

**EXXON VALDEZ OIL SPILL SETTLEMENT  
TRUSTEE COUNCIL**

RESTORATION OFFICE  
Simpson Building  
645 G Street  
Anchorage, Alaska

October 27, 1993  
10:00 a.m.

**TRUSTEE COUNCIL MEMBERS in attendance:**

State of Alaska	<b>MR. CHARLES COLE</b> Attorney General
State of Alaska Department of Environmental Conservation	<b>MR. JOHN SANDOR</b> Commissioner
United States Department of the Interior	<b>MR. GEORGE FRAMPTON, JR.</b> Assistant Secretary
State Department of Fish and Game	<b>MR. CHUCK MEACHAM</b> (Alternate for Mr. Carl Rosier, Commissioner)
United States Department of Agriculture - Forest Service	<b>MR. MIKE BARTON</b> Regional Forester
United States Department of Commerce - NOAA	<b>MR. STEVE PENNOYER</b> 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
KEN RICE	Deputy Natural Resource Manager, United States Department of Agriculture - Forest Service

**OTHERS who testified**

BOB LOEFFLER  
SANFORD P. RABINOWITCH, National Park Service  
MARLA ADKINS, Cordova

CHIP THOMA, Juneau

CHARLES McKee, Anchorage  
BILL ROME, Anchorage  
MARK LYMAN, Juneau

P R O C E E D I N G S

(On Record 10:15 a.m.)

MR. FRAMPTON: Fine, we're only missing Commissioner -- Trustee John Sandor who is not yet here at the National Park offices in Anchorage.

REPORTER: I suspect he will be walking in the door any moment, sir.

MR. FRAMPTON: Thank you.

MR. COLE: Mr. Rosier, you know, I drove in Anchorage in one of those bugs which I rent and ...

....

MR. PENNOYER: You are.

MR. COLE: No, no, no, not I. Why don't you preside. You're at the center of power?

MR. PENNOYER: Can I quote you?

MR. COLE: I have a thought on that, but I'm not going to mention it. (Pause) Steve, we're here in Anchorage awaiting the arrival of Commissioner Sandor. Chuck Meacham, is he there in your office?

MR. PENNOYER: Chuck is here because Carl apparently is not feeling well.

MR. COLE: Okay. Well, I think we're all set then other than John Sandor.

MR. PENNOYER: Oh, I've got Dave Gibbons here too. He couldn't get out this morning, Juneau's got fog, and several Restoration Team members here as well. So, we're ready to go.

MR. FRAMPTON: Charlie, could you patch in to Steve and Chuck that we are not getting them directly here. We are getting them by hearing them on your speakerphone there, so they are really going to have to -- to shout out from Juneau that -- for us to hear them.

MR. COLE: Did you get that Steve?

MR. PENNOYER: I can hear George loud and clear so we'll just -- can you hear me now George?

MR. FRAMPTON: Yeah, that's fine. I think it's the state's chair to -- turn to chair this, is it not?

MR. COLE: No, we've decided when you off the line that the Chair today lies with the root of all wisdom, that is in Washington, D.C.

MR. PENNOYER: Not debating your contacts, that's fine. Dave Gibbons is here so he may want to start off on the agenda or maybe you do back there. I don't know.

MR. FRAMPTON: Alright, this is -- this is George. Let me come down the five items before the public comments, that I have listed on the latest draft agenda and see if that's a satisfactory agenda. I have, number one, the draft final restoration plan and if we can approve or come close to approving it today, we also need to discuss a process for getting it out; second is Kodiak archeological artifact repository; third is the executive director selection issue; fourth, a discussion of what format and content the '94 work plan ought to take, assuming that's going to be developed for us to discuss at our November 29 meeting; and fifth,

a report from Dave on the status of the comprehensive habitat protection analysis. Is that an agenda that's satisfactory to everybody? Any additions? Desires?

MR. COLE: I -- Mr. Chairman? I have a matter which I would like...

MR. FRAMPTON: Yeah.

MR. COLE: I have a matter which I would like to slip in at some juncture, it's an observation only, and I don't think it requires itemization on the agenda. So perhaps I can ...

MR. FRAMPTON: Alright, any other agenda?

MR. PENNOYER: Sounds good here.

MR. FRAMPTON: Alright, should we proceed to the first item then, which is to take up the draft final restoration plan.

MR. COLE: I move we send this -- never mind, thank you.

MR. FRAMPTON: (Indiscernible) a point to start from.

MR. COLE: I just aborted a take off.

MR. LOEFFLER: Mr. Chairman, myself, Bob Loeffler and Sandy Rabinowitz are here, and we only expect that our part will take four minutes or so of your time. What we'd like ...

MR. FRAMPTON: Okay.

MR. LOEFFLER: What we'd like to do is sort of tell you where we are now, and Sandy will give you sort of a brief explanation of the plan. So, I'll start with my part which is where we are now, and I'll begin with where we were then, which is to say, a month ago you asked us for a draft restoration plan by

Halloween. I believe we met that deadline. We've done three drafts, one on October 4th, 15th and 22nd, and as we got comments through -- came in yesterday, morning and afternoon, I think there are probably still some small changes to make, but I believe that most of them are helpful, and, while I might not call them editorial, there not ones would -- that seem to me to have significant agency disagreement. So, I believe that we are -- we have a restoration plan that has met your -- hopefully met your expectations, certainly met your page limit, by itself is forty pages, (indiscernible) somewhat longer, and that's where we are. Sandy do you want to ...

MR. RABINOWITCH: For the sake of those listening, I'll very quickly touch on what the plan is, it has four chapters. The first chapter is an introduction, and the key point of that chapter is to point out that the policies we're making for making decisions and a description of how the restoration process works, is in that section. There's concepts of an annual or multi-year work plan, and there's continued emphasis on public involvement. The second chapter, the policies. There's nine of them current that would guide your activities in the future. Those policies are all rooted in public comments and in the staff, and your response to the issues, and have been developed realistically over almost a four year period now, since 1990. The third chapter of categories restoration. This comes from the framework document in 1992 largely, and those four categories are habitat protection and acquisition, general restoration projects, monitoring research and

public information. The last chapter, the restoration objectives, is really a single objective, and that's the recovery of the injured natural resources and services, and that section is organized along the lines of species in recovery and those that are not recovering and those that we're unsure whether or not they're recovering, and there's a strategy in the last time, and there's a strategy in that section (indiscernible) and for each injured resource and service, or the restoration of it. I'm going to stop there.

MR. LOEFFLER: Mr. Chairman.

MR. FRAMPTON: Yes. Yes, I'd like to kind of switch this back on your end, so I can see who's talking. We can see who's talking here. Can we do that? Great, thank you.

MR. COLE: I have read substantively each of the drafts as they have been prepared by Mr. Loeffler -- Loeffler and Mr. Rabinowitz. I'm -- I'm of the view that with each draft, the product becomes better, and I would agree with Mr. Loeffler that another draft would continue to improve the product and therefore, I join with their thoughts that they be allowed a few more days to conclude their polishing. And, I so move.

MR. FRAMPTON: I'm sorry, who moved -- Charlie?

MR. COLE: Yes.

MR. PENNOYER: Commissioner Sandor has ...

MR. FRAMPTON: Is there a second?

MR. COLE: Commissioner Sandor has a thought, I'm told.



MR. SANDOR: Yeah, Mr. Chairman. I have not read substantively each of the three drafts, I only received the third Sunday and was out in the fields yesterday and the day before. There's major problems with respect to definitions, and several policy questions which seem to me are going to require a discussion. Specifically, I'm concerned about the subordination, as I interpret it, in the latest draft of the emphasis on specific species damage, particularly the restoration of damaged resources and services. And, the absence of a discussion with regard to habitat, particularly the importance of the critical habitat, and the sensitivity of prioritizing the habitat to be acquired. The most disturbing change that was made in the last draft relates to the emphasis -- apparently the de-emphasis on enhancement activities and what that means. Additionally, I'm concerned that there be in the package definitions that are more definitive than now exist, particularly on ecosystem, whether its natural ecosystem or whatever. Anyway, I could elaborate on each of these -- these points, but it's going to take more than polishing, at least from my perspective, to answer some of these concerns.

MR. FRAMPTON: Well, let me pose a question, John. What process do you think of suggesting on additional changes or edits would be appropriate here for you to get your specific concerns on the table and what kind of time period do you think is involved to -- to deal with those issues.

MR. SANDOR: Well, Mr. Chairman, what I would like to -- to do is to have, you know, perhaps as much as -- I'm going to

Nome for example Thursday and Friday to meet with North -- Northwest Mayors Association. I've communicated these concerns that -- such as I've had this morning at a breakfast session with -- with Mark Brodersen. It's my hope that, you know, we could try to wind this thing up at our November 30-December 1 meeting, but I don't want the record to -- to reflect, at least from my perspective that these changes that have been made are -- you know, are nearing a conclusion. I see a week to ten days of very heavy work in definitions and in dealing with these policies, and what I would like, and I believe that the Public Advisory Group is meeting awhile this month and what I would like to suggest is that we transmit to the Public Advisory Group, you know, it really needs redrafting and have them provide input and to try to present at the November 30-December 1 meeting essentially the final draft that could be approved at that time. I'm just saying, Mr. Chairman, that I think we are -- are rushing too rapidly through this process in definitions and concerns that I have (indiscernible) and discussions. I talked a little with Carl Rosier this morning and, of course, he's in the hospital, and -- and Chuck Meacham is going to be prepared to work with -- with us, as well as others on his staff, but specifically, I'm concerned about specific species. Then finally, I guess, with regard to ecosystems, Mr. Chairman, I was in the spill area yesterday and actually going over the -- the bark beetle infestation and damage that's occurred through a substantial part of the spill area, and one school of thought with regard to natural ecosystems is that the damage by bark beetles is

a natural event and any efforts to try to stem that -- that epidemic or to -- to actually treat the stands that are -- are infested and being deemed damaged is opposed to a natural ecosystem approach. I do not believe that that is a correct position, but that's a good illustration of -- of why we need to clearly define what natural ecosystem is, because there are now, just over the last year, six hundred thousand acres infested, now there's over nine hundred thousand, and perhaps much more. This is in the vicinity of the Kachemak Bay State Park, and I spent all day yesterday, and part of the day before going over prescriptions in different areas on how to treat the habitats that have been devastated. And, so, that's just another illustration. So, I'm -- I'm being prepared to work through Mark Brodersen and others of our staff and through the specialist in the Department of Fish & Game to (indiscernible) within the next ten days and get them out to the -- to the public for comment and to the Public Advisory Group for their comment (indiscernible). I don't want to give my blessing to this product at this point.

