sandor?

MR. SANDOR: If you're making a point with its recitation, go ahead and point out the problem or issue.

DR. MONTAGUE: Well, Mr. Chairman, the original wording in here for implementation projects, certainly the word implementation was decided not to be the appropriate one, but if we use restoration as defined in the settlement, this number six would hardly make any sense because the word restoration in the settlement allows for everything that we can possible do, thus how can it be emphasized.

MR. BARTON: Mr. Cole?

MR. COLE: Can we start down them and address six when we get there, that would be my thought. I would like to suggest that one and two and three be combined so as to read as follows: "The restoration plan will not be completed by the time the 1994 work plan needs to be improved." By that change, may to will. That's clear isn't it? Then put a comma after "improved" and say "but it should be in place by the time." Just strike a "restoration plan" and two, "shall agree" comma "but it should be in place by the time the '94 work plan is implemented." Then the next sentence would read "The Trustee Council can" comma "however" comma, and the sentence continues to read as it is. Number three.

MR. BARTON: Any objections to that modification?

MR. PENNOYER: Mr. Chairman?

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: I have a question. I think the will is true. I'm not sure the final restoration plan and EIS are going to be in place, and we may have proceed with the '94 work plan based on the draft restoration plan that's in front of us. So I -- I guess I say, "but a draft restoration plan should be completed by the time the '94 work plan is implemented."

MR. COLE: If that's the will of the Council.

MR. PENNOYER: Well, I was just trying to -- I want to do something in '94 and I'm not convinced those dates are going -- that we won't be like May before we have the restoration plan finalized. We may have to implement some activities in March.

MR. COLE: Well I don't want to look forward to not having a restoration plan done before, until next April.

MR. PENNOYER: Mr. Cole, I don't disagree with you. I'm just trying to solicit a statement of principles, and if the principle we adopt is that no restoration will be -- proceed -- until we have a final restoration plan -- we get hung up on the EIS part of it -- I'd hate to be backed into that type of corner. So it would read "but a draft restoration plan should be completed..." or we could even put "will be completed" instead of "should be" completed -- "by the time the '94 work plan is implemented." Then under the last part of it, "other approved restoration projects to be implemented must be consistent with the draft restoration plan."

MR. COLE: Where are you now?

MR. PENNOYER: Under three, where you recombined them?

MR. COLE: Yes.

MR. PENNOYER: "Other approved restoration projects to be implemented must be consistent with the draft restoration plan." If the final doesn't happen to be in place at that particular moment and time.

MR. COLE: What about the first sentence in three?

MR. PENNOYER: No. I think that's -- I think it's okay, isn't it?

MR. COLE: Alright. Then what about (indiscernible)?

MR. PENNOYER: Just change adopted to draft restoration plan, just in case, come March 15th, when we got to do a herring spawn survey, or something, we haven't completed the EIS.

MR. COLE: What about four?

MR. BARTON: Is there any objection to the modifications? Hearing none, so be it. Four?

MR. COLE: I don't understand four. What does it mean? I move to strike it out?

MR. BARTON: Is there any objection to striking four? Hearing none. Five? Any comments on five? Six?

MR. SANDOR: Just a point that Jerome was making -- and it used to say, "fishing activities will be emphasized."

MR. PENNOYER: We could just say we're going to do meaningful work.

MR. COLE: I object. [Laughter]

MR. BARTON: Mr. Cole? Order.

MR. COLE: In order to change that, could we simply say: add at the beginning of the sentence "direct" so it says "direct restoration?"

MR. BARTON: Any comments on that modification?

DR. MONTAGUE: Mr. Chairman, I think that would help it a lot.

MR. BARTON: Direct. Any objections to that change? Hearing none. Seven?

MR. COLE: I would move to change "needs to" -- to "should."

MR. BARTON: Any objection to that change. Any other changes in seven? Any objections to -- seven is modified. Hearing none, eight?

MR. PENNOYER: Mr. Chairman, I'm not sure what the word activities means. Activities is a very broad word, and if it's -- let's say it's research on sea otters, and Interior normally does that, so that means you wouldn't fund any research on sea otters. I'm not clear what the word 'activities' means.

DR. GIBBONS: Mr. Chair?

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: Yeah. You change it to functions when we were looking at that -- that -- we had -- maybe we were reading too much in it -- into it -- but that does the same thing that, you know, anything that -- Fish & Wildlife Service does work on otters, that means you can't do any work on otters. And that's what our concern was with that word "functions" because what the real gist is here, what we're trying to get at, if we were doing activities before the oil spill, we don't want to be funding them with oil spill funds. That's the idea. The normal activities that would be conducted before the oil spill you know, should not be funded by oil spill funds. Only increased activities as a result of the oil spill, and that's what we're trying to get out, with those comments, and it is difficult to...

MR. PENNOYER: (Indiscernible).

DR. GIBBONS: ... we were searching for a word.

MR. BARTON: I understand what Dr. Gibbons is saying. You know, the reason we are on here is because we have functions that were affected by the oil spill, with some possible functions.

MR. COLE: My standpoint is clear. The functions of agencies which are in their usual statutory obligations and duties will not be funded.

MR. BARTON: What we are trying to avoid, or what we are trying to do is fund that increment that was caused by the oil spill. Isn't that what we're trying to do?

MR. SANDOR: Well then, why not say normal agency management functions not directly related to the oil spill will not be funded? If that's what you're worried about -- functions somehow be indirect.

MR. BARTON: Ms. Bergmann?

MS. BERGMANN: I can't find my copy from yesterday, but the language that the federal Trustee Council members had proposed that we discussed yesterday had some alternative language that I think may take care of what we are discussing here. But I can't find my copy.

DR. MONTAGUE: Mr. Chairman, item eight is the federal version and I would concur with that.

MR. BARTON: Why don't you read that to us, Dr. Montague?

MR. PENNOYER: "Agencies will not be funded for projects unrelated to the Exxon Valdez oil spill or for costs that agencies would normally fund if the Exxon Valdez Oil Spill had not occurred."

MR. BARTON: Shall we substitute that language for item eight, any objection?

MR. PENNOYER: Good.

MR. BARTON: Okay, nine.

MR. PENNOYER: That's an example where more words are better than fewer, maybe.

MR. BARTON: Mr. Cole reserves the right to change his mind on item eight. Alright, item nine. It is typed up somewhere. Where was it typed up?

MS. BERGMANN: It was on the back of the spreadsheet.

MR. BARTON: Quick, quick. Let him read it. We're still on eight?

MR. COLE: What troubles me about this one, when I read it yesterday was whether we were satisfied with the reference to population level or sublethal injuries.

MR. BARTON: We're on eight.

MR. COLE: Thank you. Thank you, that's all right.

MR. BARTON: Item eight. Any further reservations about eight? Hearing none, we'll substitute the language from the second alternative for the language that we're looking at now. Item nine. Any concerns with item nine?

MS. BERGMANN: Mr. Chairman?

MR. BARTON: Ms. Bergmann?

MS. BERGMANN: We might suggest that we use the language that's in the draft restoration plan that was provided to the Trustee Council. On the first page of Appendix B, page B-1, I would suggest switching that because the definition that is included under this current item nine was taken from the Restoration Framework, and it would seem to me that the information

that we have in the draft restoration plan document in front of us is more current and is more succinctly written.

MR. SANDOR: B-1?

MS. BERGMANN: Yes, appendix B-1.

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: How about services, Ms. Bergmann, that's referred to in our definition under item nine on the table, this just refers to injuries to natural resources?

MS. BERGMANN: Page B-1 does just define natural resource injury, but page B-2 does define injury to services. It's basically the same idea, it's just more succinctly presented. It includes the idea for natural resources of direct mortality, sublethal and chronic effects and degradation of habitat, which is captured in item nine that we're looking at here on the assumptions. And injury to services talks about -- whether or not there's been significant reduction in the physical or biological functions performed by natural resources or a significant reductions of aesthetic or intrinsic rather indirect uses provided by natural resources.

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: Where's this consequential injuries stuff come from? What's consequential injuries. Why -- why is there a difference in these two?

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: The language in the assumptions came from the Framework document that was released in April of '80 -- April

of '92 -- as a. -- as a framework for the draft restoration plan.

MR. SANDOR: Item B -- ?

DR. GIBBONS: No, it is not.

MR. SANDOR: Should it be included in nine, or does it have to be?

MR. BARTON: It should not be? I guess, and why not? Well I'm not advocating it, I'm just curious.

DR. MONTAGUE: Mr. Chairman, I think I could offer something on that. When the Restoration Framework was prepared last April, but April a year ago, that was just the first definition we had used. What is in B-1 and B-2 evolved from that and probably is a more accurate --.

MR. PENNOYER: Move to substitute B-1, B-2 for item nine.

MR. STIEGLITZ: Seconded.

MR. BARTON: Moved and seconded. Is there objection? (Indiscernible, aside comments) Okay. Would we also include that language on B-2 is other injury to other natural resources, so that we're going to end up with quite a lengthy item nine.

MR. COLE: Could we defer this to after lunch -- final action on this one?

MR. BARTON: Motion to table this until after lunch, is there a second? Moved and seconded, is there objection to tabling? Hearing none, nine is tabled until after lunch. Item ten? Any discussion on item ten? Hearing none, we adopt that. So we've adopted nine of the ten. There is no further action we can take at this time on this, I guess, is there Dr. Gibbons? Do you want to

move on to the second item that we have to consider which was give specific guidance on the mix of restoration resource and service activity emphasized on the draft '94 work plan. Who is going to help us with this? What is it specifically that you are asking us for. Can someone verify that request for us?

DR. MONTAGUE: Mr. Chairman?

MR. BARTON: Mr. Montague:

DR. MONTAGUE: This is always a been a thorny issue in the past, and that's why we left it for other vague and nebulous because we don't know how comfortable you'd be with how much specificity you could put there, but some examples would be the percentages as outlined in one of the alternatives. That would be guidance that we currently don't have, you know. What percentage for habitat protection, what percentage for monitoring, and so on, and so forth. More specific than that would be, for instance, to look in the table that you have here that lists all the resources. Are there any of those resources that you want emphasized or that you don't want in the plan at all?

MR. BARTON: Table you are referring to is the one with the tasks of the May 28th memo?

DR. MONTAGUE: Correct. Those are the kind of things we would hope to get from you all for this second decision item.

MR. PENNOYER: Mr. Chairman?

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: Could we have some clarification first on a couple of the basics for the '94 work plan. One, how much money

is available? Just overall, what are we considered in scope of projects we can do, -- ?

DR. MONTAGUE: Mark Brodersen, could you -- I think you could probably cover that one better than any of us.

DR. GIBBONS: We have a payment coming up in September, of a hundred million dollars from Exxon. Right now, in the account, we have approximately fifty two point five million dollars, roughly somewhere in that range. There's twelve point five million of that is in the habitat protection fund that the Trustee Council approved. They approved twenty million and then authorized seven point five million for Kachemak Bay. The remaining still sits in the account. Leaving somewhere about forty million dollars pending seal bay agreement or whatever, so that's what we have now.

MR. BARTON: Well, we've obligated essentially forty million to Seal Bay.

DR. GIBBONS: Yeah. If that's the case, then we have about one hundred million dollars coming in September.

MR. BARTON: Unless there's some other arrangements on a payment schedule of some sort with Seal Bay. So we got 100 million plus a little.

MR. BRODERSEN: One hundred ten million.

DR. MORRIS: Mr. Chairman?

MR. BARTON: Mr. Montague?

DR. MORRIS: This is Mr. Morris. There may be some reimbursements also taken out of that one hundred million.

MR. BARTON: Do we know what the ballpark is on those reimbursements?

DR. MORRIS: Nobody's told me.

MR. PENNOYER: -- agreement?

MR. BARTON: Are we talking about? I'm sorry Dr. Gibbons, go ahead.

DR. GIBBONS: I think there's around thirty five million dollars left in the agreement of the sixty seven and seventy five million.

MR. BARTON: Okay. It's the reimbursement from the damages

MR. PENNOYER: Mr. Chairman, mutual agreement, there's thirty five million left.

UNIDENTIFIED VOICE: (indiscernible)

DR. GIBBONS: Yeah. But there's a period from the settlement of March '91, I think it is the 13th of March to the period of February 29 of, 92, that there is -- the decision hasn't been made on the reimbursement amounts from there that I'm aware of.

MR. BARTON: What are these other reimbursements? Is it from that time frame that you're talking about? So there's thirty five million outstanding in reimbursements plus that.

DR. GIBBONS: That's correct.

MR. BARTON: So we've got one hundred ten million minus some now.

MR. BRODERSEN: However much you wish to take.

MR. BARTON: For the reimbursement. Dr. Pennoyer?

MR. PENNOYER: Mr. Chairman, -- questions might help set the stage for this. We did send this list out for public review. We said, these are all the things you've told us about, do you have any preferences at this stage, but we, but we out to do in '94 versus what we ought defer, what we should fund. It was as confusing to the public as I think that list of projects has been to us. We have managed to attract one hundred eleven new projects, whether we asked for them or not, and we got some responses from people in terms of their priorities. Some things were very low priority, others were fewer, sort of overwhelming, but most of them were sort of fifty-fifty. And obviously the number responses we get doesn't enable us to say a whole heck of a lot about what people really want to see done, particularly when you consider that I think the quickest way to do them and -- responses is having them site-specific and therefore, people that aren't going to say things, decide they don't want to do it. So I don't know what we do with that. I guess when we sent this thing out, we had certain classes of studies that might have added up to certain numbers of dollars. Have you tried in any way look at the response we got, even the response we got and characterize the projects by category, monitoring projects, by resource or by archeology? I noticed one thing we got said archeology got a rather consistently low support from most of the places you went and talked to. Public impressions, data transfer -- low support; visitor centers -- low support; recreational development -- low support; this fish passage

was low support; accelerated intertidal restoration low support; maricultural and fish hatcheries -- low support. I -- I'm not clear with the amount of money we've got, if we have anything back from that process that gives us any type of guidance in terms of what public priorities are. The second question is that, of course, we're going to have develop this some type of -- with the restoration plan. So anything we do here now to give you any type of guidance of -- will be a little bit problematical in terms of where we go with things like better resource management, how that fits into restoration. But do you have any guidance for us at all from what you went out and heard in terms of this several hundred-million-dollars worth of list that we have in front of us now? 94, did you get any feeling at all back from that process?

MR. BARTON: Ms. Rutherford?

MS. RUTHERFORD: I think that for the most part, the public -- when we went out for the public meetings, they had just received that document. Actually a lot of them received it the day we were there. So they had more questions about it, but very little input to us on -- on -- particularly on that document, although in those notes we gave you we did, there were specific projects mentioned, but most of those are captured on that document.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Well, with respect to guidance on the mix of restoration services and service activities to emphasize in draft work 1994 work plan, I would look in part to this Prince William

Sound Communities Organized To Restore the Sound because what they are doing is looking at the full range of projects with respect to the Sound and then prioritizing from the standpoint of what is important to those communities. I don't have that -- the listing that was referred to yesterday.

MS. RUTHERFORD: Mr. Chair?

MR. SANDOR: Yes?

MS. RUTHERFORD: I have it here and I'll hand it out.

MR. SANDOR: But it seems to me that what we want to do is encourage these different sections or regions impacted by the spill to do this very thing because what I understand happened in this process is that they looked at the full range and then did some prioritization from the standpoint of the community in the Sound. So, with respect to the Sound, I think we ought to, for the guidance that I would suggest, is that we give emphasis to what the communities in the Sound believe are important.

MS. RUTHERFORD: Mr. Chair?

MR. BARTON: Yes?

MS. RUTHERFORD: I would just like to point out this is provided to me by Tom Van Brocklin, but just as a point of clarification, the first page is their listing of projects that they have prioritized. The second page however, is just for your information. It was a complete list of projects by community -- that was considered by the communities and will be potentially discussed in the future. But the first page is their current prioritization and requests.

MR. BARTON: Mr. Sandor?

MR. SANDOR: Well, I guess this is the point. See, they've identified all these projects and then did this discussion, and I'm sure this is probably their first cut at this, but I guess the fundamental point though is that the Trustees ought to take advantage of this screening process, this analysis and give special consideration to it. This is in quite a contrast to one other region of the area which we had, I think, three hundred million dollar projects identified, and specifically in response to a question I asked, well, what are the priorities. The response was they all the same priority, and that was not very helpful. This is helpful.

MR. BARTON: Mr. Stieglitz?

MR. STIEGLITZ: -- general comments about mix here now at this point. I guess it probably no big secret, but I'm a big proponent of habitat protection as a restoration device, and I would like to see the Council provide some guidance to the folks putting together the '94 work plan that would put very heavy emphasis on habitat protection, and I would be so bold, if I could engender some support from the Council, to suggest to them that a -- and this is not to preclude what may come out of the final restoration plan at all. My idea is this would be a one-shot deal and it would come out of the plan as a preferred alternative comes out, but I would like to see us provide some direction to the -- the -- group to develop a, '94 work plan that would provide plus or minus ninety percent of the available funds for a habitat

protection.

MR. PENNOYER: Plus or minus?

[Laughter]

MR. STIEGLITZ: Approximately ninety percent. Realizing you know, we have, we have some unknowns with -- in a fixed cost more or less, if you will, to support OSPIC, administrative costs for agencies. No doubt there's going to be support for the Public Advisory Group, support for the Executive Director's office. There isn't any doubt that we have bona fide monitoring work that needs to continue and other restoration projects, but when you look at the amount of funding available to us in '94, a figure of ninety percent perhaps for habitat protection I don't believe is too far out of line.

MR. BARTON: I -- I wonder what we would do with some of the fisheries work that there has been an interest expressed in. I personally feel that ninety percent is too high. I don't know, am I on? I'm on. I think we just need to consider the full range before we commit to a specific percentage like that myself. Mr. Sandor?

MR. SANDOR: Well, we're on item two of this item?

MR. BARTON: Yes, which is to give specific guidance on the mix of restoration resource and service activities to emphasize in the draft and as Mr. Stieglitz just offered this as a -- as his specific guidance. That's in somewhat contradiction to what I just previously mentioned with regard to the Sound. We're talking about a total of -- how much is available?

MR. BARTON: Possibly a hundred million.

MR. SANDOR: So that ninety percent would be, would leave ten million for these other projects. Well, I think each Trustee member could identify whatever, but there's a motion on the floor, I could address it more specifically, but I don't suspect you're wanting motions on, at this point and time, or do you?

MR. BARTON: I'm game for anything you all want. Discussions, or motions or -- Dr. Gibbons?

DR. GIBBONS: Yeah. Back in February, when we approached you with a draft, you know, our framework for the 94 plan, we had a plan prepared based on all previous comments and stuff that we had received to that date. I've got copies of that here. It might be helpful in somewhat to help you frame some of this. The values in this, which were passed out, include about fifteen million for habitat work, I mean, excuse, fifteen million for restoration-type work, including monitoring and administration, all the rest of it, and twenty-five million at this time for habitat protection, and that's what we put together on our thoughts here early in the '93, and if you would like, I could pass these out, if not, I'd just hold them to, but it was a mix and it was a mix, of projects and there's some new thinking now that needs to be injected into this, but that was our thinking back.

MR. BARTON: Mr. Cole?

