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*EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL*

February 28, 2020  
10:00 A.M.

Anchorage, Alaska

TRUSTEE COUNCIL MEMBERS:

- U.S. FOREST SERVICE: Mr. David Schmid
- AK DEPT OF FISH & GAME: Commissioner Doug Vincent-Lang
- AK DEPT OF ENVIRON CONSERVATION: Commissioner Jason Brune
- AK DEPT OF LAW: Mr. Steven Mulder
- U.S. DEPT OF THE INTERIOR: Mr. Steve Wackowski
- NATIONAL MARINE FISHERIES SERVICE Dr. James Balsiger

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1       ALSO PRESENT:  
2       Elise Hsieh, Executive Director, EVOSTC  
3       Shiway Wang, Science Coordinator, EVOSTC  
4       Austin Quinn-Davidson, EVOSTC  
5       Linda Kilbourne, Administrative Manager, EVOSTC  
6       Veronica Varela, U.S. Fish and Wildlife Service  
7       Ron Britton, U.S. Forest Service  
8       Grace Cochon, U.S. Department of Interior  
9       Shawna Popovici, Alaska Department of Natural Resources  
10      Pete Hagen, National Oceanic and Atmospheric Admin  
11      Mandy Lindeberg, NOAA Auke Bay Laboratories  
12      Elwood Brehmer, Alaska Journal of Commerce  
13      C.F. Arnold, Alaska SeaLife Center  
14      Tara Riemer, Alaska SeaLife Center  
15      Ricky Gease, Alaska State Parks  
16      April Minnich, Baum Foundation  
17      Vanessa Norman, Attorney, Chugach Alaska Corp.  
18      Rachel Kallander, Kallander & Associates  
19      Shawna Hegna, Koniag  
20      Tom Panamaroff, Koniag  
21      Dune Lankard, Native Conservancy  
22      Jon Shepherd, Port Graham Corp.  
23      Rick Steiner  
24      Mead Treadwell  
25

1 ATTENDING TELEPHONICALLY:  
2 Tuula Hollmen, Alaska SeaLife Center  
3 Stacy (sp) Simmons, Commercial Tours and PAC member  
4 Carol Hoover, Eyak Preservation Council  
5 Branden Bornemann, Kenai Watershed Forum  
6 Tammy (sp) Murray, Kenai Watershed Forum  
7 Craig O'Connor, NOAA's Office of General Council  
8 Ron McClain (sp), Office of General Council USDA  
9 Jennifer Thomas, USDOA, Office of General Council  
10 Liz Gobeski, USDOJ  
11 Erica Wells, USDOJ  
12 Liz Labunski, U.S. Fish and Wildlife Service  
13 Tim Richardson, Wildlife Forever  
14 Shawn Denado (sp)

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(On record)

CHAIR BRUNE: All right, we'll call this meeting to order. My name is Jason Brune. I'm with the Alaska Department of Environmental Conservation, and we'll -- I guess I'm chairing the meeting for today. We'll do a roll call right now for those present.

MR. MULDER: I'll start, Steve Mulder. I'm the Attorney General, Kevin Clarkson's alternate Trustee for Department of Law.

MR. BALSIGER: Jim Balsiger, NOAA Fisheries, Department of Commerce.

MR. WACKOWSKI: Steve Wackowski on two hours of military leave to represent the Department of Military -- the Department of Interior.

COMMISSIONER VINCENT-LANG: Doug Vincent-Lang, Alaska Department of Fish and Game, Commissioner.

MR. SCHMID: Good morning, I'm Dave Schmid, the Regional Forester for USDA Forest Service.

CHAIR BRUNE: Thank you, everyone, and with that, we have a full slate of Trustees here. Agenda Item 2. is the Consent Agenda. Commissioner Vincent-Lang, could I hear your motion with respect to the agenda?

COMMISSIONER VINCENT-LANG: Yeah, I'd like to make a few changes. I move to make a few changes to the agenda; under 7.

1 Kenai Watershed Forum Stream Watch Program, I move that we  
2 strike that from the agenda for today, and 8., I suggest that  
3 with focal areas, we have three focal areas, rather than four.

4 The first focal area will be long-term monitoring of  
5 ecosystem conditions in Prince William Sound and the Gulf of  
6 Alaska, incorporating elements of the existing Long-Term  
7 Research and Monitoring Program, herring research and  
8 monitoring, and data management. B. would be development of  
9 mariculture, excluding finfish, and C. would be education and  
10 outreach, and I would also like -- even though it's not on  
11 here, say we're not going to have an executive session today.

12 CHAIR BRUNE: So we have a motion. Is there a second?

13 MR. WACKOWSKI: I'll second.

14 DR. BALSIGER: Could we go through the -- I'm sorry, the  
15 8. wasn't on there, the new one, so I.....

16 COMMISSIONER VINCENT-LANG: Okay.

17 DR. BALSIGER: It took me a second to find it.

18 COMMISSIONER VINCENT-LANG: Okay.

19 DR. BALSIGER: Can you go through the three things on 8.  
20 again, please?

21 COMMISSIONER VINCENT-LANG: The first -- A. would be  
22 long-term monitoring of ecosystem conditions in Prince William  
23 Sound and the Gulf of Alaska, incorporating elements of the  
24 existing Long-Term Research and Monitoring Program, Gulf Watch  
25 Alaska, and then comma, herring research and monitoring, comma,

1 and data management.

2 CHAIR BRUNE: So Jim, effectively, combining.....

3 COMMISSIONER VINCENT-LANG: B. will go away.

4 CHAIR BRUNE: .....A., B., and C.

5 DR. BALSIGER: I got it now.

6 COMMISSIONER VINCENT-LANG: B. will be development of  
7 mariculture, excluding finfish, and C. will be education and  
8 outreach.

9 DR. BALSIGER: Thank you.

10 CHAIR BRUNE: Are there any comments on the motion on the  
11 table?

12 (No audible response)

13 CHAIR BRUNE: Do we need a roll call vote on that or just  
14 a.....

15 MS. HSIEH: (Indiscernible).

16 DR. BALSIGER: I do have one question.

17 CHAIR BRUNE: Sure.

18 UNIDENTIFIED SPEAKER: Okay.

19 DR. BALSIGER: Through the Chair, Commissioner, so  
20 removing the data program, we're not like looking forward to  
21 abandoning the data we have. We're collecting new data on  
22 programs. It's just it's incorporated in the long-term thing  
23 up in A., is that correct?

24 COMMISSIONER VINCENT-LANG: That's correct.

25 DR. BALSIGER: Okay, thank you.



1 CHAIR BRUNE: Any other questions?

2 (No audible response)

3 CHAIR BRUNE: Is there any opposition to the motion?

4 (No audible response)

5 CHAIR BRUNE: Hearing none, the agenda is approved as  
6 amended.

7 Could I please get a motion for the approval of the  
8 October 11, 2019 meeting notes?

9 COMMISSIONER VINCENT-LANG: I approve -- I move we  
10 approve the February 28, 2020 -- I'm sorry. I move we approve  
11 the November 15<sup>th</sup>, 2019 draft of the October 11<sup>th</sup>, 2019 Trustee  
12 Council meeting notes.

13 CHAIR BRUNE: Is there a second?

14 DR. BALSIGER: Second.

15 CHAIR BRUNE: Are there any comments or questions,  
16 concerns?

17 (No audible response).

18 CHAIR BRUNE: Is there any opposition to the motion?

19 (No audible response).

20 CHAIR BRUNE: Hearing none, the minutes are approved.

21 If we could please now have Dr. Phillip Johnson come  
22 forward to give a summary of the PAC meeting that occurred.

23 MS. COCHON: Hi, good morning. So I'm not Phil Johnson,  
24 but I'm acting as his alternate Designated Federal Officer for  
25 this week.

1 CHAIR BRUNE: Could you please give your name for the  
2 record? Thanks.

3 MS. COCHON: My name is Grace Cochon.....

4 CHAIR BRUNE: Thank you, Grace.

5 MS. COCHON: .....with Department of Interior. So  
6 updates for the Public Advisory Committee; in October 2019,  
7 there were seven members appointed to the Committee out of a  
8 total of 10 positions. So we do have three vacancies and those  
9 nominations were solicited to fill those positions.

10 The PAC met earlier this week on Tuesday, February 25<sup>th</sup>.  
11 This was the first meeting of the new PAC and six out of the  
12 seven members participated. So we were able to establish a  
13 quorum and there was a lot of good discussion on the agenda  
14 items that mirror your agenda today.

15 For the recommendations for the Trustee Council, the PAC  
16 supported the budget amendment to add a seabird ecologist to  
17 the Science Panel for the non-program science projects. They  
18 agreed with the Science Panel's suggestions and passed a motion  
19 to -- recommending that the project proposers combine the two  
20 projects numbered 20200128 and number 20200130 into one  
21 proposal for the next fiscal year. They -- as well, as for the  
22 project proposers to address the remaining comments of the  
23 Science Panel.

24 For habitat enhancement projects, the PAC recognized the  
25 importance of both the Department of Natural Resources outreach

1 project and the Kenai Watershed Forum's Stream Watch Program,  
2 and they passed two motions to recommend that the Trustee  
3 Council approve funding for both projects. Regarding the  
4 invitation focus areas, they supported the areas and wanted to  
5 add to them. They passed a motion to recommend that the  
6 Trustee Council add an education and curriculum development  
7 component to the focus areas and they passed another motion to  
8 recommend that the Trustee Council adopt the rest of the focus  
9 areas.

10 Last, the PAC members wanted to express their  
11 appreciation for programs funded by the Trustee Council, as  
12 well the people who work those programs and they -- some  
13 members provided the statement as follows; "The Public Advisory  
14 Council recognizes great efforts of researchers, volunteers and  
15 Trustee Council staff who have positively affected Tribes and  
16 communities that were impacted by the Exxon Valdez oil spill.  
17 Over the years, Trustee Council funded programs have benefitted  
18 from lots of good ideas and been improved after some missteps.  
19 There has since been a distillation of programs to the  
20 essentials and we now only sample key points and indicators to  
21 best serve us over time. Currently, the Gulf Watch, Herring  
22 and Data Management Programs are seamlessly integrated in  
23 Alaska's data sets make it one of the most capable regions  
24 within the U.S., which is very important for the next 20 years  
25 and beyond."

1 And that is all I have, thanks.

2 COMMISSIONER VINCENT-LANG: Mr. Chair.

3 Chair Brune: Thank you very much. That was a great  
4 report. I guess I would open it up to Trustees for questions  
5 of Grace.

6 COMMISSIONER VINCENT-LANG: I missed the first two  
7 points.

8 MS. COCHON: The first two points are.....

9 COMMISSIONER VINCENT-LANG: Do you have these written out  
10 that you are going to hand out or the notes?

11 MS. COCHON: Yeah, I can -- I guess I didn't realize that  
12 I needed to provide handouts.

13 COMMISSIONER VINCENT-LANG: Okay.

14 MS. COCHON: But I do have an electronic copy on my  
15 computer that I can provide.

16 COMMISSIONER VINCENT-LANG: Okay, what were the first two  
17 points?

18 MS. COCHON: Regarding membership? In 2019 there were  
19 seven members appointed.....

20 COMMISSIONER VINCENT-LANG: No, no, I think there was  
21 one.....

22 CHAIR BRUNE: So Doug, what I have is that.....

23 COMMISSIONER VINCENT-LANG: Budget support is.....

24 CHAIR BRUNE: Yeah, the support for agenda item that has  
25 the seabird ecologist for the Science Panel and then.....