MR. MEACHAM: John, this is Chuck Meacham.

MR. SANDOR: Yes.

MR. MEACHAM: There are items here that are of a pre-nature that really have to be discussed by the Trustees at this point, or -- or are the comments you're dealing with mostly editorial in nature, that the -- the folks who are putting this thing together can handle on their own.

MR. SANDOR: I think the definition, you know, can be

agreed to between the agencies and do not seem to need, you know, the discussion, and that most of these issues can be resolved by our staff. I do not think we need another Trustee Council meeting to deal with, you know, with it. We can delegate to the staff and have it put out in the -- in the draft form.

MR. PENNOYER: Mr. Barton, here in (indiscernible) could have comments.

MR. BARTON: Yes, one of the reasons, as I recall, that we're on the time table we're on is to have a draft final plan, in order to be able to take action on the '94 work program at our November 30 meeting. How -- do you think it's possible, John, to accomplish what you want to accomplish in -- in order to be able to deal with the '94 work program on November 30?

MR. SANDOR: I think so, Mike, that the staff has been working on this. It (indiscernible) in part it seems to me, Mr. Chairman and fellow Trustees, that -- to take the time to make certain that the definitions are understood and that the policy questions, particularly on enhancement -- was, you know, quite disappointed that the reference to (indiscernible) for example, were eliminated and -- and, then the reference that enhancement may be used to -- that I think is a policy which would be good to hear from the Public Advisory Group on what they think. But, these -- we don't certainly need another meeting, and I think we can shoot for our November 30-December 1 date.

MR. FRAMPTON: Let me make a suggestion about a possible amendment or accommodation to Mr. Cole's motion that would take

into account Commissioner Sandor's concerns here, in light of our schedule. Now, I want to -- I think Mike, my understanding is the same as Mr. Barton says, we were hoping to get closer enough through this effort, which I think has been really, you know, very productive effort to get close to the final restoration plan and, if not at this meeting then -- then another try at the things that would have to be included or changed to be able to get out on the street soon a draft final plan which, of course, would be subject to public comment and probably the federal government at least would have to do NEPA compliance on that plan, but, if you wanted to get that on the street as a document that would be guiding us over the next five weeks in putting together the draft FY '94 work plan, certainly, it's my hope that we can now have a '94 work plan in a format that has a rough budget and -- and enough set of priorities that fits our restoration plan and then we can have that in advance of the November 30 meeting, so that at the November 30 meeting, we can really get into a intensive discussion and approval at least of the draft '94 work plan to go out of -- thereafter. To do that, we'd want to try again, and attempt to me as though, from what you say, John, you think we could get a -- a -- the restoration plan here to deal with the concerns you have in the next ten days. And, if we can do that by agency agreement among us rather than having another meeting, or even another conference call on the telephone, although I don't think that should be necessary, we can resolve these outstanding definitional issues, perhaps in ten days or so, so we can go ahead and get the -- the draft plan --

plan out. In the meantime, the staff could be working away on the draft '94 work plan. That's my -- that's my idea of how we might approach this. Mr. Cole?

MR. COLE: Mr. Chairman, I would like to say, to Commissioner Sandor that some of these issues were not necessarily singularly policy calls, but we were required to work with the Department of Justice to obtain the legal blessing to some of these statements in the draft, and to the extent that they were revisions did not necessarily mean that they were the product of policy calls, but a number of them were the product of legal calls. You know, we wrestle with compliance with a consent degree constantly, and we were tussling with that as we went through this draft, and, so, I wanted to assure the Commissioner that the final product was not necessarily what some of us who worked on the document preferred left to our own views. We will be prepared to review that with him, but I -- I do think that it's essential that we get our work done because if we don't we're going to be right back in that January/February syndrome where we've been the last two years and having to deal with the proposed work projects before we get the restoration plan done.

MR. FRAMPTON: Any reaction from Juneau?

MR. PENNOYER: George, Steve Pennoyer, I have no problem with going ahead and making some changes between agencies as indicated. Obviously, if there's significant changes after public review in November, we may come back and revisit some of it. I had a couple of other comments, and we have passed that point on where

we're going with this. But, for -- for this purpose I have no problem with proceeding. I agree we should get something out and be prepared by December 1st to either adopt it.

MR. FRAMPTON: Yeah, Mr. Cole.

MR. COLE: I think at this juncture it might be well to discuss whether we are going to send the draft out for public comment. If we have to send it out to make EIS compliance, are we going to send it out twice or three times?

MR. PENNOYER: Well, Mr. Chairman, I think that gets down to my second question then. I -- I think in this -- first of all, let me say I think that the people who worked on this did an excellent job. I think it's a good product. I think a lot of work was done in a short time. It synthesized a lot of things we talked about for awhile and put them down on paper, and I do think it's important to get something going and out. But, then I had two questions, and one is sort of a -- a policy question and the other is a process question, and that, I think -- get us to the point that Mr. Cole is inquiring about. And the first one, the policy question, I'm -- since we've mentioned several times here NEPA compliance, the federal government will be happy to do NEPA compliance, and I'm not clear where that's going. In the past, the legal opinions we've had from Justice, and occasionally from other solicitors and Interior and Agriculture and Commerce, was that the level of detail we had in the previous draft, which is probably more than this, was not sufficient to do a programmatic EIS. And, I'm not clear where -- what the ruling is now on it. I -- I am a

fan by way of proceeding with this, and I just want to be sure at some future time and not -- somebody's not going to come back and ...

MR. FRAMPTON: Well, I can respond to that. The Justice Department tells us that we here -- we the federal Trustees, is they do have to do an EIS on this plan, and it should be adequate to do that, in terms of detail. So, we will have to do that over the next ninety days or so, and that says we cannot finally adopt it as final, final until the EIS process is completed. However, I think that it's certainly our desire to get this document as a draft final document on the streets, so that it can be, at least be guidance that we're using for the FY '94 work plan and our, you know, current valid intentions would be to adopt it as a final plan, and if we can do that after working out some further details in the next ten days or so would certainly be our preference to do that. And, with respect to Mr. Cole's point, I thought we had agreed that we would -- having had extensive public comment on a draft before, that this would be our final, we would not put it through another formal process of public review. Since we're going to have to do an EIS on it, there will in fact be another opportunity for public review of this plan in the EIS process sometime in (indiscernible). And, I would say to do two more rounds of public review at this point is really, sort of just loading us down with process, rather than enabling us to get on with our '94 work.

MR. BARTON: Mr. Chairman.



MR. FRAMPTON: Mr. Barton.

MR. BARTON: In a matter -- agree with that, I think it would be useful to put the document out, but not for public comment, otherwise we're going to have a moving target, in terms of doing the NEPA work. The public would be able to comment on the plan, if it's a portion of EIS.

MR. FRAMPTON: The public will get through the EIS process a comprehensive chance to respond to this -- to this document. So, if that's a concern, I think we have a process that guarantees that.

MR. PENNOYER: Thank you, Mr. Chairman, that explains one item then, and the plan -- the draft would have to be modified then because on one page it indicates that's what we're going to do. That's fine. I agree with you, during the EIS process we have to go out to public review again and I was -- I was concerned with repetitive reviews. It's just the plan indicated, you know, the current draft, that's what we were going to do. But -- so, in effect then, we're not going -- we can satisfy the programmatic EIS requirements with this draft and future annual work plans, or species recovery plans, or ecosystem plans, whatever we come up with won't require programmatic EIS's. Is that generally the opinion?

MR. FRAMPTON: That's correct.

MR. COLE: Well, Mr. Chairman.

MR. FRAMPTON: Mr. Cole.

MR. COLE: In any event we could receive unofficial

public comment and, I would say, and would welcome it.

MR. FRAMPTON: I would agree with that, and I would just echo your comment about the enhancement issue and the policy issue.

I -- I think Commissioner Sandor was aware -- maybe aware that we did receive some rather tight legal advice from the Justice Department about this matter, and I think we have all tried to work hard to give ourselves as much flexibility there as is appropriate and possible, but we're not totally unconstrained on that issue. So, I think what you see is not necessarily, you know, taking something back from a previous draft and try to respond to the legal restraints that we're told we're operating under.

MR. MEACHAM: This is Chuck Meacham. What kind of constraints are you envisioning?

MR. COLE: Mr. Chairman.

MR. FRAMPTON: Yeah, Mr. Cole.

MR. COLE: Well, we have, Mr. Meacham, clear constraints, or at least constraint, although I'm not always certain how clear they are, contained in the consent decree entered by Judge Holland, which limits the use of the funds, and, as I said, and as you know, we're constantly trying to interpret the meaning of those constraints imposed by the consent decree, and to satisfy ourselves that each expenditure is authorized by them. But, when you come to some of these definitions of enhancement, it -- they're not spelled out well in the consent decree, they're not spelled out well in the CFR, and so as we try to put them into use, we have to be careful and guided in part by the interpretations and

judgments of the United States Department of Justice.

MR. MEACHAM: Yeah, thank you very much. I was looking at that consent decree and in reading it, you know, I see their restoration includes all phases of injury assessment, restoration replacement and enhancement of natural resources, and so forth, so I -- I just didn't see it in there. Thank you, though.

MR. COLE: Mr. Chairman, let me develop ...

MR. FRAMPTON: Mr. Cole.