MR. COLE: I have always thought, tentatively, that to specify percentages of available funds to go to any single restoration category might be a violation of our duties as

Trustees. I think that we are required to look at all of the injuries to natural resources collectively, to make decisions as to what actions would best lead to the restoration of those injured resources and services and make decisions accordingly. For example, if we were to say that ninety-five percent of the monies to be used -- would be used for the acquisition for habitat, and yet we saw a glaring need for restoration of other species, which would take more than five percent, would we be doing the right thing as fiduciaries to say, well, we can't look at the restoration of those injuries because we've committed a fixed percentage to the acquisition of habitat? I have trouble with that.

MR. STIEGLITZ: Mr. Chairman?

MR. BARTON: Mr. Stieglitz?

MR. STIEGLITZ: Yeah, I need to react that. I basically agree with Charlie's comments about what our responsibilities are, and I don't think it's a good idea to set a hard and fast percentage that can't be violated in any way. I think we have to be very flexible in how we approach funding these things. However, my sense is that the Restoration Group is looking for some guidance and some general feel from the Council about how important various things are. Obviously, why -- they were thinking in terms of twenty-five million for habitat protection. I'm suggesting why not ninety million. So there's quite a broad range. I would think that the group would like some sense of how important the Council thinks habitat protection is in 1994. They don't have it now. I don't care if you go with a fixed percentage or what, but somehow

you have to convey how important we think that it is.

MR. BARTON: Well, that is as well as other things.

MR. STIEGLITZ: Right. That's with everything. That's what they're asking for. They're asking for a mix.

MR. BARTON: Mr. Rosier?

MR. ROSIER: For this prospective question on the -- Mr. Stieglitz's comments in regards to ninety percent going for habitat acquisition, I personally couldn't support that with the information I've got at hand at the present time. But kind of a, to further develop the idea here on this though, how much in terms of our land acquisition or habitat acquisition program is out there at the present in terms of the imminently threatened versus the -- you know, the longer term look that -- where are we with that particular process?

MS. RUTHERFORD: Mr. Chair?

MR. BARTON: Ms. Rutherford?

MS. RUTHERFORD: There are currently four parcels being negotiated at -- our understanding is that once those parcels are completed one way or the other, that will be the end of the imminent-threat process. We are moving into the analysis of all the private lands within in the oil spill area, where there is willing -- a landowner willing to participate in the process, and we hope to have that first level of analysis complete by late fall. And with, at that point and time, we'll be bringing that information to the Trustee Council to do with it as they choose.

MR. BARTON: Mr. Rosier?

MR. ROSIER: Yes. What -- please -- what's the value of the imminent -- the threatened parcels that we're talking about here at the present time? Any gross figure there?

MS. RUTHERFORD: I do not.

MR. BARTON: Mr. Sandor?

MR. SANDOR: With the understanding that the work plan will ultimately fit under the umbrella of the restoration plan, and given the fact that we are soliciting comments on alternatives that give habitat protection in the range of thirty-five percent to ninety-one percent and of course solicit other mixes, I would go on record as not prejudging that at this point, unless you do an analysis of comments perceived to date, give consideration to what the Prince William Sound Communities Organized To Restore the Sound, for example, and others, that I would not want to prejudge that this process would come out to any one of these alternatives.

The closest one that comes to me is alternative two, which is ninety-one percent habitat protection, but my guidance, as one Trustee, is to not prejudge that, and if you want to get some guidance of what the public is saying, I guess you got some comments already coming in, but I'd steer away from that prejudgment.

MR. BARTON: Mr. Cole?

MR. COLE: My view is that this is the type of information which should be coming to the Trustee Council from the scientific community as to what the injuries are, what recommendations they have for restoration of the injury to natural

resources and services, and how urgent restoration activities are.

And when we get that information funneled to us, then we can make the decision. I think that in the absence of that information, what's out there from the scientists and the results of the '91 and '92 studies, we're not in a position to make meaningful decisions on what restoration activities should be done.

MR. BARTON: Mr. Stieglitz?

MR. STIEGLITZ: The only problem is that we're going to have to, it seems to me for '94, -- you know we have a lot concern about public, public reaction and public views, and so forth. I don't want to beat habitat protection to death, but I would submit, based on my understanding of the public reaction to date, very strong support for habitat protection compared to some of the other options available to us, and I think we need to take that into consideration.

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: Yeah. Just one part, I thought I mentioned yesterday. I didn't go to all the public meetings, but we heard a lot of concern for doing activity other than buying land in some of the other smaller communities. We heard, you know, do something for subsistence resources, that type of thing -- that's read. So, there is support for habitat protection, but it varies from where you are. How you're looking at it, I guess. That's the only point I'm trying to make. Who's -- .

MR. BARTON: Dr. Montague?

DR. MONTAGUE: The '94 work plan frame work that Dr.

Gibbons is talking about, having a stack there more or less represented the -- what should be done based upon the injuries reported during the February symposium. So in many ways, while not entirely complete, that does indeed represent what should, you know, what we felt and the peer reviewers, the Chief Scientist felt, would be a good stab at what should be done based upon the injuries and the need to do something. Admittedly is not entirely complete. But also, suggest, perhaps, we not entirely forget about this input that has come in on this list, and there are sixty-eight projects that, you know, had more support, or that had more positive than negative support, and while I think it would be a mistake to just say those -- those are the ones we'll look at, I think that does focus things in a bit and if -- if you'll look through this, you know, you can see that under habitat protection, there is a strong emphasis, but it also shows the emphasis and a number of other areas, and just looking at the shaded boxes, you can get a pretty good feel. It's not -- it has some accuracy in terms of what the public is wanting. And then in addition to that, you have the petitions that aren't really represented here, I mean, that aren't in the table, but they're, you know, here, separately and specifically. Between the petitions, the shaded boxes and the February framework that we passed around, those kind of cover the main basis of what the people want and what the scientific community recommended.

MR. BARTON: Would the Council find it instructive to review the documents that the Restoration Team has prepared during

lunch and resume then at, say, one o'clock? Mr. Cole?

MR. COLE: Do we have the February document here before us?

MR. BARTON: That is what Dr. Gibbons has not -- well, yeah -- that's what Dr. Gibbons has.

MR. COLE: We don't have it individually before us.

MR. BARTON: That was my question, would you find that helpful?

MR. COLE: My answer is yes.

MR. BARTON: Yes, I gathered that.

DR. GIBBONS: There's just one point, I thought was missing, which is a budget summary sheet, and I'll get those xeroxed right now and get it to you.

MR. BARTON: Mr. Cole?

MR. COLE: Dilly - dallying here. We received the individual comments from people for the '93 -- the '92 work plan. Maybe it was the 93 work plan, I get mixed up. But at any rate, was it the intent of Restoration Team to give us the originals of these responses, like we received last year? I found them very helpful.

MR. BARTON: Dr. Gibbons?

DR. GIBBONS: Yes. That was discussed at the Restoration Team, and the decision was for the Restoration Team members to contact the individual Trustee Council members and ask if they would want those because its a voluminous document, I mean, it's probably a stack about six inches high,

DR. MONTAGUE: Three thousand pages.

DR. GIBBONS: Three thousand pages of material we got in.

So, if -- if that's the wishes, -- you know, that was the request that was made of the Restoration Team members, and the Department of Interior's got our loaner set right now, but they can be made available.

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: Mr. Chairman, just a brief summary which I prepared for me, which may or may not aid in the process of the projects. I came up -- we came up with sixty favorable, sixty -- sixty-eight, the break down was about seventy million dollars total for the ones that brought favorable responses. Monitoring projects were about six million bucks. Habitat protection was about fifty-six million, -- by management about six million, so that kind of gives you blend of the types of things that people seem to be giving general support to, although so -- basically habitat protection seem to be getting about fifty-six million -- seventy million dollars. Again, I think the way the response came in and the way the people characterized things, we might have one great idea that only two people support because it happened to be in their back yard. So I don't think you can do that in total, but those are kind of the breakdowns. I was going to ask one other question to, before we quit and go through this document here over the lunch. We have a contract out to design a monitoring program. I notice the public response had a very large amount money they wanted to put in monitoring. Any way we can relate to what is

being requested here to what this monitoring plan will or won't show. By -- when we spend a substantial amount of funds to come up with a monitoring plan, contract for a monitoring plan, do you have any dealings with when that's going to happen and how that relates to this process?

MR. BARTON: Dr. Montague?

DR. MONTAGUE: I'll let Byron talk a little bit about the timing, but, you know, we have kicked around about, you know, two and a half to five million, you know, allocated to monitoring, and you know, kind of an umbrella project that ties them all together, and Byron will talk about the time and the scheduling and when that --.

MR. BARTON: Mr. Morris?

DR. MORRIS: We have in review right now the draft final report that kind of sets up the parameters of what our monitoring plan would look like. That was called phase one, phase two is to go out and design them technically -- the technical monitoring plan -- what it would contain, how you would do it. And that is the contract that's ready to go as soon as the phase one report is found acceptable -- next week or two weeks. That could conceivably design a monitoring program that would be in place by -- by the end of this year or very early next year for implementation in 1994. Certainly -- would -- I'm not quite sure what the schedule is now with the restoration plan, but it would be -- it was always intended that a monitoring program would be part of the overall restoration plan itself, monitoring the research plan, and that

would certainly be in place by the time of the implementation of the restoration plan occurred. I point out that from the public response that Steve mentioned, there was twenty-five individual projects that seem to address monitoring. We can piecemeal them, in my opinion, individually in 1994 or we can try to coordinate them under a monitoring program, which is the direction I would recommend that the council go.

MR. BARTON: Mr. Pennoyer:

MR. PENNOYER: I'm confused though, if the monitoring plan we're going to get in this contract, which we haven't approved, isn't available until spring of '94, how do we design a '94 work plan that includes monitoring?

DR. MORRIS: Spring is late. I said by the end of the year, early next year, like January or so, is a do-able thing. What it involves is conducting a series of workshops over the course of the fall, with peer reviewers and scientists to determine what the monitoring needs properly should be and identify how to answer them or address them.

MR. PENNOYER: Your recommendation would be to --

MR. CHAIRMAN: Sorry, would be to take all the monitoring out of this, for example, and out of this public response, and just hold it, until we have a place holder for monitoring two to five million dollars until we get -- until we get the plan done?

DR. MONTAGUE: Mr. Chairman. I got this - is a bit of quandary in that you know basically in the two weeks from now, we're intending to start writing the project descriptions. I guess

the option that you are suggesting perhaps would be that we have a project description that's very generic and just have, you know, this ball-park figure on it. If that's acceptable, that certainly a do-able option.

MR. PENNOYER: Mr. Chairman, I move we break until 1:00 for lunch to review the document that's been given us.

UNIDENTIFIED: Second.

MR. BARTON: Any objections? We'll recess until one o'clock.

[Off Record at 11:55 a.m.]

[On Record at 1:00 p.m.]

MR. BARTON: When we left before lunch, we had before us the request for specific guidance from the Trustee Council to the Restoration Team on what the '94 work plan was to look like. We had also tabled the assumptions, pending final review of assumption number nine, I think it was. Are we ready to deal with the assumptions?

MR. COLE: Yes.

MR. BARTON: Is there a motion?

MR. COLE: On number nine, when we decided to use the language in B-1 and B-2, I'm not comfortable with the language on B-2 that talks of -- that's entitled "injury to services." It reads "human use service has experienced injury if the oil spill or clean up has" etcetera, etcetera. That being somewhat technical, there is no injury to human use or service. All of the injury is to natural resources. So I -- I think that we should not have a

category entitled injury to services, and I would propose that we take the two subsections one and two on page B-2 and add them to subsections one, two and three on B-1.

[Inaudible aside comments.]

MR. COLE: Take that out.

MR. PENNOYER: -- significantly reduce the physical biological functions.

MR. COLE: Leave is, that's already on B-1, natural resource has experience injury. See it fits.

MR. BARTON: You would take numbers one and two on page B-2, and add them to one, two, and three on page B-1, and then substitute those for item nine, in the assumption?

MR. COLE: Yes. They would be therefore, numbered four and five.

MR. BARTON: Any discussion of that? Mr. Pennoyer?

MR. PENNOYER: Mr. Chairman - how is that going to read, it's going to say, natural resources experience injury, if sustained a loss, loss of -- has significantly reduced the physical or biological functions performed by the natural resources? relates to services I'm not clear where the word "services" comes in or if I've missed it.

MR. COLE: We don't have any word "service" there. I can do it a little better.

MR. BARTON: Just start it with the physical biological functions.

MR. COLE: Yes. Have been reduced. The physical or

biological functions performed by natural resources have been reduced

MR. BARTON: The lead-in is "loss includes," and then you could just say "the physical biological functions performed by ...

MR. COLE: Yes.

MR. BARTON: Other questions or comments on that suggestion?

MR. PENNOYER: Mr. Chairman, so now it reads, "loss includes the physical or biological functions performed by the natural resources." What does that mean?

MR. COLE: That's why I said -- have been reduced -- or a reduction of.

MR. BARTON: I think if we can reach an agreement on the concept, we could get a wordsmith.

MR. COLE: Well, let me do it, if we -- just get it done. Number three, that loss includes, colon, then I would purport to add paren, arabic four, close paren -- reduction of the physical or biological functions performed by the natural resource. And then I would do the same, substituting five, and say, quote the aesthetic or intrinsic or other indirect uses provided by natural resources have been significantly reduced.

MR. BARTON: Further comments or questions? Was that a motion that I heard?

MR. COLE: Yes.

MR. BARTON: Was there a second to that motion? Mr. Stieglitz seconds the motion. Any more discussion? Any objection

to the motion? Hearing none, that correction or substitution will be made. Is there a motion now to adopt this whole set, as we have modified them?

MR. SANDOR: I so moved.

MR. BARTON: It's been moved by Mr. Sandor. Is there a second?

MR. PENNOYER: Seconded.

MR. BARTON: Seconded by Mr. Pennoyer, any discussion?

MR. COLE: Could we have just a moment to --

MR. BARTON: Certainly.

MR. COLE: Mr. Chairman, what did we do with number five, leave it in?

MR. BARTON: As I understand it, we did leave it in.

MR. COLE: And may I ask why we left it in? I mean what does that have to do with the '94 work plan assumptions?

DR. MONTAGUE: Mr. Chairman?

MR. BARTON: Mr. Montague:

DR. MONTAGUE: The reason why that is in there, and we think important, is that with the federal fiscal year ending at the end of September, there will be basically, well, very few '93 projects that aren't going to require some money in 1994 to finish them. So September isn't when people have their final reports done in most cases.

MR. COLE: If that's the case, Mr. Chairman, that is not what it says. I mean, it makes no reference to the expenditures of money to require to complete the '93 projects. If that's what we

are aiming at there, then we should make reference to the fact that we will need money. See, I didn't read it that way. Maybe I just read it carelessly.

MR. BARTON: Is there alternative wording that it would more clearly state our intent?

MR. COLE: Mr. Chairman, are we saying there in five that -- if we closed out in '94, I just thought well, that would be something that the peer reviewers or the scientific staff will be finishing up in 1994. Are we, therefore, saying the 1994 work plan will be required to include closing out or continuance of projects initiated in 1993 or contained in the 1993 work plan?

MR. BARTON: I think that's what we're trying to say.

MR. COLE: I will move that it be amended to spread that concept in substance.

MR. BARTON: Is there a second?

MR. SANDOR: Second.

MR. BARTON: Mr. Sandor. Seconded by Sandor and Rosier.

Any further discussion?

MR. COLE: Yes, I have another point.

MR. BARTON: Wait, but on five. Is there any further discussion on five? Any objection to the motion? Hearing none, we'll make that change. We'll ask Dr. Gibbons to -- ?

DR. GIBBONS: Mr. Chair, can you repeat that motion please?

MR. COLE: Let's see if I can state as accurate -- the 1994 work plan will be required to include projects contained in

the 1993 work plan -- which -- have not been completed. I think that includes both concepts of closing out or continued, but if you can do a little better with it, I have -- the concept is that the 1994 work plan will have to include some 1993 projects which haven't been finished.

MR. ROSIER: Do we have projects that date back prior to '93 that would be carried forward?

MR. BARTON: They have all been re-approved in '93 -- Moving along. You had another item, Mr. Cole?

MR. COLE: As I understand it then, we're saying that for the 1992 -- projects contained in the 1994 work plan can only be improved for implementation unless they are time-critical or represent a lost opportunity, if we have not adopted restoration plan.

MR. BARTON: A draft restoration plan.

MR. PENNOYER: Probably better use the word draft in the first sentence as we did in the last sentence.

MR. BARTON: First sentence of what?

MR. PENNOYER: Mr. Chairman, should we substitute draft for the word approve?

MR. BARTON: Back in the old item three?

MR. COLE: Yes.

MR. BARTON: Okay in the second line.

MR. PENNOYER: Good point.

MR. COLE: That's all I have Mr. Chairman.

MR. BARTON: There's a motion on the floor to adopt this

set of assumptions as we have modified them. It's been seconded by Mr. Rosier and Mr. Sandor. Any further discussion?

MS. BERGMANN: Mr. Chair?

MR. BARTON: Ms. Bergmann.

MS. BERGMANN: I'm sorry, but I believe yesterday, there was some discussion about having the statement in here about NEPA compliance must be completed on all projects prior to approval or conditional approval by the Trustee Council. I don't know if that was an oversight when this was first compiled or if the Trustee Council does not want to have that included.

MR. BARTON: Which item was it?

MS. BERGMANN: It was item number three from the second set of assumptions yesterday.

MR. BARTON: And into which item in the first set of assumptions, was it intended to go? Further discussion on that?

MS. RUTHERFORD: Mr. Chairman, could we ask for a clarification on something?

MR. BARTON: Related to this item or another item?

MS. RUTHERFORD: The previous one. We got into the NEPA.

MR. BARTON: Go ahead Ms. Rutherford.

MS. RUTHERFORD: The text that Charlie just suggested, projects contained within 94 work plan can only be improved for implementation. What does that replace? Or what, where does that go?

MR. COLE: -- no changes to define, I was just -- an understanding of what I thought it to be, and then Mr. Pennoyer

suggested that we put "draft" in lieu of the word "approved" in line two of the original paragraph three.

(Indecipherable aside comments)

MR. BARTON: We could essentially drop the last sentence. Is there a motion to drop the last sentence?

MR. COLE: Actually, I think what you do is drop the first sentence.

MR. BARTON: Well and drop other. Just say approve restoration projects to be implemented not -- with the draft restoration plan.

MR. COLE: Or must be time critical?

MR. BARTON: Did you capture all of that? I think the proposal that we are look -- talking -- about and we left the NEPA question for the moment is that in old item number three -- oh, wait a minute,

MR. COLE: I think its fine the way it is.

(Inaudible aside discussion)

MR. BARTON: That's a discussion that never took place. Now, do you know what we did, leave old item three as it was, except change that "approved" to "draft" in the second line.

MS. RUTHERFORD: Earlier you have indicated to us, we thought you had indicated you wanted three rolled up into one.

MR. BARTON: Yeah.

MS. RUTHERFORD: You still want that?

MR. BARTON: Yeah. Still want all of that. Now, the NEPA question. Ms. Bergmann has pointed out that, I guess it is

item three in the second alternative set of assumptions, you thought we had intended for that to be brought forward. Does anybody else think the same thing, or do we want to do that?

MR. COLE: We realize we have not. It's sort of a . . .