1 COMMISSIONER VINCENT-LANG: Okay.

2 CHAIR BRUNE: They recommended consolidation of 20200128  
3 and.....

4 COMMISSIONER VINCENT-LANG: Okay.

5 CHAIR BRUNE: .....00130.

6 COMMISSIONER VINCENT-LANG: Got it, okay. I missed the  
7 seabird one, thank you.

8 MS. COCHON: Okay.

9 MR. WACKOWSKI: Mr. Chair.

10 CHAIR BRUNE: Yes.

11 MR. WACKOWSKI: May I make a recommendation? Could we  
12 leave this agenda item open for DOI to get us this  
13 electronically so we can make it part of the record for the  
14 meeting?

15 CHAIR BRUNE: I have no problem with that. Any  
16 opposition to that from Trustees?

17 (No audible response)

18 CHAIR BRUNE: Sounds great, can.....

19 MR. WACKOWSKI: Can we post -- get that posted on the  
20 website as well?

21 MS. HSIEH: Sure.

22 CHAIR BRUNE: Sure.

23 MR. WACKOWSKI: Okay.

24 MS. COCHON: Okay.

25 MR. WACKOWSKI: I do have one other point, too. I had

1 received a complaint from a member of the public on  
2 interactions with our staff. It has to do with the PAC and I  
3 do just want to state for the record, we clarified that issue  
4 and apologized about a miscommunication on communicating with  
5 PAC members.

6 Any member of the public is completely well within their  
7 rights to come and talk to one of us, as members of the PAC.  
8 Just realize that as we take stuff up for action, whether it's  
9 the PAC or us, there are certain open meeting rules where we  
10 need to make sure it's aired out in the public. Thank you.

11 CHAIR BRUNE: Thank you, Steve. I appreciate your  
12 report. We'll look forward to getting the written version of  
13 that. We appreciate all of the members of the PAC for their  
14 time and their efforts. Having been a previous member of the  
15 PAC, I know a lot of effort goes into that and I'm very  
16 appreciative of that.

17 My understanding through Elise is that there are going to  
18 be three PAC meetings this year.

19 MS. COCHON: Okay.

20 CHAIR BRUNE: I'm excited by that. I know that there's a  
21 little handout going around questioning the number of PAC  
22 meetings that have occurred and I just -- I think it's  
23 important to point out that there are three that are scheduled  
24 for this year. So thank you again for your and all of your  
25 colleague's service on the PAC.

1 MS. COCHON: All right, thank you.

2 COMMISSIONER VINCENT-LANG: Can I ask one more question?

3 CHAIR BRUNE: You can, sure.

4 COMMISSIONER VINCENT-LANG: So I'm interested in the  
5 conversations you had regarding the focal areas because  
6 clearly, there are a lot of things that weren't on this agenda  
7 that will carry forward, and I want to tell everybody that just  
8 because they're not on this agenda doesn't mean those proposals  
9 have gone away. It just simply means that, I think, for the  
10 Trustees, we're focusing on the focal areas moving forward to  
11 try to get a definition of the pathway forward and the roadway  
12 forward.

13 So I guess I'm very interested in any kinds of  
14 discussions you had at the PAC regarding the focal areas and  
15 whether you had reached consensus or there was significant  
16 disagreements on the focal areas.

17 MS. COCHON: There were -- there was no disagreement on  
18 the focal areas. There was just the one -- there was just some  
19 discussion regarding adding education and curriculum  
20 development and how sometimes curriculum development can be  
21 difficult to create, but there -- but I think one member  
22 expressed an interest in seeing more of the data incorporated  
23 into high school curriculum and just seeing how we could  
24 accomplish that.

25 CHAIR BRUNE: Sure, Elise.

1 MS. HSIEH: If I remember correctly, Grace, and you can  
2 correct me if I'm not, I think they were talking with regard to  
3 data, you know, now that the data program has gotten cleaned up  
4 and data is being produced, which in the past eras, it wasn't  
5 as consistent, it wasn't quality-controlled, et cetera, maybe  
6 some funding for creating secondary products that are lay-  
7 person friendly for multiple uses.

8 We focused in the last however many years on just getting  
9 the data in and everything's been trained up. It's going  
10 really well. They also, at least a couple of PAC members, two  
11 of three, have been either on for a long time, or in the case  
12 of one of them, was on in the early days and has just come  
13 back, and he's now a Vice-Chair.

14 I think he was very verbal. He was sort of shocked at  
15 how much the program had changed, actually for the better. He  
16 was very pleased, because he was -- he's a fisher-person. He  
17 was very involved in the early days.

18 CHAIR BRUNE: Thank you. Thank you, and to the request  
19 of the PAC to have an education and curriculum development  
20 area, I think the invitation, as was indicated in the motion  
21 that Commissioner Vincent-Lang made, with adding education and  
22 outreach to the invitation, I think we're kind of a mind-meld  
23 there where.....

24 MS. COCHON: Yeah.

25 CHAIR BRUNE: .....great minds are thinking alike.



1 DR. BALSIGER: Mr. Chair.

2 CHAIR BRUNE: Sure, Mr. Balsiger.

3 DR. BALSIGER: So thank you for the report, and you  
4 identified the three particular areas and the invitation for  
5 focal areas, which our -- Mr. Lang's motion now combines into  
6 one, but you understand that we didn't abandon any of the focal  
7 areas?

8 MS. COCHON: No.

9 DR. BALSIGER: Okay, thank you, just clarifying.

10 CHAIR BRUNE: Mr. Wackowski.

11 MR. WACKOWSKI: Mr. Chair, I just do want to say for the  
12 record that education curriculum, as someone who was in first  
13 grade during the oil spill, I think I've said before, my first  
14 memory of television news is, in fact, of this spill. That is  
15 (indiscernible). I'm very passionate about.

16 What I would challenge for the PAC to do is we are very -  
17 - have strict bounds on what we can support with our court  
18 funding.

19 MS. COCHON: Okay.

20 MR. WACKOWSKI: So you know, making sure that's tied into  
21 the purpose of use of the EVOS funds is going to be critical  
22 and I would love to entertain some good ideas on how that could  
23 be tied into -- into the funds.

24 MS. COCHON: Okay, thank you.

25 CHAIR BRUNE: Thank you very much again, Becky -- or

1 Grace.

2 MS. COCHON: Thank you.

3 (Indiscernible - side whispering)

4 CHAIR BRUNE: Got it, thank you. Thank you. We -- I  
5 have been given a few requests. Before we go into the public  
6 comment, I've been asked for those that are online, regardless  
7 if you're giving public comment or not, to identify yourselves  
8 for the record. So I know that this could be awkward because  
9 people will talk over each other. So why don't we start with  
10 anyone out of state. Out of the state of Alaska, if you are on  
11 line, could you please identify yourself?

12 MR. O'CONNOR: Craig O'Connor, NOAA's office of general  
13 council.

14 CHAIR BRUNE: Thank you, I got Greg.

15 UNIDENTIFIED SPEAKER: Craig.

16 UNIDENTIFIED SPEAKER: Craig.

17 CHAIR BRUNE: Craig, sorry. Next.

18 MS. WELLS: This is Erica Wells with Department of  
19 Justice.

20 CHAIR BRUNE: I heard Erica Wells from the Department of  
21 Justice, thank you.

22 MR. RICHARDSON: Tim Richardson with Wildlife Forever.

23 CHAIR BRUNE: Thank you, Tim.

24 MS. GOBESKI: Liz Gobeski, Regional (indiscernible)  
25 Office for Department of the Interior.

1 CHAIR BRUNE: Thank you, Liz.

2 MR. DENADO: Shawn Denado.

3 CHAIR BRUNE: Was that Shawn Denado? Thank you.

4 MR. DENADO: Correct.

5 CHAIR BRUNE: Any one.....

6 MS. HOOVER: (Indiscernible - speaking  
7 simultaneously).....

8 UNIDENTIFIED SPEAKER: (Indiscernible - speaking  
9 simultaneously).....

10 CHAIR BRUNE: Let's start -- let's start with the woman  
11 that was speaking, please.

12 MS. HOOVER: All right, Carol Hoover, I'm with the Eyak  
13 Preservation Council.

14 CHAIR BRUNE: Thank you, Carol, and the gentleman.....

15 MR. MCCLAIN: And this is Ron McClain with the Office of  
16 General Council, USDA.

17 CHAIR BRUNE: Thank you, and anyone else out of state?  
18 (No audible response)

19 CHAIR BRUNE: Hearing none, let's go community-by-  
20 community, and how about -- well, Juneau?

21 MS. THOMAS: Jennifer Thomas, US Office of General  
22 Council.

23 CHAIR BRUNE: Thank you, Jennifer. Valdez?  
24 (No audible response)

25 CHAIR BRUNE: Cordova?

1 MS. HOOVER: Actually, this is Carol Hoover, I represent  
2 the Eyak Preservation Council based in Cordova.

3 CHAIR BRUNE: Thank you.

4 MS. STERITZ: And Skye Steritz also with the Eyak  
5 Preservation Council.

6 CHAIR BRUNE: Thank you.

7 MS. HSIEH: Can we ask, was that Skye Jerrot?

8 CHAIR BRUNE: Skye Jerrot, was that -- we just want  
9 to.....

10 UNIDENTIFIED SPEAKER: Steritz.

11 CHAIR BRUNE: Sir?

12 UNIDENTIFIED SPEAKER: S-t-e.....

13 MS. HSIEH: Steritz.

14 CHAIR BRUNE: Steritz, thank you. Any other communities  
15 in -- how about Kodiak?

16 MS. SIMMONS: Hello, this is Stacy Simmons, Commercial  
17 Tours and PAC member, thank you.

18 CHAIR BRUNE: Hi, Stacy.

19 MR. WACKOWSKI: Anyone on the Kenai Peninsula?

20 CHAIR BRUNE: Yeah, sorry, Kenai Peninsula.

21 MR. BORNEMANN: This is Branden Bornemann with the Kenai  
22 Watershed Forum.

23 MS. MURRAY: This is Tammy Murray with the Kenai  
24 Watershed Forum.

25 CHAIR BRUNE: Anyone in Seward?

1 (No audible response)

2 CHAIR BRUNE: Anchorage?

3 (No audible response)

4 CHAIR BRUNE: Anywhere else around the state that I've  
5 left out unintentionally?

6 (No audible response)

7 CHAIR BRUNE: Okay, I think we've got everyone on line.  
8 We're now going to go to public comment and we're going  
9 to start with the folks in the room. We have Dune Lankard,  
10 followed by Rick Steiner, followed by Tara Riemer.

11 MR. LANKARD: Good morning.

12 CHAIR BRUNE: And so we -- we will have three minutes on  
13 the clock for you and if you could introduce yourself for the  
14 record, please, and give your comments, Dune?

15 MR. LANKARD: Sure, Dune Lankard from Cordova. I've with  
16 the Native Conservancy. It's really nice to see you all this  
17 morning, and this is April Minnich from the Baum Foundation,  
18 and I'd like to address two issues, and one, I'll make really  
19 short and then I'd like to talk about your mariculture.

20 I'm speaking for many here who had really hoped to see  
21 that the Exxon Valdez Oil Spill Trustee Council prioritized the  
22 acquisition of the Bering River subsurface in-holdings on the  
23 Copper River Delta that is owned by the Korean Alaska  
24 Development Corporation. We were hopeful to see the issue on  
25 the agenda. You know, I would like to say that it's one of the

1 last amazing beautiful wild places on planet Earth that is  
2 still thriving.

