

4.27.20 DRAFT Meeting Summary

A. GROUP: Exxon Valdez Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC)

B. DATE: February 25, 2020

C. LOCATION: Dr. Glenn A. Olds Conference Room, 4210 University Drive, Anchorage, AK

D. MEMBERS IN ATTENDANCE: (T = via teleconference)

<u>Name</u>	<u>Principal Interest</u>
Gary Fandrei (T)	Aquaculture/Mariculture, PAC Chair
RJ Kopchak	Commercial Fishing, PAC Vice-chair
David Totemoff, Sr.	Native Land Ownership
Patience Andersen-Faulkner	Subsistence
Stacey Simmons	Commercial Tourism
George Skladal	Public at Large

E. NOT PRESENT:

<u>Name</u>	<u>Principal Interest</u>
Chris Saal	Recreation
VACANT	Sport Hunting/Fishing
VACANT	Science/Technical
VACANT	Conservation/Environmental

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Elise Hsieh	EVOSTC Executive Director
Grace Cochon	U.S. Department of the Interior (DOI), Designated Federal Officer
Shiway Wang	EVOSTC Science Director
Lauri Adams	EVOSTC Habitat Program Director
Cherri Womac	EVOSTC Associate Coordinator
Linda Kilbourne	EVOSTC Administrative Manager
Helen Woods	Alaska Resources Library and Information Services (ARLIS)
Rachel Fisher	
Steve Mulder	Alaska Department of Law
Ron Britton	U.S. Forest Service
Pete Hagen	National Oceanic and Atmospheric Administration (NOAA)
Katrina Hoffman	Prince William Sound Science Center (PWSSC)

Scott Pegau	PWSSC/Oil Spill Recovery Institute
Mandy Lindeberg	NOAA
Shawna Popovici	Alaska State Parks & Outdoor Recreation
Carol Janzen	Alaska Ocean Observing System
Austin Quinn-Davidson	EVOSTC Habitat Program Coordinator
Donna Aderhold (T)	PWSSC
Brandon Bornemann (T)	Kenai Watershed Forum
Veronica Varela (T)	DOI U.S. Fish and Wildlife Service (USFWS)
Liz Gobeski (T)	DOI Office of the Solicitor
Jennifer Heindl (T)	DOI Office of the Solicitor
Jeff Hetrick (T)	Alutiiq Pride Shellfish Hatchery
Alice Bartek-Santiago (T)	DOI Office of the Solicitor
Tuula Hollman (T)	Alaska SeaLife Center
Rob Suryan	NOAA
Stacey Buckelew	Axiom Data Science
Chelsea Kovalcsik	Chugach Regional Resources Commission

H. SUMMARY:

At 12:15 p.m., Grace Cochon, the Alternate Designated Federal Officer (DFO), called the meeting to order and took roll call of PAC members. Six members were present, establishing a quorum.

The DFO noted the passing of former PAC member, John French, who served on the PAC for a total of 16 years and most recently in 2018. He represented various public interests, including aquaculture/mariculture, environment/conservation, and science/technology. He served as vice chair in 2015.

Linda Kilbourne presented information about official PAC travel, which is paid for by the State of Alaska. There is no first-class travel. For those in travel status, per diem is \$60 per day and reduced for any meals that are provided. PAC members must submit original receipts. After Kilbourne prepares the travel authorizations, PAC members sign the authorizations, and then Kilbourne completes the rest of the process, which can take time.

Stacey Simmons asked about the public notice process for PAC meetings. Cherri Womac stated that meetings are announced in the Federal Register, on the EVOSTC website, and through the various outreach efforts by the EVOSTC office, including spill area newspapers.

The DFO approved the agenda, and Elise Hsieh, the Executive Director, provided additional information about agenda topics. She noted that not all Trustees supported all projects on the agenda, and there was also some individual Trustee interest in adding education and outreach possibly projects related to existing infrastructures, to the invitation focus areas.

Ethics and Federal Advisory Council Act Briefings:

Alice Bartek-Santiago presented (via webinar) an ethics briefing for PAC members (see

presentation attachment). The Executive Director noted that ethics concerns for the PAC primarily relate to the community grants and funding that the PAC makes recommendations on. Gary Fandrei noted a previous instance when the PAC discussed the purchase of a parcel next to his own property, which could have affected him either negatively or positively. Bartek-Santiago stated that, ethically, the direction of the effect makes no difference, only that there may be an effect that could influence his vote. If there are additional ethics questions, PAC members were encouraged to reach out to DOI.