MR. BARTON: Is it our intent to bring that forward?

MR. PENNOYER: It's our policy.

MR. COLE: Can we have just a minute to gather our wits.

MR. BARTON: Certainly.

MR. COLE: Well let's do it this way if you don't mind. I'll move that paragraph three of the second set of 94 work plan assumptions be added to our work plan assumptions handed to us this morning as item eleven.

MR. BARTON: Is there a second?

MR. PENNOYER: Seconded.

MR. BARTON: It has been moved and seconded. Do we want to say prior to approval or conditional approval or do we want to say prior to implementation?

MR. PENNOYER: -- didn't actually approve it for funding, until NEPA compliance is completed.

MR. BARTON: Yeah, that's what we did last year, earlier years though we . . .

MR. COLE: NEPA compliance, if required, must be completed on all projects prior to approval or conditional approval by the Trustee Council because NEPA compliance is not required on all projects. We wouldn't want to be trying to comply with NEPA if we're not required to.

MR. BARTON: I agree with that. I think "if required," leaves us the flexibility. Though, I think it is the requirement on the bulk of the projects. Some of them not. Maria do you want to say something? You're fidgeting? This is counsel for Agriculture.

MS. LISOWSKI: I can see "if required" language is probably okay because you may have a project for example that would only fund a contract --.

MR. BARTON: Technical services.

MS. LISOWSKI: Technical services or something, so it is required, probably okay, although everything that would be in essence an implementation out in the field would be require NEPA compliance.

MR. BARTON: Okay, thank you. Did we take action on that? No we didn't. Any objection to that motion? Hearing none, we'll do it. So then that becomes -- we'll move item three from the old set or from the second alternative set of assumptions and incorporate into this assumptions.

MR. ROSIER: Mr. Chairman?

MR. BARTON: Mr. Rosier?

MR. ROSIER: Yes. Did we delete "or conditional approval?" I thought we were talking about approval.

MR. BARTON: We did not delete it. Do you want to move that we do?

MR. ROSIER: I would so move.

MR. BARTON: Is there a second? Seconded by Mr. Sandor.

Is that a carry-over from when we thought we would have -- when we were on the old timetable for the Restoration plan, is that what that is?

MR. PENNOYER: Mr. Chair, that is what that is. That refers to part two of number two on the federal ...

MR. BARTON: Yeah. Okay. Any objection to the removal of conditional approval?

DR. GIBBONS: Mr. Chairman, there's no approval of finally to part two of the old federal group or is it -- concept as we go through work plans of conditionally approving something to sort of to send out the message we approved it before we had NEPA compliance. I'm not sure we're conditional.

MR. BARTON: We did use it from that standpoint on a couple of projects as I recall.

MR. PENNOYER: We were asked -- excuse me -- on one particular vote, I remember, we were asked at least to go on record as to whether we thought it was a good idea prior to NEPA compliance and that was -- created some problem because saying it was a good idea without knowing whether to comply with NEPA -- was put us in a very difficult situation, so I think both the conditional approval had to do with the concept are we going to take votes to say we think something's a good idea before we do NEPA. I thought the federal position was we couldn't do that. That's why the word conditional approval was -- I don't think it makes any difference. Approval is approval, so -- cross that bridge when we come to it, but I think that's why conditional was

in there, to make it clear that the federal side could not vote on a project, just sort of fun, prior to the time of having NEPA compliance to look at it.

MR. BARTON: Well, I think there was a divergence of views on that. I know of one federal agency that thought the requirement had to be met prior to implementation, and if it was found to not be proper through the NEPA compliance, then you pulled it.

MR. PENNOYER: ... minority view.

MR. BARTON: We've been through that.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole?

MR. COLE: Maybe I have something constructive to add, I'm not sure, but if the law in this circuit is that NEPA compliance is not required until you have a final go, no go, or an irrevocable commitment as an agency's resources, then I think we can go along and adopt these with these projects and not require NEPA compliance until we make that final decision. I'm satisfied to think that is what the law is, so I don't think we need conditional approval. We can just sort of go along and not -- and pursue these projects until we get to the go, no go, stage without NEPA's compliance.

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: Mr. Chairman, I'm not sure what the point is though because I thought originally the federal side has indicated they couldn't vote on these projects, yes or no, until

the NEPA compliance was finished, so, that's why I say, I don't care if the word conditional is in there or not, if you can't vote on it for approval, whatever point you asked to approve it, then you don't do it.

MR. COLE: You can vote on it, as long as the vote is not the final vote. It's the final commitment of the resources, that's what I'm saying. I mean we can continue to write down with these projects until we make the final vote and we can say, alright send it out for public review. We don't have to have NEPA compliance there.

MR. PENNOYER: That's approval for public review not approval of the project. I don't think it makes a lot of difference. Say approval and we'll cross that bridge when we get to it.

MR. BARTON: Is there objection to the motion, the motion being to delete the words for conditional approval? Is there objection? Alright, we'll strike the word conditional approval. Anything else on these assumptions? Is there a motion to adopt them, as we have modified them?

MR. PENNOYER: Move to adopt.

MR. BARTON: Is there a second?

MR. SANDOR: Second.

MR. BARTON: Mr. Sandor seconds. Mr. Pennoyer moved. Any objection? We got assumptions for the '94 work plan. Now back to ...

MR. PENNOYER: Fortunately.

MR. BARTON: Now back to specific guidance on the mix of restoration resource and service activities to be emphasized in the draft '94 work plan. I understand what we're about here is to give guidance to the Restoration Team to craft something that will ultimately go out for public review and then come back to the Council with the benefit of those review comments for final approval, is that correct? Is there any further clarification, that any member of the Restoration Team might give as to the shape of the specific guidance that is being sought?

DR. MONTAGUE: Mr. Chairman?

MR. BARTON: Mr. Montague?

DR. MONTAGUE: Yes. You know, currently we basically have four-hundred-eight projects of which, you know, the Restoration Team in the next week is going to reduce to about fifty because fifty is about as many project descriptions with which we have the resources to write. And, without any guidance from the Trustee Council, we would take the public comment and our '94 framework document and these petitions and make the best show we can of incorporating of what we know from the scientific angle should be done and what the public wants done. But we feel with the list that comes back to you would more likely meet your approval if we had some direction from you now, serious dislikes, in terms of things, the general areas that you absolutely wouldn't want to see in this list of fifty or fifty-five projects to come back with.

MR. BARTON: Mr. Pennoyer?

MR. PENNOYER: Well, we are really faced with a catch-22, we want to have '94 be the first year of implementation, in quote, as our assumption state. We don't have a restoration plan done yet, so we haven't answered the policy questions. We haven't done a research -- resource by resource injury assessment agreement amongst us, and we haven't, of course, dealt resource by resource on the options, although they are contained in now -- Appendix D of how we might approach it. So it's difficult to call, and, I guess, looking down your list for example, I can see a number of resources here that suffered population level injury. I'm not sure whether that's a criteria you want to go with as the first cut at this. I can see a number of resources there's still questions about. Sockeye salmon, for example. We haven't really totally made up our minds as to what caused the injury and we don't have the final definitive return for the adults to define what that injury is. I see other resources here like pink salmon that raise another whole set of issues about sublethal injury versus population level, what is appropriate to do for restoration, whether we restore it to pre-spill levels, whatever that means, given the fluctuation of pink salmon runs or we enhance or we just derive better management, where we cut it off, a lot of questions that are yet still to be answered. So I don't know, on something like pinks, I suppose we could tell the Team to go out and give us their view of what a restoration program would be for pinks over the next four or five years and how '94 fits into it, but I don't know what that is right now. I assume public interest certainly is that we do some pink

salmon projects, but I'm not clear of the list you gave us, which of those fit in to what I think are needed for pink salmon -- coded-wire tagging of pink salmon fry, improved escapement surveys, which is sort of something you would have to decide whether the agency does that or not, and kind of that whole list. So, I'm a little bit -- I want to do this, before '94, but I don't know exactly how to go down this list and give you guidance. Maybe it's coming up with some general priority statements on our part. Do you want to generalized things, like we have monitoring plan that's out there now and would be approved this fall? Do we put a place holder in for monitoring, assuming we're going to do it, pick the number out of the public document here that five million bucks or whatever, and say the actual detail to those projects will have to wait completion of that plan, we could do one that like that. That's not picking projects out, it is just stalling, but, I mean, it is waiting for better information. Are we going to do imminent-threat lands, and any other land acquisition is going to have to be just a place holder to deal with when we get the restoration plan done. We're going to close out, needed close out studies so those will automatically get included for discussion. I don't know.

MR. COLE: Mr. Chairman?

MR. BARTON: Mr. Cole?

MR. COLE: Obviously, we're not going to be able, here this afternoon to come up with a meaningful set of principles to guide the Restoration Team in the formulation of the '94 work plan, in my view at least, number one. Number two, I would therefore

move that we request the Restoration Team to prepare recommendations for us for the '94 work plan, utilizing the criteria that Dr. Montague related a moment ago, but to which I would add consistent with the past decisions of the Trustee Council. And let me say, parenthesis, if we have already rejected some of these projects, I would suggest that we not have them presented to us again unless there is a strong need to do that, close paren.

MR. BARTON: Is there a second to Mr. Cole's motion? Seconded by Mr. Sandor. Discussion?

MR. STIEGLITZ: Mr. Chairman?

MR. BARTON: Mr. Stieglitz?

MR. STIEGLITZ: I think I agree it is going to be very, very difficult to give the Restoration Team the kind of guidance they really would like and they really need. It's been difficult ever since we got into this process back in '89 trying to give the staff the kind of guidance that they really want and really need. But I guess I have some concerns about just turning it over at this point and time and say, here you go, gang, here you are gang, go out and do the best you can with this -- we are not prepared to help you. I would rather, at least attempt, if we can in a relatively short period of time, agree to some parameters at least that we could lay on this process. So it might -- it would certainly help the team, I think, to put together the project. It will facilitate, I think, one final cut on the project because at least we will have agreed to some constraints on it. I'm talking

about such things as, for instance, we could assume what I will call a conservative approach, and hopefully this is the last work plan that will have to be put together without benefit of a final restoration plan in place -- in place, constrain the kinds of projects that we might approve along the lines, for instance, like placing heavy emphasis on restoration resources activities and little or no emphasis on service activities, approving projects only for species with demonstrated injury and population decline, where we have agreed on that particular species or that group of species, and heavy emphasis on habitat protection. Those are kind of a general -- but at least it lays somewhat of a framework for the team to work under, possibly then avoid seeing come back with fifty projects or fifty million dollars worth of project, or whatever, because that -- that becomes kind of arbitrary, and then I just don't think it's very helpful to the team to give them that kind of guidance ...

MR. BARTON: Mr. Cole.

MR. SANDOR: ... I don't know, it's a tough one, but I think I'd rather attempt to give them a little guidance versus (indecipherable) decision as best you can.

MR. COLE: The problem with that is, is we'll be in essence adopting a restoration plan, because that's exactly what we intend to do in the restoration plan. So, to do what you suggested just now we do, would require us to hear this afternoon established principles for the restoration plan, which I thought clearly we were going to do after we received all this public input.

MR. BARTON: Mr. Chairman, we spent a lot of time at this meeting discussing sort of the change in view on EISs and where we're going with the restoration plan, and it strikes me that the '94 work plan has to sort of follow along with that sequence that we're trying to set out. If we're going to get back our public responses by August 6th on the restoration plan, and then we're going to embark on a restoration planning process in some more detail to prepare the final restoration plan and EIS, it seems to me that type of thoughtful process is the type of thing that you're going to have to do for some of the elements in this '94 work plan, like pink salmon, perhaps some of them with population level injury, or closeout studies or monitoring studies, as we get the plan back, are a little more obvious. When we get down to resources with sublethal injuries and more complex-type of approaches, we'll probably have to do that anyway. So, is there a way to meld this '94 work plan process -- part of -- maybe placeholder parts of it or something -- more into the restoration planning process than -- since it's going to have to comply with that anyway. Get the public comments back August 6th -- what have we lost if we've done half of the restoration plan that's obvious, if there is an obvious part in there, and so forth, and the other half is sort of place-holdered that we really finalize after that August 6th. Is that possible a time-frame? Can we do something like that? I have real trouble in dealing with giving this type of guidance, absent what Mr. Cole referred to as the restoration planning process on some of these species. But I still want to do

it in '94, so I don't want to just use that as a reason not to do something 'til '95. Is there a way we can build that type of timing in? The answer is no.

MR. COLE: Well, here's what I see. We've been doing it for the last two years and getting along quite comfortably. I think the Restoration Team sort of intuitively knows where we've been going the last two years. I don't foresee the Trustee Council making a marked divergence from what we've been doing the last two years, so why are we getting sort of hung up now in the restoration plan?

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: It seems the last two years we've gone around in circles on restoration items by putting them on hold unless they're time critical or lost opportunity, and I thought that the concept at this stage was we'd expand beyond that, and, for example -- same old example -- pink salmon -- I'm kind of not pleased about hearing continuously from people in certain areas that we're ignoring their desires for restoration, and the reason we're ignoring them is because we haven't come to grips ourselves with what we need to do with restoration and have been unwilling to commit major expenditures in some of those areas. So, let me rephrase my original question on timing. I'm not necessarily suggesting starting on August 6th to do this, but what I'm suggesting is is there a way that we can sit here and with certain principles of the nature Mr. Stieglitz proposed, outline in essence what might be half of the '94 restoration -- er -- work plan. The

balance is a placeholder at this moment because we can't tell you what to do, but between now and August we're working on that. I mean, you don't have to wait to August 20th to start. We can start looking at some of those questions we know we're going to have to answer for the restoration plan anyhow, modify them by public comment as we get, but start working on some of that. I -- I need to sit down with somebody or somebody sit down with me, for pink salmon again, and say here they are, here's the injury, here's the type of things we have done since we started damage assessment, here's some of things we know we can do, here's some of the things we could do over a number of years, here's the relationship to what the agency does now. And I don't have all that in my head. Maybe I should have because we've talked about it. But I don't have all that in my head. I don't know out of this two and a half million dollars worth of pink salmon projects that's in here, I don't know what makes sense.

MR. COLE: Mr. Chairman, I withdraw my motion. You guys figure it out. (Laughter) I mean you're not going to get it done this afternoon, but I'm withdrawing my motion, and we'll go from there.

MR. BARTON: Mr. Brodersen.

MR. BRODERSEN: What we're trying to get to now is -- is the list that gets sent out for public review. I expect -- I would like you all to get to. It's not the list the Trustee Council is recommending, it's not the list that the RT is recommending, it's the list that we want people to look at and comment on, so that

come twelve-sixteen, when we have this all put together, the Trustee Council can then decide what it wants to do in the way of a '94 work program, given the draft schedule which has never been approved -- we still keep -- seem to be referring back to it regularly. That's what -- so the guidance we need now is not as specific as what you all will need to come to on twelve-sixteen. It's much more making sure, I think, that we cover the suite of topics, of likely topics or likely projects, that you will need to be able to formulate your '94 work plan in middle of December, and perhaps that makes it a little bit easier in terms of what we are trying to get to now. I would hope that you're not looking for a list from us now in terms of what we would recommend. We would much prefer to put together a set of projects that the public is supposed to comment on, and neither the RT nor the Trustee Council at this point should be recommending that as the work plan.

MR. BARTON: Mr. Rosier. I suppose the guidance could be as broad as, Restoration Team put together the fifty highest priority projects in your opinion. That would be one extreme. The other extreme would be to go through this list. Mr. Pennoyer.

MR. PENNOYER: I happen to agree with Mr. Cole, we're not going to do it done this afternoon. I was trying to find the middle ground of some specific things we could tell people they could work on and others we'd find a way to get at as time goes on here. Apparently, these projects here are the fifty highest priority the Restoration Team was able to come up with -- this list you gave us a couple of months ago.

MR. COLE: It does have the new data. That's my point. My idea was to take what they had, what they synthesized some data, and used their best judgment -- I don't know if it's the fifty highest, but whatever. That was my concept -- based upon what we've done in the past. I don't think we can ignore the past that we've generally embarked upon the last couple of years. Intuitively we're doing the same thing I think.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Well, yeah, I kind of liked Charlie's idea there on this. I'm not sure whether we're going to be able to accomplish anything more specific than that here this afternoon. But a couple of things that I think we've heard from the public that perhaps -- that perhaps don't fall into the classification of having been, you know, a project that we've previously been involved with or work that we've previously been involved with. One of the issues that's -- we've received a fair amount of correspondence on as well as public testimony on has been the issue in the outer coast area between Prince William Sound and Cook Inlet, and whatever program goes forward here -- I realize there's not too much in the way of projects actually listed here in terms of the summary of public response, but there was one and that was item thirty-four, we're talking about Paint River fish ladder salmon-stocking program, and again, that's only a suggestion. I'm not saying I endorse that -- that particular project -- but that's an area that we have not -- have not accomplished a lot of research work in and it's an area that we've had a fair amount of public

input on, asking for projects in that area for either direct restoration or replacement of services. I assume that this -- the Paint River situation is a replacement service type of thing, but I would urge, you know, that something involving a project in that particular area would be something that would worth -- worth going forward with here during the next -- during the '94 work plan.

MR. BARTON: Further discussion?

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: If we adopt Mr. Cole's suggestion that he withdrew, do we -- are we going to look at this again. I notice this list, for example, has Seward Sea Life Center, Fishery Industry Technology Center, Oil Spill Recovery Institute, subsistence travel and harvest replacement -- a number of things that Mr. Cole has said in the past we've sort of passed over or were not done, and I don't know if that direction is consistent with this list I currently have in front of me, even as modified by the public comments, the rather minor number of comments we got back compared to the mail-out. So, I -- and then if we do -- if this is the direction we give Restoration Team, are they going to report back to us at sometime and we'll take a look at another list, or is this what goes out to public review or ...?

DR. GIBBONS: Mr. Chair.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: Under your schedule, it would come back to you with a list of the projects that we would see going, you know,

for development in the '94 before we start the ...

DR. MONTAGUE: Mr. Chairman.

MR. BARTON: Mr. Montague.

DR. MONTAGUE: I think it's important to point out there's at least one assumption, you know, if we followed that assumption would have a '94 work plan that's considerably different than '92 and '93, and that is that direct restoration would be emphasized, and some of the projects that Mr. Pennoyer mentioned would be those kinds that would fit under that assumption that we've just passed, that we haven't approved in previous work plans.

So, I guess there'd be somewhat of a contradiction to have that assumption and then pass guidance to do something like you've done in the past.

MR. BARTON: I move that we instruct the Restoration Team to prepare a proposed '94 work program that consists of the fifty highest priority projects, bearing in mind the assumptions which we developed, discussions that we've had here, and the public comments that we have to date, and that be brought back then -- the project descriptions to be brought back then to the Trustee Council for further action. Is there a second?

MR. COLE: I'll second that for the purposes of discussion.

MR. BARTON: Is there further discussion? Ms. Bergmann.