MR. COLE: Let me develop that enhancement a little bit. I mean, the issue is what resources or services, more specifically, can one enhance under the terms of that decree? That is the issue that we are dealing with. Must the -- or how much relationship must there be to the service which we're seeking to enhance is related to the spill, and it gets to be a little murky in that area. And, that's why we were, as I say, wrestling verbally with the Department of Justice in trying to find acceptable language, acceptable to the Department of Justice on the one hand, and acceptable to the State Department of Law on the other.

MR. PENNOYER: Mr. Chairman, I don't ...

MR. FRAMPTON: Mr. Pennoyer.

MR. PENNOYER: I don't have any problem with proceeding as -- as stated and I'm ready to go ahead on that basis. We will get to look at this again in late November, as a basis for doing us a '94 work plan, and I imagine if there's something, in essence, we wish to debate at that time we can, because this will remain a

draft, although obviously our best shot at this time.

MR. FRAMPTON: Mr. Sandor, Commissioner Sandor.

MR. SANDOR: Yes, I think this discussion is very helpful and it's especially good that we're welcoming whatever comments may come in. I think, particularly, the Public Advisory Group at its meeting -- there are a number of individuals on the Public Advisory Group that are scientists, and, I'm concerned, quite frankly about how you might deal with enhancing, you know, these individual species, either the species themselves, the population or their habitat, but the track that we're on, mainly to put this draft out and still being receptive to -- to comment, should enable us to by the end of the -- of the month, November 30-December 1 target date have our most final draft, which as you point out is going to -- to have to go through the environmental impact statement process, recycled yet again for the fifth time -- sixth. So, I am, I guess pleased with the resolution that this -- a way to handle these concerns.

MR. PENNOYER: Mr. Chairman, can I raise one other point, I'd like to -- just a brief discussion on before you finalize this action.

MR. FRAMPTON: Yes, Mr. Pennoyer.

MR. PENNOYER: The question, that it is, a policy question. If this is guidance for sort of general overall policy decisions, it obviously, at this stage and maybe rightly so since we don't have all the answers, lacks definition on some of the steps we want to take, and, we originally had an objective session

-- section -- there's got to be an appendix that had a little more detail. It still wasn't much detail, but it told you a little bit more, the type of things you want to do by each resource. After we got down to projects, we want to go beyond that. We want to talk about the type of thing, then we'll have to talk about specifics, noted to recovery in a particular area and for a particular set of resources. After we do this, I assume we are going to probably end up adopting this as our draft overview restoration plan, let's say.

Do we need some conversation, or can we do that in December, of how we get from here to the projects and annual work plans? If a discussion of recovery plans by species, we've got ecosystem plans, then -- a lot of other things out there. We're going to jump from this to, initially, projects for a '94 work plan, at the December 1st meeting. I don't think we can help that because time has got us by the throat, and I think this is an excellent start, but, do we have visions of how we get from the general policy level down to the specific project level?

MR. FRAMPTON: I'd like to suggest that we put that on the agenda for November 30 because, as you said, we are, I think, operating under some real time pressures to take our general guidance here and turn it into at least a draft of a '94 work plan that we can review at the end of November. And, you know, as that goes out to public comment, we may want to tinker with it ourselves before it's finalized. But, I think that's something that perhaps the staff needs to give some thought to as they put together the '94 work plan in a different format than fits the restoration plan

draft and think about whether the general guidance is really enough or whether there's intermediate work that needs to be done, either this winter or future years, to accomplish that task for the ideal annual work plan.

MR. PENNOYER: And, I think I'll wait for any further discussion after we get to the agenda item on work plan format concept, so I can see what -- what direction we're going to go. I don't disagree with you. I don't think we can do it all in the short term. I just -- there's obviously an intermediate step there, I think we're going to have to take. Thank you.

MR. COLE: Mr. Chairman.

MR. FRAMPTON: Mr. Cole, yes.

MR. COLE: It occurs to me that we might want to ask the GAO for its advice on how to proceed at this juncture too, since they're an expert in this area.

MR. PENNOYER: They said they can do that when they come to the next meeting and respond to your letter.

(Laughter)

MR. COLE: That's a fine idea. (Indiscernible -- simultaneous talking). That's a fine idea.

MR. FRAMPTON: As the Chair -- as the Chair of this meeting I -- I will undertake to at least mention to Mr. -- the Comptroller General, Mr. Basher, that skiing promises to be good on November 30th, if he'd like to come up and spend a half day skiing with me, perhaps he could come and see the Trustees in action and form his own personal view of how well we're working this project.

MR. COLE: I'll second that motion.

(Laughter)

MR. FRAMPTON: Mr. Cole, do you want to summarize where you think we are with the process that we have talked about here. Or, do you want me to do it.

MR. COLE: I would prefer that you do it, Mr. Frampton, secretary.

MR. FRAMPTON: What I think people have said, they're comfortable with this, that we will work hard in the next ten days to see if we can resolve through our agency, through the agencies and departments, the issues that Commissioner Sandor has a problem with and get a draft final plan on the street. If we could do it by the end of next week or the following Monday, we will try to do that, that we will then have a chance to discuss it and make any final revisions November 30 at our meeting, but in the meantime, we'll treat this as our guidance, an interim guidance, that we're using to develop a '94 work plan. We'll be in a position to review part of the draft '94 work plan on November 30th, at the same time any final matters that are not finalized with respect to the restoration plan, and that the restoration plan, there will be a formal full scale opportunity for public review of that restoration plan as it goes through the EIS process. Is that a fair summary of where we are? Commissioner Sandor.

MR. SANDOR: That's a -- a good summary and I would suggest that we designate each of our individual departments, designate individuals that might want to work on these issues, and

Mark Brodersen will be my designation to do the work in my absence.

Then the Public Advisory Group can -- provide them with the materials and if they want to respond individually or collectively respond. I think this is a good resolution and the concerns I've had and I thank you.

MR. FRAMPTON: And we should assign one person to be our -- person to work this out and when we get this out and we can get it out in ten days, we will send it to the Public Advisory Group and be in a position to receive any input that they have either at the November 30 meeting or after that, of course. Mr. Cole, are you prepared to amend your motion along those lines?

MR. COLE: Yes.

MR. FRAMPTON: All right, I second the motion.

MR. BARTON: Call for the question.

MR. FRAMPTON: Mr. Barton. Alright any further discussions? All in favor say aye.

UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

MR. FRAMPTON: Opposed? (No response). All right, the motion carries. Perhaps we could take up now the third item on the agenda which is the executive director issue. I think that the record should reflect that since our last public meeting, we have had an opportunity for many or most of the Trustees, or their designees, to conduct a number of further interviews with additional candidates, and we have had, I think, two executive sessions by telephone in which we have discussed possible candidates and the process for trying to select a permanent



executive director, the last of which was yesterday. And, while those discussions have helped us, I think, put this issue in a -- hopefully, in a posture for final discussion and decision today. We have not yet reached -- did not take any action or reach a final decision in our executive sessions. Mr. Cole.

MR. COLE: I move we offer employment as executive director to Jim Ayers.

MR. BARTON: I second that.

MR. FRAMPTON: Mr. Barton seconds that motion. Discussion? Juneau, if there's no further discussion I will call the question. I think that we have had a chance to consider our previous discussions and think about this and come to a position on this (indiscernible), and Mr. Barton seconded the motion. Anyone else want to speak to the motion? Mr. Sandor.

MR. SANDOR: I think the record should reflect, Mr. Chairman, that the Trustees were very fortunate in having many, very capable and qualified individuals. I think there were really a total of well over sixty that were screened and our interviews under the advise of both federal and state personnel specialists, a very systematic and fair process was followed. So, I think the public should be aware and the record should reflect that consensus reached, and I think we're very fortunate. So, I think all of those who did apply and (indiscernible) say that to the individuals. Thank you, Mr. Chairman.

MR. PENNOYER: Mr. Chairman, this is Juneau, Pennoyer. I was thinking that one of the reasons this took so long is because

so many qualified people did apply and the interview process just took an exceptional period of time. I -- I second Commissioner Sandor's remarks and I'm prepared to proceed.

MR. FRAMPTON: Attorney General Cole.

MR. COLE: Yeah, thank you. Well, if this motion passes, I would suggest that we have a state Trustee and a federal Trustee speak with Mr. Ayers about the terms and conditions of such employment and authorize those two representatives to reach final agreement with Mr. Ayers, if they -- in their discretion, are satisfied with the terms and conditions that they reach. I would like to say that, with respect to my motion, I think Mr. Ayers has a good background, (a) in natural resources in this state, (b) that he does reside in the state of Alaska and has travelled widely, and therefore, has a personal historical viewpoint of Alaska. And I'm also of the view, after interviewing Mr. Ayers, that he has good management experience, and that -- that management experience will serve this Council well, if we are able to reach acceptable terms and conditions with him for his employment as executive director.

MR. FRAMPTON: Mr. Cole, I concur those thoughts. I think he has impressed everyone who knows him or has talked to him about the position and that we're very fortunate to have had quite a number of well qualified candidates, a really good pool to pick from, and I think the procedure that you suggest probably makes sense, and I guess in light of that, unless there's other discussion, I would call the question. Is there any further discussion? All right, if not I'll call the question. All those

in favor, say aye.

UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

MR. FRAMPTON: All opposed? (No response). The motion -  
- Mr. Cole's motion to offer the position to Mr. Ayers is carried.  
Commissioner Sandor?

MR. SANDOR: Mr. Chairman, I would like to also, for the record, and for that -- and move that the Trustee Council express appreciation to Interim Director Dave Gibbons for his work these past months, and, his assignment as administrative director is substantially different, as you know, because of the change in the jobs from administrative to executive director, but my motion is to express appreciation to Dave Gibbons for his fine services as interim director.

MR. PENNOYER: I second the motion. But it just -- thank him, this has been a very difficult period of time, and I think Dave's done an outstanding job of holding together a formative process that -- that is just starting to take shape, and for that reason it was all the more difficult to deal with. I guess a gold watch isn't going to do it, so, maybe we'll have to ask him what he needs.