3 It's one of the last places we have a chance to get it  
4 right and by preserving that area, we'll essentially save all  
5 three million acres of the Lower Copper River Watershed for all  
6 time. So you know, I'd like to know if there's any update on  
7 this issue at all. Dave, do you have any.....

8 MR. SCHMID: Yeah, I can.....

9 CHAIR BRUNE: So let -- we'll address.....

10 MR. LANKARD: Okay.

11 CHAIR BRUNE: .....your questions afterward. We want to  
12 give the public comment and then we'll address the issues that  
13 are brought up afterward.

14 MR. LANKARD: Okay, sure. Should I just go ahead  
15 and.....

16 CHAIR BRUNE: Yeah, yeah, continue with your comments,  
17 please.

18 MR. LANKARD: Okay, I'm an Eyak tribal member, who's  
19 historically inhabited -- could you hand out the letter for  
20 each of them? Who's historically inhabited and still inhabits  
21 the Copper River Delta and eastern Prince William Sound for the  
22 last 3,500 years. I've been active in conservation,  
23 preservation and restoration of our habitat, wildlife, sea-life  
24 and Native and fishing cultures in and for these amazing sister  
25 watersheds of the Delta and the Sound since the grounding of

1 the Exxon Valdez in our backyard in 1989.

2 I turned 60 last year and have been dealing and living  
3 with the Exxon Valdez oil spill for over half my life now and  
4 have been deeply involved as a citizen-frontline stakeholder in  
5 the Trustee Council's efforts at ecosystem restoration in our  
6 ancestral homelands.

7 My first connection with what would become the Trustee  
8 Council's mission was a chance meeting with Governor Wally  
9 Hickel and Attorney General Cole, Charlie Cole, Rick Steiner  
10 and David Grimes at the Mudhole Smith Airport in Cordova,  
11 shortly after the Restoration Fund was created.

12 I was pleased to recall how eager and responsive  
13 listeners they were, and both of them did a great job of  
14 obtaining the \$900 million settlement for restoration in the  
15 spill zone. I'll never forget that it was their bold and  
16 visionary leadership that provides us the opportunities that we  
17 are here discussing today.

18 CHAIR BRUNE: Mr. Lankard.

19 MR. LANKARD: Yes.

20 CHAIR BRUNE: We are at three minutes right now. I know  
21 that you have April with you, as well. We want to be cognizant  
22 of the time for everyone's public comments. We do have your  
23 full comments. If you could please wrap up with 30 seconds,  
24 please?

25 MR. LANKARD: Okay, well, I just think that if, you know,

1 we're dealing with a triple crisis with the legacy of the Exxon  
2 oil spill, the dwindling and unpredictable wild fish stocks,  
3 and now, ocean acidification and warming of the oceans. So I  
4 think that your restorative kelp and mariculture initiative has  
5 potential to help restore our ailing oceans and I know that two  
6 years ago on the Copper River Delta, only 44,000 sockeyes came  
7 home.

8 CHAIR BRUNE: Sure.

9 MR. LANKARD: Last year, the temperatures hit 76 degrees  
10 for three weeks, and so the ocean is disrupted. So anything  
11 that we can do or you can do in the form of restoration to help  
12 our oceans can only be a good thing. So the letter that I  
13 presented to you, you know, highlights some of the things that  
14 I think that this initiative and you should be thinking about  
15 before you fund this restoration effort because I.....

16 CHAIR BRUNE: Thank you, Mr. Lankard. We're at four  
17 minutes and 30 seconds. So April if -- if you wanted to give  
18 comments, as well?

19 MS. MINNICH: Can I (indiscernible) can I give them over?  
20 I'm good. I'm good.

21 CHAIR BRUNE: You're good?

22 MS. MINNICH: Yes.

23 CHAIR BRUNE: Are there questions from the Trustees for  
24 Mr. Lankard?

25 MR. WACKOWSKI: I do have a question, Mr. Lankard. This



1 is Trustee Wackowski. Thank you for coming and I've met with  
2 you several times. I think some of your mariculture proposals  
3 are pretty fresh and innovative. I'm just curious, since you  
4 have federal and state Trustees here, too, short of -- and I  
5 guess I'll ask two questions; 1) you know, should we expect  
6 some sort of funding proposal from you guys in the near future  
7 or some ideas on how to support mariculture in the Prince  
8 William Sound.

9 MR. LANKARD: Yes. I've been meeting with a number of  
10 the tribes and also a number of scientist, who work with kelp  
11 and mariculture, and we've also partnered up with Greenwave out  
12 of New Haven, Connecticut, and they have designed and built 50  
13 kelp farms in the last three years, and so they said they would  
14 help us put together the scientific information to present a  
15 proposal to you that I think would make sense for the Trustee  
16 Council to consider.

17 MR. WACKOWSKI: One follow-up, Mr. Chair.

18 CHAIR BRUNE: Yeah, Mr. Wackowski.

19 MR. WACKOWSKI: Again, Trustee Wackowski, so my second  
20 follow-up is, my understanding, you've talked me through some  
21 of the regulatory hurdles that mariculture may encounter. It  
22 would be good to understand those and if you think there's  
23 anything that the Trustee Council can do to help out,  
24 irregardless of a funding proposal, what regulatory hurdles lie  
25 within either federal or state systems?

1           MR. LANKARD: Sure. The -- the way that it's written up,  
2 you know, as development of mariculture -- mariculture could be  
3 looked at as commercial activities. What our hope and our  
4 thought is, is that this will be for restorative purposes for  
5 Prince William Sound. So I would imagine that it would be for  
6 that nature.

7           Some of the hurdles are -- is that there is no  
8 restorative kelp permitting that you can actually apply for  
9 from the DNR and ADF&G. You can only apply for kelp permits  
10 for food sources. So again, that's commercial versus, you  
11 know, nonprofit, and the thought is, is that if -- if there was  
12 a restorative kelp permit, then I really think that you could  
13 add to whatever monies that you put toward this project, there  
14 could be foundation and other government monies available from  
15 around the world that are already engaging in mariculture and  
16 kelp projects like this on a huge stage.

17           So some of the permitting processes, I think that for  
18 restorative purposes, if you work with the tribes in the spill  
19 zone, you might be able to do programatic permitting, because -  
20 - and that means you could give several permits out at a time,  
21 like 10, 20 permits at a time, rather than one at a time, and  
22 the problem that we're facing right now, as people who just  
23 want to get into the food kelp industry, is that the price has  
24 gone up from 7,500 to about \$10,000 for about 15 to 20 acres of  
25 land, plus the time period has been pushed out from a year-and-

1 a-half to almost three years, because last year, there was  
2 2,000 acres applied for in 2019. So I would imagine in 2020,  
3 there's going to be in the neighborhood of 2,000 to 4,000 acres  
4 applied for. So that could only end up costing more money and  
5 taking more time, and I think that some of those processes  
6 could be streamline if it was for restorative purposes.

7 CHAIR BRUNE: Thank you. Trustee Schmid, did you want to  
8 address the concerns?

9 MR. SCHMID: Yes, thank you, Chair. Again, Trustee Dave  
10 Schmid, back to your question -- a comment and a question, Mr.  
11 Lankard, I -- as I spoke in October, continue to support the  
12 efforts of the folks in the Bering River project and wanted to  
13 go on record again. I have heard from many of the people in  
14 Prince William Sound. I am personally familiar. I believe  
15 there's a link to injury with this project. I think that there  
16 is overwhelming support within the spill area folks that are  
17 affected and could potential be affected by this project.

18 It is not on the agenda today. I wanted to extend my  
19 commitment to continue to work with those folks, either within  
20 the Trustees' or outside of the Trustees' process to acquire  
21 those rights to the coal and protect what I agree is an  
22 incredibly intact, important ecosystem that does affect, not  
23 only the people, but the ecosystem itself.

24 Question: Have you been working to secure other funding  
25 outside private funding? In my realm, where we work

1 private/public partnerships and being able to match funding,  
2 and could you just very briefly speak to any other efforts that  
3 you have that could help, again, either through this Council or  
4 outside of this Council, secure funding?

5 MR. LANKARD: Sure. We have met with several individual  
6 donors who are interested. We do have one commitment for  
7 potential funding. Most of everyone wants to see if the  
8 government is interested in -- you know, and I -- as I've said  
9 numerous times before, if the Trustee Council threw real money  
10 on the table, we could go out and match it in the private  
11 arena.

12 I've also talked to members of Congress. Congress said  
13 that because this is a world-class hunting and fishing area of  
14 historical significance that they would find a way to work  
15 through the Land and Water Conservation Fund to get additional  
16 funding to see that this deal is done and that these in-  
17 holdings aren't sold to the Chinese or to the Japanese, who are  
18 now planning on building more coal plants.

19 So you know, the last thing I'd like to say about the  
20 Delta is this, is that it's the same water. It's the same  
21 salmon. It's the same wildlife. It's the same fishermen that  
22 fish both of these sister watersheds, and we make a living from  
23 both of them. So what happens in one watershed impacts the  
24 other and I just can't even tell you the importance of this  
25 place to preserve, because you're in a position to make history

1 and save our fishing livelihoods and our subsistence way of  
2 life and hunting and fishing that is truly comparable to none,  
3 so thank you.

4 CHAIR BRUNE: So can I ask you a question?

5 MR. LANKARD: Yes.

6 CHAIR BRUNE: I need help from you. I, obviously, have a  
7 background in mining, as well as having worked for an Alaska  
8 Native Corporation. I'm aware that Chugach Alaska had an  
9 adjacent claim that there was a subsurface easement that -- and  
10 a NOL that was put on Chugach's land.

11 MR. LANKARD: Yes.

12 CHAIR BRUNE: My experience in mining and the folks that  
13 I've talked to said that effectively, that neutered the  
14 property that you're discussing. In order for that project to  
15 be economic, the two projects would have had to have been  
16 developed together.

17 With the Chugach Alaska Corporation having gotten a  
18 subsurface non-development easement on that land, my  
19 understanding is that makes the adjacent property unlikely to  
20 ever be developed. So as.....

21 MR. LANKARD: Yeah, I.....

22 CHAIR BRUNE: .....we're being good stewards of the money  
23 that is in -- with the Trustee Council, my question would be  
24 for, since you had supported that, tell us why we should throw  
25 money at that when effectively our -- my understanding is, with

1 my background, that project will never be developed anyway.

2 MR. LANKARD: Yeah.

3 CHAIR BRUNE: And you don't have to answer me now, but I  
4 would.....

5 MR. LANKARD: Yeah.

6 CHAIR BRUNE: I would like -- because I want to make sure  
7 that we're being good stewards of the money that we have.....

8 MR. LANKARD: Right.

9 CHAIR BRUNE: .....before us.

10 MR. LANKARD: I understand. I wish that that was the  
11 case, but the reality is, is that Chugach's in-holdings were  
12 anthracite coal that was basically valueless, other than on a  
13 piece of paper where they could turn a net operating loss sale  
14 into a \$370 million deal.

15 Now, the 11,000 acres of steaming coal or coking coal  
16 that is owned by KADCO was the most valuable coal there. What  
17 goes with that, retiring those patents is the 55-mile road  
18 access across the Copper River Delta. Chugach gave up their --  
19 surrendered their coal rights. They surrendered their oil and  
20 gas drilling rights.