MS. BERGMANN: Just a couple of points. I think that in looking at the public comments that we have received back on the

chart that was sent out, I'm not sure that the public necessarily really supported a lot of direct restoration. They really generally seemed to support monitoring, restoration monitoring, habitat protection, more limited kinds of things, but when you looked at museums, visitors centers, recreation projects, on the ground type of things, fish ladders, the kinds of things we're calling direct restoration, they really didn't receive a lot of support. So, I think that might be something that's worth discussing a little bit, just so we don't have problems in the Restoration Team trying to decide which way we're going to go on that particular topic. The second thing I'd like to point out is the 1994 Restoration Framework that was presented to the Trustee Council was not a document that the Restoration Team put forward to you all saying we support all of these projects as part -- as projects that should be included in the 1994 draft -- draft work plan. We considered them as examples of the kinds of projects that could go forward. So it's not a list that was supported by the Restoration Team, but merely examples of the kinds of things that could be done.

MR. BARTON: If that's true and if we adopt that motion, it needs to be understood, of course, that projects need to be consistent with the guidelines governing the expenditure of the funds. Mr. Rosier.

MR. ROSIER: Mr. Chairman, your motion includes such items as the documents and the public input, such as the document we received from Prince William Sound Communities Organized

Response, or are we dealing with the priorities only as they are presented on the summary of the public response here on this. I -- this public input issue is one that continues to bother me a little bit in that we had less than a one percent response in terms of this particular list. There were two thousand applications that went out and less than one percent response. That was, what, less than -- less than a hundred -- less than two hundred people. Now on that, I'm fairly confident that the people that put together the list from Prince William Sound Communities involved a great deal more than two hundred people, and the mix of, you know, the mix of projects and so forth that they've put forth. These are priority projects that they've certainly identified, impacted them, and their region on this. And it just seems to me that it's a tough decision here on this in terms of picking something out of the middle that fits all of these, but we're hearing from a lot of different sources here, quite different groups that we're hearing from, and it just seems to me that unless we go forward with a program here that kind of encompasses the efforts of people like the Prince William Sound Communities operation here on this, we're not really, we're not truly getting to the projects that people want in their respective region.

MR. BARTON: It was the intent of the maker that all the public information and public input that we've had be considered by the Restoration Team as they develop the fifty highest priority projects. Mr. Sandor.

MR. SANDOR: Is it the intent of the motion that the

team gets to come forward with the top fifty priority? The presentation would also show how they got to the top fifty and which perhaps was the next fifty. Some characterization of -- because I would be troubled if all we had was the top fifty.

MR. BARTON: I think implicit is the rationale for the selection of the top fifty, but as I understand it we're taxing the capabilities of the team in putting together more than fifty of these write-ups. Is that true?

DR. MONTAGUE: Mr. Chairman.

MR. BARTON: Mr. Montague.

DR. MONTAGUE: That's true in terms of actually writing up the descriptions, but in terms of the list that we would give you in a week or ten days, it doesn't have to be limited to fifty.

MR. BARTON: Oh. Mr. Sandor.

MR. SANDOR: Well, Mr. Chairman, it seems to me that then we have an intermediary step -- an intermediate step -- of where we have the screening and the rationale so that we can actually test that. I would want to be assured, as I think Carl and others mentioned, that the public responses which come from various sources and the scientific advice of the science -- Chief Scientist -- all those things I would to know, not just what the top fifty were, but the others that were runner-ups.

MR. BARTON: Well, we could ask them to force rank them. Mr. Cole.

MR. COLE: Would Commissioner Sandor be satisfied with the top fifty alternatives, the second tier of -- of proposed

projects, and that could be no more than five sentence apiece.

MR. SANDOR: Yes, that I think would be -- and the forced ranking would be -- is that in fact the process the team would go through -- forced ranking? What would you do?

DR. GIBBONS: Mr. Chair, the process I envision the team would probably go through is, first, we have to set some criteria that we screen all those projects to so they're treated equally, and then with that, we'd get to the ranking. That's the only way I know how to get there -- is to use some criteria to screen them on.

And one of the criteria might be, you know, how much public support -- I mean, we'd have to come up with those.

MR. BARTON: Mr. Sandor.

MR. SANDOR: This is a "for instance" and I have already mentioned it, but it seems to me now that there's this Prince William Sound Communities Organized to Restore the Sound, is that not going to be in place, whatever they come with up or what they've already come up with. It seems to me that, you know, it needs special consideration, what the Chief Scientist comes up with, but anyway, the process. I guess the point's been made and I'm assured that we're going to see more than the fifty and we're going to see the process -- it will be a forced ranking process, a rationale, and we'll have an intermediate opportunity to look at this and provide some feedback. I don't want point check that just limits to fifty.

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: Instead of forced ranking four hundred and

eleven of these things, I mean, there's no way we can get that done, and so I'm kind of struggling with the same thing you are, how do we sort these projects to get to a reasonable for you to look at, be it the top fifty with an additional hundred or, you know, something on that order, but I'm not sure -- I'm sure we can't force rank four hundred and eleven of them and get them to you.

MR. COLE: Top fifty and then the next fifty.

MR. SANDOR: Yes, I think the second tier would do it.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Yes. It would be helpful -- I don't know whether we could do this or not, but would it be helpful if we would in fact provide some dollar figure here as far as the habitat protection issue is concerned, a placeholder such as we did last year, for the current year in which we set aside twenty million dollars, if that's what -- you know, that's the beginning point anyway.

DR. GIBBONS: Mr. Chair.

MR. BARTON: Mr. Gibbons.

DR. GIBBONS: I think -- I think the process right now would be to be sorting the projects, and then when we come to the Trustee Council, the Trustee Council can decide, yes, we need a habitat protection fund of X or Y or --.

MR. BARTON: Mr. Stieglitz and then Mr. Cole.

MR. STIEGLITZ: Yeah, I don't mean to hurt anybody's feelings or be critical of anybody, but I am assuming when the --

when the team puts together projects, that's on the basis of the merits of the projects completely and it's based on injured resources, and such things as to who we keep happy and who we don't keep happy, are we treating everybody -- are we giving a good geographical split of projects and so forth, I assume those are not factors. We're looking at the merits of the projects and how that relates to damaged resources. Is that correct?

MR. BARTON: Dr. Gibbons.

MR. STIEGLITZ: Or can we be assured of that? I guess that's what I'm saying.

DR. GIBBONS: That's why we need to set a standard set of criteria to screen everything through, rather than being -- having some bias there. I'm just thinking briefly through the process now. We got a hundred and eleven new ones. All we got is the titles. I don't know these projects any more than anybody else. You know, that's going to create some problems because the public wrote in just the title, whatever it is. To be able to screen some of these things, you know, the ones in the past we got -- last year we requested project ideas, and we have one sheet and we have some idea of what the project was. This one, we've got a title. I'm not sure how to handle those.

MR. BARTON: These were suggestions back from the public when they went out with this package?

DR. GIBBONS: That is correct.

MR. BARTON: Is there perhaps an intermediate step in terms of having the Restoration Team develop the criteria, bring

those back to the Council, and then go into this forced ranking of the top hundred or whatever. Is that a more logical approach?

MR. COLE: But I'd like to, Mr. Chairman ...

MR. BARTON: Yes.

MR. BARTON: I'd like to address Mr. Stieglitz request for assurance. It seems to me it's very hard to do these projects in total isolation of what restoration activities we've done, for example, the fishermen in Cordova or the fishermen in Kodiak, say, well, like the Department of the Interior would say, well, we want to buy -- ninety percent of the money should go to Kodiak Island habitat acquisition. Well, you just know that the people over in Cordova are going to scream, the people who were the fishermen there say, well, what are you doing for us, all you're doing is spending all this money to buy land down in Kodiak-Afognak, and I don't think we can make those decisions like that in total isolation to the needs for restoration in some other geographic area without some consideration of that. I mean, that's just my view, not the way the world works, but ...

MR. BARTON: Mr. Stieglitz.

MR. COLE: Yeah, I think you misunderstood there, Charlie, but I think we all appreciate the fact there's some very significant, political, sociological, economic factors involved here. The way I manage, I ask my staff to do the basic work based on the facts. Leave decisions like are we getting between communities up to the Trustee Council. I don't think that's the job of staff. I think those kinds of considerations come into

play, it's for the Council to deal with not the staff.

MR. BARTON: Any further discussion? Mr. Cole.

MR. COLE: I again would like re-emphasize, projects which have been rejected by the Council, unless there's a substantial reason to renew them, I would prefer to see not in the top fifty. I think Mr. Barton made reference to that earlier this morning.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Perhaps this doesn't have to be stated, but obviously this is the top fifty to do in '94. So, I would assume that the things that are time critical or lost opportunities, we can assume some priority for getting them done. There's a finite amount of money available in '94, and so I think it includes those two concepts as well.

MR. BARTON: Any more discussion? Mr. Rosier.

MR. ROSIER: I'd like to ask Mr. Cole if that includes such priorities as were put forth by the Prince William Sound Communities here on this in regards to herring, that's been rejected for the '92, '93 programs?

MR. COLE: No, because I put the qualification in there, unless there's good reason --.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Could you restate the motion?

MR. BARTON: I was afraid you'd ask that.

MR. SANDOR: Call for the question.

MR. BARTON: That we direct the Restoration Team to put

together, essentially force rank the top one hundred projects, in their assessment, and their assessment needs to be based on all the public information that we've gathered in the form of the information requested as well as that volunteered, that the assessment consider the assumptions that we adopted earlier today, that the guidelines governing the use of the monies be considered, and that items or projects that have been previously rejected by this Council not be included unless there is good reason. I believe that was what I moved.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Would you accept a friendly amendment that -- the two concepts that this is for '94, in other words for '94, and that time critical and lost opportunity projects should assume some priority in ...

MR. BARTON: That's been our assumption.

MR. PENNOYER: Okay.

MR. BARTON: And furthermore, I understand that what we're doing is developing a list of project to send out for public review which then will be compiled by the Restoration Team and analyzed and will come back to the Council one more time at least for final approval for the '94 program of work. What's -- you want to say something else?

MR. PENNOYER: No, I'm -- I don't know what that's going to do for this -- I'm going to vote for it, but I don't think -- I have some severe doubts it's going to work.

MR. BARTON: The proof will be in the eating.

MR. PENNOYER: Somehow I just think that some things like the Trustee Council really wants to do with herring or pink salmon are going to still be issues that the Restoration Team's going to have a hard time dealing with, but if they want to take a shot at the top fifty and -- also -- my understanding is we get this list back before it ever goes to public review, right? Then you're going to develop the detailed work statements, and then we're going to get a look at that before it goes to public review. Is that correct?

DR. GIBBONS: Yes. Mr. Chair, what I envision the steps are, we'll give you the package that go along with our assumptions used to develop that package for your review. You can commit on that, give us some feedback if you need it, and then we'll start development of the three-page detailed study.

MR. BARTON: You talk about the rationale ...

DR. GIBBONS: The rationale we used to get there.

MR. BARTON: Yeah, that's what I meant.

MR. SANDOR: Call for the question.

MR. BARTON: Any objection to the motion? Hearing none, that's what we'll do. We have now completed item four on an eleven item agenda.

DR. MORRIS: Mr. Chairman.

MR. BARTON: Mr. Morris.

DR. MORRIS: Can I enter a request for further guidance on the '94 work plan in regards to the monitoring component of the

plan? I know our work would be a lot easier. It's conceivable that twenty of these fifty projects could be monitoring projects or, if you choose to let us work further on the monitoring program, it could be one project. I wondered if I could get any guidance from the Council on how to deal with recovery monitoring projects.

MR. BARTON: Is there guidance from the Council on that? And let me just add that my motion that we just adopted also included Dr. Spies' opinions of these projects as well. Now, is there any further guidance that we want to provide Mr. Morris in relation to the monitoring project, is that your question?

DR. MORRIS: Yes, the monitoring projects. Further information on that. The course of action we've tried to take is to establish the monitoring program through a coordinated, deliberate effort, and not piecemeal, and the goal in phase two of the monitoring program was to determine the priorities for recovery monitoring. That's where we're headed at the present, not to short-circuit it by doing it maybe right now, with the '94 work plan.

MR. BARTON: And the timing on phase two again, was when?

DR. MORRIS: This fall.

MR. BARTON: Can you be any more specific?

DR. MORRIS: Well, let me liken it to habitat acquisition. We don't quite know the selection of parcels we want to spend money on; we don't quite know what components of monitoring we want to do right now, but we know we want to do both

and we're in the planning process for doing both. The other way around would simply short circuit the monitoring planning process by the RT setting the priorities for the coming year for monitoring and putting off the coordinated monitoring program 'til 1995.

MR. BARTON: When will we have the phase two product in hand?

DR. MORRIS: We would have a description of a monitoring program extends all the elements included the cost by January, February at the latest, of 1994. In plenty of time for approval and implementation.

MR. BARTON: Is there guidance the Council wishes to provide? Mr. Cole.

MR. COLE: I'm not sure what Mr. Morris is saying. Could you elaborate on it a little more?

MR. BARTON: Mr. Morris.

DR. MORRIS: If you refer back to the spreadsheet that we sent out to the public, almost every resource that's listed has some aspect of recovery monitoring showing for it. Many of them were supported, but what we're trying to do through the monitoring plan technical development and planning process this fall is to establish where those priorities lie, what -- what is the proper mix and approach to monitoring, the detailed technical aspects that we should be proposing to do. So, we would do that through technical workshops this fall to develop the long-term, long-range, technical monitoring plan for implementation in the next opportunity, the next field season.

MR. BARTON: Mr. Brodersen.

MR. BRODERSEN: I'm unfortunately not anywhere near as sanguine as Dr. Morris about when we could have the phase two finished there. It seems likely to slip from the ideal schedule that he's giving there, and I would be concerned about not pursuing individual monitoring pieces for '94, waiting for that, for fear that that would preclude us from doing work in '94. It seems like we should be moving ahead with individual projects in the '94 plan so that we can get public comment on it for one thing, and so also in case that schedule that he has given you does slip, we have something that we can actually implement in '94. If we do end up with the schedule in '94 as early as he's saying, then we have the option of just taking whatever that gives, and we haven't really lost all that much because I suspect the pieces will be pretty similar, but I am fearful of being totally dependent upon it for fear that we would not get something in the field in '94.

MR. BARTON: Would an approach be to go ahead and do as we just decided to do, and if we do have a phase two project completed in time, then we could modify the '94 work plan.

MR. BRODERSEN: Yes. I would feel much more comfortable if you would come down with something like that.

MR. BARTON: Does the Council wish to provide that guidance?

MR. PENNOYER: I move.

MR. BARTON: Seconded?

MR. ROSIER: Second.

MR. BARTON: Seconded by Mr. Rosier, moved by Mr. Pennoyer, any objection to that?

(Inaudible aside comments -- out of microphone range)

MR. STIEGLITZ: Sounds like a fast shuffle to me.

MR. PENNOYER: (Inaudible -- out of microphone range) ... that we have a restoration monitoring contract out that's supposed to tell us, hopefully, at some point yet to be determined, exactly what we ought to do on restoration monitoring. The concept was, rather than look at individual projects now, we wait until that plan is complete, and then have our projects for the '94 work plan if it gets done in time to do that. I think Mr. Brodersen was suggesting that we go ahead and take a shot at it and then modify whatever we proposed -- we approve -- based on what comes out in the monitoring plan contract, if it gets done in time. So, we don't stop; we go ahead and take our best shot at monitoring we think needs to be done in '94 now, and then select a restoration plan. If we get this contract done in time, we modify whatever we were intending to do, based on what comes out of the contract.

MR. COLE: Frankly, I didn't understand a word of it. (Simultaneous laughter) I mean, who is this contract with? And what are they supposed to be doing.

MR. PENNOYER: (Inaudible -- out of microphone range)

DR. MORRIS: There is no contractor. The RFP hasn't been issued yet. We're waiting for the final approval of the phase one first, so we don't have a contractor.

MR. PENNOYER: There was a contract for phase one.

DR. MORRIS: Yes, and that would not -- but that doesn't -- isn't the same -- contractor hasn't been -- phase two would be competitively bid.

MR. PENNOYER: I should have used the prospective term, there will be a contract, maybe, issued, if we decide to proceed bid, based on phase one, if the Trustee Council decides to proceed with a phase two contract. Is that true?

DR. MORRIS: You've already approved the phase two funding.

MR. PENNOYER: Well, then, whether a contract's been issued or is going to be issued is still -- is a little bit moot. A contract will be issued, has been issued, is thinking of being issued, might be issued to deal with phase two restoration monitoring. That is supposed to come back and tell us what we really need to do in terms of monitoring over the next ten years over the resources in Prince William Sound, the oil spill-affected area, and based on that -- the proposal originally was to wait until we get the results of that back before we actually go out and design a monitoring program for '94. The problem is that contract may not be issued, completed, approved, agreed with or whatever, in time to do the '94 work plan. So, Mr. Brodersen's suggestion is taking our best shot at monitoring projects for '94, and then if this contract does get completed, we can always go back and modify what we've done based on the contract results.

MR. COLE: (Inaudible -- out of microphone range)
Where is the results of phase one contract study, and what did they

conclude in that?

DR. MORRIS: The report is available -- the (indecipherable) produced it for us. It's undergoing review and comments are supposed to be sent back to the contractor for completion within -- by June 15th. I'm hard pressed to describe in a few sentences what's contained in phase one, the conceptual design. It follows natural -- National Research Council recommendations on monitoring and it shows what elements should go into a monitoring plan, how they should be designed, and how they should be managed. It doesn't say this is what you're going to monitor. It's the parameters by which the technical details would be developed. So, I'll leave it at that. The RFP for phase two is in our hands too, and it's waiting the acceptance of this final report before it's issued.

(Mr. Barton leaves the room, Mr. Rosier takes over as Chairman.)

MR. ROSIER: Mr. Pennoyer.

MR. PENNOYER: Yes, Mr. Chairman. It makes no difference. If we go ahead and take our best shot at restoration. If this comes through and shows us a better way of doing the work, then we can keep the parts that fit and drop those that don't. I mean, we've got to accept this report. We've got to agree with it, and we may not agree with all parts of it. So, if we still go ahead with the concept that we're looking at five or six million dollars worth of monitoring -- that's what came back from the public comments -- we'll take our best shot at that amount, and

then we'll come back and change it if we have to.

DR. MORRIS: The issue I was raising earlier is that it would make it a lot easier for us not to make twenty of the fifty top priorities monitoring projects if it would ban the effort for everything else.

MR. PENNOYER: Only give us the top thirty then, realizing there would be twenty monitoring projects?

DR. MORRIS: We could give you one monitoring and fifty other -- forty-nine other.

MR. PENNOYER: Mr. Chairman, why don't we proceed as suggested?

MR. ROSIER: We have a motion before us here at the present time, but we're missing one -- Trustee Council member here at the present time.

MR. PENNOYER: I think he's alternate in the room.

MR. ROSIER: Shall we -- it's now about 2:25 here. Let's take a short break at this point.

(Off Record at 2:20 p.m.)

(On Record at 2:31 p.m.)

(Mr. Barton resumes Chairman)

MR. BARTON: We were ready to vote on a motion, is that what's happened? And would somebody restate the motion, please?

(Inaudible aside comments)

MR. PENNOYER: I'm not even sure it requires a motion. The original discussion that Dr. Morris brought up was should we have a motion to delay consideration of monitoring projects until

after the monitoring plan is done. That didn't receive any support, so I presume we just continue with asking the Restoration Team to come up with their top fifty, including monitoring, and then later we modify the monitoring part of it if the study does get completed, and if we agree with it, and if the contract shows us we should do something different.

MR. BARTON: Then we can move onto the next agenda item, I assume. Is that correct?