MR. FRAMPTON: I think we all know Dave has gotten around to it for doing a very good job, and a very difficult, as you say, (indiscernible) situation and getting something going from a standing start that was brand new and rather unprecedented, and, especially given all these unruly heifers that he had to deal with here.

MR. COLE: I'm not sure that ...

MR. FRAMPTON: So, I'll ...

MR. COLE: I'm not sure that's a correct analysis.

MR. PENNOYER: Did you wish to designate the federal and the state official to contact Mr. Ayers at this time.

MR. FRAMPTON: Yes, but first we have to vote on the motion because General Cole's made it in the form of a motion to thank our interim director. I ask everyone -- all in favor say aye.

UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

MR. FRAMPTON: Without opposition, the motion passes. Mr. Pennoyer.

MR. COLE: Steve, you were recognized by the Chairman.

MR. PENNOYER: I heard that, it's just that there's two of here in Juneau at the moment, and Commissioner Rosier, I think -- might be -- would be interested in being state person. I will do the federal side of it if you wish.

MR. FRAMPTON: That's satisfactory to me and to Mr. Barton on the federal side, and the state side -- Mr. Cole?

MR. COLE: I -- I would move that we offer employment by the Trustee Council as an assistant to Mr. Ayers to Molly McCammon.

MR. SANDOR: Second that motion.

MR. FRAMPTON: Did Sandor second the motion? Alright, Charlie or John, do we want to speak to your motion.

MR. COLE:           What?           During the course of the interviews, one of whom was Ms. McCammon. I was impressed with her resume and her interview and her experience in the state, and I concluded, as a result of the interview, that she could be helpful to Mr. Ayers in the course of his employment as executive director.

She has journalistic background, which I think is important. I think she has a good sense of the resources in this state, the natural resources, and -- and I think that her abilities would well compliment those of Mr. Ayers. You'll recall that -- those of you who were present during her interview that -- I offered this thought to her and she said that she would certainly consider such a position. So, I do -- I think that we would want to coordinate that -- those discussions with her through Mr. Ayers, but I think it would be well to do that.

MR. FRAMPTON: Any -- any other discussion?

MR. BARTON: Question.

MR. FRAMPTON: (Indiscernible) Mike Barton called for question. I think we'll be fortunate if this works out, to have a team -- such a good team here. I guess the only question that I would put before a vote on the motion is that, I think it is important that we do this through Mr. Ayers, should we work out an arrangement with him, because we don't -- because we want to be a little bit careful about setting a precedent here of giving him some discretion and autonomy on hiring. So, subject to the understanding that this is going to be -- that he is going to be a part of this should he accept our offer, I would -- I would be

prepared to vote for the motion. Is there any other discussion?  
All in favor of the motion, say aye.

UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

MR. FRAMPTON: All opposed? (No response.) Motion carries. We talked about the draft restoration plan, so maybe we could move to number four on the agenda and finish up the connected issue of going forward for our November meeting to put together a draft '94 work plan and discuss the issue of a format and content for the draft '94 work plan. Now, is that acceptable to people?

MR. COLE: Well, Mr. Chairman.

MR. FRAMPTON: Yes, Mr. Cole.

MR. COLE: I would move that we defer until the November 28th meeting, the Kodiak Archeological Artifacts Repository. I think we need a little more work on that specific item, and we could accomplish that -- that between now and then. So, I would so move that we continue that until the next meeting.

MR. SANDOR: I second that ...

MR. FRAMPTON: Well, in the interest of getting -- in the interest of getting that issue wrapped up, and also moving through our agenda, I assume that will be a welcome motion here. Any objections to that? All right, if I don't hear any, then I guess I'll entertain the motion. All in favor of rescheduling the Kodiak Archeological Repository issue to November, say aye.

UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

MR. FRAMPTON: Opposed? (No response.) The motion carries, and we are at the '94 work plan. Mr. Pennoyer, do you

want to speak to that further?

MR. PENNOYER: Well, I don't know what -- Mr. Chairman, I don't know what you have envisioned in this work plan format in content, but in terms of this bridge, it seems to me that we do need to have a rationale for approving specific projects for specific species in December. And I -- my example is showing we're going to do some pink salmon work. We have done quite a bit of pink salmon work in the past, they're part of an ecosystem work shop that we're going to be conducting, in terms of how they fit the ecosystem in the Prince William Sound, specifically. Information will come out of that to enable us to, I think, see how these things fit in. They probably won't be totally complete by December 1st. And, my -- my question is how -- and take anything -- I mean let's go to harbor seals. How do we decide which projects are the real -- that we -- may be presented or going to be the appropriate ones to deal with relative to harbor seals. We're probably not going to have recovery plans or anything that grandiose by species by December 1st, so I would just think that the folks preparing the plan are going to have to put projects in some context for us, without a vote to the draft restoration plan policy guidance we passed, and also relative to how they think that specific project fits into the set of things you might do to recover that injured species. That's the type of question I would ask, not are we going to tag some number of -- put transmitters on some number of harbor seals, but how does that fit in with other actions, that we or the agencies may be taking on harbor seals.

MR. FRAMPTON: But I guess I -- my response to that is that with the outline of, you know, with the draft final restoration plan out, what we need to do to conform a '94 work plan for those overall guidelines, is to have a work plan that looks quite different from, in format, from what we've been doing in the past that really has a first -- an overall budget that is an estimated amount of funds that are going to be available, and then we want to spend for in the last nine months of fiscal '94 as a target, or at least a range, and then, rather than a sort of randomly ordered listing of projects, the projects ought to be broken down according the four components of the restoration plan.

First, habitat protection and acquisitions; second, general restoration; third, monitoring the research; and fourth, administration. And, then within each of those categories, and we ought to have a range or an idea of total budget and a list of the priorities, perhaps a list of priority projects exceeding the estimated budget for each of those categories, so that there's an opportunity for choice. But, you know, a few of the projects that add up to twice as much as, let's say, as what's in the -- each of the four pots for '94, so that the, at least, the public can comment and the Trustees can make decisions from within that priority list. But, it seems to me that there ought to be in the draft work plan some kind of a chart that cross-references each of the projects that are proposed under general restoration or monitoring research to resources and services injured by the spill.

That alone would at least give us a framework to discuss and to



make some choices and to send out to public comments. And, my suggestion would be that we try a format like this, we can certainly draw up and circulate to all the Trustees -- a couple of alternatives -- ways of doing that in the next few days, and we see whether that would be sufficient to -- to make the kind of bridge or linkage here that -- that you have in mind. You may deem that with the science program starting out right now and with a somewhat limited amount of money for some of these categories that it will be another year before we can sort of feel a work plan that has a complete mosaic of priorities. I'm not sure we could aim for that even if we had the time for '94 anyway. So, that's why my thought is to do something that doesn't require quite as high -- get it on the table so we can at least discuss it on November 30th.

MR. PENNOYER: I think that's fine in terms of organization of it, and I agree with you we can't totally invent the whole automobile here on November 30th. There's going to be some parts missing and we're going to have to kind of deal with what we can. I would just hope that since one resource may fall under several of these categories, somewhere the matrix draws this thing together and tells me for that particular resource, know that the injury sustained and the status of recovery, like these, what all the things proposed in there will do for us, let's see how they fit together.

MR. FRAMPTON: Well, I agree, that would be advisable. My suggestion is that perhaps we could take the lead with you at NOAA and Interior and try in the next few days to get out more than

one suggested format, and a suggested way to sort of draw this matrix, at least to the extent it could be done in a few weeks time and see if we can get some feedback so that we can then give some general directive to the staff about a format, and that we aim to get some kind of a draft here put together, even if it has holes and brackets in it, by about, you know, November 17th or 19th, so that the Trustees have a time -- chance and other staff to react to it. One, to get some feedback in before we have a document to look at on November 30th. Is that -- is that a plausible time frame to try to one set of views before we get a draft document for the meeting? Mr. Cole, had his hand up.

MR. COLE: Yes, Mr. Chairman, I would say it would be essential that we have a state representative on that -- on that committee, so that we have an opportunity to participate in the formulation of the basic document.

MR. FRAMPTON: I agree. I amend my suggestion to make sure that there's state included. I'm just looking for one or two people who will get something out to the rest of us on paper, and if -- since Carl is -- is in the hospital, Charlie would you be willing to volunteer to coordinate this on the state's side, then either we will do it on the federal side.

MR. COLE: Well, Mr. Chairman, I would volunteer ...

MR. FRAMPTON: Mr. Cole.

MR. COLE: I would volunteer some of the very capable people in Commissioner Rosier's department in Fish & Game to participate there. He has an excellent staff who are very capable

of doing that.

MR. MEACHAM: This is Chuck Meacham. Thank you, Charlie, we can do that, or you might want to just have the work group itself involved too.

MR. FRAMPTON: Well, what I'm suggesting is that we just get something, not that we make any decisions, but we just get something on paper that people can look at, one page or two page piece of paper here, and then the work group can look at it and the Trustees can look at it and we can have a little bit of feedback about it.

MR. MEACHAM: Fish & Game will be happy to involve ourselves there.

MR. PENNOYER: Mike, could you run through the time line again.

MR. FRAMPTON: Well, my thought was, if it were possible to do it, that there might be some benefit to try to get a draft, '94 work plan, at least an outview -- an outline if not completely filled in, but pretty much filled in in time to get some feedback to the staff prior to the November 30th meeting, other than to get the draft on November 26th or 27th, to find that we really don't have time to look at it or talk about it until the meeting itself.

Now, my question is, is that feasible. It seems to me maybe it should be feasible to do an outline anyway, but ...

MR. COLE: I also move ...

MR. PENNOYER: George, excuse me, what you're suggesting is that we have an outline for format in the next day or two and

then get something back from the -- and a response to that by, let's say, mid to two-thirds the way through November, something like that?