21 Basically, we saved all 115,000 acres of trees on the  
22 lands. So they don't have any reason to build a road across  
23 the Delta, but here's the other thing, is that there's planned,  
24 62,000 acres of oil and gas drilling off of Katalla in  
25 Controller Bay that would disrupt our Copper River fishery.

1           We've got 90,000 acres that is being planned to -- being  
2 drilled in the Bering glacier region. The military is still  
3 bombing offshore. The Alaska Mental Health Trust still wants  
4 to strip mine 30 miles of coastal beach on the Cape Yakataga,  
5 Icy Bay area.....

6           CHAIR BRUNE: So I appreciate all that, I'm.....

7           MR. LANKARD: And so all of these.....

8           CHAIR BRUNE: .....trying to figure out with.....

9           MR. LANKARD: All of these would be connected by a road  
10 if it was ever built across the Delta. So what we're afraid of  
11 is that if we have an opportunity to preserve the entire region  
12 as an intact thriving watershed, then why wouldn't we do that?  
13 And so the -- there are numerous threats that would be tied  
14 together. The development dots would be connected if that coal  
15 field was ever thrown on the table with the other projects and  
16 they decided to go to work.

17           CHAIR BRUNE: Okay, thank you. Commissioner Vincent-  
18 Lang, did you raise your hand?

19           COMMISSIONER VINCENT-LANG: No, I did not.

20           CHAIR BRUNE: No. Any other questions?

21           MR. WACKOWSKI: I -- I was just going to -- this is  
22 Trustee Wackowski. I share Trustee Schmid's view.

23           CHAIR BRUNE: Thank you. Okay, thank you very much for  
24 your comments.

25           MR. LANKARD: Okay, thank you.

1 CHAIR BRUNE: Next up is Rick Steiner, followed by Tara  
2 Riemer, followed by Jon Shepherd.

3 MR. STEINER: Hello, folks, good to see you.

4 UNIDENTIFIED SPEAKER: Morning.

5 MR. STEINER: It's good to follow Dunne and.....

6 CHAIR BRUNE: Introduce yourself.

7 MR. STEINER: Sorry, Rick Steiner, now in Anchorage. I  
8 was the University's marine advisor for Prince William Sound  
9 and the North Gulf Coast for 15 or so years, stationed in  
10 Cordova, both seven years prior to the spill and seven or eight  
11 years during, and I just also wanted to note that we had  
12 understood from your previous meeting that the Bering River  
13 issue would be on the agenda at this meeting, but it's not, as  
14 you noted, Dave, and I would respectfully ask that you add it  
15 to the agenda.

16 I mean, just simply move forward, direct staff of the  
17 agencies to evaluate this opportunity before it is lost. These  
18 issues, such as the legality that Chairman Brune brings up, you  
19 know, let's get a legal opinion of that and figure out if that  
20 is so or not. I truly believe that is not the case, that this,  
21 you know, Chugach did, as Dunne mentioned, Chugach ceded the  
22 road access to the coal patent when it ceded the coal.

23 So I keep hearing also these rumors about the spill  
24 boundary being an issue. There's nothing in the consent decree  
25 that geographically limits the Trustee Council as to where it



1 can spend the money and where not. The Trustee Council has  
2 spent monies outside of the arbitrarily designated spill  
3 boundary before. It has also purchased subsurface estate  
4 before. So there's nothing unprecedented about the Bering  
5 River proposal.

6 Excuse me. So we would just ask that you direct staff  
7 today simply to evaluate, conduct the due diligence of this  
8 proposal that's been presented to you, honestly, for years.  
9 I'm really delighted to hear Dave Schmid and Steve Wackowski's  
10 commitment to the project. I think that's tremendous. We just  
11 need to at least direct staff to get -- move forward in  
12 evaluating the ups and downs of it, the ins and outs of it.

13 I would suggest you set aside up to \$10 million today,  
14 just up to -- authorize up to \$10 million and then evaluate the  
15 proposal. It's the best chance that this Council has to  
16 restore -- to replace injured resource services and resources  
17 that are still not recovered and that you really have -- it's  
18 your last best chance to really do a big deal that's going to  
19 get there.

20 So -- and finally, I keep hearing murmurs that the  
21 Trustee Council wants to shut down the process and divide all  
22 of it's \$120 million into four focal areas or whatever. I  
23 would simply remind you that many of the injured resources and  
24 services that you are charged with restoring have still yet to  
25 fully recover. Four are not recovering at all, by your own

1 science. Your job is not done, and until it is done, you have  
2 to power on.

3 So that's all I really had to say, so thank you.

4 CHAIR BRUNE: It's impressive. You were exactly at three  
5 minutes.

6 MR. STEINER: Well, that's the first time, so.....

7 CHAIR BRUNE: So thank you, Mr. Steiner. I think it's --  
8 are there questions for Mr. Steiner?

9 MR. WACKOWSKI: I just have a brief statement, Rick, and  
10 I know -- thank you for being on time. I know you live by the  
11 rules. So.....

12 MR. STEINER: I take that as tongue and cheek, sir.

13 MR. WACKOWSKI: You know, we view it -- I view it as, you  
14 know, something that if legal caps an important conservation  
15 legacy on the watershed, I'd be remiss if I didn't correct  
16 Dunne saying that there are also some bird species, that  
17 according to the Fish and Wildlife Service, that are injured  
18 birds may be impacted by this and then there is world class  
19 moose hunting in.....

20 MR. STEINER: Yeah.

21 MR. WACKOWSKI: .....the Bering River glacier area. I've  
22 yet to get anybody out to go get a 70-incher, but to my point,  
23 Fish and Wildlife Service did do a link to entry, a draft  
24 analysis. I was just informed that's not public, but one thing  
25 we can -- I can commit to you is, I'm going to work with Fish

1 and Wildlife Service to see if there's a way we can either get  
2 it out for comment or make it public to see if it can be  
3 approved -- improved upon. That was a task here from, I think,  
4 two meetings ago that we had.

5 I'm sure some copies circulated around, but if we can,  
6 Veronica, work with Liz Labunski (sp), and see if there's a way  
7 we can make that public document -- that document public for --  
8 to maybe either be improved upon or analyzed, but that was kind  
9 of the first step that we were.....

10 (Indiscernible - interference with speaker-phone)

11 MR. WACKOWSKI: .....given to do to try to provide a link  
12 to injury.

13 MR. STEINER: Great, and if I could on that, the link to  
14 injury that we did see a year or two ago was significantly  
15 flawed, we feel, so -- so yeah.

16 MR. WACKOWSKI: Yeah, again, why it's important to be  
17 public, we.....

18 MR. STEINER: Yeah.

19 MR. WACKOWSKI: .....kind of did that out of hide. We  
20 don't really have manpower.....

21 MR. STEINER: I understand.

22 MR. WACKOWSKI: .....resources dedicated to it, so it --  
23 yeah, admittedly, it could be improved upon.

24 MR. STEINER: Yeah.

25 MR. WACKOWSKI: So you know, if folks like the PAC or --

1 we'll find a way to try to make it public so we can.....

2 MR. STEINER: Okay.

3 MR. WACKOWSKI: .....get some input.

4 MR. STEINER: Excellent, thank you.

5 CHAIR BRUNE: Other questions for Mr. Steiner?

6 MS. HSIEH: Chairperson.

7 CHAIR BRUNE: Yeah.

8 MS. HSIEH: Our phone went offline, do you mind pausing

9 for a moment while Sherry.....

10 CHAIR BRUNE: Absolutely, a brief at ease.

11 10:52:16

12 (Off record)

13 (On record)

14 10:54:05

15 CHAIR BRUNE: Okay, our sincere apologies for the

16 technical issues. We'll go back on record. Trustee Vincent-

17 Lang.

18 COMMISSIONER VINCENT-LANG: So I've got a question for

19 you; so the Bering project.....

20 MR. STEINER: Yeah.

21 COMMISSIONER VINCENT-LANG: Just because it's not on the

22 agenda doesn't mean that project is going away.

23 MR. STEINER: Okay.

24 COMMISSIONER VINCENT-LANG: I guess I question why we

25 would need to set aside money at this meeting, instead of just

1 setting the proposal aside and having further discussion,  
2 because if it comes up for a vote and it doesn't pass, then it  
3 -- it's kind of -- it's kind of dead. So to me, there's some  
4 reason to further study it without necessarily setting aside  
5 money. So I'd like to have your understanding to why it's  
6 necessary to set aside money at this meeting.

7 MR. STEINER: I guess I was just worried that the monies  
8 could go away very quickly with the distribution to some of  
9 your focal areas.

10 COMMISSIONER VINCENT-LANG: Okay, thank you.

11 MR. STEINER: And I just wanted at least that amount  
12 retained, up to that amount for a Bering River coal  
13 acquisition.

14 COMMISSIONER VINCENT-LANG: Thank you.

15 MR. STEINER: But your point's well taken. I mean, we  
16 don't -- you're the process guys and if you can figure out how  
17 to do it procedurally, I'm delighted to hear that the project  
18 has not gone away, but I would encourage the Council to address  
19 it expeditiously this year. Administrations change and  
20 priorities change and I -- plus, this issue has been before the  
21 Council for 20 years. So there is a point at which -- so.....

22 CHAIR BRUNE: So Rick, thank you.

23 COMMISSIONER VINCENT-LANG: Thank you.

24 CHAIR BRUNE: I will -- I will take the blame for this  
25 one. As you know, anything that comes before the Trustee

1 Council has to have a unanimous six to zero vote. Given my  
2 background and given what I have heard with the -- what I've  
3 been told that these -- this project has been neutered by what  
4 Chugach has done.....

5 MR. STEINER: Right, it hasn't.

6 CHAIR BRUNE: .....I want to be very, very careful about  
7 being fiduciarily responsible with the money that we have  
8 been given.....

9 MR. STEINER: Yeah.

10 CHAIR BRUNE: .....to oversee, that we're not just  
11 throwing money to someone out of state that's going to, you  
12 know, isn't going to get anything for this anyway.

13 MR. STEINER: Yeah.

14 CHAIR BRUNE: And so that was -- my lack of support was  
15 why this is not on the agenda right now.

16 MR. STEINER: Okay.

17 CHAIR BRUNE: Because I'm -- I'm needing to be convinced.  
18 I'm being very frank here.

19 MR. STEINER: Okay.

20 CHAIR BRUNE: That -- I -- I don't see it as an economic  
21 project as it is. I understand the concerns that all of the  
22 other things that could open up from it, but with respect to  
23 these coal fields, the research that I've done and the track  
24 record of the folks that I've talked to, I have been told that  
25 you needed both of those coal reserves to be able to make such

1 a project economic, and I would hate to throw some of our good  
2 resources at that when it could be spent on something more that  
3 would benefit the spill affected areas better. So that's why  
4 it's not officially on the agenda, but.....

5 MR. STEINER: Okay.

6 CHAIR BRUNE: .....we're not taking it up.....

7 MR. STEINER: Yeah.

8 CHAIR BRUNE: .....to put a nail in the coffin or  
9 anything like that.

10 MR. STEINER: Okay.

11 CHAIR BRUNE: It's just still, we are doing due diligence  
12 on it and.....

13 MR. STEINER: I appreciate that.

14 CHAIR BRUNE: .....I will -- I will commit to finding out  
15 more and I would love people to give me additional information  
16 so that I can have my opinion shaped differently than what it  
17 is, if there is.....