MR. PENNOYER: Okay by me.

MR. BARTON: Agenda item number five, Dr. Gibbons.

DR. GIBBONS: Looking at the clock and what we have to do, I've got a suggestion is that we may prioritize some of the remaining items.

MR. BARTON: Excellent suggestion.

DR. GIBBONS: We need to -- we need to wrap up '93. I'd like to try to deal with item number seven, if we could do that. And item number ten is critical. There's a write-up in there I've got some further stuff on, the building here and what's happening there, and then item number six is also important -- the third item, the coordinating and approval process of the habitat protection. Those would be the three top in my estimation -- of what's left.

MR. BARTON: All right. Shall we just take those in sequence then?

(Inaudible aside comments)

MR. PENNOYER: We do it every meeting anyway, so.

MR. BARTON: Alright. Item number seven, the '93 work plan. Who's going to lead us on that? Dr. Gibbons?

DR. GIBBONS: Yes. I can walk you through that. In the package, there's a -- there's a brief project description for Pacific herring, a brief project description for coded-wire tag recoveries of chinook, sockeye, chum and coho. There's a resolution that passed by the City of Cordova. I've got it here -- 93-25, that was handed out last time, and there's also a new spreadsheet -- that's what I'm looking for in my package -- of the actions so far on the '93 -- here it is. It looks like this.

MR. BARTON: What document do we need to dig out? The '93 work plan matrix?

DR. GIBBONS: That's correct.

MR. BARTON: (Inaudible -- simultaneous talking)

DR. GIBBONS: The brief project description -- Pacific herring above this -- brief project description, coded-wire tag recovery of the chinook, sockeye, chum and coho, and then I've got a copy of -- if you need it here -- of the resolution by the City of Cordova that supports those -- the three resolutions.

MR. COLE: I move we adopt those projects.

UNIDENTIFIED VOICE: Second.

MR. BARTON: Discussion?

MR. PENNOYER: Mr. Chairman, if we're going to consider all three of them together, then I guess I'll object. Without hearing a description of why we're doing herring again, why we're doing the pink salmon again, and why we're doing the -- what was

the other one? Herring, pink salmon and --?

DR. GIBBONS: Last meeting you -- you approved for a hundred and fifty thousand the pink salmon coded-wire tag recovery.

MR. PENNOYER: We've got two status -- oh, we've got -- these are separate, okay.

MR. COLE: I wanted to raise that to (inaudible -- out of microphone range). I overlooked that at the last meeting. When I made the motion, I erroneously said one fifty instead of (inaudible -- out of microphone range).

MR. BARTON: This was 93063?

MR. PENNOYER: Mr. Chairman, could we take all three of these separately -- one at a time?

MR. COLE: Yes. I have no objection.

MR. PENNOYER: The first proposal is a proposal to amend the one-fifty we approved for pink salmon coded-wire tag recovery at the last meeting to the original two-twenty? Two-twenty, was it?

UNIDENTIFIED VOICE: Two-twenty, I believe.

MR. BARTON: My recollection it was two-twenty.

MR. PENNOYER: Second.

MR. BARTON: Any discussion?

MR. PENNOYER: Mr. Chairman, I think at the last meeting we had a long discussion about why we were doing this project in the first place, and whether it was time-critical and so on under our guidelines relative to undertaking another pink salmon project before we have a restoration plan in place, and I think we were

persuaded at that time that, in fact, we had basically funded the tagging of these animals, it was a considerable investment in that.

There was a corollary investment from the department and the industry to do the tag recovery, and that we would lose considerable information relative to planning future restoration options on pinks if that's the route we decide to go if we did not do this project. I think it was basically sort of a slip that we approved it at an amount less than had been requested, and I guess my feeling was if we're going to prove it, we ought to -- once we had a valid reason to do it, we should have approved it for the full price or not done it. So, I would agree with the amount.

MR. BARTON: For the record, what project are we talking about? Is that 93063?

DR. GIBBONS: 93067.

MR. BARTON: '067.

DR. GIBBONS: On page 11 of the matrix.

MR. BARTON: Any further discussion? Any objection to the motion? (No response) Okay, done. Next? What are we discussing?

MR. PENNOYER: Coded-wire tag recoveries for chinook, sockeye, chum and coho salmon for a total of a hundred and twenty-six thousand four hundred dollars. It's one we had requested be deferred to this meeting. It came up at the last meeting. I don't remember what the deferral was for -- maybe further explanation.

MR. BARTON: Is there a project number associated with that?

DR. GIBBONS: No, there's not at this time.

MR. PENNOYER: It used to be a project though. Uh-huh.

DR. GIBBONS: It was -- it was part of the Cordova City Council recommendation. I'm not sure, I'd have to go back and look if there was ever a project number assigned to this.

MR. BARTON: To keep the record straight.

MR. PENNOYER: I think it was a PAG recommendation. It appeared before us and --. Mr. Chairman, this was a nine-to-two positive vote from the Public Advisory Group for a higher price tag. It was two hundred and forty -- two hundred and fifty thousand dollars, about twice as much money -- that it had surfaced in January to us, and at that time we agreed not to take action in '93 on it, and I don't remember -- did we defer that or did we just say no action?

DR. GIBBONS: It was not approved.

MR. PENNOYER: Not approved. Okay. Did not approve the project.

MR. COLE: Mr. Chairman.

MR. BARTON: Yes, Mr. Cole.

MR. COLE: Well, I think Commissioner Rosier is in a position to comment specifically on the motion -- Let me say, Commissioner Rosier is in the position to comment positively on the motion. When we were at Cordova, we spoke with fishermen, and in my view they gave us some sound reasons on these studies. It is their view that valuable data is being lost, data which could be used for management activities.

MR. BARTON: Is this -- we're not tagging any more? This is reading -- recovery and reading of the tags that we previously invested in?

MR. ROSIER: Mr. Chairman.

MR. BARTON: Mr. Rosier.

MR. BARTON: That would be -- that would be tagging in years '89, '90, and '91, I believe, and this is on the longer-life species, the sockeyes, cohos, chums and chinooks. These -- there is no recovery program on these particular species. This will prevent -- will permit us to proceed with a recovery program. As Charlie has indicated, I think that it goes beyond just the management implications of this year. It also goes to some of the work that will be necessary associated with some of the red salmon work that we've previously approved. Coghill Lake needs some evaluation of the total contribution of the fishery as well as to the escapement which we are currently monitoring on Coghill. So -- strong support, of course, during the public session in Cordova backing up the petition from the City of Cordova.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Just got a few questions. These are all hatchery-tagged fish?

MR. ROSIER: No. Mr. Chairman, no. This is not all hatchery-tagged fish. There were wild stocks that were also tagged in this --.

MR. PENNOYER: A further question, are all of these

stocks ones identified as damaged or injured by the oil spill? Chum and -- some chum -- I'm not sure I've chum -- but sockeye, Coghill Lake, coho, and chinook -- what -- what's the tie there in terms of alternative resources or whatever -- what is?

MR. ROSIER: The tie, I guess, as far as chinooks and cohos has not been -- has not been demonstrated. These are species, of course, that we had smolts going out the year of the spill, and -- and I guess that was the basic reason that we in fact wanted to look at this originally, to take a look see if the fish that were in fact going out would be at sea for a longer period of time than the two year it takes. At this point, this would be the first look that we would probably get at the returns of those particular species.

MR. PENNOYER: Mr. Chairman -- but I'm curious -- this won't show us whether they were injured or not. This is simply a distributional asset. It's got nothing to do with monitoring for injury.

MR. ROSIER: Correct.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: Well, maybe they were injured as a result of the spill. I think that's one thing we don't know. I'm not a scientist in this area, but that's one of the reasons I would think we would like to look them -- to find the distribution and to see if there were any injuries resulting from the spill to these species.

MR. ROSIER: Certainly, they were the basis, Mr. Chairman, for putting them on -- putting those tags on out there. It was certainly an evaluation that -- I would assume -- of the impacts of the spill on those particular species. Lacking, you know, lacking a recovery effort here at this point, I mean, you still make no -- no tie -- with actual damage. So, it seemed to me that at least we would be able to evaluate the impacts, you know, to some degree on these various species. So, (indecipherable) initially, back up the tag -- the tag-recovery effort in place, this would give us the ability to in fact monitor this -- this fishery, obviously, and have some evaluation of the contribution of these various stocks in the fishery, but we'll also be monitoring, obviously, some of the -- the recoveries at some of the hatcheries as well as streams that these fish will in fact be returning to. So, it will give us a look-see at the mix of what the -- at least what the -- the survival conditions may have been off of the year classes that we're talking about here.

MR. BARTON: Mr. -- Mr. Sandor.

MR. SANDOR: A hundred and twenty-six thousand?

MR. ROSIER: This is -- Mr. Chairman, this is a stripped down version, as Mr. Pennoyer has indicated, two hundred fifty thousand -- or two hundred and forty thousand, I guess, originally, to a hundred and twenty-six point four, which would basically dovetail with some of the ongoing sampling programs in the -- in the area.

MR. SANDOR: (Inaudible) coded tags that have

previously been place.

MR. ROSIER: That's correct.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: I think such information is valuable for management, and I guess if -- if the recovery in the brood stock is going to give us some indication of survivability of those particular broods that went out at the time the oil was spilled, maybe it has some bearing on injury, although I don't know how you'd ever make the direct tie to the oil spill. I think the reason we put the tags on in '89 and '90 was at that time we had not decided which resources had been injured, and we just sort of tried to cover the broad spectrum. But since that time, we haven't seen anything -- anything that would indicate to me that we have to make a decision on chinook and coho. We have done chinook and coho stocking that -- that is a supplement for subsistence resources, so we dealt, I think, with chinook and coho stocking in that regard, but I don't -- I don't know that we've actually in any place determined that those two species were injured by the spill. The area that bothers me a little bit about this is that, again, this project is sort of outside of our -- our process. We have not -- I know you've had input in the meetings you held; I think people are interested in it, but we've had to my knowledge no RT or Chief Scientist recommendation for them. So, maybe I'm mistaken, and maybe that occurred after the PAG, but I'd ask Dr. Spies if he's looked at this -- I don't think we married to the '93 annual work plan that if better information comes up that we ought to do

something, but it seems to me that it's a little bit outside our process, at least in -- for two of the species -- which may not be a big point to us, I don't know. They're not ones we have previously identified as being injured by the spill.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Couple of questions, one, is this a one-year project, Carl, or this a multi-year project?

MR. ROSIER: Well, I would -- looking at the individual species that would be involved here, it would seem to me that we would be looking at at least two years on this, so, it would be this year plus next year.

MR. BARTON: And the hundred and twenty-six is for this year only?

MR. ROSIER: That's correct.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: The next question is can we hear from the Restoration Team, and I'd be interested in hearing from the Chief Scientist too, if he has a view on this particular project.

MR. COLE: Dr. Montague ...

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: Yeah, well, the Public Advisory Group submitted this to the -- to the Trustee Council. The Restoration Team subsequently reviewed the proposal and did not recommend this for inclusion in the '93, but deferred it to the possible inclusion in the '94 work plan.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: What was the rationale of the RT?

DR. GIBBONS: I can get that for you. We've got the write-up on that. It's upstairs. Right now, I don't know about it, but a lot of it was tagged -- and the hatcheries -- we thought some of it was normal agency responsibility, I think was part of it.

MR. BARTON: Dr. Spies, can you enlighten us as to your views on ...?

DR. ROBERT SPIES: I'd have to agree with the comments of the Trustee Council so far this project may be warranted as a management action, but I know of no information to date that indicate that these two species, chinook and coho, have been injured by the spill. We could send it out as a -- it could be done as an enhancement action, of course, and we could send it out for technical review. I just recently received myself -- and we could get our peer reviewers to comment on the technical merits of the proposal as it is, but as far as the injury to those two species, I'm not aware of any information we have that would let us know one way or the other if those species have been injured.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Dr. Pennoyer.

MR. PENNOYER: In sockeye and chum, there is some sublethal injury?

DR. SPIES: Because the spawning habits of the chum being so close to those spawning intertidally in some cases with the pink, and the information on injury to pink salmon, there's a

little more solid basis for proposing that there was injury to chum salmon. Of course, we have the situation at Kenai River and other places -- Kodiak Island -- as far as the red salmon injury is concerned.

MR. PENNOYER: Mr. Chairman, we just did the Coghill Lake fertilization program, so I hope we have something more to indicate sockeye in Prince William Sound too. It's my remembrance of the discussion was, there was an indication that we had a problem with the Coghill Lake sockeye run. (Inaudible) ... okay.

DR. SPIES: I can't recall the specifics of the discussion right now.

MR. STIEGLITZ: Mr. Chairman.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: Dr. Spies, do you feel like the results of the recoveries from the wire tags will shed any additional light as to whether or not populations of these four species were impacted by the spill.

DR. SPIES: It will be difficult to separate the effects of natural viability, I think, from an injury from oil. It will certainly give you a recovery rate, and that data could reflect some sort of injury, but it will be difficult to be very conclusive of that.

MR. SANDOR: Mr. Chairman.

MR. BARTON: Mr. Sandor.

MR. SANDOR: You've answered one of my questions. The second question that I had was if this isn't included in '93, are

opportunities lost for this two-year project then, as I understand it then? It could be done in '94? What would be -- would the opportunity lost, or would we be partially able to recover....?

DR. SPIES: I -- I assume that there fish that are returning in '94 as well as '93, and that's the -- why it has to be two-year.

MR. SANDOR: Yeah, so -- would you have enough information from doing it just one year as opposed to two years, or ...

DR. SPIES: I can't answer that question right now because I don't know what proportion we might expect to -- of the coded-wire tagged fish to return in '93 and '94.

MR. SANDOR: I guess, Mr. Chairman, I'm concerned about the opportunity lost in the recovery of information, and I guess I get no assurance that the opportunity isn't indeed lost if we don't ahead and (inaudible) in '94. Thank you.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: A couple of questions, first, what is the timing for this project? Do you -- you talked about getting a look at it, and obviously you haven't seen it, so we're

DR. SPIES: I got it a few days ago, but I've been caught up in a lot of other issues, so I haven't had a chance to get peer review.

MR. PENNOYER: When does this have to be implemented by? (Inaudible) already underway, I suppose.

DR. MONTAGUE: Mr. Chairman, June or July. Sorry, the

month of June and early July is when it needs to be conducted. So, beginning immediately. And the Council's other salient points relative to this, although there's four species in the tidal, the sockeyes and chums make up, I believe, greater than ninety percent of the expected recovery. The cohos and chinooks, while we're going to recover some, is a really small aspect of the -- the project, and in future years, you know, it's really the longer -- the cohos and chinooks -- that you'd be expecting to get, and as such probably next year is less important than this year as for conducting this project. And, Carl mentioned that some, but one thing that this project will provide that is very beneficial to the Coghill restoration project is although we have a weir in the Coghill restoration project to measure the number of Coghill fish that actually make it back to the lake, without the coded-wire tagging project we would not be able to know how many Coghill fish there were out there that were eventually caught, and so -- the combination of the two provides the total return. So, as far as having a basis by which you're going to measure whether Coghill is recovering, it's very beneficial to have an estimate of the total return in the year that the restoration project is initiated. So, I would say that that's a key point on why this project is important. And a second one is -- is that commercial fishery services were injured, and certainly these species are extremely valuable species and contribute more to the value of the fishery than their sheer numbers imply, and not only that, changes in harvest of these species are made up by -- I mean, a change in the

harvest of sockeyes results in a change in the harvest chums and pinks which were injured as a result of the spilling.

MR. PENNOYER: Mr. Chairman, I guess you're making an equivalent resources argument then in terms of those other species.

I want to -- one other question in terms of this project's relationship to another one, we just approved seventy thousand extra dollars for pink salmon coded-wire tag recovery, are not these intermixed in the fisheries and the hatcheries, the pink and chum particularly?

DR. MONTAGUE: Mr. Chairman, that's part of the reason why we were able to cut the cost from two hundred and forty-five thousand to a hundred and twenty-six, but in addition there's the pink is primarily a July-August operation, and this is primarily June and July. And, in the actual processing operation, the pink tags are recovered in, I guess there's a different part of the line, so to speak, than are sockeyes, chinooks and cohos. So even in the same plant, you might need two people at two different spots.

MR. BARTON: Other questions or discussion?

MR. PENNOYER: Mr. Chairman, I sure would like to find a way to not continue redoing the annual work plans on an ad hoc basis as we go along, and we did look at this package before, and I'm not -- I don't know why we didn't think it was lost opportunity previously or didn't consider it to be of particular significance as a lost opportunity. We had that chance to do it. It's been in front of us since January. How a separate subject is the concept

of not losing the data on the sockeye and the chums, since we put the tags on, and the fact that over the next year or so we're going to be planning out in some detail the type of restoration actions we want to take on some of these species, even if we don't have a coho and chinook (indecipherable), if they are a small part of this and sort of a target of opportunity. I would like to see us get the information. I'm troubled by here we are in May and every meeting we've re-upped the '93 work plan and added something, subtracted it, or modified it, and I'd sure like to find a way -- maybe when we get the restoration plan done we'll be smarter about this.

MR. BARTON: Mr. Cole.

MR. COLE: First, if we've erred in the past, we shouldn't let that preclude us from making the right decision if we have found that we have made a mistake in the past, number one. And number two is Commissioner Rosier and I, having had the benefit of going to Cordova and listening to the fishermen there whose livelihoods probably were injured more than anyone else's there as a result of the spill, they strongly support these projects, and I think that we should certainly give some consideration to their views. And lastly, I mean, we spent thirty-eight million dollars buying some habitat last meeting, and now we're struggling with a hundred ten thousand to get some really hard data on an injured resource which has some very direct economic benefit to the state.

I don't see what the hang-up is myself. I think we ought to just get it done and get these people some help -- get this data and not

lose it.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: The hang-up I have is basically this one.

Everything I know about this and the testimony we've heard in the last few minutes tells me that there's no definitive proof that there has been any population decline to any of these four species of salmon as a result of the oil spill. And I heard our Chief Scientist say that in his opinion the additional data that we collect from the tag returns will not really shed any light as to whether there are any impacts from the oil spill on these four species of salmon. So, you know, the struggle I'm having is, is it really a good investment. Whether it's a hundred thousand or a hundred million, I have a little trouble saying, you know, big projects are under a different criteria than smaller projects. You know, the bottom line is, are we getting ready to approve a project for species for which there really is not a clear picture of damage resulting from the spill -- injury, not damage. That's the picture that's coming across to me. Now, the problem I have in not approving the project is the lost data issue. I remember the struggles we went through when we were approving these projects as damage assessment studies in the first place. We had lots of heavy duty questions back then, and they were very, very expensive, as I recall, to put the tags on these fish in the first place. So, the amount we're investing in recovery is minuscule compared to the investment we made in putting the tags on in the first place. I just say it's -- it's a tough one. I don't like to see a precedent

set where we're funding any kind of project, I don't care how much it costs, where there's not clear injury involved.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Certainly, I think the lost information (indecipherable) will probably persuade me to vote for this, but in terms of the relevant dollar amounts, Mr. Cole, I remember you and I discussing eleven thousand dollar project about three meetings ago, and I said something to the effect that we're taking a lot of time with this, but it was the fact that it was a principle of money that we were approving that in your view, and mine ultimately too I think, should have been done by the agency, and for that reason we did not approve it. So, I don't disagree with you at all that people want us to do some of this type of thing, and we're going to have to come to grips with which parts are appropriate for this money and which aren't, and in this case I think I've pretty well concluded in my mind that we're going to need this information to plan at least for the coho and the sockeye -- I mean, the chum and the sockeye -- I don't know how to separate the others out -- and we shouldn't lose the information of what we've put on, but it is my view a one-year call, depending on what we get out of the restoration plan and -- it's -- I wouldn't mind spending five million dollars on better pink salmon management if we can go through and figure out what we need to do and why it's appropriate, and -- better than go for fifty thousand dollars on something else that's not appropriate. Anyway ...