MR. FRAMPTON: Yes, that's right. At least a cut of the project under direct restoration and monitoring the research that would appear to, you know, be the higher priority project, I mean, within the rough sketches budgets that are likely to be adopted for those categories, so that if the, you know, it looks to be something that's not useful for the meeting discussions, we have a week or so to try to see if we can't get a second draft (indiscernible) for, you know, clearer -- clearer basis for discussion at our meeting.

MR. PENNOYER: But the first emphasis is to -- within the next day or two to get kind of an outline for this -- out to the people that are going to put it together.

MR. FRAMPTON: Yes, that's right. Well, Mr. Cole has moved that we -- we aim at that rough schedule which is to get an outline out real quick and get people to agree on it, you know, in the next week or so, and then aim for some kind of a draft that's not complete, a semi-complete draft, by two-thirds of the way through November, so we have more chance to look at it and get some feedback before November 30th. And, Mike Barton seconded that. Any -- if we call that a target schedule is there any other discussion about that? Is that agreeable? Mr. Cole?

MR. COLE: Could we make it a point to have included in that the ecological study project which we have authorized? I

think that's important that we not lose sight of that because in part that ecological study, at least in my view point, is designed to form, in part, an umbrella over all of these projects.

MR. FRAMPTON: I think that's a good idea now. The -- this is the habitat protection analysis, is that what you're talking about, Charlie?

MR. COLE: No, Mr. Chairman.

MR. FRAMPTON: I'm sorry.

MR. COLE: Our -- our five million dollar ecological, you know, baseline study, I think, should be included in this current project that's under discussion now. I would not want to lose sight of that because I think that forms the essential ingredient of some of the things you have in mind in the present discussion.

MR. FRAMPTON: Yes, I'm assuming that would be part of this since we already made that commitment, but were you -- were you suggesting that, to the extent possible, there be an outline or a list of priority projects within that study for FY '94, that be finished by the time we are able to discuss it November 30? If so, I don't know, I would have to ask Steve and others whether they think that -- whether that's feasible to do.

MR. COLE: Well, that, Mr. Chairman, was my thought.

I would not -- I would like to see that as part of this outline or schematic that's being done. If -- if the people who were working on that outline think it should be there. I'm just suggesting that I would not like us to lose sight of that over-arching project as

we address the '94 work plans -- that's plural.

MR. PENNOYER: Mr. Chairman, Pennoyer. I think that referencing that and relating whatever we propose to that is important. I can't guaranty you that we're going to have it done, but I can probably guaranty we won't have a completed ecosystem study by that time. A lot of works been done already, we're having a work shop on the 18th and 19th of next month, and presumably we'll have some ideas. I certainly think any project that are proposed should be proposed in relationship to what might be in an ecosystem study. So, I guess the answer is, Charlie, yes, I think we ought to include it. I'm not sure exactly how detailed we're going to get on part of it.

MR. COLE: But, that's just what I had in mind.  
Thank you.

MR. FRAMPTON: Can we call that skeleton for our effort rather than an over-arching umbrella?

MR. COLE: Whatever the Chairman wishes, thank you.

MR. FRAMPTON: All right, well, I'll -- unless there's further discussion of this motion to adopt this is as our target procedure for the next five weeks, I will take a vote on the motion. All those in favor say aye.

UNIDENTIFIED TRUSTEES' RESPONSE: Aye.

MR. FRAMPTON: All those opposed? (No response.) All those opposed? (No response.) Motion carries. Well, gentlemen we're doing pretty well on the agenda here. We're at our last item on the agenda before the designated public comment period, which is

the status of a comprehensive habitat protection analysis, which, I think, is also due in the fairly near future, and Dave Gibbons is listed on my agenda as the person to give a status report. Dave, is that right?

DR. GIBBONS: Yes, George. I'm here in Juneau. I'll give you a brief one and tell you the outline for giving it to the Trustee Council. Presently, the subgroup is just finishing up a draft -- rough draft of -- of the document. As we speak, it's being transmitted to the Habitat Protection Group for review on Friday. There's two components, there's an executive component -- executive summary component and then a comprehensive analysis component of all the associated resources. The product itself, ninety landowners were contacted in the spring of 1993. We've received a positive response back from thirty-two landowners saying they are interested and in talking to the Trustee Council. The habitat subgroup has analyzed eighty-one parcels of land. The parcel boundaries are based upon an ecological factor and the ownership factor. An evaluation of these parcels was determined on -- primarily in two factors. One, was the degree of linkage of injured resources and services of the specific parcel, and two, the potential for benefit from the implementation of habitat protection on that parcel. The parcels right now that we've analyzed, the eighty-one, are greater than a thousand acres in size. As the discussions in the past have indicated, five of it determinate on -- somewhat on the value of the parcel. So, including parcels that are less than a thousand acres, in this analysis, would -- would

buy up those four parcels and put them all down in the -- the low category. So, the proposal we have going to you presently has eighty-one parcels of a thousand acres in size, or more, and we propose to discuss further analysis of small parcels, and their value as -- as a group. But, that is to -- that work has not been done presently. There are advantages for these small parcels, in that they can greatly benefit an individual resource or service, and they're not in -- in the conglomerate. So, there is value for these small parcels, we just haven't -- it wouldn't have been -- in the entire package. It's scheduled to -- the Trustee Council on November 19th, and we'll give you that executive and large -- each parcel. So, this will give you approximately ten days to review this before the November meeting. But, that's the target we're shooting for, and this will be a status of where we are.

MR. FRAMPTON: Thank you. This is George Frampton. Can -- when we get the -- this evaluation of the eighty-one parcels, if you haven't already grouped that geographically, can you do that in the executive summary, or accompanying appendix, so that rather than eighty-one separate pieces, that we see how the pieces relate together.

DR. GIBBONS: We -- we can group them by any geographical area that you would like. Right now, we've got them lumped as an oil spill area because when you are dealing with these habitat protection, you're dealing on the oil spill basis, but we could lump them by the three geographic areas, Kodiak, Afognak, Kenai, and Prince William Sound, if that's what the Trustee Council



would like to do.

MR. FRAMPTON: Well, I'd like to suggest, I guess, to the other Trustees that we do get, in addition to individual evaluations, some way in which they -- they are lumped by general geographic area and/or to the extent that it's, you know, useful by order because where we go to explore acquisitions with some of these owners, we're obviously more likely to do it on an ecosystem basis, number one, which is what the restoration plan has called for, you know, in all likelihood, and number two, to some extent by owner. So, if there are four or five parcels that are in the same place that are owned by the same landowner, and that is one ecosystem project, that's one negotiation. We ought to have a sense of how that cluster might compare total value and total connection with another cluster. I think that would be a very useful way to display this -- that's my own view of it. Any other thoughts about or discussion about that subject or anything else to do with Dave's report?

MR. COLE: Mr. Chairman.

MR. FRAMPTON: Mr. Cole.

MR. COLE: This is not directly related to Mr. Gibbons' report, but it's tangentially related, and it thus. I'm told that the state legislative budget and audit group has some reservations about the state acquiring title to the forty-two thousand acres at Seal Bay -- and placing that acreage into a habitat protection status, you'll recall, that we've decided to acquire those lands as critical habitat, and what I was inquiring

is whether any federal agency, in the event the state legislative budget and audit committee strongly objects to the state acquiring those lands in that capacity, would be prepared to accept title to those lands for that purpose?

MR. FRAMPTON: Well, the Fish & Wildlife Service certainly would have an interest, although we would want to talk to the state Trustees about ways to do that that would be consistent with the initial intention to bring this into state ownership. I don't know whether authorization would be required there by Congress to expand the borders of the refuge or otherwise to take an ownership. We would certainly be willing to explore that with you.

MR. COLE: All right. I thank you. We will ...

(Indiscernible -- simultaneous talking)

MR. COLE: Well, I would say thank you, we'll see what the legislative budget and audit committee's desires are when they meet here on November 5, and then perhaps we can discuss that subject further -- further you -- further with you if that becomes necessary.

MR. FRAMPTON: Thank you. Are the other Trustees amenable asking that the habitat protection analysis report aggregate the various parcels in some way by landowner and by conservation unit? I don't mean in a -- in a substituting for the rankings and the analysis that's done, but in addition to the (indiscernible) that way, and, if so, I guess I should ask that Dave or others who are working on this whether that's a -- whether

that poses any insurmountable problems for you folks to do.

DR. GIBBONS: Mr. Chair, this is Dave Gibbons. We could -- we could group them, the scores the way they are, we could group them by geographic area and by owner. But to lump the scores by geographic area or owner would take a lot more work because you just can't add all the scores up, because of the resources and the ecological units. We could -- we could say, yeah, the group of -- such as the following parcel with the following score. It's not very easy to do, but to say one landowner has X amount of land and the score for that land is forty, cannot be done, and that puts -- we've got to back and re-analyze that that information.

MR. FRAMPTON: Well, I'm not asking for any kind of (indiscernible). You got the (indiscernible) aggregation that gives us fair analysis, high priority land.

MR. GIBBONS: Mr. Chair, yeah, that can be done quite easily.

(Laughter)

MR. COLE: Mr. Gibbons says that can be done quite easily.

MR. FRAMPTON: Alright, terrific. Mr. Barton has a comment.

MR. BARTON: I was just going to add no objection there (indiscernible - out of range of microphone).

DR. GIBBONS: Mr. Chair.

MR. FRAMPTON: Yes ...

DR. GIBBONS: Mr. Chair, this is Dave Gibbons again. To

group by geographic area, I have assumed would be the Kodiak-Afognak area, the Kenai Peninsula-Cook Inlet area and then Prince William Sound. Is that acceptable?

MR. FRAMPTON: Roughly, or some pieces of that. Whatever is easy to do, but roughly those areas. Question? All right, well is there any further discussion on Dave Gibbons' report? If not, I think we're at the end of the agenda of five items that I originally outlined, and we would be ready to take a break and then commence the public comment period a little bit later at the CACI offices downtown. Mr. Barton wants to make sure that he has a chance to talk to Ken Rice.