18 MR. STEINER: The open mind is a wonderful thing.

19 CHAIR BRUNE: Yeah.

20 MR. STEINER: And I would simply suggest that is the  
21 process of evaluating the proposal methodically, doing due  
22 diligence, which the Council has done with every other habitat  
23 proposal before it, except the Bering River project. So please  
24 do it.

25 CHAIR BRUNE: Well, in fairness, we are doing diligence

1 on this.

2 MR. STEINER: Okay.

3 CHAIR BRUNE: I mean, part of the research I've done  
4 is.....

5 MR. STEINER: That is part of it, you bet, yeah.

6 CHAIR BRUNE: .....part of the due diligence that -- so I  
7 mean, we're not ignoring this project.

8 MR. STEINER: And I would love for it to be legally  
9 impossible for this coal to be developed and not have to spend  
10 a dime on it. I don't believe that is the case. I think our  
11 attorney said it.

12 CHAIR BRUNE: Rick, it is -- it is legally absolutely --  
13 it's not.....

14 MR. STEINER: Yeah.

15 CHAIR BRUNE: .....legally that I've ever mentioned.  
16 It's economically not able to be developed.

17 MR. STEINER: Yeah.

18 CHAIR BRUNE: If you don't have the adjacent Chugach  
19 Alaska coal fields, along with these coal fields, the project  
20 is not economic is what I have been told and so.....

21 MR. STEINER: But.....

22 CHAIR BRUNE: .....if you are effectively neutered the  
23 project by the adjacent claims -- the adjacent coal  
24 prospects.....

25 COMMISSIONER VINCENT-LANG: Point of order. So we're not



1 -- we shouldn't be here debating this project.

2 CHAIR BRUNE: Yeah, sorry. No, thank you.

3 COMMISSIONER VINCENT-LANG: It's not on the agenda. My  
4 point was that.....

5 MR. STEINER: Yeah.

6 COMMISSIONER VINCENT-LANG: .....by having it not on the  
7 agenda, it.....

8 MR. STEINER: Does not mean.....

9 COMMISSIONER VINCENT-LANG: .....allows that further  
10 discussion.

11 CHAIR BRUNE: Thank you. Thank you.

12 MR. STEINER: I (indiscernible - speaking  
13 simultaneously).....

14 CHAIR BRUNE: And my apologies. I wasn't trying to  
15 debate. I'm asking for -- I'm asking the public for additional  
16 information. That was my intent.

17 COMMISSIONER VINCENT-LANG: Okay. Okay.

18 MR. STEINER: Right.

19 CHAIR BRUNE: Thank you, Doug.

20 MR. STEINER: And I think Dunne answered that question  
21 very, very succinctly that the coal that Chugach Alaska had was  
22 essentially worthless.

23 UNIDENTIFIED SPEAKER: Yeah, we heard it.

24 CHAIR BRUNE: Understood. Thank you. Okay, let's.....

25 MR. STEINER: But the.....

1 CHAIR BRUNE: .....go onto the next agenda -- and our  
2 next person, I believe that's Tara Riemer.

3 MS. RIEMER: Good morning, my name is Tara Riemer and I'm  
4 the President and CEO of the Alaska SeaLife Center. As you  
5 know, in October 2018, there was a large marine science  
6 infrastructure request from Prince William Sound Science Center  
7 that was funded by the Trustees, and a smaller, but still very  
8 significant infrastructure renovation proposal from the SeaLife  
9 Center was encouraged to be revised and resubmitted at that  
10 meeting in October of 2018.

11 The revised SeaLife Center proposal was subsequently on  
12 the agenda in October 2019, your last meeting, and  
13 consideration of that proposal was deferred, similar to a  
14 number of proposals at the meeting, as you've already mentioned  
15 today.

16 That proposal for SeaLife Center infrastructure was not  
17 brought back on the agenda today and I want to use this  
18 opportunity to provide my rationale for why marine science  
19 research infrastructure is a wise use of EVOS fund, why the  
20 funding approved in 2018 to Prince Williams Sound Science  
21 Center for their new building was also a good decision and why  
22 including this type of infrastructure in your upcoming  
23 invitation is also a good idea.

24 It's actually quite simple. Solid (indiscernible)  
25 science needs solid research infrastructure, bricks and mortar,

1 and solid marine science means seawater, which in turn means  
2 high construction and maintenance costs for everything that  
3 seawater touches.

4 For the type of long-term monitoring, restoration  
5 research, and based on your agenda, potentially mariculture,  
6 require good infrastructure. Funding science projects -- just  
7 funding science projects does not adequately fund the  
8 infrastructure required to do those projects.

9 The State capital budget in some past years has been a  
10 source of funding for infrastructure, but as you all know, that  
11 hasn't been the case the past few years.

12 The infrastructure known as the Alaska SeaLife Center was  
13 built in Seward more than 20 years and was 50% funded for  
14 construction from EVOS Trustee Council funds. We need your  
15 help in order to be -- that building to be maintained as an  
16 enduring legacy of the oil spill.

17 So in closing, I simply encourage you Trustees to add an  
18 infrastructure component to the last item on your agenda today;  
19 the invitation focus areas. Thank you.

20 CHAIR BRUNE: Thank you, Ms. Riemer. Are there questions  
21 from Trustees for her?

22 (No audible response)

23 CHAIR BRUNE: Thank you for your testimony. Next up is  
24 Jon Shepherd, followed by former Lieutenant Governor Mean  
25 Treadwell, and I believe that's all we have in the room. Tom

1 Panamaroff.

2 UNIDENTIFIED SPEAKER: And Shawna Hegna.

3 CHAIR BRUNE: Tom Panamaroff and Shawna, okay. I didn't  
4 see you. I'll mark you as a yes. Okay, thank you. So we will  
5 go then with Jon, followed by Mead, followed by Shawna, and  
6 Vanessa, and Tom. Sure.

7 MR. SHEPHERD: Good morning, my name is Jon Shepherd with  
8 Port Graham Corporation. The spelling of the last name is S-h-  
9 e-p-h-e-r-d. I want to thank the Trustees for all the good  
10 work you're doing and allowing us to come in and offer  
11 information on Port Graham. After the last meeting, we've been  
12 working diligently with our elders and also with our Village  
13 Tribal Council and I had a good meeting with staff to come up  
14 with ideas that we can present that will benefit the  
15 restoration of the spill area and also provide benefits to our  
16 shareholders and possibly create some opportunities for  
17 economic development.

18 We were pleased to see that you added mariculture as one  
19 of the items to study and we are definitely seriously looking  
20 at that opportunity and think that could be a good path to go  
21 forward with both restorative kelp and also kelp for food and  
22 other purposes.

23 So that's one of the things we're working on, but we're  
24 still in the process of trying to get all of our information,  
25 and especially dealing with elders that were here and affected

1 very personally by the spill in the beginning. So we don't  
2 have a proposal yet, but we're trying to get something put  
3 together so that when it is presented, it will make sense and  
4 hopefully do some benefit for the people in the area and the  
5 land that was damaged. So that's about it for now. I just  
6 want to thank you for your time.

7 CHAIR BRUNE: Thank you, Mr. Shepherd. Questions?  
8 Trustee Vincent-Lang.

9 COMMISSIONER VINCENT-LANG: So I keep hearing the  
10 difference between mariculture restoration and mariculture  
11 activities for commercial purposes. Do you think they are  
12 separate or do you think they are cojoined, and there are  
13 opportunities to do restoration with a commercial bent to them?

14 MR. SHEPHERD: I'm not sure about that yet. We had been  
15 originally looking at mariculture for food sources and -- but  
16 the fact that growing kelp will provide restorative  
17 capabilities to the water and the surrounding area kind of  
18 opens up a new path. So you could probably have both  
19 opportunities going at the same time. We're still just in kind  
20 of the preliminary stages studying that right now.

21 COMMISSIONER VINCENT-LANG: Thank you.

22 CHAIR BRUNE: Trustee Wackowski.

23 MR. WACKOWSKI: Thanks, Jon. I know we've discussed this  
24 when you came to visit us at BIA in DC, but for the sake of our  
25 new Council members, could you just briefly talk about the kind

1 of uniqueness of the disposition that Port Graham finds itself  
2 in in relation to the EVOS committee and kind of decisions the  
3 elders made before? Back in the '90s, I know we -- comparing  
4 levels of success, scooped up a lot of lands from various  
5 villages and tribes and.....

6 MR. SHEPHERD: Right. Well, that's one reason why Port  
7 Graham is kind of slow in the process of getting this going.  
8 We -- Port Graham was the only Native entity affected by the  
9 spill, significantly as we were, that did not sell any land  
10 into the EVOS Trust. The tie to the land to the elders in Port  
11 Graham was so strong that they kept the land and didn't get any  
12 of the money that everybody else go.

13 So it's been kind of a slow process for us, but elders in  
14 Port Graham are very tied to that land. It means everything to  
15 them and they're never going to give it up. So having  
16 opportunities to benefit the land and the waters in it, with  
17 help from the Council, is kind of a lag to the benefit -- they  
18 -- keeping the land, you know, kept their soul, and now, being  
19 able to use the water off of our shoreland to do economic  
20 improvements for jobs to have help for food and then a  
21 possibility of restorative kelp farming and other things that  
22 we're looking at to help (indiscernible) wildlife and habitat  
23 restoration at the same time.

24 MR. WACKOWSKI: So to that point, just one brief follow-  
25 up, the habitat acquisition funds can go more to your point to

1 enhancements or understanding the habitat. Has our staff --  
2 have you guys been able to engage our staff and have they been  
3 helpful in trying to understand what routes you can go with  
4 that bucket of money, so to speak?

5 MR. SHEPHERD: Yes, we had a meeting after our last  
6 meeting here with staff and it was very informative and we --  
7 they've offered to help work with us on ideas that look like  
8 they would be appropriate for the mission of the Trust and also  
9 help us with even assembling some of the data and accessing  
10 data that they have.

11 MR. WACKOWSKI: Thank you.

12 CHAIR BRUNE: Thank you. Yeah, any other questions for  
13 Mr. Shepherd?

14 MR. WACKOWSKI: Thank you.

15 CHAIR BRUNE: Okay, thank you very much.

16 MR. SHEPHERD: Thank you for your time.

17 CHAIR BRUNE: As we go to former Lieutenant Governor Mead  
18 Treadwell, I'm going to ask everyone that's on line, please to  
19 mute your phones. We're hearing a lot of background noises,  
20 coughing, computer typing, et cetera, so that would be  
21 appreciated.

22 MS. HSIEH: Commissioner.

23 CHAIR BRUNE: Yeah.

24 MS. HSIEH: We appreciated meeting with Port Graham. We  
25 have not met with them before, until after this meeting, and we

1 wanted to thank him for contacting us and coming in. We had a  
2 good meeting.

3 CHAIR BRUNE: So good, good, good, thank you. I'm going  
4 to make sure I hold you to these three minutes.

5 MR. TREADWELL: Good, show me your clock. I'll do the  
6 coughing for everybody on line here today. I slept 16 hours  
7 last night to try to kill it. Mr. Chairman, members of the  
8 Trustees -- it's a pleasure to be with you today. I've either  
9 known all of you or worked with all of you for a large part of  
10 our respective careers. David, you're the only exception, but  
11 I've heard great things.

12 I'm here today basically because for the last couple of -  
13 - last 18 months or so, I've served on a think tank group that  
14 the Rasmuson Foundation organized that just looked at the idea  
15 of, is there a way to take remaining Trustee assets and turn it  
16 into a perpetual endowment, and I'm here today to talk about  
17 that general concept.