Jennifer Heindl presented a briefing about the Federal Advisory Committee Act requirements via teleconference (see presentation attachment). David Totemoff asked about the consequences of his affiliation with the boards of various outside organizations, and Heindl recommended talking to the DFO, who would then reach out to the DOI Office of the Solicitor's ethics specialists. She also stated that committee members represent various points of view and, by design, are not always neutral on all topics. The spirit of FACA is to be open, encourage public participation, and hear all viewpoints. The Executive Director suggested that it may be better for organizations that submit project proposals to focus on educating PAC members about their project versus sitting on the PAC but then having to recuse themselves from the discussion of projects.

EVOS Collection at ARLIS:

The Executive Director commented on recent communications from the public to PAC members about the transfer of EVOS documents from ARLIS in Anchorage to the Alaska State Archives in Juneau. She provided some background in that regard.

Around 2008-2010, long time Trustees, some of whom had served for decades, discussed what worked and did not work in the past, which led to changes to streamline the EVOSTC program going forward. Policies, financial documents, resolutions, etc., have also been updated over the last ten years and EVOSTC has consistently received clean annual audits from third party auditors and from an extensive recent (2019) audit by the Government Accountability Office. The goal of the Trustees in working with ARLIS over the past few years was for the EVOSTC to slowly wind down as it completes its work and to pay for the digitization and permanent housing of historical spill records while the Council had the staff available to work on it. The staff is also working on revamping the EVOSTC website, so that it can continue to be a resource for public information and exist after the EVOSTC office formally closes.

The Executive Director reviewed a detailed overview of the indexing, archiving, digitization and duplication of documents. The end result is that approx. 85% of these items have been duplicated and efforts made to enhance digitization and search ability. It has been discussed for over a decade that the EVOS collection was to go to the Alaska State Archives for permanent retention. There were also concerns about leaving the collection at ARLIS without dedicated EVOS staff/librarian. For example, since it has been known that the EVOS collection may be moved, approx. one percent of the collection has already disappeared.

The EVOSTC staff appreciates the passion for ARLIS and the accessibility of EVOS records. Therefore, there is a research guide available as a handout or online. RJ Kopchak stated he liked

that things will be archived and talked to Rick Steiner about the issue. It is important to keep the collection available to the public, and he would like to hear more about the research guide.

The Executive Director reviewed the guide and noted that about 15 percent of the collection was made up of unique items that people do not often access and/or were difficult to replicate. These items did not relate to topics of more general interest and are almost never requested unless by a researcher conducting extensive research, which is typically done by people who have travel funds to access such documents. The 15 percent also includes original samples and sea otter necropsy documents that are fragile, and outside research that was randomly put together at the time.

Mr. Totemoff asked if emails to the PAC on this ARLIS topic should be disregarded, including those from Rick Steiner, Ed Kazzimir, and Celia Rosen. He also asked what if a PAC member makes a wrong statement in response to such emails? The Executive Director stated that although Chugach Alaska Corporation sent documents to the EVOSTC and emailed the PAC, the PAC acts as a group and not as individuals. While PAC members have been contacted individually, she recommends that any PAC member please send any communications they receive to the EVOSTC office, which will make sure to send those messages to everyone. The EVOSTC Office does not restrict communications, but they want to share them as a courtesy. Lobbying PAC members is not the purpose of the committee. Members participate in the PAC to represent their community and way of life as well as to share experiences and knowledge with others. While there may not necessarily be penalties for lobbying or conflicts of interest, litigation over PAC recommendations is possible and it is important to avoid the appearance of impropriety. Lobbying and conflicts of interest also undermine the PAC as a whole and the public process. Alaska is a small state, and such issues can affect professional relationships and perceptions of fairness.

Lauri Adams, the Habitat Program Director, reiterated that if PAC members have concerns regarding potential conflicts, it is best to refer them to DOI DFO. If members can anticipate potential issues in advance of meeting, then members can note the connections they have at a PAC meeting and ask what others think. Issues are not always black and white, such as Fandrei's example of a parcel sale adjacent to his property. The Executive Director also noted that members should not assume that others will remember the individual networks of each PAC member, so it is important for members to flag their personal connection to a project for everyone's attention.

Election of Chair/Vice Chair and Meeting Minutes Approval:

Patience Andersen-Faulkner nominated Gary Fandrei as PAC Chair, and Totemoff seconded the nomination. Fandrei was elected chair by a show of six out of six hands. Andersen-Faulkner also nominated RJ Kopchak as PAC Vice Chair, and Simmons seconded the nomination. Kopchak was elected by a show of five out of six hands.