MR. BARTON: Ken, if I can call you at CACI before one.

MR. RICE: Okay.

MR. PENNOYER: Mr. Chairman.

MR. FRAMPTON: Are there any other items, agenda items who are points for discussion. Mr. Cole.

MR. COLE: Maybe the public generally would like a report on the status of any negotiations with Eyak. Would anyone be in a position or think we should supply such a report at this time, assuming there's anything to report.

MR. BARTON: Mr. Chairman.

MR. FRAMPTON: Mr. Barton.

MR. BARTON: At this point in time, there hasn't been any further contact with Eyak, as you know. We've been working within the Council members to come to a common set of objectives and negotiating strategies. There has been no contact with Eyak at

this time. As far as I know Eyak has not contacted any Council members.

MR. COLE: And -- and -- what -- what are the objectives of the common set of objectives?

MR. BARTON: I don't have them with me.

MR. COLE: Well, I mean -- it's sort of my understanding that we're trying to develop an approach taken by the Trustee Council on what lands and what interests in what lands that we would like to acquire, and on what terms and conditions, and so that all of the state and federal agencies are in agreement as to what our negotiation objectives are. Does that sort of generally describe it?

MR. BARTON: That's correct. (Indiscernible - out of range of microphone).

MR. FRAMPTON: Would it be productive to have a short executive session at our November 30 meeting and discuss any ongoing negotiations?

MR. COLE: I would think so.

MR. FRAMPTON: What do other people think about that?

MR. BARTON: Good idea.

MR. FRAMPTON: Okay, let's plan to do that, then and ask -- ask the Forest Service to be prepared prior to that time to circulate the papers to the Trustees in preparation for such an executive session.

MR. BARTON: It's very possible we're working out the final language right now.

MR. FRAMPTON: Alright. Any other items of business before we adjourn or take a break and -- and re -- resume for public comment. Now the public comment period is -- begins at 5:00, is that right?

MR. COLE: Well, it begins in one hour and nineteen minutes.

MR. FRAMPTON: That's one o'clock Anchorage time. I'm sorry. One o'clock Anchorage time. Is that right?

MR. COLE: Yes, sir.

MR. FRAMPTON: All right. Any other agenda before we take a break? All right, we'll resume in an hour and twenty minutes, and thank you very much.

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

(On Record - 1:11 p.m.)

BRIDGE OPERATOR: This is the bridge operator. We do have Seward, Cordova, Juneau Legislative Information Office, Mr. Pennoyer in Juneau, and the Trustee Council in Anchorage on line at this time.

(Chaired by Mr. Sandor)

MR. SANDOR: Is anybody there?

STAFF: Yes sir, we are, Mr. Sandor, if you'd go ahead.

MR. SANDOR: Yes, good afternoon, this is John Sandor at the Oil Spill Information Center in Anchorage with a continuation of our October 27 Exxon Valdez Oil Spill Settlement Trustee Council, teleconference. The morning session was chaired

by Assistant Secretary George Frampton, Jr., and at that point in time, the (indiscernible) Washington, D.C. group teleconferenced and that group I understand is not here, but we do have Trustee Steve Pennoyer, I guess, in Juneau, and is Dave Gibbons with you, Steve?

MR. PENNOYER: Yes, John, that's correct. Dave is here and prepared to give a brief summary of the morning's discussions, if you want.

MR. SANDOR: Why don't we begin that right now. Dave, can you do that now, please.

DR. GIBBONS: Sure, John. The first item discussed by the Trustee Council was the development of a restoration plan. The Trustee Council passed the following motion. The Restoration Planning Group is to refine the draft restoration plan within the next ten days and use this draft as interim guidance for the development of a 1994 work plan to be discussed at the November 30th Trustee Council meeting. Formal review of the restoration plan is to be made during the formal EIS process. The next item discussed by the Trustee Council was the selection of executive director. They passed the following motion. They are to offer the executive director position to Jim Ayers. Details will be worked out by Carl Rosier and Steve Pennoyer, who will talk with Mr. Ayers about the terms and conditions of employment. The next motion passed was to express appreciation to Dave Gibbons for his role as administrative director for the past approximately two years. The final motion passed concerning an executive director was that

another excellent candidate named Molly McCammon is being considered for the position of assistant executive director. The third item discussed by the Trustee Counsel was the 1994 work plan, and they passed the following motion: that the Department of Interior, NOAA and the Department of Fish & Game are to develop an outline for the 1994 work plan within the next several days and transmit this to staff after review for development of a draft '94 work plan by November 21st to be discussed at the November 30th-December 1st Trustee Council meeting. And, specifically, this plan should include an ecosystem study. The next action taken was, they passed the following motion to defer action on the Kodiak Archeological Artifact Repository until the November 30th Trustee Council meeting. The next topic discussed by the Trustee Council was the habitat protection status. The Trustee Council requested that groupings by geographic area, Kodiak-Afognak, the Kenai Peninsula-Cook Inlet area and the Prince William Sound area. The parcel analysis be grouped by those three areas and also the parcel analysis of eighty-one parcels be grouped by owner. And the final topic discussed was the -- further Eyak negotiation, and they passed the following action, to hold an executive session on November 30th to discuss further Eyak negotiation. And that was the actions for the morning session.

MR. SANDOR: Thank you very much Dave Gibbons. Are there any additions that anyone, either in Juneau, Steve Pennoyer, or anyone here that would like to add to that listing? A very good summary, David, and we appreciate -- appreciate that summary. I



understand not all the communities on line. Can you identify which communities are on line, or shall we go round the horn? Chenega Bay, is anybody representing Chenega Bay? (No response) Cordova, is there anyone representing or wanting to speak at Cordova?

MARLA ADKINS: We're on line, it's Marla Adkins, moderating (indiscernible).

MR. COLE: Now, who was that please?

MR. SANDOR: Marla Adkins, and Marla ...

MR. COLE: Thank you.

MS. ADKINS: That's Roger -- I know there's a couple of people who want to speak, but they haven't showed up yet, over.

MR. SANDOR: Okay, and you're not one, you're just moderating this, right? Thank you. Fairbanks, is there anyone on line in Fairbanks? (No response). Is there anyone on the line in Juneau?

UNIDENTIFIED VOICE: Yes, Mr. Thoma's here to testify and we have two observers.

MR. SANDOR: Great. Well, why don't we go ahead with one of the individuals in Juneau to testify.

MR. CHIP THOMA: Thank you, Mr. Sandor, I'll make my comments brief. I have just a couple of very short questions. One of the things discussed today was the legislative budget and audit committee as to negotiations on Afognak. Is there any resolution with the Trustees on how you're going to approach the legislative budget and audit committee as far as putting that under state ownership?

MR. SANDOR: That issue came up this morning with regard to Seal Bay, and the discussion was raised because there was an indication that the legislative and budget audit and budget committee were wanting to consider that. And, at the Trustee Council meeting this morning, Secretary Frampton indicated that, if in fact there was some problem with the state acquiring that -- those lands at Seal Bay and that an analysis would be made about the possibility of the refuge being expanded. Is there anything more to add on that, anyone?

MR. COLE: Well, Mr. Chairman.

MR. SANDOR: Yes.

MR. COLE: I think that one or more representatives of the Trustee Council will be present at the legislative budget and audit committee meeting, which I understand to be in Palmer on November 5th, and make a presentation, an explanation, at that time.

MR. SANDOR: Okay.

MR. THOMA: Thank you, Mr. Cole. One quick question, have you set the dates now for the Trustee meeting? Are we looking at November 30th and then December 1st.

MR. SANDOR: November 30 and December 1 are the dates. And, the location of that, Dave Gibbons, can you give us -- I believe it's Anchorage, but is that correct?

DR. GIBBONS: That's correct.

MR. SANDOR: Commencing at 9:00, 8:30 or when on November 30?

DR. GIBBONS: I believe 9:00 on November 30th.

MR. SANDOR: And then a public comment period again planned for 4:00 o'clock on November 30?

DR. GIBBONS: Yes, that's correct. It's to begin at 4:00 o'clock and run until 6:00 o'clock on November 30th.

MR. SANDOR: And, it's my also -- it's my understanding also that we are teleconferencing all of the sessions, but we're having the public comment periods just for the specified time, is that correct?

DR. GIBBONS: That's also correct.

MR. SANDOR: Okay. Any further questions from Juneau?

MR. THOMA: My last question is have you set the Public Advisory committee meeting, schedule for that?

DR. GIBBONS: Mr. Chair.

MR. SANDOR: Yes.

DR. GIBBONS: Dave Gibbons. The Public Advisory Group meeting is set for November 9th and, I believe, also the 10th.

MR. SANDOR: The Public Advisory Group meets November 9 and 10, and where?

DR. GIBBONS: In Anchorage at the Simpson Building, 645 G Street.

MR. SANDOR: November 9 and 10.

MR. THOMA: Very good. I've just got a couple of minutes of comments on three areas. I'm very gratified that the Trustee Council has moved to change the management. I think a curtain will lift on the process and I hope it will improve the

public process that has gone on so far. I do hope that at some point that the GAO has recommended that agency audits are conducted to see where the money has gone and what kind of employees are not only staff, but are working for both the agencies and the Trustee Council. I think that agency audit thing is something that's going to have to be done, and I hope that that proceeds. I would also recommend that in the consideration of the eighty-one parcels that you're considering, that consideration be given for Cape Suckling.

The University of Alaska presently owns that, however, it is an integral part of the Prince William Sound ecosystem and, as Prince William Sound is obviously a killing zone, I think that it's -- it's important that we look at Cape Suckling as an important area that's going to give refuge to migratory bird species. And, as I've recommended before, I think we ought to look at Prince William Sound as a biological study area. My last comment, this is in reference to a very, very disheartening and depressing show that was on Public Broadcast System last night on Frontline, having to do with the Rocky Flat Nuclear Arsenal. I took note with great interest that during the period 1989 to '92 the Department of Justice was involved in negotiations to plea bargain the -- the problems there with Rockwell Corporation. They, in fact, over turned the recommendations of the federal Grand Jury that had convened. Mr. Thornberg let those individuals off the hook, the representatives, the management of Rockwell. It happen at the exact time that the plea bargaining was going on in the Exxon trustees. I had always hoped, of course, that Mr. Raul and Mr.