18 I'll tell you, I was an alternate Trustee sitting on your  
19 side of the table at the time the Trust came into being. I  
20 served with you, Jason, on the Public Advisory Group, but then  
21 something that wasn't very well-known is there was a battle  
22 within the Hickel administration on the use of the settlement  
23 after we got it started, and Governor Hickel asked me to go to  
24 Washington and talk with our congressional delegation about  
25 getting legislation to support a long-term perpetual endowment.



1 A billion dollars at the time was about the largest single  
2 environmental settlement that there had ever been and he was  
3 supportive of us, and Charlie Cole, who is a very good friend  
4 of mine today, didn't really like it.

5 He said, "Mead, you know, we're in politics. Let's spend  
6 down the money and give people the benefits and make sure  
7 everybody's happy," and I guess I would say that with the  
8 perspective of the decades now behind us, and the perspective  
9 of having been there when we created the North Pacific Research  
10 Board, when we put a big circle around that Dinkum Sands money,  
11 and got that, there are, you know, the perspective that I had  
12 in Cordova of setting up the Prince William Sound Science  
13 Center, OSRI, where we've got about a \$30 million endowment,  
14 the fact is, is there are very, very few opportunities that  
15 ever come up to have long-term independent science in Alaska,  
16 and what I remember most of -- the first weekend -- the first  
17 week of Exxon Valdez was a fellow who was head of an oil  
18 company that owned the tanker coming into a meeting that I was  
19 at and said, "I got to go. Oil is about to reach Seward.  
20 We've got to run do a baseline because we have no idea what the  
21 fish and wildlife is there, which is about to be hit."

22 All right, and what we learned from this spill is that we  
23 need long-term science. We need that good baseline for  
24 materials at risk, and so I've always been an advocate for  
25 science and worked very hard to help see the Prince William

1 Sound Science Center started, the Alaska SeaLife Center, the  
2 programs at the University of Alaska, served on the Arctic  
3 Research Commission to help us get the science infrastructure,  
4 but I guess my point is, if I were going to ask you to do  
5 anything in, you know, preparation for your next meeting, would  
6 be to commission us together in a public discussion to see what  
7 kind of perpetual impact this money can have, because I tell  
8 you, that fact that we -- you know, I was involved.

9 We saw an opportunity after the state had lost Dinkum  
10 Sands. Steve, it was your Division, and we said, "Fine, we'll  
11 go grab that money and put it into science," and we did for the  
12 North Pacific Research Board, and it's been incredibly  
13 significant.

14 Jim, you were there when we started that, and you know,  
15 the question was -- that sort of thing. I'd like to see this  
16 approach end up with some sort of perpetual thing, and when  
17 I've talked to some of you or individuals, people talk about  
18 mariculture. People talk about long-term science. People talk  
19 about community facilities. People talk about land  
20 acquisition. I just had -- I go to Korea a lot. I just had a  
21 meeting with Rick in the hallway, but the point I'm getting at,  
22 and Jason, I think you're right, but the point I'm getting at  
23 is there will always be good ideas to spend the money, and I  
24 believe if you set up a perpetual account, we're going to have  
25 more money to spend and a way to address these issues over the

1 long-term. So with that, Mr. Chairman, I.....

2 CHAIR BRUNE: Thank you. Thank you, Mr. Treadwell. Are  
3 there questions for -- for Mead?

4 COMMISSIONER VINCENT-LANG: So Mead, so if you have 120  
5 million and you want to grow the fund over time.....

6 MR. TREADWELL: Sure.

7 COMMISSIONER VINCENT-LANG: And what happened to the  
8 stock market today, there could be many years where you've not  
9 spending anything on research because there would be no  
10 allowable draw-down of that fund.

11 MR. TREADWELL: So I think you could get to a percentage  
12 of market value, for one. One of the other potential  
13 advantages, Doug, of a fund is there will be other  
14 environmental fines levied in the State of Alaska. Much of it  
15 goes to, Steve, bless your colleagues, you know, NFWF, the  
16 National Fish and Wildlife Foundation, but put some money in  
17 here, but it -- we don't really have any control or much to say  
18 on what happens there, and I feel that you guys are all very  
19 approachable, and the fact is that you set up an endowment like  
20 this and if there's something that happens in the spill  
21 affected area, you can add to that fund. If it's something  
22 that happens some place else in the state, it.....

23 COMMISSIONER VINCENT-LANG: But in the short-term, you  
24 could have years where you're not -- I'm part of the Pacific  
25 Salmon and Northern Endowment Fund.....

1 MR. TREADWELL: Sure.

2 COMMISSIONER VINCENT-LANG: There are some years where no  
3 money goes out the door because you're inflation-proofing the  
4 fund. You're trying to grow it and the net result of that is  
5 that the amount of money that goes into research is small, and  
6 that's a \$200 million fund and we're only able to, you know,  
7 fund something on the order of.....

8 MR. TREADWELL: I sit on the Board of a private endowment  
9 and some years we have more money to give.

10 COMMISSIONER VINCENT-LANG: Right.

11 MR. TREADWELL: And some years we don't, but the fact is,  
12 we know it's going to be around for a long time. So we can  
13 make long multiple-year commitments.

14 COMMISSIONER VINCENT-LANG: Okay.

15 CHAIR BRUNE: Other questions for Mead?

16 (No audible response)

17 CHAIR BRUNE: Thank you.

18 MR. TREADWELL: Anyway, it's simply to.....

19 CHAIR BRUNE: Thank you for your service to the state.

20 MR. TREADWELL: .....invest -- thank you for hearing us  
21 out today, and you'll hear from others who've worked on this  
22 program, but we're very willing. There was no interest in  
23 dismantling the Trustees. I know there were some umbrage taken  
24 where we had some cost figures that were there.

25 The basic reason why I joined this think tank is I think

1 we have to look at perpetuity and I know Governor Hickel would  
2 have been very interested in seeing that as well.

3 CHAIR BRUNE: So there is another question. Trustee  
4 Wackowski.

5 MR. WACKOWSKI: Thanks. This is Trustee Wackowski, and  
6 Erica Wells from DOJ, I'm going to invoke your name, so just --  
7 you may want to speak up. So when we initially considered  
8 this, I think a year-and-a-half ago, because I think it's an  
9 innovative idea and the proposal you guys put together was  
10 something I generally supported.

11 Usually, my first step is to go to the lawyers and say,  
12 "Hey, is this something we can do?" And I don't think we got a  
13 formal legal opinion. Liz Gobeski, on the line, correct me if  
14 I'm wrong, but I don't even know if it's an option for us to  
15 consider, and so you know, would your group be willing to meet  
16 with DOJ to flesh this out? I don't know if that's the proper  
17 channel, or you know, or what the -- I could offer up the  
18 Department of Interior employees -- I'm sorry, the Department  
19 of Interior lawyers to talk through, but like my immediate  
20 opinion from the lawyers were like, "You can't do this." So  
21 that's the challenge.

22 MR. TREADWELL: Yeah, and when we looked at it in 1993, I  
23 think, we probably were told that legislation would help. We  
24 did a legal analysis at the think tank that said it wasn't  
25 necessary, but Steve, I can tell you, we would be so delighted

1 to sit down with Erica on this, and Erica, if you're listening,  
2 I'll give you my phone number, but the fact is, I think it is  
3 worthwhile having a discussion on what's possible.

4 MR. WACKOWSKI: Erica Wells from DOJ, this is Trustee  
5 Wackowski, would you be available to take a meeting, since  
6 eventually, we may be asking for your opinion anyway?

7 MS. WELLS: Yeah, I think that.....

8 UNIDENTIFIED SPEAKER: And I'd like to please be involved  
9 in that.

10 MS. WELLS: .....wouldn't be appropriate for me to have a  
11 direct meeting, but it certainly would be appropriate for the  
12 Trustees to talk with their counsel about what the options are  
13 and what the appropriate process would be.

14 MR. TREADWELL: Well, Erica, I'm going to argue with you.

15 MR. WACKOWSKI: Well, let me chime in; if we pass.....

16 MR. TREADWELL: That's entirely appropriate.

17 MR. WACKOWSKI: If we pass a -- I mean, if we ask you to  
18 weight in, as Trustees, can you then take a meeting?

19 MS. WELLS: Yeah, I think, you know, I would need to  
20 confer with the other, you know, Trustee attorneys and talk  
21 about what the appropriate process would be.

22 MR. WACKOWSKI: So sorry, let me ask a different  
23 question. Are you not the federal attorney advisor for the  
24 three federal attorneys up here?

25 UNIDENTIFIED SPEAKER: Three federal Trustees.

1 MR. WACKOWSKI: Trustees, sorry.

2 MS. WELLS: Each of the Trustees have their own counsel  
3 who I think are all also on the phone as well, and DOJ, you  
4 know, works with those counsel to provide, you know, legal  
5 advice, attorney/client legal advice to each of the Trustees'  
6 agency attorneys and to the Trustees.

7 CHAIR BRUNE: So this is Jason Brune. We're going to --  
8 we'll continue this discussion later on in the meeting,  
9 but.....

10 UNIDENTIFIED SPEAKER: (Indiscernible - speaking  
11 simultaneously).....

12 CHAIR BRUNE: Dr. Balsiger.

13 DR. BALSIGER: This is foremost a public process that  
14 we're in. We're subject to open meeting laws and I don't think  
15 it's proper at the moment to set up a process whereby the  
16 proposal from the Rasmuson Foundation or the think tank,  
17 whatever it was called, has a leg-up on other proposals that  
18 have come in.

19 So I think if we're going to go somewhere and I'm  
20 actually not opposed to the idea of a perpetual fund managed  
21 some other -- how -- or managed in the current staff, but I  
22 think that we have to do it through a public process and not  
23 have to put -- Treadwell debate it with Trustee Wackowski right  
24 here. We need a public process and look at it, have  
25 opportunity for other people to have input and things like

1 that.

2 MR. TREADWELL So.....

3 DR. BALSIGER: I'm a little uncomfortable with setting up  
4 meetings right now with this one entity. I reviewed that  
5 proposal fairly closely when you submitted it last October and  
6 I like parts of it. Parts of it, I didn't like, but we've  
7 never had a chance to discuss it or bring in other elements.  
8 So that's my concern.

9 CHAIR BRUNE: Thank you, Dr. Balsiger. I guess.....

10 MR. TREADWELL: Mr. Chairman.

11 CHAIR BRUNE: Sure, Mr. Treadwell.

12 MR. TREADWELL: I -- I'm a little perplexed because we're  
13 not talking, you know, if you want to have a public process on  
14 this, we would be very delighted to work with a public process.  
15 I will tell you that one of the biggest black holes has been  
16 we'll hear from staff, we'll hear from members of the Trustees  
17 that there was an opinion that says this isn't possible, and in  
18 the world I live in, before you waste the public's time on an  
19 idea, you figure out if there is a path.

20 You don't -- you don't -- I'm not looking for any pre-  
21 commitment or anything else like that. I just want to get that  
22 question out of the way. There are 100,000 ways that we can  
23 generate in this room in the next 10 minutes to spend the money  
24 or to direct the money. That's not the point. The point is,  
25 is it possible to look at a perpetual process that leaves



1 behind an endowment, and that's what we're very willing to have  
2 our lawyers look at.

3 I talked to senior Justice Department lawyers all the  
4 time. I've had dinner with general counsels of several of your  
5 agencies in the last week and it's -- or in the last month,  
6 rather, it's not that I'm -- I'm just trying to figure out,  
7 what do you all think about this, and how could we get there.