MR. BARTON: Mr. Rosier.

MR. ROSIER: Thank you, Mr. Chairman. I think in regard to Walt's comments, I'd like to say that we didn't study all of the resources, and we didn't study all of the areas that were in fact impacted by the oil spill. We're now hearing from some of the people in some of the areas in which we did not study the impact, we did not study, and I would hope that we are not excluding those people in terms of projects, at least with the transfer of the knowledge that we gain from the areas where we did study those resources, to permit those projects to take place in those particular areas, and so I would hope -- hope that we would keep an open mind as far as that particular issue is concerned.

MR. BARTON: Dr. Montague.

DR. MONTAGUE: A further specific example relative to whether there's an injury or not is that when these fish were tagged, tagging was part of the three-prong effort to determine injury. Two other associated projects were the escapement projects and changes in growth projects. Basically, the other two, the escapement and growth projects, were dropped, which actually prevented us from ever really answering the question whether there was chinook and coho damage -- sockeye damage. So, this was one of three prongs of the damage assessment effort that is obviously having a harder time showing injury on its own compared to what it could have shown if all three had gone ahead.

MR. PENNOYER: So it's a damage assessment close-out project?

DR. MONTAGUE: Well, it certainly started as a damage

assessment project.

MR. PENNOYER: That's a good rationale, thank you.

MR. BARTON: Any further comments or questions? Mr. Cole.

MR. COLE: In response to Mr. Stieglitz, I think what we're trying to do here as part of this project is to find out if these species were in fact injured. I'm not sure we know that. That's what I thought I heard the Chief Scientist say, and I think this would be valuable information to find out if they really were injured.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: The Chief Scientist also said very clearly that he doesn't think the results will shed any light on that because there are too many other factors playing on those populations.

MR. COLE: You could say that about everything. I mean, you can say that about every one of these studies we have because we have the natural variations. If you want to make that argument, we have the decline -- the pre-spill decline -- in probably half or three quarters of these studies, so if we want to make that argument, we would say, well, it was declining before anyway, so, c'est la vie.

MR. STIEGLITZ: That's not really true of all the studies.

MR. COLE: Not of all of them -- I said only two-thirds.

MR. STIEGLITZ: We have lots of dead bodies out there,

Charlie. There's been -- there aren't any dead bodies there.

MR. COLE: Well, that's another thing. If you read these reports, and sometime you see thirteen carcasses, that's not very persuasive to me, but that's another subject.

MR. STIEGLITZ: That isn't zero though.

MR. PENNOYER: Question, Mr. Chairman.

MR. COLE: I'm not sure ...

MR. BARTON: I'm -- I'm persuaded to vote for this project because of the aspects, two aspects, that of closing out, actually closing out the damage assessment study that we started sometime ago, and related to that the prior investment that we have in these tags. It seems like a minimal amount of money that can add to the body of knowledge. But I'm still puzzled, I mean, it's a question I raised I think at our last meeting, regarding public losses versus private losses, and loss of services to commercial fishermen -- I wish somebody could explain to me why that's a public loss.

MR. COLE: Do you want an explanation this afternoon?

MR. BARTON: No, not this afternoon, but I'd appreciate one over a beer sometime. That's -- but it seems to me that is a grey area. At least in my mind, it's in a grey area. Are there any further discussion or comments?

MR. SANDOR: Call for the question.

MR. BARTON: The question's been called. Any objection to the motion? Hearing none, the motion passes. Where are we, Dr. Gibbons?

DR. GIBBONS: The herring project.

MR. BARTON: The Pacific herring project. Is there a motion on the Pacific herring project?

MR. COLE: I guess I would reiterate my opening salvo.

MR. BARTON: I know, but there was objection to your opening salvo.

MR. COLE: He wanted to treat the -- each one at a time.

MR. BARTON: And this is the time for Pacific herring.

MR. PENNOYER: Is there a motion on the floor?

MR. BARTON: Not yet.

MR. ROSIER: I so move.

MR. BARTON: So move what? Adoption?

MR. ROSIER: Adoption.

MR. BARTON: Okay. Is there a second? Seconded by Mr. Sandor. Any discussion?

MR. PENNOYER: Mr. Chairman, perhaps we could get an explanation of how this project contributes to our understanding of injury on herring, or is it an appropriate way to do that type of assessment?

MR. ROSIER: Mr. Chairman.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Thank you. This particular project that is a little troubling to me from the standpoint of the focus of this particular proposal. There is a need, I think we've outlined

it previously here, to continue to take a look-see at herring in Prince William Sound. We've seen the -- basically a collapse of the fishery there this year, we've seen the year class that was the result of the spill year appear to be one of the weakest year classes in recent history of the Prince William Sound herring stock, we've seen that stock subjected to a substantial impact associated with what appears to be a -- a viral infection, and we've seen the need, I guess, on the part of the people of Prince William Sound to in fact get back in to some monitoring of the herring populations there in the Sound. This particular project that's put forth here would not be my first priority. We had submitted previously a project which called for the hundred and eighty thousand dollars to look at the spawn deposition in the Sound, and this would be my priority as far as the herring work that's necessary in Prince William Sound at this time. This -- this project description that we have here is -- gets at something that I think that has bothered you, Mr. Pennoyer, and I think it's bothered Mr. Stieglitz, this is a long-term project. We're going to get into herring acoustical work. You're talking about a long-term project here. This is not something that you're going to get an answer, not something that you're going to get done in a very short period of time. It's going to require gearing up. So, for that reason I would -- I would -- I would ask that we give consideration to the original proposal that I believe came through the process on the spawn deposition work for the hundred and eighty thousand dollars, rather than this assessment through the

acoustical sounding that's put forth here.

MR. COLE: I'll consent to Mr. Sandor, first.

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Still do spawn deposition this year? Or are you proposing for next year?

MR. ROSIER: We cannot do it this year. This -- I guess, looking at the scheduling on this, there has to be some indication that -- where we're going to be before the first of the year though in order to set the project in place for the spring of '94, April -- March and April of '94 would be actually when the work would in fact be done. So, it's something that would have to be looked at in that time frame.

MR. PENNOYER: Mr. Chairman, would it be sufficient to instruct the Restoration Team at this time to ensure that spawn deposition, harvest monitoring projects on herring, are included in the draft that they're going to present us. I'm a little -- you know, frankly, at this stage of the game, I think I would probably support a spawn deposition project, at least eventually, but I think it still needs to be in the context of the developed '94 work plan and the restoration plan. You know, I agree with Mr. Rosier, I was troubled on this project by the fact that I think we're taking off on a sort of a new technology and (indecipherable). It's not new elsewhere in (indecipherable) part of the world, but it's new in Prince William Sound, and Prince William Sound has been beset by past problems with knowing what you were looking at in the

fall and whether it's related to what you're looking at in the spring spawning run, stocks separations and so forth, you're getting off into a rather elaborate area of trying to do stock separation and acoustic monitoring and trying to bring it back to real-time data, I think. That's my past recollection of when we tried some of these approaches in the past or discussed them. So, I would have trouble, sort of out of sequence, without review approving this project now. I don't I have any problem with a spawn deposition project for next year, but at this point I would instruct the Restoration Team to make sure that's included in their list of the fishery priorities, and we'll have it back in front of us.

MR. BARTON: Are you amending Mr. Cole's motion?

MR. PENNOYER: I move that amendment.

MR. BARTON: Is there a second?

UNIDENTIFIED VOICE: Second.

MR. BARTON: Any further discussion on the amendment?

UNIDENTIFIED VOICE: Question.

MR. BARTON: Any objection to the amendment? Hearing none, the amendment's adopted. Any further discussion on the main motion? (Inaudible aside comments) Any objection to the main motion? Hearing none, the motion is adopted. Does that take care of the '93 work plan?

DR. GIBBONS: No, two more.

MR. BARTON: Two more pieces, let's go.

DR. GIBBONS: Dr. Montague, do you want to talk about

project 93030, the Red Lake, the status of that?

DR. MONTAGUE: Yes. These are projects -- both of these were projects that were funded for environmental compliance projects. They were '93 projects, but we thought it was relevant to let you know what was happening on them. The Red Lake restoration project, we're still trying to revise the environment assessment based upon the Fish & Wildlife Service's concerns, and we do intend to -- kind of a drop dead time to conduct this project is August 1st. If we can, you know, iron out the differences and develop an acceptably environmental assessment before August 1st, we would propose going to the Council with it to get approval to conduct it this year. And if the EA completion extends beyond August 1st, we would certainly propose that this be in the '94 list of projects with its environmental compliance completed. Relative to the Chenega proposal ...

MR. BARTON: What number is the Chenega proposal?

MR. PENNOYER: Mr. Chairman, can we finish one at a time, and conclude that. I lost track of why NEPA isn't done. I mean, we did approve this project at one time. Is it too late to do it this year anyway? You said by August. Why would NEPA not be done by August? What's the hang-up?

DR. MONTAGUE: Well, because the -- the concerns that the Fish & Wildlife Service raised are complex, and to actually rewrite the EA and get it approved in time could be problematic. It's taken longer than we had anticipated.

MR. BARTON: What action does the Council need to take

on this today?

DR. MONTAGUE: Nothing.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: It's more than a NEPA issue; it's a real refuge compatibility issue with Red Lake study. The project has to be compatible with refuge purposes, otherwise you can't go. That's by law. And the NEPA document is related, of course. Just so everybody understands, it's more than NEPA compliance.

MR. BARTON: Mr. Sandor.

MR. SANDOR: I suggest we move on.

MR. BARTON: Thank you for the status report on 93030. Now, what is the project number for the next one?

DR. GIBBONS: I believe -- I believe -- you know -- 93016.

DR. MONTAGUE: Correct. And this project was also another one that was funded for NEPA compliance, and when this was originally proposed back in the winter it was possible to conduct it, but the fish that might have been used for doing the stocking effort have since been committed elsewhere, so we would propose to finish the NEPA compliance on this project, but it cannot be conducted until the '94 work plan.

MR. BARTON: Why don't we include it in the '94 consideration then.

MR. PENNOYER: So moved.

MR. BARTON: Second?

UNIDENTIFIED VOICE: Second.

MR. BARTON: Any objection? Okay. Dr. Gibbons.

DR. GIBBONS: There is one more. It's not on your agenda. It just occurred to me when I was looking at the court petition. There's been bits of concern expressed concerning the Kodiak archaeological museum.

MR. COLE: (Inaudible -- out of microphone range) ... we now call that Kodiak Archaeological Artifacts Repository. Thank you.

DR. GIBBONS: Anywhere, there's -- we've developed a new petition excluding that at this time, and we need to circulate that to the Trustee Council.

MR. BARTON: Why don't you circulate that for signature while we proceed through the agenda.

DR. GIBBONS: We will include the projects you approved today in the petition.

MR. BARTON: What's next?

MR. COLE: Before we pass on ...

MR. BARTON: Yes, sir.

MR. COLE: ... the artifacts repository, it is clear, is it not, that we're still supporting that project, the archaeological repository, and the fact that it's not in this document we're signing today is of technical consequence only?

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman -- too many meetings, I guess, but going back in history it seems to me that we approved that, but we were expecting some subsequent information that we

thought was required before funds were disbursed or something, and that included a more formal relationship on how this was going to be managed, for a time frame, the obligations that were going to be undertaken for the provision of the funds, better estimates of construction planning. There were a number things there, so I think the answer was yes, essentially we had, but the number of hoops this thing still had to jump through before -- before funds for that should be disbursed. DEC was, I think, taking the lead on it, and -- but the Council was going to see some of these agreements back before funding was disbursed. So with that proviso, I think your statement is correct.

MR. BARTON: Any further discussion?

MR. COLE: Who is taking the laboring oar in acquiring that information? I would not like to see this project sort of fade away.

MR. BARTON: I believe DEC was the lead agency on that project.

MR. COLE: Okay. Because Mr. Knecht was injured in that helicopter accident, I think it's slowed down us a bit, perhaps.

MR. BARTON: Mr. Brodersen.

MR. BRODERSEN: Yes. Mr. Knecht has supplied us with the NEPA documents. It's with NOAA now. They're looking at it. He's also supplied us with the information to take to the legislature and was working on the detailed project description when he had his unfortunate accident. I would assume that he will have it to that

-- have that to us -- soon as he is able to.

MR. BARTON: Any further comments or questions? What's next, Dr. Gibbons?

DR. GIBBONS: Item number six, habitat protection. The key item here is the third one, coordinating an approval process. We can give a status on the other ones.

MR. BARTON: I believe Ms. Anderson's been waiting very patiently for a day and three quarters. Why don't we take up ...

MS. ANDERSON (from audience): For three years.

MR. BARTON: ... Pardon me?

MS. ANDERSON: For three years.

MR. BARTON: I didn't say patiently for three years. (Simultaneous laughter). Let's take up the status of Eyak property negotiations first. Mr. Rice.

MR. RICE: Mr. Chairman, as Kathy Anderson indicated yesterday, we've had some meetings with her and the negotiator, and I passed out late yesterday evening to some of you at least a copy of a letter that she and the Forest Service have signed, basically outlining what they've arrived at to date. Very briefly, the Habitat Protection Work Group, subgroup that worked on evaluating the land, had done a preliminary evaluation of the Power Creek and Eyak Lake area. The preliminary look is of a fairly high -- is of a high rank, but they are waiting for some additional information in order to finalize that and waiting for some land status information before looking at the Eyak River portion that is also part of the Eyak proposal. We have not analyzed the area in Orca

Inlet. This was done as part of the imminent threat process. Eyak is proposing to add that area into our -- into our -- the total negotiations, but we have not at this time done any evaluation of that area. That -- we have not had any Trustee Council approval to move outside of the general area around the Eyak Lake and Power Creek area. The basic tenets of the cooperative agreement with Eyak have been met, at least in terms of a preliminary analysis, and they're moving forward with trying to get some concrete proposals to start some discussion on protection mechanisms. There's strong indication that -- Eyak is saying that they are not interested in fee simple, so it would be somewhat less than fee simple protection mechanisms that we're working towards. Are there any questions?

MR. BARTON: Questions or comments?

MR. SANDOR: Mr. Chairman.

MR. BARTON: Mr. Sandor.

MR. SANDOR: The last paragraph of the letter says I will request through the restoration trustee that the Trustee Council take whatever action is necessary at its June 2nd meeting to enable review of forthcoming protection recommendations. What is the specific action we could be taking, if any?

MR. RICE: At this time I'm not sure there's any specific action that the Trustee Council needs to take. We are proceeding with a further review of the Eyak River, Eyak Lake, and Power Creek area, and once we have that finalized and have some further discussions with Eyak Corporation, we will be able to make

a more formal presentation to the Trustee Council. Kathy doesn't agree with me on that.

MS. ANDERSON: Well, somewhat I agree with you, Ken, but the letter (inaudible -- out of microphone) so little to us that it would be done either by teleconference, special meeting, something. We've got logging activity going on now, and may not meet -- you know, past that deadline. We need to extend it by three weeks.

MR. RICE: So, they have extended their memorandum of agreement by three weeks to June 21. We do not have a Trustee Council meeting scheduled at that time. Our next Trustee Council meeting is in August.

MR. BARTON: What action is it you anticipate the Council needs to take?

MS. ANDERSON: Either agreeing to meet again, according to Bruce, or teleconference, or some type of that needs to be (inaudible -- out of microphone range) -- otherwise, when would we negotiate? You know, going for two months -- it's only been in the last few weeks now that we've been waiting -- start moving on it (inaudible -- out of microphone range).

MR. BARTON: You need to come to the microphone, Ms. Anderson. Again, it's not clear to me what action the Council needs to take today or whenever it meets.

MS. ANDERSON: I'm not following you. That letter is to me from Bruce.

MR. BARTON: I understand.

MS. ANDERSON: He's saying that the Council -- seeing as we couldn't come to an agreement, he was busy in meetings, on vacation to Hawaii, and a sundry of things happened that caused this to be delayed. Our loggers are on the east side now, and by the end of the month they were planning to move across to Orca. If this doesn't take place before then, I would be afraid that they'd begin moving into the Power Creek or the Eyak Lake area. That's my fear.

MR. BARTON: We appreciate that. Mr. Rice, can you enlighten us as to what action is being referred to here?

MR. RICE: Mr. Chairman, it appears that the request is that the Trustee Council be available to take some further action on the Eyak proposal on or by the June 21st, so that we may need a continuation meeting or a teleconference to deal with the further information that we will be able to provide by then.

MR. BARTON: Mr. Sandor.

MR. BARTON: Mr. Chairman, I move that, in the event that some action is -- is necessary that needs to come before the Council, that we make provision in terminating this provision to have a teleconference in follow-up, if necessary.

MR. BARTON: I'll second that motion. Is there any discussion? Ms. Rutherford.

MS. RUTHERFORD: Mr. Chairman, I recognize that the Trustee Council indicated at a previous meeting that it might be necessary if negotiations proceed to come together with a teleconference. If the Forest Service and Eyak Corporation,

however, want to come to the Trustee Council with a proposal, we would attempt to do the same presentation of the analysis that we did on Seal Bay, and that would be a little tough to do via teleconference. I just bring that to your attention.

MR. BARTON: No tougher than getting all six of us together in one place. At any rate, is there any objection to the motion? Hearing none, the motion passed.

MS. ANDERSON: Just a clarification again, would you restate what your motion was?

MR. BARTON: That provision be made to conduct the meeting through -- by a teleconference -- when the need arises.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: So one could be thinking about this transaction, what are the broad parameters of the proposed acquisition at this time?

MR. BARTON: Mr. Rice.

MR. RICE: Mr. Chairman, my understanding of the way it's been explained to me is that the area around Power Creek and Eyak Lake and along the Eyak River would -- is available for some fairly long-term, i.e., at least one rotation, protection mechanisms, with opportunities for public access to the area. The discussions -- my understanding -- have not gone much farther than that with that area. There has also been some discussion, I think, on providing extended buffers around the Orca Inlet area around lake streams and saltwater. Beyond that, we haven't taken it very

far.

MR. BARTON: Anything further? Okay, shall we move along? Do you want to add anything, Kathy?

MS. ANDERSON: Not at this time.

MR. BARTON: Thank you. Where do you want us to go next, Dr. Gibbons?

DR. GIBBONS: The status of the Seal Bay. Marty.