Iarossi would have been indicted for these crimes, but as I think the show pointed out last night, there was a very, very active group of people in the former environmental division of Justice who were much more so into plea bargaining than they were into rectifying. So that will end my comments from Juneau.

MR. SANDOR: Thank you, Mr. Thoma, and any others to testify from Juneau?

MR. PENNOYER: That's all Mr. Chairman.

MR. SANDOR: Thank you. And, moving on to Homer, anyone to testify in Homer? (No response) No one at Homer. Anyone at Kenai Peninsula, Soldotna? (No response) Anyone to testify in Kenai Peninsula, Soldotna? (No response) And, at Kodiak, anyone to testify at Kodiak? (No response) And, at Seward, anyone to testify at Seward? (Indiscernible response)

UNIDENTIFIED VOICE: Hi.

MR. SANDOR: I hear a voice, can you speak up, identify yourself and spell your name please in Seward. Apparently, I was hearing something.

UNIDENTIFIED VOICE: Can you hear me now?

MR. SANDOR: Oh yes, Seward.

UNIDENTIFIED VOICE: Sorry, we had some technical difficulties here.

MR. SANDOR: Yes, can you identify yourself, or spell your name, please for the recorder and please testify.

RESPONSE FROM SEWARD: Yes, for the record my name is Dr. A. J. Paul, P-A-U-L, initials, A-J. I'm a faculty member with

the University of Alaska, Fairbanks. I'd like to ask that the Trustees consider when formulating the 1994 work plan that the Alaska Sealife Center be considered for inclusion. It was in the original draft plan, and I have several reasons why I think it's a program that should be continued -- continued in the final version.

First of all, I believe it will benefit the marine resources that were injured by the spill, it'll certainly promote interest and knowledge in the marine and coastal resources affected by the spill through its public education program, it'll encourage tourism and therefore compensate Alaska for the damage to tourism from the spill, and I think it'll bring lasting benefits from the restoration fund to benefit our area. I also hope you realize that the project is supported by the University of Alaska, Fairbanks, the University of Alaska, Anchorage, and we -- we support it because it's going to create a research program, it will be funded primarily through the public fees and the entries of public education programs. The project is also supported by the City of Seward, which has donated two million dollars worth of property to the project. We have recommendations from the Kenai Peninsula Borough, the Governor's Office, and most of the marine mammals, biologist, specialists at North Pacific University. Alaska Sealife Center is Seward's only project before the Trustees and we've heard some comments that they feel that the twenty-five million dollars we're requesting is a relatively large amount of money. But, when this is compared to what other communities are asking for habitat acquisition, it's relatively quite small. I'd also like to point

out to the Trustees in their review of the 1994 work plan by Dr. Robert Spies, your own chief scientist, he identified the Alaska Sealife Center as one of the best projects in the 1994 work plan. Thank you very much.

MR. SANDOR: Thank you, are there any questions of Dr. A.J. Paul? There being none in Anchorage, and apparently none in Juneau, is there anyone else to testify at Seward?

UNIDENTIFIED VOICE: No, there's no further people here.

MR. SANDOR: Thank you very much. We'll be going to Tatitlek, is there anyone on line that wishes to testify at Tatitlek? (No response.) No one on line at Tatitlek, how about Valdez? Anyone on line that wishes to testify at Valdez? (No response) Then let's move on to Whittier, anyone on line wishing to testify at Whittier? (No response) Then, we come to the Municipality of Anchorage, and we have -- anyone in Anchorage wishing to testify? Mr. McKee would you step forward and have a chair and spell your name, please and give us your testimony.

MR. MCKEE: Thank you, my name is Charles McKee, and the spelling of the last name is M-C-K-E-E, and this is what my sovereign Lord has to say, is the fact that Prince William Sound is not man-made. In fact, organically evolving ecosystem and we are also. I know we want to -- or some of us want to ignore the fact that the Constitution of the United States of America is an organic act, thereby maintaining my plea of getting away from OPEC (ph) dollars, go back to legal tender issue, and eventually back to a

substantial based currency which is gold or silver, or the combination thereof. And, I'm not referring to, in reference to OPEC, I'm not referring to oil cartel, in the Middle East, but I'm referring to a banking cartel that is happily and willingly offering businesses to establish themselves in foreign jurisdictions, of our jurisdiction in the United States of America, and thereby loaning money to them, utilizing the Federal Reserve Note which is the OPEC currency that we're playing with today to try to mitigate this organic depilation. I been having a great deal of difficulty ever since I'd started testifying here and listening to the -- the other hearings pertaining to the Exxon disaster chaired by Walter Parker. And, earlier this month, I'd filed an indictment charges going back to the Magna Carta aspect with respect to the people in charge of this program.

MR. COLE:           Excuse me, which program are you referring to? Have we been indicted ourselves?

MR. McKEE:          Not the directors, but the organization, not the Trustees, but the organization that's here, overseeing the program, and -- the restoration group, the planning group. And, it was kind of a -- I'm having difficulties, seeing it was circumstantial evidence that I was being subjected to and I thought I'd file that, and the 18th of this month I had a U.S. -- U.S. deputy marshall accost me. I was on a holiday, and accost me, and threatened to kill me. He tried to get me to swing at him. I didn't see his badge until after his vest moved away from his shirt and there was a small little gold badge, a U.S. deputy marshall,



and if I'd a hit him I wouldn't been able to appear here, for one thing.

MR. SANDOR: Mr. McKee, we're delighted your here. Could you confine your testimony to the issue of the Exxon Valdez.

MR. McKEE: Well, you see this whole thing was -- the decision and equity court of law was rendered by U.S. District judge and the deputy marshall -- marshall -- United States marshall, are the law enforcement agency that pertains to judge's decisions to enforce their decisions if there's not a compliance. And, so here we sit in a debate here as to how to restore Prince William Sound, and this is a decision rendered by judge, U.S. District Court judge, equity law, and I've been denouncing the Federal Reserve, OPEC money, and the amount set aside for this and basically showing the fallacy of the rendering, and it thereby makes the jurisdiction of the equity court and the banking community, OPEC money, illegal. And, I've been exposing this, and, so there is definitely an active part in trying to prevent my -- my ability to prevail and bring about more monetary money, organic act money to play in, resolving the damage done to this ecosystem, organically -- organic as it is, which is also the decision rendered by the court. So, I'm not acting against the court's decision, I'm simply pointing out that the money rendered -- again, OPEC banking money, insurance banking money is not the proper vehicle because it -- they've gone, they've actually bent themselves over backwards to ignore the organic act, and -- their own organic properties that they themselves are.

MR. SANDOR: Mr. McKee, your point is made. You've talked for five minutes, we'll give you one more minute, and we'll be pleased to accept any written documents that you have.

MR. McKEE: And I have that available. I have here the Exxon Valdez oil spill science study and it lists all these libraries on this sheet of paper, and, so, this -- I made out a redemption coupon citing the debt of the city -- of the Municipality of Anchorage, asking for the sum printed here, and using the Bank of America as a vehicle for the transfer from the Treasury to yours truly, Charles V. McKee, for the purpose of resolving municipal debt, i.e. the libraries. Library -- there's libraries within every municipality, and so on, and I was looking at resolving the debt burden, thereby maintaining the library structure that you people are utilizing, and I have this redemption -- copy of the redemption coupon, and the loan structure. And, I've asked them, and I'll ask you people for a financial workshop to coincide with your workshop planned later on this November, when is it, November the 30th.

MR. SANDOR: There's several activities, but Dr. Gibbons, the interim administrative director, will note your request and consider that. Please do submit these materials. I'll convey to Dr. Gibbons and the staff.

MR. McKEE: And for the record, I'll go an and finally make the statement -- invest in my copyright jurisdiction as a jurist consultant to the lawful money. Please seek copyright 545416.

MR. SANDOR: Thank you, Mr. McKee. Any questions? Anyone else to testify in Anchorage at this time? Would you step forward and spell your name for the record so that our recorder can ...

MR. BILL ROME: Okay, my name is Bill Rome, the last name is spelled R-O-M-E. I came down here not intending to testify, but seeing that there's not too many people here. I'm a - - been a recreational boat user out of Whittier now since 1986, and while I was sitting here this morning I was -- first time I was able to read the summary of public comment on alternatives. And, I was reading in here, and I noticed one thing that really caught my attention, and that was one of the comments that said to spend the Exxon Valdez settlement money to restore lost tourism. Since the - - since the Exxon spill, I've seen nothing but tourism skyrocket over in the Sound, especially in Whittier. So, I hope that is -- there -- tourism industry is not claiming to be an injured party. They seem to have profited from the spill. Something else that you should consider also is the plan for increased access to western Prince William Sound. I'm sure you're all aware of that. I know just from the increased tourism, the cruise -- not only the large cruise ships from the Lower Forty-eight coming up here, but also the increased local cruise ships, the new larger Exxon -- Klondike Express, the Mystic Seas, the Glacier Seas and the Glacier Queen, just over in the western Prince William Sound. I -- as a recreational boat owner I've noticed a definite impact on the -- on the wildlife, just -- just from the

physical disturbance of the increased traffic in the areas where these people operate. You add that in with the prospect of opening the floodgates to even more human impact with the increased access or better access to Whittier, I think this is something that you should focus your responsibility on as what impact will this new increased use have on the people that were really injured in the Exxon Valdez oil spill and I was very heartened to see this logo on the Exxon Valdez Oil Trustee Council that has this logo here. These are the true victims of the Exxon Valdez oil spill, the birds, the fish, I'd like to see the shrimp and crabs on there too, and the marine mammals. We're all aware, we really don't know what's going to happen in the Sound. It's going to take many years for us to find out. But in your decisions, especially if -- increase access is available through Whittier, there's definitely going to be a human impact on these creatures, and any decision that you could make to help mitigate that impact, I think should be foremost in your minds and the decisions that you make. I'm definitely against these funds being used for resorts, boat harbors, or this type of a thing. I'm not opposed to that, but I think the funds from this settlement should not be used for that type of activity. And, I appreciate the opportunity to speak with you.