8 CHAIR BRUNE: Thank you.

9 MR. TREADWELL: And that's the purpose.

10 CHAIR BRUNE: Yeah, thank you very much.

11 MR. TREADWELL: Thank you.

12 CHAIR BRUNE: Okay, we're going to next go to Tom  
13 Panamaroff and Shawna Hegna from Kodiak. We'll give you each  
14 three minutes. So if you want to combine six, that's.....

15 MS. HEGNA: Thank you.

16 CHAIR BRUNE: Please introduce yourself for the record.

17 MS. HEGNA: Shawna Hegna, H-e-g-n-a.

18 MR. PANAMAROFF: I'm Tom Panamaroff. The last name is  
19 spelled like the country Panama with an r-o-f-f on the end.

20 CHAIR BRUNE: Thank you.

21 UNIDENTIFIED SPEAKER: I'm sorry, the last part?

22 MR. PANAMAROFF: R-o-f-f.

23 UNIDENTIFIED SPEAKER: Panamaroff.

24 MR. PANAMAROFF: Panamaroff.

25 UNIDENTIFIED SPEAKER: Okay.

1 MS. HEGNA: (Indiscernible - speaking Native language)  
2 Shawna Hegna (indiscernible - speaking Native language).  
3 Hello, my name is Shawna Hegan. My family is from the Villages  
4 of Afognak and Port Lions. Today, I serve as the President of  
5 Koniag, which is the Alaska Native Regional Corporation that  
6 represents 4,200 Alutiiq shareholders from Kodiak Island.

7 When I think of the Exxon Valdez oil spill, I remember my  
8 parents combing the beaches around our villages, cleaning black  
9 oil from rocks, and working long hours to save our marine  
10 resources.

11 Thirty-one years later, and our commercial fisheries  
12 still have not recovered, and our villages in our region are  
13 shrinking as more and more people are forced to find employment  
14 elsewhere. In the last few years, there's been two schools  
15 that have closed in our region, and in my own Village of Port  
16 Lions, that school will likely close this fall.

17 Time and time again, our communities tell us that they  
18 have not recovered from the Exxon Valdez oil spill and the  
19 spill's impact on our subsistence way of life, recreational  
20 activities and economies is devastating. We desperately need  
21 EVOST to fulfill the other requirements outlined in the  
22 settlement agreement, including subsistence, commercial  
23 fisheries, tourism, and archaeological preservation.

24 We encourage EVOST to reach out to the communities in the  
25 oil spill impacted region and ask how best to invest funds for

1 the betterment of their communities and marine resources. It  
2 is these folks, my parents, my aunties, my uncles, and my  
3 cousins, who are living with the repercussions of the oil spill  
4 every single day. They should have a voice in their future.

5 We also ask that the Trustee Council specifically engage  
6 Koniag and Chugach in your discussions as two of the largest  
7 private land owners in the spill impacted region and  
8 representing collectively 6,000 Alaska Native shareholders. We  
9 want to ensure that our people's voices are heard.

10 Ladies and gentlemen, (indiscernible - speaking Native  
11 language). Thank you very much for your time, your commitment  
12 to Alaska and to EVOS. I'd like to ask Tom to fill in a little  
13 bit more about specific thoughts about public engagement.

14 CHAIR BRUNE: Thank you, Ms. Hegna.

15 MR. PANAMAROFF: Again, my name is Tom Panamaroff. I'm  
16 the regional legislative affairs executive for Koniag. I was  
17 born and raised in Kodiak and currently reside here in  
18 Anchorage.

19 To follow-up a little more on what Shawna was saying, and  
20 kind of what Dr. Balsiger mentioned about public process, we  
21 would love for you to hear the message that Shawna just  
22 delivered from our families, from our friends, from the 4,200  
23 Kodiak shareholders and the other residents of Kodiak Island,  
24 but unfortunately, they're not able to do so because, for the  
25 most part, they don't know what the Council does anymore.

1           This month, I reach out to about a half a dozen of the  
2 most active Village corporations and Tribal entities on our  
3 island and asked them what they knew about what EVOST was up  
4 to, and they said, "Well, I think they're still buying land."  
5 Some of the corporations said we either have recently done a  
6 deal with EVOST or we're working on one. The Tribes said,  
7 "Well, the Corporations sometimes buy land from EVOS," but  
8 beyond that, they didn't know that EVOST was doing much of  
9 anything.

10           They had no idea how to access funds and if there were  
11 funds available for projects in their communities, they didn't  
12 know how to apply for them, and they didn't receive any  
13 information. They didn't receive notice on any of the projects  
14 you're doing that might be of benefit to the communities. They  
15 didn't even receive notice of this meeting.

16           I looked and tried to find notice of this meeting and the  
17 only place I could find it was in the Kodiak Daily Mirror last  
18 Friday. This small classified ad. You can see, the dog sticks  
19 out more than the ad does.

20           So I guess what we're imploring is that the Council seek  
21 to engage the public more and seek more public input into your  
22 process, particularly as you're looking at things like Mr.  
23 Treadwell talked about.

24           I'd encourage you also to consider using technology to  
25 engage a wider audience. We at Koniag, we maintain a list of

1 all of our Village corporations and Tribes. We communicate  
2 with them regularly. If you let us know if there's a meeting  
3 happening or if there's information you want to get out to the  
4 public, we want to partner with you and get that information  
5 out to our communities. We'd love to help you with that.

6 I'd also encourage you to utilize our local public radio  
7 station KMXT for public service announcements. They love doing  
8 that and they do those every day. Most importantly,  
9 organizations in the oil spill impacted regions should know  
10 what you fund and how to apply, and also about the projects you  
11 are working on that may be of benefit to those communities.

12 I visited the EVOSTC website and have not been able to  
13 figure out how to apply for EVOST funding. I'd recommend  
14 updating the EVOSTC website with clear funding guidelines and a  
15 defined application process should be a priority.

16 I want to thank you for your time and again, Koniag  
17 stands ready to assist you with dissemination of your public  
18 notices and information. Thank you.

19 CHAIR BRUNE: Thank you, Ms. Hegna. Thank you, Mr.  
20 Panamaroff. Are there questions from Trustees?

21 (No audible response)

22 CHAIR BRUNE: I'll bite. Do you have specific ideas? I  
23 know, Shawna, you mentioned subsistence, commercial fisheries,  
24 tourism, archaeological resources. You've seen the potential  
25 invitation that we have. Are there additional items that

1 Koniag would recommend adding to that list for the invitation?

2 MS. HEGNA: I think the preservation of archaeological  
3 resources is critical in both the Chugach and the Koniag  
4 region. I would also strongly encourage you to come and visit  
5 our region and talk with the individuals who live in our  
6 villages.

7 Koniag, twice a year, we sponsor a roundtable in our  
8 region where we invite every Native leader from all of the  
9 organizations from nonprofits to health organizations, Tribes,  
10 city governments, Native corporations, and we come in one room  
11 and it provides an excellent opportunity for you to share your  
12 story and to hear specific feedback from the people who live in  
13 our villages every day.

14 CHAIR BRUNE: If I could please ask that you let us know  
15 when that next one is and.....

16 MS. HEGNA: I'm happy to do that.

17 CHAIR BRUNE: .....let myself or Elise know, that would  
18 be -- making no promises, but it would be good to know when  
19 that event is.

20 MS. HEGNA: Absolutely.

21 CHAIR BRUNE: Thank you.

22 MR. PANAMAROFF: Mr. Chairman, it's not scheduled yet.  
23 We just had one just recently. We do it in the spring and the  
24 fall. The next one will probably be late August, early  
25 September timeframe.

1 CHAIR BRUNE: Other thoughts or questions?

2 (No audible response)

3 CHAIR BRUNE: We really appreciate both of your comments  
4 today. Thank you.

5 MS. HEGNA: Thank you so much.

6 MR. PANAMAROFF: Thank you.

7 UNIDENTIFIED SPEAKER: Thank you.

8 CHAIR BRUNE: Next up, from Chugach Alaska Corporation,  
9 Vanessa Norman.

10 MS. NORMAN: Hello, my name's Vanessa Norman, N-o-r-m-a-  
11 n. I'm an attorney. I do not work for Chugach Alaska  
12 Corporation as an employee. Their staff could not be here  
13 today. So I'm here to put their public comment on the record.

14 CHAIR BRUNE: Thank you.

15 MS. NORMAN: You know, there's been -- Chugach has been  
16 mentioned a couple of times today. So I'm from Port Graham,  
17 just a little bit about me, I am a shareholder of Chugach  
18 Alaska Corporation. I'm a member of the Federally Recognized  
19 Tribe Port Graham. So I'm familiar with the people from Port  
20 Graham at the Corporation, of course, but I'm here today on  
21 behalf of Chugach Alaska Corporation, whose shareholders and  
22 Native lands are within the spill affected region.

23 I want to thank you for the opportunity to be here today.  
24 Our biggest concern is really the lack of public -- opportunity  
25 for public participation in these meetings. We think there's

1 been a decrease over the years. I believe there was a graph  
2 that went around. I haven't seen that, but I've seen the  
3 stats.

4 We think there's a lack of clear guidelines for  
5 submitting proposals to EVOSTC. For instance, I was talking  
6 with the Chief of our Village last night and he said, "How do I  
7 submit a proposal?" I said, "I do not know. I do not know  
8 that process."

9 So in particular, what we're concerned about today is  
10 that the communities in the spill affected region have not been  
11 included in this discussion about your focus areas, and while  
12 I'm not prepared to like outline that proposal like Shawna  
13 said, we encourage you to come to the communities, reach out  
14 through both Koniag and Chugach to these communities to see  
15 what their focus areas are.

16 Like you heard from Port Graham today, they have these  
17 interest areas and it would be great to kind of get that out  
18 before you make a final decision on your focus areas, and we  
19 think the communities will have, of course, an interest in  
20 these focus areas and I think they should be included in that  
21 discussion on how these EVOSTC funds can be best used in their  
22 communities.

23 Just a couple comments about the public participation as  
24 we've seen, is there's been fewer meetings, and fewer meetings  
25 means decreased chance for public participation. I know the



1 MOA that kind of formed the Trustee Council talks about public  
2 participation and it formed the PAC. The public -- that was  
3 built into the settlement, you know, the ability for the public  
4 to participate in this process.

5 So we really think increased meetings, which I've heard  
6 has been remedied, there's going to be a couple of more  
7 meetings this year, and so just to put this on the record, so  
8 for the past five years, EVOSTC has met only two to -- one to  
9 two times per year, where historically, there have been at  
10 least four meetings per year prior to that time. So we'd like  
11 to see that increase so we can have more public participation  
12 hearing about the proposals.

13 The PAC has held only one or two meetings per year since  
14 2016, and in 2019, there was no meetings, but I believe that  
15 was due to vacancies, and -- but we -- we think that's a really  
16 important piece of the process because there's people that  
17 represent Alaska Native communities, subsistence users. We  
18 think that's a very important piece to this process. Then  
19 prior to 2010, there were three to six meetings per year. That  
20 just shows the downturn in the ability for public to  
21 participate in this process.