MS. RUTHERFORD: Mr. Chair, on May 19th a memo was faxed to each of the Trustee Council by Dave Gibbons advising you that DNR, Department of Law, had found it necessary to request a thirty-day extension from Seal Bay Corporation and asked if you guys concurred to that extension. We heard nothing back, so we proceeded with that. We developed -- DNR developed -- a request for proposal that was sent out to four appraisal firms. They were International Forestry Consultants, Inc., Cronk & Holmes, Atterbury Consultants, Inc., and Mason, Bruce & Girard. Out of those four firms, one responded. That was International Forestry Consultants. They provided a good proposal. We developed a contract around that proposal that was sent out today or back to them for execution today. The proposal was for a total of thirty-two thousand dollars; twenty-six thousand dollars for Seal Bay parcel, and six thousand for Tonki Cape. We are proceeding with both parcels in the appraisals. The completion date for the appraisal is now August 6th, with allowing time for a review of that appraisal to be done between that and the mid-August Trustee Council meeting. I might just note here, I'd like to say thanks to the Forest Service

review appraiser, Rich Goosen (ph), who participated with DNR people to develop this RP in really a tight time frame and to review the proposals as they came in. I think that's where we are on in terms of the appraisal. Everything seems to be going well. We're real pleased with the proposal that came in and the price. We have copies of that, if you would like a copy. Then, DNR has also just completed or is completing now the preliminary title search. That will be used by both the appraisal firm and the sellers and negotiators. We will also be handling internally the full title search, and we are just starting on the preliminary -- I mean on the haz-mat survey activities. I have a couple other things I want to hand out. We have completed a NEPA on the Sea Bay -- on the Seal Bay -- parcel, and we -- DNR just received a response from Forest Service accepting our analysis on the NEPA requirements for categorical exclusion, and I'm handing a copy of that document from the Forest Service to DNR. And finally, I'm also going to hand out three letters that the Trustees received from Koniag, who is owner of subsurface rights for Seal Bay and Tonki Cape parcels. There are two May 13 documents, and then there's a May 27th proposal, and I -- if you would take a look at all those and see whether there's anything you wanted to pursue regarding that.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: Mr. Chairman, I think this has been really a good effort from the negotiations Mr. Cole carried out on down through the work with Seal Bay itself and what the habitat group

has done since then. I -- I think we have one piece we haven't quite tied up yet, but I think we've -- maybe we need formal action to do so -- but in terms of any of these land acquisitions, the decision was made to have the negotiators be the most probable management agency that's going to deal with the land ultimately. It also is to probably formally take action to confer that title of land manager on whoever is going to do it and have some agreement as to the disposition of that land, any covenants or caveats or whatever that might be put on it, and I don't know that we've actually formally done that for Seal Bay. Kachemak Bay was, of course, part of the state park, and that was fairly clear. My understanding is this would be a state park as well, and I don't know that we've formally received documentation of that or taken action or any other provisos that might go with it.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: We will have formal document at the next meeting, if not before, to formalize that.

MR. BARTON: Any other comments or questions? Dr. Gibbons.

DR. GIBBONS: Move onto to the final action -- or final item -- coordinating an approval process guidelines that was in your package on May 10th and is in your package again.

MR. BARTON: Anybody find it?

DR. GIBBONS: It's a cover letter dated May 4th.

MS. RUTHERFORD: The title is "habitat identification

and land acquisition, and coordinating an approval process." I walked through it at your May 12th meeting. I'm prepared to do that again, if you'd like.

MR. BARTON: Everybody find it? Two-pager. Three pages (indecipherable).

MR. COLE: Could we defer this to the next meeting?

MR. BARTON: Ms. Rutherford.

MS. RUTHERFORD: We've basically been operating without today. We can certainly do that.

MR. BARTON: Is there some reason why we don't want to act on them? Mr. Stieglitz -- Mr. Stieglitz.

MR. STIEGLITZ: Yeah, I realize that it's late in the day, but I think everybody's aware I have an alternate proposal to throw into the hopper here, which I think, at least in my view, is a little more streamlined and might make the whole process a little less complicated. And I'm not putting down the work that the Habitat Protection Work Group has done putting together their draft. It might be advisable to delay it if this creates some problems, so the Council could take a look at both proposals, with time to think about it, and then decide which they prefer or maybe some marriage of the two.

MS. RUTHERFORD: I certainly have no problem with that. The only thing I would suggest is I have a copy again of a sheet of eight negotiating guidelines -- negotiating acquisition guidelines -- that was discussed at your March 10th meeting, going back awhile, as well as the marked up copy that finally came out of

that meeting, and I talked about it last meeting. And I think Commissioner Sandor made almost all the changes -- Commissioner Sand and Attorney General Cole. Attorney General Cole deleted four of those eight, and Commissioner Sandor added four additional ones.

So, I think I would hand these out. These were the basis of the development of the HPWG version, and I think it's just important as you review the Department of Interior's proposal to see whether or not you're satisfied whether or not you want to cover these items or not. Is that okay with you, Mr. Chair? Shall I hand these out?

MR. BARTON: Sure. You bet. Mr. Sandor.

MR. SANDOR: Mr. Chairman, that was reviewed and approved. This is just in a different form then?

MS. RUTHERFORD: Right. We took those and we developed what we thought was a little more concise reflection of them as to who was responsible for each of the items, and that's how this four-page document was developed.

MR. BARTON: That's right.

MR. SANDOR: And as I understand it, the -- this approved document essentially is now displayed in that?

MS. RUTHERFORD: That is correct.

MR. BARTON: The document you provided just kind of talks about who does what.

MS. RUTHERFORD: That is correct.

MR. BARTON: With regard to these.

MS. RUTHERFORD: That is correct.

MS. RUTHERFORD: There were -- I just do want to point

out though -- there were a couple of items that I mentioned at your last meeting in this four-page document that really are not reflected anywhere on -- on the March 10th approved document -- the marked-up version -- and that was -- once you go into the chart, item number one under the negotiator responsibilities, the last sentence in that block it says "obtain written statement of preliminary willingness to sell at fair market value." That is something new. And then on the third page of this four-page document, item number eight under the Habitat Protection Work Group responsibilities, the very last portion of that sentence it says "and alternative parcels being able to meet same objective," and basically that requirement will be more applicable once we're into the comprehensive process and all of the private landowner land has been analyzed so we will be able to compare the values of one versus another. This could not be done until we have all the analysis completed.

MR. SANDOR: That's understandable -- for future guidelines.

MS. RUTHERFORD: Thank you.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: Looking at this March 2nd, '93, document entitled "Negotiation Acquisition Guidelines," did we agree that the state would follow 49 C.F.R. ...?

MS. RUTHERFORD: No. You need to go to the marked-up version I just handed out, Attorney General Cole. You took out

items numbered five, seven, eight, and ten. You added one, two, three, and thirteen.

MR. COLE: Okay. That's somewhat my recollection.

MS. RUTHERFORD: That is correct. And -- and what we did is we took that and we reformatted it, as I said, into this new version.

MR. BARTON: What's the relationship between the right hand and the left hand?

MS. RUTHERFORD: Just so that you see what -- what was originally sent out and what you did with it.

MR. BARTON: So this doesn't exist?

MS. RUTHERFORD: It no longer exists. (Crumpling paper and laughter) Do me a favor -- sorry.

MR. COLE: Can we get this typed up?

MS. RUTHERFORD: You bet. Actually, yes, we can. Would it be helpful if I tried to show on this four-page where each of these items are within this document?

MR. COLE: Well, was that a good idea? I thought we might defer this to the next meeting.

MR. BARTON: I'm beginning to see the wisdom of your suggestion. It probably would be most helpful to just use the same numbers on this as on this.

MS. RUTHERFORD: I will try. There are a couple of situations where one of those appears in more than one place, but we -- I might be able to do that.

MR. BARTON: But, what you want us to do today is to

approve ...

MS. RUTHERFORD: What I should have done was walked you through it just like I did last time ...

MR. BARTON: Well ...

MS. RUTHERFORD: ... but if you are not prepared to act on it now, we could type this up and make it very clear what each of these numbers are related to in this document and have this ready to mail out to you.

MR. BARTON: I think the sense of the Council is that that will probably be the most productive way to get this done. Thank you.

MS. RUTHERFORD: Okay, thank you.

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: One other item -- there's many other items on the agenda. I'm not sure how long you want to go, but item number ten, I've got a letter here from me to the Trustee Council that it has -- make it very clear, it has not been reviewed by the Restoration Team; it was just put together recently but it might shed some light. I'm going to read it and I'll pass it on to you.

I'll start into it. We've been in -- we inherited this building from the Department of Justice, the deep bowels of the Department of Justice somewhere I understand, and after the restoration -- after the settlement, the Justice Department basically moved out of the building and we inherited the first -- basically the first and fourth floor. I've been dealing with some problems in here, and one is that the building does not comply with the American

Disabilities Act (sic) -- I think everybody realizes that -- and it has some provisions on the fire code that it does not meet the city code. And so, we've been trying to negotiate a new contract with various folks. The landlord is reluctant to enter into a new agreement of any kind, without a three year lease, that brings the building up to compliance with the disabilities act -- and it's a financial situation with the landowner. And so currently, we're on a month-to-month lease with the building. I've recently been informed that the landowner may advertise the first floor here for lease. They're not happy with the month-to-month lease, and so with that I had a space study by the Department of Environmental Conservation, which is included in your package, and I might walk through some of the assumptions that I had when I did the space study analysis and how it was prepared. I will say at the outside, the space analysis came up with very similar space that we have now. It came up to about twelve thousand square feet, and what we have now is very close to that. It will take three to five months to advertise for new space and remodel it to meet the specifications that we have and move. We think there are efficiencies that we can gain in moving to a new building, and some of those considerations that I -- we -- thought were, one, we combined the Trustee Council and the Restoration Team meeting spaces. We don't need separate meeting spaces, and this will reduce space need. It might cause some occasional hard -- hardships in space, but we can definitely live with that. The Oil Spill Public Information Center continues to be very active, so

we'd like to keep that for at least one more year. The Restoration Planning Work Group was originally to be disbanded by 1994, but that assumption kind of went out the window today. It's going to be extended some time frame, so they will be needing some -- some kind of space in the future to prepare the final draft restoration plan. The Habitat Protection Work Group has been working feverishly. Part of the problem there is the subgroup will get information that's confidential so they can't leave it laying around, and so we don't have a space for them that we can dedicate so they can kind of lock that up and then continue in the morning, pick up where they were. So, there's some kind of a centralized space for the habitat group. The '94-'95 work groups need some kind of a centralized space also. They're developing some work. The Executive Director, whoever that is, will need some centralized space, as well as the support staff for the foreseeable future, depending on the Trustee Council actions in the future. Accordingly, the space study has offices for the Executive Director, existing support staff as outlined in the '93 budget, five agency offices which can function as technical support staff offices, depending on the outcome of the reorganization, and four transient offices for visitors, agency people, peer reviewers. The cost of the lease includes moving expenses and the build out of the floor plan. The state usually leases the space for a minimum of three years, but my suggest -- suggestion -- would be bidding the space with a yearly option with a modification of the space. There's no way at this time that we can commit to three years. I'm

not comfortable with the space at all. And that's basically the proposal. It's space analysis, like it says, included in your package here, dated May 6, 1993.

MR. BARTON: Yes, Mr. Sandor.

MR. SANDOR: What, if any, action do you wish us to take today?

DR. GIBBONS: I -- I -- the action I would wish is to authorize me to go out for competitive bidding on some space.

MR. SANDOR: I so move.

MR. BARTON: Is there a second?

UNIDENTIFIED VOICE: Second.

MR. BARTON: Any discussion.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: How much space do we have now?

DR. GIBBONS: There's about -- there's about eleven thousand -- a little over eleven thousand square feet in the first and fourth floors.

MR. COLE: And what's the reason we don't just stay in this space?

DR. GIBBONS: One reason is that the -- the lessor would like a three-year contract -- I tried to negotiate something less -- and anything less, then the disabilities act and the fire code -- the improvements will not occur.

MR. COLE: What's the non-compliance with the disabilities act?

DR. GIBBONS: Well, there's many. The bathrooms, the elevators, the door handles are some of the problems. Some of the windows for exit -- we had an engineering survey, two engineering surveys done of the building and one ADA survey done of the building. We have that.

MR. COLE: How much will it cost to move?

DR. GIBBONS: To physically move, we're estimating about fifty thousand dollars, so that would go into the factor of looking at the bid. If we can use that money to help offset, some way improve the building, or if we can get the landowner to do it in stages to show good faith to meet the ADA and perhaps do the ones the most critical first. The actual move is -- is around fifty thousand dollars. We've got people who have space available who are willing to talk to us.

MR. BARTON: Further comments? Mr. Stieglitz.

MR. STIEGLITZ: I think I heard Mr. Gibbons say we have eleven thousand square feet now. Without going back to the proposal, how much would you solicit for

DR. GIBBONS: It's slightly over twelve.

MR. STIEGLITZ: And I assume that commensurate with staffing that's projected. I -- I heard it talked about maybe less staff at some point and so forth. Is all that factored in?

DR. GIBBONS: That's -- that's factored into the -- as best we can right now.

MR. BARTON: The proposal is -- to do yearly modification was partly addressing that -- and all the

uncertainties associated with the needed staffing, is that correct?

DR. GIBBONS: That's correct. I'm not willing to get into a three-year lease with all the uncertainties of the organization, the staffing, all the other questions that are unresolved at this time. The longest I would recommend would be one year at the longest. That's why we're on a month-to-month now. We tried to negotiate here, without too much progress.

MR. BARTON: Mr. Cole.

MR. COLE: Is there any sense that this organization will not be doing much of what it is currently doing for the next two years?

DR. GIBBONS: The changes I envision -- I've got to talk to the staff on some of them. I don't want to spring some of my ideas I have on -- on them right now, but I think there will be a change within two years of the structure that you see here.

MR. BARTON: Some of the work groups, I assume, will accomplish their objectives.

DR. GIBBONS: Yeah, the work groups -- I'd say right now we have -- we have an annual work group, and that will remain. The Habitat Protection Work Group will remain, but the Restoration Planning Work Group and the Environmental Compliance Work Group when the plan and the DEIS are done, they're gone. They're no longer within the organization, and then we need to look at the structure.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: We may have, however, an increase in the staff of the Executive Director, you know, as we get that shift made, and when one considers the cost of moving and things of that nature, maybe we could go to the landlord or the owner and say, how about a two-year lease and make this deal with you. I don't see where we're going -- we'll be this way a year from now, I imagine, who knows, the next six or eight months, and, you know, this space has worked pretty well, it seems to me. When we go someone else -- some place else -- are we going to be able to get ground floor space, etc., etc.? I would favor some heavy negotiation with the landlord.

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: I would be real willing to do that. I didn't have a whole lot of latitude in my discussions with them last time on longevity. It was approved budgets that I was dealing with -- that the Trustee Council approved -- and the last negotiations were a budget from March 1st to September 30th. That's what I had to negotiate with, but they maybe more than willing, if we mention two years, to meet the -- a lot of the ADA requirements and the fire code requirements.

MR. BARTON: Mr. Sandor.

MR. SANDOR: I will amend the original motion to provide that negotiation process. In other words, direct the Administrative Director is authorized to include that in the negotiation process.

MR. BARTON: Second agree? Any further discussion?

Any objection to the motion? Hearing none, the motion passes.

What other items do we need to take up?

DR. GIBBONS: The symposium was mentioned -- the symposium was originally to be an action item. We're not quite ready with that yet. There's a letter that you've gotten. It's an informational item. Actually, we made the Trustee Council money.

MR. BARTON: Terrific.

DR. GIBBONS: You gave us twenty-five thousand. We parlayed that to thirty-two thousand.

MR. BARTON: Then why are you back here? (Simultaneous laughter) You want to earn more? (Simultaneous laughter) Any time you can earn more, you don't need to come back. What about the 1992 final reports schedule. I'm curious about that. Oh, I'm sorry.

MR. COLE: Is there something we can do now to get the symposium out of the way?

DR. GIBBONS: Mr. Morris is handling that, but I think it's really -- we need to give you some more information before you can get it out of the way. It's the -- the idea is how do we get the proceedings published? That's the key.

DR. MORRIS: Just a few comments on that. We have proceeded with -- we are going ahead with the proceedings. I want an understanding from the Council at this time that they do support us going ahead with them. We hope to come back to the Council next month with an estimated cost of the publication cost for the proceedings and present that to you for funding. We have quite

good commitments from authors for the proceedings, close to seventy papers. We anticipate a book of three thousand copies of anywhere from six hundred to nine hundred pages. We are planning on doing the same as we did at the proceedings -- at the symposium -- we will request a loan of the amount of publishing the proceedings and the cost will be recovered from the sale of the book. We're intending to buy on contract for publication. But I would like to know at this meeting whether the Council intends to support -- or feels we should proceed or go ahead with the effort.

MR. COLE: So moved.

MR. BARTON: Second. Any discussion? Mr. Stieglitz.

MR. STIEGLITZ: It's my understanding there is some question about Council -- additional Council investment and actual publication. This comes out of there -- the reaction of the American Fisheries Society -- has that been resolved, or is that the additional information we're waiting for?

DR. MORRIS: We are waiting for additional information -- we were going in one direction with the Fisheries Society. We have chosen to step back a bit and go out for bid, including other parties as well.

MR. STIEGLITZ: Okay. I'm trying to clarify what -- what we're actually voting on here. There's a motion

MR. COLE: Moving forward.

MR. STIEGLITZ: Okay, but the motion doesn't commit us to paying settlement funds to publish?

MR. COLE: No money.

DR. MORRIS: No. I -- I will come back in July, I hope, and give you what we estimate the cost of publishing the proceedings are and requesting funding for the issue of the contract in that amount.

MR. BARTON: (Indecipherable -- simultaneous talking) if we have to front-end this thing, and the cost will be recovered through the sale of the book, is that what I understand?

DR. MORRIS: Yes.

MR. BARTON: So we will be asked to put up the front end at some future date. Anything further on that?

How about the 1992 final reports schedule?

DR. GIBBONS: In the package of the May 10th Trustee Council meeting, there was this package on the '92 final reports. After the meeting, I did some further checking with some of the agencies, and I revised the cover letter. There are now two projects that will not meet the June 15th date, rather than five in the last letter, and that's out of ninety plus studies we have. So, I know we were -- the Restoration Team members whose agencies, you know, whose two projects will not meet that are prepared to discuss why they will not meet the June 15th date. The first ...

MR. COLE: Who are they?

DR. GIBBONS: The first project is archaeological project R104A, the Department of the Interior, and the second project is restoration project R60C, National Marine Fisheries Service.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Can we have a succinct summary of -- of that -- to get this out of the way?

MS. BERGMANN: Mr. Chairman.

MR. BARTON: Ms. Bergmann.

MS. BERGMANN: All I'm here to report on the project R104A, site stewardship, that's a cooperative effort between the Fish & Wildlife Service, the Alaska Department of Natural Resources, and the U.S. Forest Service. To date, the Fish & Wildlife Service has researched existing site stewardship programs and has actually developed the materials to be used in training programs all in tiers. A steward handbook has been developed and has been reviewed by the cooperating agencies as part of the project, as well as friendly peer reviewers. In addition, a progress report was submitted to the Chief Scientist in March 1993.

The final portion of this project involves meeting and discussing the site stewardship program and its training materials with representatives from Kodiak, Homer, and a village in Prince William Sound, either Chenega or Tatitlek. These meetings had been scheduled for March '93, however they were delayed due to agency and local community representative's scheduling conflicts. Following these meetings, the resulting information will be incorporated into the draft final report, which will be submitted to the Chief Scientist by August 1993. And I might just add that the additional actual text that will result from this will only be a couple of -- two or three pages -- it will be a short amount of information.