MR. SANDOR: Thank you for your testimony. Are there any questions of Mr. Bill Rome? Attorney General Cole?

MR. COLE: I have two questions. One, you made reference to a plan to increase the access to western Prince

William Sound. I'm not sure I'm aware of any such plan. Could you tell us what it is? I mean is it ...

MR. ROME: The Whittier access project, they just had a meeting out in Russian Jack Springs. That's -- right now their down to three alternatives, a no-build alternative, a increased enhanced rail service for, you know, the road to Whittier -- that sort of thing.

MR. COLE: I now understand, thank you. That's number one, number two, when you said you have been seeing adverse impact upon the resources there in recent years. Would you mind telling us just where our planning -- what resources do you feel have sustained adverse impact as a result.

MR. ROME: Decrease sightings in seal otters -- sea otters, especially up Port Wells, Berry Arm, Point Packinham (ph) - College Fjord area, marked decrease in whale sightings in the Port Wells -- Port Wells area, (indiscernible) Passage area, up around Unaquick (ph). That's basically it.

MR. COLE: Thank you.

MR. SANDOR: Any other questions of Mr. Rome? Thank you very much. Let's move back onto the teleconference network, and we'll repeat some of the sites that were not on just to make sure they haven't activated, Chenega Bay, no one is there, we understand? How about Cordova, anyone ...

MS. ADKINS: Yes, Cordova here, I'd like to testify.

MR. SANDOR: Yes, can you identify yourself, spell your name, and -- for the record, and give your testimony, please, from

Cordova.

MS. ADKINS: This is Marla Adkins, Cordova, A-D-K-I-N-S. Are you copying, over?

MR. SANDOR: Yes, Marla Adkins, you're coming in loud and clear and we're looking forward to your testimony.

MS. MARLA ADKINS: Yes, I'm a thirty-five year resident of Alaska. I'd like to make a statement here, then -- would also like to ask for the information that I requested of this Council at the August and September meetings, which I have not received yet. The 1920's -- the 1960's we had the corporate rape of America environment. In the 1960's to the 1980's, we've had the environmental rib (?) lockup. There seems to be no balance. I plead to this Council and I plead to Congress to find a responsible balance. It seems like we allow ourselves to bend to political pressures from either side of the coin. Then, we came into the spill in 1989. We have the damaged Prince William Sound extensively, to its fisheries and to its wildlife. As most of you know, you know, within the last, not in California, not in Washington, D.C. I mean, do you know that I have lived in Alaska and on Prince William -- in Knight Island of Prince William Sound for twenty-some years. I have seen the wildlife here, I know our fisheries is a mess. Yet nothing has been done. The Council is running on and the expenditures continue to go, and we're still in sort of a gridlock there. Once again, we're being pressured to spend the monies for anything and everything, including massive land acquisitions throughout the state. I'm concerned also about

federal control of this panel, and projects such as massive timber and land acquisition. I'm totally supportive of responsible land acquisition, buffer zones, but again I do not want to see more gridlock. I would like to see the toll versus misuse of the funds for anything and everything that somebody has their hand out for. I am still beating the bush and beating you guys over the head for fisheries restoration. I'm really concerned about it. Wildlife restoration. One of the things we talk about is spending these funds for tourism. Well, if we open up our infrastructure in Alaska, which completing the Copper River Highway, responsibly again, assuring that there is monies there for fish and game future management. This would take off some of the pressure of needing the money for tourism and we could do it ourselves. I guess I have to wind up by saying one more time, monies need to be spent in the fisheries restoration area where it was damaged to the wildlife. I've seen it in my own place, my own lodge, what has happened. We are not well yet. Thank you.

MR. SANDOR: Thank you, Ms. Adkins. Any questions or comments? Attorney General Cole.

MR. COLE: Ms. Adkins, with respect to fisheries restoration, what specific project would you recommend to us that we adopt?

MS. ADKINS: Well, of course, I've addressed this before, and I don't want to go over it again here, I could talk to the Council one on one. I -- I believe that CDFU has addressed some, and I'm in complete agreement with most of theirs. We've

talked about the herring, we've talked about the long-term affect of the salmon. I, for instance, this year went to my freezer in the middle of winter to take out salmon that I caught last year in this area, and they have lesions on them. We -- we haven't done enough work in our -- when the streams were not -- the streams were not important to loss, Charlie, no one can tell me, including our experts from the University of Alaska, or anyone, when I ask questions, they don't have one out of six answers. When I ask them, what have you done about seeing that the -- I can't think of the name of it -- I've lost it -- the micro -- life that feeds the fish, the feed, is that back up to standard. He can't give me any answers. We haven't done any research in this area yet. If we have, I haven't seen the results. We've got to see what the spill did to the, of course, the feed line overall, which how it affects the hatchery fish, as well as the wild stocks. We still have oil out there in the Sound, what is it doing to our kelp? Things like this. I'm not an expert, Charlie, I just know that there's things that should be done that's not being done. Okay, over.

MR. COLE: All right, thank you.

MR. SANDOR: Any other questions of Ms. Adkins? Did you have any other questions, Ms. Adkins? You asked about a date in November, and I think what you're asking about was the audit date and our reference was to the legislative and budget audit meeting which is regularly conducted by the Alaska State (tape malfunction) ... Dr. Gibbons, do you know if that is correct?

DR. GIBBONS: Yes, Mr. Chair, I believe it's in Palmer,



isn't it?

MR. SANDOR: Palmer? Okay, I stand corrected. It's November 5 in Palmer. I trust that answers that question. Is there anyone else at Cordova, Ms. Adkins, that wish to testify?

MS. ADKINS: No, my people still aren't here. Maybe you can come back to us, but ...

MR. SANDOR: Okay.

MS. ADKINS: ... and one question, did you say the state was overseeing that audit and budget or is that the federal government? Who requested that? Over.

MR. SANDOR: Let's see, the legislative and budget audit committee is an arm of the Alaska State Legislature, and they schedule their sessions and it is, I can assure, an independent, state body. Anything else, Ms. Adkins?

MS. ADKINS: No. I guess that's it. Thank you for your time. I'll write you a letter on the rest of it.

MR. SANDOR: Thank you. I believe we closed out at Juneau.

UNIDENTIFIED VOICE: Mr. Sandor?

MR. SANDOR: Yes.

UNIDENTIFIED VOICE: We have two more people that just joined us here in Juneau.

MR. SANDOR: Fine. We'd be pleased to hear from them if they could identify themselves, spell their names so the recorder can document it correctly, and since we are running short of time, can we confine testimony if possible to three minutes.

MR. MARK LYMAN: You got it. My name is Mark Lyman, spelled L-Y-M-A-N. I'm a Prince William Sound drift gill-netter.

MR. SANDOR: Please proceed.

MR. LYMAN: I guess if we do nothing else, I think maybe if we spend a hundred dollars and wrote out all the things we did wrong, so that next time when this comes up we can at least be pointed in right direction.

MR. SANDOR: Thank you. Any further comment?

MR. LYMAN: I don't think so.

MR. SANDOR: Thank you. Would the other individual identify themselves.

MR. GARY WHITE: Yes, Gary White, Prince William Sound gill-netter.

MR. SANDOR: Please proceed, Mr. White.

MR. WHITE: Yes. If the fish hatcheries of Prince William Sound which are going broke because of Exxon go out of business, then restoration of Prince William Sound is like of an academic point, isn't it? If you guys really want to do some serious restoration out there, give them the money. That is the greatest amount of research being done in Alaska at this time and in Prince William Sound; that is the greatest amount of restoration being done in Prince William Sound. They are the only people so far who are doing much of anything to improve Prince William Sound, and are unfortunately making very poor decisions due to the fact that they're going broke because of Exxon.

MR. SANDOR: Any further comment, or is there any

questions that Mr. White -- thank you for your comment. Any further testimony from Juneau?

UNIDENTIFIED VOICE: That's all, Mr. Sandor.

MR. SANDOR: Thank you. And we move to Homer. There was no one answering at our last query, is there anyone in Homer? (No response.) Anyone at Kenai? (No response) Kenai-Soldotna? (No response) No one there. Anyone at Kodiak? (No response.) Anyone at Seward?

UNIDENTIFIED VOICE: We're still listening, but no further testimony here.

MR. SANDOR: Thank you very much. And no one to testify at Seward. Anyone at Tatitlek? (No response.) And moving on to Valdez. (No response.) No one at Valdez. Anyone at Whittier? (No response.) No one at Whittier. Is there anyone on the teleconference line outside of Anchorage that I have missed or that has entered the picture since I last took this poll? There being none, we'll see if there's anyone locally to testify in Anchorage. No one on the sign-up sheet. Is anyone wishing to testify who has entered the room? There being no one at Anchorage to testify, no one on the teleconference line, if there is no objection we shall conclude this October 27th meeting of the Trustee Council, with great appreciation to you, Dr. Gibbons, for your work all these many months and years, and we will look forward to the next Trustee Council meeting which is scheduled for November 30-December 1 in Anchorage. Thank you very much.

(Off Record: 1:51 p.m.) **END OF PROCEEDINGS**

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 66 contain a full, true, and correct transcript of the Exxon Valdez Oil Spill Settlement Trustees Council meeting taken electronically by Ladonna Lindley of LTD Court Reporters on the 27th day of October, 1993, commencing at the hour of 10:05 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 and Sandra Yates to the best of my 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 1st day of November, 1993.

\_\_\_\_\_  
Linda J. Durr, Certified PLS  
Notary Public for Alaska  
My commission expires: 10/19/97