The PAC then discussed the September 26, 2018, meeting summary. Fandrei asked to correct the name of a park on page 9 from Kachemak Bay National Park to Kachemak Bay State Park. With that correction, a motion passed to approve the minutes of the September 26, 2018 PAC meeting

with none opposed. The chair will sign the meeting summary, and it will be posted on the EVOSTC website.

Public Comment:

The floor was opened for public comment, telephonically and for those in the room. There were no public comments.

Budget Amendment – Seabird Ecologist for Science Panel:

The Executive Director stated that, as per the interests of the Trustees, they would be adding a seabird ecologist to the Science Panel. The Panel provides a third-party voice that was independent of the EVOSTC.” The additional position would not require additional money to be added to the fiscal year (FY) 2020 budget. Funds would be redirected from the existing budget to cover the costs.

The PAC passed a motion to recommend that the EVOSTC approve the addition of a seabird ecologist to the Science Panel.

Non-program Science Projects:

Status and Trends of Marbled Murrelet, Kittlitz’s Murrelet, and Pigeon Guillemot in a Changing Northern Gulf of Alaska Ecosystem, Project 20200128

Tuula Hollman noted this project was part of a five-year study on three bird species, which builds on history, data and on-going surveys, and collaboration with others.

Status and Recovery of Kittlitz’s Murrelet and Marbled Murrelet within the EVOS affected area, Project 20200130

The Science Director, Shiway Wang, had presented this proposal and the Project 20200128 proposal to the EVOSTC at its October 2019 meeting, and that the Council at that time deferred action on both projects for additional review. Further details are included in the Draft FY 2020 Work Plan. The Science Panel recommended the proposers integrate the two projects into one proposal and work to address the Science Panel’s remaining comments and concerns before resubmitting the revised proposal for FY 2021 funding.

PAC Discussion – Non-program Science Projects

There was little additional discussion regarding the projects and the Science Panel’s assessment. The PAC passed a motion in support of the Science Panel recommendations for both projects.

(break: 2:13 – 2:18)

Habitat Enhancement Projects:

The Habitat Program Director, Lauri Adams, provided an overview on the Habitat Program’s two main aspects. One aspect is the prioritization and protection of habitat with the highest value within the spill-affected area through targeted purchases of parcels. She noted that no new

habitat parcels were on the PAC meeting agenda for discussion at this time. The second aspect is habitat enhancement projects, which involves restoration, long-term protection (e.g., the correction of under-performing culverts), stream restoration (e.g., restoring trampled banks and providing elevated walkways for future protection), and public outreach and education (e.g., providing information to the public regarding best practices to take care of the natural resources they use).

The Habitat Program Director then briefed the PAC on the two habitat enhancement project proposals under consideration for funding by the EVOSTC.

EVOS Outreach and Education Project, Project 20180119

Project 20180119 is a continuing project through the Alaska Department of Natural Resources, State Parks Division. The project budget is \$49,050. It involves design and production of outreach, education, and interpretive panels to improve visitor experiences and protect resources. There has been similar work done previously on prior habitat purchases, and at Alaska State Parks units, etc. Shawna Popovici from State Parks was present for questions.

Kenai Watershed Forum Stream Watch, Project 20180117

The Kenai Watershed Forum has been doing successful work on the north and east parts of the Kenai Peninsula for over 20 years. The Kenai Watershed Forum trains volunteers, works with management agencies, and works in the field during fishing seasons to install protective fencing, conduct restorative work on banks, remove debris & fishing lines causing barriers to fish passage, and serve as ambassadors to the public, communicating good practices to help preserve stream banks and rivers for fish and wildlife resource needs.

The EVOSTC previously agreed to fund an expansion to cover areas in the southern part of the Kenai Peninsula in 2018 and 2019. The present project was to continue the work. The Executive Director noted that the Alaska Department of Fish and Game Trustee recently voiced a lack of interest in the Kenai (related to EVOS), while other Trustees did demonstrate interest. The proposed project is to continue work on Southern Kenai Peninsula Rivers for three additional years, starting in FY 2020 with an annual budget of \$102,900. The Executive Director commented that the Kenai Watershed Forum does excellent work, if the EVOSTC is interested in funding their efforts.