MR. BARTON: And what -- Mr. Cole.

MR. COLE: I'm concerned about friendly peer reviewers. I mean, is there some reason that we have only friendly peer reviewers?

MS. BERGMANN: The term, Mr. Chairman, the term friendly peer reviewers refers to peer review done by our folks either within the agency or other peer reviewers that the agencies select themselves, in contrast to peer review done by the Chief Scientist, who selects peer reviewers, which is ...

MR. PENNOYER: Unfriendly. (Laughter)

MS. BERGMANN: ... unfriendly, yes -- which could be unfriendly (laughter) -- no -- which are sent out to peer reviewers that the Chief Scientist selects. Typically, all of the agency -- we -- they haven't really used that term very often, but typically all the agencies are going through internal peer review and external peer review.

MR. BARTON: Any other comments on that? Mr. Sandor. And the second study?

DR. GIBBONS: No, I just (indecipherable) three -- just informed -- usually another one. The second one would be restoration project R60C for the National Marine Fisheries Service.

DR. MORRIS: I think there's some sort of misunderstanding with that project. It was one that was approved -- it was an add-on to a Fish & Game project that was approved last September to be continued for two years, and in this year, which is 93003, with a status report due in August. It had only started

last September. There is no final report due.

DR. GIBBONS: Mr. Chair, in checking with Bruce Wright, he left it on the list, so I'm just going by what I'm being told.

DR. MORRIS: I'd like to correct.

MR. PENNOYER: Is this the quote (inaudible) project?

DR. MORRIS: Yes, yes.

MR. PENNOYER: Well, we just started this, so I'm not sure how you'd have a final report.

(Simultaneous talking)

MR. BARTON: What about the other second project?

DR. GIBBONS: Last one is Department of Environmental Conservation.

MR. BRODERSEN: I was just informed a couple days ago by the folks at the National Marine Fisheries Service who are reviewing the hydrocarbon chemistry of this that because of the flack that NOAA got into with Exxon over the hydrocarbon data base that they spent their time correcting that little misunderstanding and we're unable to get to this. They expect to get to it in the next few days, so the report will be three or four days late in getting to -- in meeting the June 15th deadline.

MR. BARTON: Any further comments or questions? I think this is a useful summary, and I would encourage you to provide this to the Council -- this updates us with everything. Can we move on to the next agenda item? What's the wishes of the Council? We're zipping right along. I hate to lose the momentum. Go for it. Dr. Gibbons, what's your next choice?

DR. GIBBONS: Can we deal with Mr. -- can we deal with the Prince William Sound Oil Spill Recovery Institute?

MR. BARTON: I don't know, but we can try.

DR. GIBBONS: We only have two items left.

MR. COLE: What do we have to deal?

MR. BARTON: Go for it.

DR. GIBBONS: The Trustee Council directed me several meetings back to develop a memorandum of agreement with the Prince William Sound Oil Spill Recovery Institute. I worked with Gary Thomas. He's submitted one I used in draft. Another version, which I submitted to Gary, and he's drafted a third one. What's -- what the status is now, in the package there's two version. Version A is the version that Gary Thomas drafted, and I'll walk you through these two versions to tell you difference, and the second version is the one that I drafted. It -- if you go to version A, the difference is on page two between the two versions.

The difference is under the "OSRI shall" column, numbers five and six, and under the "Trustee Council shall" items four and five. And that's where the two memorandum of agreement differ. In -- under the agreement that Gary drafted, he included those two, and the one I drafted did not have those two in it.

MR. BARTON: Mr. Sandor.

MR. SANDOR: What action would you propose -- the approval of one of those three alternatives?

DR. GIBBONS: Or some mix.

MR. SANDOR: Or some mix.

MR. PENNOYER: Do we have a third one somewhere?

DR. GIBBONS: No. There's the first one that Gary Thomas gave, you know -- there's only two alternatives now, and they're presented in the package.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: What are we seeking to do with this entity?

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: My envision -- the MOU that I drafted is that we recognize the Oil Spill Recovery Institute, and that under item number four that, that as determined by the Trustee Council, as specific agreement, work with them as the two -- at times the goals of the Trustee Council and the Oil Spill Recovery Institute overlap, and so we can work together on projects. So that's -- that's the intent, but as determined by the Trustee Council. My version concern about the version that Gary had is well established agreements. My version said well, as determined by specific agreement -- so as determined -- as you determine then we will enter into agreements.

MR. BARTON: Is an option not to sign any agreements?

DR. GIBBONS: That's -- that's correct. The Trustee Council has directed me to develop them, but they didn't direct me -- didn't say that -- to sign them.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Was this MOU generated at the request of

OSRI?

DR. GIBBONS: Generated at the request of the Trustee Council.

MR. SANDOR: Without injection by OSRI or anyone?

DR. GIBBONS: Well, Gary Thomas attended the meeting, made a presentation, and the Trustee Council said please prepare a memorandum of agreement working with Gary.

MR. SANDOR: So they had not asked for a ...?

DR. GIBBONS: They had asked for them, but the action was taken by the Trustee Council at a Trustee Council meeting.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Thank you, Mr. Chairman, yes. I haven't reviewed both versions myself, and I guess my question is is there a reason for us to treat the Oil Spill Institute any different than any other entity in terms of contracting? I guess that kind of comes back to what Attorney General Cole was asking as well.

DR. GIBBONS: I can see, I can envision then going on with RCAC MOUs and, you know, other ones, and I really think -- I think we can live without one.

MR. BARTON: Mr. Pennoyer.

MR. PENNOYER: The Oil Spill Recovery Institute does have some of the same mandates about legislation that we've got in terms of understanding, I guess, spill effects, recovery monitoring, that type of thing. I don't answer Commissioner Rosier's question, I don't think there's any special reason they would automatically be granted sole source waiver on contracts or anything like that, and

I think that's sort of the difference between these two versions. The first version, I think, is a very mandated relationship, special relationship, that mandates actually a membership of the OSRI people on the Trustee Council body, not on our body here but in our Restoration Team, our work groups, and that type of thing. They had also sort of provided the priority to funding for restoration monitoring to go to them, priority consideration. The second one, I think, which may not require an MOU, I don't know, it simply recognizes the -- some of the joint, similar purposes between the two bodies, and the fact that we are going coordinate and cooperate. We all -- most of us have members on their board that are your deputies on the board of the Oil Spill Recovery Institute, and we have relationships established with them already.

They're going to seek funds to do some things we're going to be interested in, so in some fashion, I presume, we want to coordinate with them because as our restoration planning process gets done, we're not going to want to be doing things they're doing already, or vice-versa. So, I can't tell you for sure an MOU is required, but it was our original response to kind of formalize the fact that we recognize their existence and we will coordinate with them. And I think that's all B does, unless I'm mistaken.

MR. BARTON: Mr. Sandor.

MR. SANDOR: There's no demonstrated need then for any immediate action at this time?

MR. PENNOYER: Well, they'd like to have, Mr. Chairman -- they'd to have some indication that we really seriously want to

coordinate with them. They're off doing their own restoration planning thing, I guess, and they want to know if we're doing ours under contract, somehow they'd like an expression from this body, this way or some other way, that we are serious about coordinating restoration monitoring in fact with this body. This is sort of evidence of it, I suppose, it might work just as well if we instructed the administrative director to continue to coordinate our planning process with the process by OSRI, and maybe that would suffice, I don't know.

MR. BARTON: Mr. Rosier.

MR. ROSIER: Thank you, Mr. Chairman. I guess I'm somewhat persuaded to support at least the second version put forth by Dave. I think there is probably some need for some coordination there. One of the things that we've looked at in the past has been the ability of contractors to provide matching funds and this type of thing, and I know that this particular group is going to be looking for funding from any number of different sources. There may be some mutual benefits that would come there from being able to match specific projects here if we were coordinating very closely on some of the projects in this group.

MR. BARTON: Further discussion? Is there a motion?

MR. ROSIER: Mr. Chairman, I would the adoption of the second version of the memorandum of understanding.

MR. BARTON: Is there a second?

MR. PENNOYER: Second.

MR. BARTON: Seconded by Mr. Pennoyer. Any further

discussion? Is there -- Mr. Sandor...

MR. SANDOR: By the second version, is that the original Dave Gibbons' proposal?

MR. ROSIER: Yes, Mr. Chairman, that's correct.

MR. BARTON: Mr. Stieglitz.

MR. STIEGLITZ: One -- one comment. If I support either of these, I'd certainly support -- I guess we could call it the Gibbons version -- although, let me question one point here. I'm concerned about a document here that commits in any way to enter into any special kinds of agreements, contractual, give them preference for studies, whatever, because I know that lots of other organizations and entities out there that would like the same thing, and I have a little problem with setting a precedent here. I haven't read it word for word, but one point that causes me a bit of a problem even on page two of the Gibbons' version, it says, under Trustee Council responsibilities, it says, the Trustee Council shall enter into agreements -- to agreements there -- or contracts to accomplish agreed upon projects which may be supplemental to this MOU. I guess that's a little strong for my viewpoint. If it says the Trustee Council may, I'd feel a little more comfortable with that version.

MR. PENNOYER: (Inaudible -- out of microphone range) ... contracts to accomplish agreed upon projects which may be supplemental to this MOU. Does that say with OSRI or does that say we're going to do whatever we feel like doing elsewhere from OSRI?

DR. GIBBONS: I think the intent is with OSRI.

MR. BARTON: But the key phrase there is "agreed upon" I would think. Mr. Sandor.

MR. SANDOR: Considering the hour and time, I guess I would move that this be tabled for further study.

MR. BARTON: Motion deferring it.

MR. PENNOYER: One more amendment that in fact there are some typos and things in here. Perhaps the administrative director could clean this up and send this out to us in the mail for our consideration before we ...

MR. BARTON: I'm sure he could. He has several volumes already.

DR. GIBBONS: I apologize for the version you have. I have already corrected many of the typos in mine version, but your version didn't get it. I only have one other thing. I have requested legal review on this. It's gone out to the legal people, and I have not heard any feedback. So any agreement would be based on legal review of this document.

MR. BARTON: That's all the more reason, I think, to table. The motion to table is privileged. Is there objection to the motion? Hearing none, it's tabled 'til we take it up again. Mr. -- Dr. Gibbons, where do you want to go next?

(Inaudible aside comments and laughter)

MR. STIEGLITZ: I assume as part of that, Mr. Chairman, will will talk about the selection process for the Executive Director. I would very much like to hear a status report on that.

DR. GIBBONS: Yeah. There's -- there's two items left.

Item number five and item number twelve.

MR. BARTON: Let's take twelve first.

DR. GIBBONS: Item number twelve?

MR. BARTON: Yes. Do you want a report on the status of the Executive Director? Was that the intent of this?

DR. GIBBONS: Yes. It's been on the agenda -- it's on the agenda as a regular item.

(Simultaneous laughter)

MR. BARTON: Like an MOU -- yes, I think so.

MR. BARTON: Carl and I have been herding this thing around. As I understand it, the evaluations panels are now set to meet next week ...

UNIDENTIFIED VOICE: The 8th and 9th.

MR. BARTON: ... the 8th and 9th to go through the applications and develop the three certificates of candidates, which will then be presented to the Council for final action, and that action in the case of the two federal certificates will have to be preferably within sixty days, at most ninety days.

MR. STIEGLITZ: If that needs to be done, we wouldn't take any action until August.

MR. BARTON: That's the latest they could take, not the earliest -- the latest. It has -- the two certificates -- the two federal certificates will expire in sixty days. They may be extended for thirty more but can't be extended beyond that.

MR. STIEGLITZ: (Inaudible) ... expedite this.

MR. BARTON: I think the Council's very interested in

that, I don't know. Carl, do you want to talk about the state process?

MR. ROSIER: Well, the state process is pretty straightforward. It's -- we can move the selection as soon as we've got a list that's been worked and the Trustee Council has in fact conducted the interviews. So the state system will be a lot quicker, a lot faster than the ...

MR. BARTON: But there's no time deadline ...

MR. ROSIER: No time deadline.

MR. BARTON: ... on the state process. Because the deadlines I mentioned were drop-dead dates not start dates. So the evaluation panels are looking at both the state list of applications and the federal, both federal lists of applicants at the same time.

MR. ROSIER: As you know, that's no small -- no small project.

MR. BARTON: Further questions or comments? Dr. Gibbons.

DR. GIBBONS: Last item, item number five, improving public communications. Several meetings ago, the Trustee Council directed me to put together some possible actions for the -- improving public involvement or communications by the Trustee Council, and I drafted a memo dated May 3rd. It's in your package.

And it's got the first page -- I'll walk you down through this -- wait 'til you find it first. (Aside comments) This has also gone through Restoration Team review, so it's not just mine. The first

page is just a status of what some of the accomplishments of public involvement we've done so far in some of the -- our observations concerning some of the public involvement. We've identified public meetings, we've had three series of public meetings in the communities, February '92, April '92, and April '93. The first two sets were not well attended due to the -- some of the lead time allowed for advertising and laying the ground work. However, the latest set of meetings went very well with excellent attendance. The Trustee Council meeting topics -- the topics are often complicated and difficult to follow. We've had the input back from the public -- lots of paperwork and lots of handouts. The public feels that they cannot participate in the meetings, except in a very defined and formal format of the public comment period by the Trustee Council. We've tried various things here. I know at the request earlier by the Trustee Council, we had public comment before the meeting started and then also after, and we tried avenue, but that's just an observation by several of us. The symposium was well attended and informative and was praised an excellent event by the Trustee Council. The public has expressed that there was so information presented in such a short time-frame, it was hard to gather it all in, but they thought, perhaps, inadequate discussion opportunity for the public. Public documents, we lease many public documents and most recently the brochure. We've had some comments by the public that they're very complicated, dry, and sometimes full of jargon and difficult to understand, and not very visually appealing. So, that's just some

feedback we've gotten from the public. And the presentations we done, the Restoration Team and the Trustee Council and other people have done some presentations that have gone very well. So some of the strategies we've put together -- like I say, these are strategies, these are not cast in concrete, but, you know, we've thought about some of these things and suggest perhaps that we plan in the formal time before or after the meetings where the public has access to the Trustee Council and other staff to ask questions and perhaps share their views, more informal-type setting. The second one, encourage the Trustee Council members and staff to take time to talk to the members of the public, representatives of interest groups, and the Public Advisory Group. A little more interchange there, perhaps, between those groups. Make public concerns a regular agenda item on the Trustee Council meetings. Address the public concerns at the Trustee Council meetings. If the public has expressed some kind of concern to us, perhaps put it on the agenda, either in the public comment, specifically there, or perhaps on the agenda itself. The next one was to answers the questions that the public has as fully as possible, and if we do not know the answer, make sure that the public gets the answer. I think -- I think we're pretty good on that one. I think we've done that pretty well in most cases, but there were some people who thought that we could do a little better there. Another item was to produce and distribute a newsletter or fact sheet. Currently, there's been press releases that no restoration has been done. I've heard those kind of comments and quotes from the press, and

we'll let you know that we are drafting a fact sheet right now of the restoration activities that the Trustee Council has conducted.

So, we're going to go out with that as a fact sheet to the press, if anybody wants to listen to what -- what we actually have done on restoration. If a quarterly newsletter is required -- is suggested -- that we would need some more materials and support to do that. We're pretty well stretched right now. And the last item, I'm glad to hear that Carl and Charlie did this, but to schedule, maybe not a full Trustee Council tour, but members of the Trustee Council out to the spill-affected communities, hold short meetings, those types of things. I think it helps with the communication very well, and I heard good comments by Charlie and Carl about their meetings. So, these are some of the suggestions we came up with in regards, perhaps, in improving the communications with the public.

MR. BARTON: Mr. Sandor.

MR. SANDOR: Mr. Chairman, I'd add to the strategies an encouragement of this Prince William Sound organization of communities, and I think, Dr. Gibbons, you might formally acknowledge (inaudible) communications, and I think express our appreciation, unless there's some objection, of their taking the initiative to prioritize the projects in the Prince William Sound area, and that, to me, to be encouraged.

MR. COLE: Mr. Chairman.

MR. BARTON: Mr. Cole.

MR. COLE: I received yesterday from Juneau via fax a letter from Mr. Gary Lewis, City Manager of Cordova, in which he

comments somewhat on the views of people in Cordova about the Restoration Team has gone on and the Trustee Council. He also accompanied that letter with a May 20 memorandum containing a listing of the selected projects which the City of Cordova would like to see incorporated or considered in the 1994 work plan, and what I would like to do and now do is hand this letter and the accompanying list of proposed projects to Mr. Gibbons and ask that he distribute it members of the Restoration Team and to members of the Trustee Council.

MR. BARTON: Further discussion and comments? Mr. Brodersen.

MR. BRODERSEN: Mr. Chairman -- excuse me -- I just started passing around the court request petition. We need to get as many of you as possible to sign yet this evening. I'll also need to have you make a motion rescinding your previous one -- what date -- May 29th -- if you would be so kind.

MR. BARTON: Is there such a motion?

MR. PENNOYER: So moved.

MR. BARTON: So moved, is there a second? (Inaudible aside comments) It's been moved and seconded that we substitute the resolution apparently being circulated for signature for the March 23 resolution, was it? Any objection to the motion? Hearing none, done. The Chair would really like to hear a motion for adjournment.

UNIDENTIFIED VOICE: So moved.

MR. BARTON: Dr. Gibbons.

DR. GIBBONS: Yeah, I thought it was a continuation meeting because there's a teleconference possibility with Eyak. Was I --?

MR. BARTON: Can I have a motion to recess?

MR. PENNOYER: One question before we do that, when's the next meeting.

MR. BARTON: By the way, we haven't acted on that motion. Nobody seconded it, so I assume it fails.

MR. PENNOYER: Mr. Chairman, what are the plans for further meetings then? (Inaudible -- out of microphone range)

DR. GIBBONS: The next scheduled meeting that we had was for August 23rd. It seems -- yeah -- it seems there perhaps might be a meeting that's needed before that to deal with -- with perhaps Eyak or the restoration organization or whatever there is.

MR. BARTON: Well, (inaudible) ourselves be ready to meet, at least by teleconference, on the Eyak situation. I would assume there may be further developments that we might want to schedule a meeting before August 23rd, but at this point that is the next scheduled meeting. Does anybody wish to meet sooner than that?

MR. PENNOYER: Mr. Chairman.

MR. BARTON: Yeah. You sure can.

MR. PENNOYER: Move to recess.

MR. BARTON: Is there a second? Any objection to recessing? I object. (Laughter) Mr. Pennoyer? We're not -- we're recessing.

CERTIFICATE

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, Linda J. Durr, a notary public in and for the State of Alaska and a Certified Professional Legal Secretary, do hereby certify:

That the foregoing pages numbered 03 through 393 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council continuation meeting taken electronically by me on June 1 and 2, 1993, commencing at the hour of 10:00 a.m. at the Restoration Office, 645 G Street, Anchorage, Alaska;

That the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me, Sandy Yates, and Jolene Thornton to the best of our knowledge and ability from that electronic recording.

That I am not an employee, attorney or party interested in any way in the proceedings.

DATED at Anchorage, Alaska, this ____ day of June, 1993.

Linda J. Durr, Certified PLS
Notary Public for Alaska
My commission expires: 10/19/93