PAC Discussion – Habitat Enhancement Projects

Totemoff asked about the timeline of the outreach and education project. The Habitat Program Director stated it was put together for FY 2020 to continue funding ongoing work. There was no discussion by the Trustees to take it off the agenda for their upcoming meeting, and it would wrap up work that the EVOSTC previously funded.

Simmons mentioned that she personally knew Ben Shyrook, with Alaska State Parks, who is affiliated with the project. Popovici stated that Ben is only acting in an informational manner for the project, so there would not be a conflict of interest, and the PAC could move forward. The PAC then passed a motion recommending that the EVOSTC approve funding for the outreach and education project.

Kopchak expressed an interest in the Stream Watch Project. The PAC passed a motion to recommend that the EVOSTC approve funding for the project.

Invitation – Focus Areas:

PAC discussion – Focus Areas

A. Long-term monitoring of ecosystem conditions in Prince William Sound and the Gulf of Alaska, incorporating elements of the existing Long-Term Research and Monitoring Program (Gulf Watch Alaska)

Fandrei commented that long-term monitoring is necessary and has been well supported by the PAC.

B. Long-term herring research and monitoring, incorporating elements of the existing Herring Research and Monitoring Program

Fandrei stated that he worked with Kopchak to initiate a herring project and believes it should continue. Kopchak said he would also like to see this area funded.

C. Data Program

Fandrei noted a concern about making sure that data is available to use.

D. Development of mariculture (excluding finfish)

Fandrei mentioned that this item is a new project. It would boost shared communities, which is a positive thing, and help get resources back in place with commercial and economic benefits. Kopchak suggested this was a terrific addition and suggested expanding the area to include fin fish and other industries to help other areas as well.

E. Education and curriculum development

Kopchak recommended adding a focus area for education and curriculum development, suggesting that school curriculums haven't fully leveraged the EVOS data sets that are available. The Executive Director noted there has been discussion of creating curriculums in the past, and while the PAC supported it, there were some legal questions which perhaps could be revisited. Kopchak suggested that third party contractors could possibly be used and that this was an opportunity to develop a consortium. He would like to see high school curriculums incorporate EVOS data.

PAC Statement to Trustee Council:

During an informal PAC Science Workshop earlier in the morning, Totemoff voiced his appreciation for the work of Scott Pegau and others who work on and support EVOSTC-funded programs. The Executive Director noted to Totemoff that if he wanted his statement to be conveyed to the Council he would have to restate it during the PAC meeting. At the PAC meeting, Totemoff reiterated that he worked with others on projects and wants to see and make sure good things continue to happen through the PAC and EVOSTC. Kopchak suggested conveying the following statement to the EVOSTC at their upcoming meeting:

The Public Advisory Committee recognizes the great efforts of researchers, volunteers, and Trustee Council staff who have positively affected tribes and communities that were impacted by the Exxon Valdez oil spill. Over the years, Trustee Council-funded programs have benefited from lots of good ideas and been improved after some missteps. There has since been a distillation of programs to the essentials, and we now only sample key points and indicators to best serve us over time. Currently, the Gulf Watch Alaska, herring, and data management programs are seamlessly integrated, and Alaska's data sets make it one of the most capable regions within the U.S., which is very important for the next 20 years and beyond.

The PAC was not able to make an official motion on the statement in time before the quorum ended when Fandrei needed to leave the teleconference to attend another meeting. However, there was no opposition to the statement or further discussion to amend the content.

Other Discussion:

Simmons asked additional questions, including how the focus areas were vetted to make it onto the agenda. The Executive Director stated that the focus areas reflect the interests of individual Trustees and what they want to discuss further with each other. After the Council meeting, EVOSTC staff prepare a draft invitation based on the focus areas and add additional details for each focus area. The draft invitation process includes invitation working group reviews and a PAC teleconference in the summer to further discuss the draft. The Science Panel and PAC then reviews the draft invitation in the fall before the EVOSTC meeting. After the fall meeting, there is a public call for proposals due by late spring for the next fall's review. The invitation process is undertaken only once every five years. Information from the Science Synthesis Workshop that occurs during year 4 of the Science Programs also feeds into the invitation.

Simmons also asked about the number of proposals submitted for funding and whether they were all listed in the agenda. The Science Director stated there were about 30 proposals in a recommendation table, which can be found on the EVOSTC website, and there were about 50 individual proposals. The Executive Director noted that for proposals to be approved for funding, whether they were solicited or unsolicited, unanimous consent among Trustees is required. The goal is to make the process and meetings efficient and thus there is not a focus on areas where the Trustees do not agree. Although this approach can frustrate some people, Trustees have the leeway to add or remove items from the draft agenda. During meetings they may also require revisions or add conditions to proposals. The Council is not required to advance proposals or review why they are not included on a draft agenda.

Additionally, Simmons asked how proposals are submitted. The Executive Director responded that anyone can submit proposals at any time. The EVOSTC website has a link on the main page for anyone who wants to submit an idea. Through that link they email the EVOSTC office which will help determine which proposal form to fill out. The staff may also assist proposers to help refine their proposals for submission.

Last, Simmons asked whether there was any tracking of funding to make sure all communities in the spill affected area receive funding. The Executive Director replied that funding focuses on restoration-related activities throughout the spill zone, which may benefit subsistence,

commercial activities, and local communities or tribes. The EVOS settlement fund is for restoration, and there is no requirement to ensure the disbursal of funds to every affected community. There is also no tracking of funding by region or community. That has not been an EVOSTC mission.

In 2014, the USDA undersecretary, who was visiting Alaska Native communities, was briefed about the EVOSTC. In a letter, a community claimed they never received funding, but that was not factually correct. Staff afterwards went back and found that the community in question had received funding in the past, which the letter writer may not have known about. Kopchak noted that with damages to lost fisheries, subsistence, etc., it is hard to keep a perspective on resources and that some damages are easier to quantify, while others are not. The Habitat Program Director also mentioned that while there is information available about past funding, it is not organized by location and can be hard to map out. The Executive Director restated that the goal of the EVOSTC is the effective use of funds for research and restoration, which may cause disappointment for some who are not as familiar with the origin and purposes of the settlement funds. The EVOSTC can only do work within its established mission.

PAC Motions:

Motion: Andersen-Faulkner motioned to nominate Fandrei as PAC Chair. Second by Totemoff. **Fandrei elected Chair.**

Motion: Andersen-Faulkner motioned to nominate Kopchak as PAC Vice Chair. Second by Simmons. **Kopchak elected Vice Chair.**

Motion: Fandrei introduced a motion to approve the September 26, 2018, meeting summary, as corrected. Second by Simmons. **Motion carried.**

Motion: Simmons motioned to recommend the EVOSTC approve a budget amendment to redirect FY 2020 funds to add a seabird ecologist to the Science Panel. Second by Totemoff. **Motion carried.**

Motion: Skladal motioned to support the recommendations of the Science Panel for Projects 20200128 and 20200130 (to consolidate the projects, address the Science Panel's concerns, and resubmit the project for FY 2021 funding). Second by Simmons. **Motion carried.**

Motion: Kopchak motioned to recommend the EVOSTC approve funding for the EVOS Outreach and Education Project, Project 20180119. Second by Simmons. **Motion carried.**

Motion: Skladal motioned to recommend the EVOSTC approve funding for the Kenai Watershed Forum Stream Watch, Project 20180117. Second by Andersen-Faulkner. **Motion carried.**

Motion: Kopchak motioned to recommend the EVOSTC add an education and outreach item to the invitation focus areas. Second by Andersen-Faulkner. **Motion carried.**

Motion: Skladal motioned to recommend the EVOSTC approve all other invitation focus areas. Second by Andersen-Faulkner. **Motion carried.**

Motion: Skladal motioned to adjourn. Second by Simmons. **Motion carried.**

Closing Remarks:

Members noted there was good information presented and discussed at the meeting. They thanked others for their hard work and voiced appreciation for the great work that has been accomplished and is ongoing.

The meeting was adjourned by Vice Chair Kopchak at 3 p.m. For the benefit of the PAC members who missed the Science Workshop presentations in the morning, presenters provided a recap of the Gulf Watch Alaska, herring research and monitoring, and data management programs.

I. FOLLOW-UP:

The PAC members were welcome to attend the February 28, 2020 Trustee Council meeting in-person or telephonically.

J. NEXT MEETINGS:

PAC Teleconference Meeting (Summer 2020)

EVOSTC Meeting (Fall, 2020)

K. ATTACHMENTS (provided to PAC members prior to the meeting):

1. February 25, 2020, EVOSTC PAC draft meeting agenda
2. September 26, 2018, EVOSTC PAC draft meeting summary
3. Ethics Presentation
4. FACA Presentation
5. Non-program Science Project Proposals
6. Habitat Enhancement Project Proposals

L. CERTIFICATION:

PAC Chairperson

Date

DRAFT