22 As has been mentioned before, we think there should be  
23 proper notice for these meetings. What we've seen is that --  
24 we did a quick search in that meeting notices have been  
25 published in papers with only three to seven days advance

1 notice, and we've specifically -- sorry, getting over a cold.  
2 We've noticed that it has not been posted on the website.  
3 We've heard about these meetings through other people in the  
4 community back in January, but this meeting was not posted  
5 until maybe the last two, three weeks. I don't have the exact  
6 date, but if these meeting dates are known in advance, we'd  
7 appreciate that, because a lot of communities, these rural  
8 communities, if they want to attend in person, they're going to  
9 need to have travel set up.

10 CHAIR BRUNE: If I could ask you to please wrap up  
11 your.....

12 MS. NORMAN: Sorry, the last thing, we just want -- the  
13 communities need to know how to apply for these funds. We want  
14 to see clear guidelines for that, and then lastly, we're just  
15 asking -- we're asking EVOSTC to please consider adopting  
16 formal meeting notice requirements for its meeting and PAC  
17 meetings, have these public guidelines and then include Chugach  
18 and Koniag in your decision about these focus areas, and just  
19 to -- I wanted to add a comment about the think tank proposal,  
20 I believe you were saying that it -- we have not had that  
21 discussion. We've been trying to get that proposal or the  
22 think tank had been trying to get that proposal to be addressed  
23 by the Trustee Council for the last three years and we have not  
24 been able to able to get that on the agenda. So we've been  
25 trying to have that discussion and it sounds like we are moving

1 toward that place now. So we thank you for that.

2 CHAIR BRUNE: Thank you, Ms. Norman. Are there  
3 questions?

4 MR. WACKOWSKI: I have.....

5 CHAIR BRUNE: Trustee Wackowski.

6 MR. WACKOWSKI: .....a question or statement. I --  
7 anytime there's a question about us being transparent or  
8 properly noticed, I know our staff works hard at doing that and  
9 there's an obvious disconnect. I actually have a question for  
10 you in Koniag, obviously, you guys have good contact with your  
11 shareholders and your interests, if there's a way where we can  
12 get point of contacts for your shareholder outreach and when  
13 we're ready to notice something, if Chugach and Koniag could  
14 help us blast the word out, would that be.....

15 UNIDENTIFIED SPEAKER: That's what we're offering.

16 MS. NORMAN: Yeah.

17 MR. WACKOWSKI: Can we -- sorry, and then one more thing,  
18 and then from the Tribal perspective, the BIA falls under the  
19 Department of Interior, I can see about linking our staff up,  
20 excuse me, with some of our BIA outreach folks to see if we can  
21 also hit some Tribal organizations that fall in the spill  
22 affected area when we do. So I can commit to do that and then,  
23 sorry, Elise, you had to that point.....

24 MS. HSIEH: Did you guys want more information when  
25 things were posted? Also, I've been having discussions with

1 boards and commissions from the State with regard to business  
2 practices.

3 CHAIR BRUNE: I think what -- I mean, we've heard the  
4 message loud and clear. I mean, I think that what we have been  
5 doing there, I've heard it -- that there needs to be more. So  
6 we will absolutely work to try to improve our communication.  
7 Thank you for the offer to disseminate our meeting notices.  
8 Elise has heard that, obviously, and we'll -- I would probably  
9 throw, not just BIA, Chugach and Koniag, but probably the VC,  
10 and I mean, it doesn't hurt to hear multiple times, and I mean,  
11 maybe even throw Siri into the mix, as well, because they have  
12 a little -- especially on the peninsula. So thank you and  
13 we'll work to improve our communication about the meetings.

14 MS. NORMAN: Thank you.

15 CHAIR BRUNE: Other thoughts or questions?

16 UNIDENTIFIED SPEAKER: Thank you.

17 DR. BALSIGER: I guess my thought would be the Trustees  
18 have to know what they're going to do so we can have it relayed  
19 to them. It's not all Elise's fault.

20 UNIDENTIFIED SPEAKER: Yeah.

21 CHAIR BRUNE: Right. Well, I mean, often times we know  
22 the date of the meeting. We just don't know what's on the  
23 agenda of the meeting. So I think, at a minimum, we can work  
24 to make sure that the date of the meeting is communicated  
25 better and then the agenda is, obviously, more -- continually,

1 but thank you for -- both of you for your comments.

2 We -- anyone else in the room wanting to provide public  
3 testimony today?

4 (No audible response)

5 CHAIR BRUNE: Hearing none, we have a number of folks on  
6 line, and so I guess I'm going to open it up to anyone on line  
7 interested in giving public testimony.

8 MS. HOOVER: I am. This is Carol Hoover.

9 CHAIR BRUNE: Carol, please put your name on the record  
10 and we'll take your testimony. Thank you.

11 MS. HOOVER: Thank you very much. Yeah, I am with the  
12 Eyak Preservation Council based in Cordova, Alaska, and I'm  
13 very excited -- we are very excited about this opportunity that  
14 the Exxon Valdez Oil Spill Trustee Council actually has  
15 regarding the Bering River coal subsurface acquisition, and I  
16 appreciate all the comments and the words that have already  
17 been spoken today.

18 So I don't want to repeat, but I want to bring up that  
19 the opportunity for coal mining in Alaska and in the Copper  
20 River Delta is not going away any time soon. I'm sure all of  
21 you are aware that Japan recently is going back to coal and  
22 closing its existing nuclear power plants and building five to  
23 six new ones.

24 We also found that China is also, even with all the  
25 activity to go on renewable energy, is building a tram and a

1 train to Mongolia to get coal and we must not forget that this  
2 particular coal field, the bituminous coal that's in these  
3 11,000 acres of the Bering River coal field are 13,000 to  
4 14,000 Btu and are the most attractive coal for use in Asia and  
5 South Korea.

6 We also know that there have been entities, and I believe  
7 Mead, you might know about this, that have been approaching  
8 KADCO with interest in these coal fields. I would say that  
9 what's economic now and maybe economic later and we should have  
10 the vision and the wisdom to retire this coal field while it's  
11 still available. The owner is an elder and he is interested  
12 still in a conservation purchase and there's a long reason why  
13 he is not going to give it away for free, but I believe that  
14 with the vision of the Exxon Valdez Oil Spill Trustee Council  
15 and some of the private funders that we have interested right  
16 now in this opportunity, that this be taken very seriously and  
17 in good faith.

18 This is a valuable and sustainable opportunity and it is  
19 line with your EVOSTC mission and your core services. So I  
20 want to thank you for the time today.

21 CHAIR BRUNE: Thank you, Carol. Are there questions for  
22 her?

23 (No audible response)

24 CHAIR BRUNE: Seeing none, thank you so much for your  
25 testimony today. Are there others on line.....

1 MS. HOOVER: Thank you, guys.

2 CHAIR BRUNE: Absolutely. Are there others on line that  
3 wish to provide comment?

4 (No audible response)

5 CHAIR BRUNE: Anyone else in the room?

6 (No audible response)

7 CHAIR BRUNE: Okay, hearing none, we will close public  
8 comment, and we will now go to the agenda item -- the next  
9 agenda item, which is the FY20 Budget Amendment - Seabird  
10 Ecologist, this Science Panel. If we could please have Dr.  
11 Wang, Shiway Wang come up.

12 MS. HSIEH: And Shiway and I talked about it. We can  
13 probably be really quick. We actually don't need any  
14 additional funds. We're just going to move stuff around. This  
15 is for the seabird ecologist for the Science Panel that the  
16 Trustee Council mentioned they'd like more seabird expertise,  
17 and also, we'd actually just had someone retire from the  
18 Science Panel, (indiscernible) has been long person -- long-  
19 time person.

20 Dr. Alan Springer is a research professor, Emeritus at  
21 the College of Fisheries and Ocean Sciences at the University  
22 of Alaska Fairbanks. His research focuses on food web  
23 structure and on the causes and consequences of variability in  
24 production at various trophic levels, with an emphasis on  
25 marine birds and mammals in the Gulf of Alaska, Bering Sea, and

1 Arctic.

2 He has extensive experience. We actually have already  
3 tapped his expertise for different reviews and he's been an  
4 excellent asset. So it's -- we just need a motion. Any  
5 contract is included either in our budget, and this is outside  
6 of our budget, our by the Trustee Council. So we just have a  
7 motion to reallocate \$7,630, which includes GA, within the  
8 current FY20 EVOSTC annual budget project.

9 MR. WACKOWSKI: Mr. Chair. I'm going to save you some  
10 words, because I know your voice is.....

11 MS. HSIEH: Okay, go ahead. Yeah, thank you.

12 CHAIR BRUNE: Trustee Wackowski.

13 MR. WACKOWSKI: I move we approve reallocation of \$7,630,  
14 which includes GA within the current FY20 EVOSTC annual budget,  
15 Project 19190100, Budget dated September 9<sup>th</sup>, 2019 for FY20 to  
16 fund new science panel member Alan Springer.

17 COMMISSIONER VINCENT-LANG: Second.

18 CHAIR BRUNE: Trustee Vincent-Lang with a second. Is  
19 there any discussion?

20 (No audible response)

21 CHAIR BRUNE: I have a point of order for our Executive  
22 Director. We have one Trustee who has stepped out.

23 MS. HSIEH: He's not allowed to do that. If you  
24 like.....

25 CHAIR BRUNE: Can we take.....



1 MS. HSIEH: We could just take -- do you want to take a  
2 quick break?

3 CHAIR BRUNE: A five-minute.....

4 UNIDENTIFIED SPEAKER: The rest of them all all votes.  
5 So we have to wait for him to get back.

6 MR. WACKOWSKI: Yeah, can.....

7 MS. HSIEH: Yes. Do you want to take a.....

8 MR. WACKOWSKI: I'll (indiscernible - speaking  
9 simultaneously).....

10 CHAIR BRUNE: Let's take a -- let's take a five-minute  
11 break.

12 MS. HSIEH: Okay.

13 CHAIR BRUNE: So the time is right now 11:41. 11:46, we  
14 will be back on the record.

15 11:41

16 (Off record)

17 (On record)

18 11:48

19 CHAIR BRUNE: We're back on the record. We have a motion  
20 and a second on the table for our -- or on the floor, sorry,  
21 for consideration on the FY20 budget amendment seabird  
22 ecologist for Science Panel. Is there any further discussion?

23 (No audible response)

24 CHAIR BRUNE: Hearing none, is there any opposition to  
25 the motion?

1 (No audible response)

2 CHAIR BRUNE: Seeing none, the motion is approved  
3 unanimously.

4 We'll now go to the non-program science projects and  
5 Commissioner or Trustee Vincent-Lang on the Murrelet program.

6 COMMISSIONER VINCENT-LANG: Okay, so I have listened to  
7 the public testimony. I also listened to the recommendations  
8 from the PAC and the science group that there was a lot of  
9 support for proposals 20200128 and 20200130. There wasn't a  
10 lot -- there was concern in the Science Committee about  
11 proposal 129.

12 So I am going to move that the Trustee Council move  
13 forward with proposals 0128 and 0130, as a combined package and  
14 that we fund those moving forward, asking both of those  
15 projects to be combined into one combined project.

16 CHAIR BRUNE: Thank you. We have a motion. Is there a  
17 second?

18 MR. SCHMID: I second.

19 CHAIR BRUNE: Trustee Schmid and.....

20 UNIDENTIFIED SPEAKER: Do we have to read the words?

21 CHAIR BRUNE: Sorry.

22 MS. HSIEH: Well, may I just point out, you don't have to  
23 read the words, however, the words include basically the  
24 funding is conditioned upon the proposers addressing the  
25 Science Panel and peer reviewers concerns, as well, not only

1 combining, but going back to the reviews and those comments and  
2 addressing some of those.

3 CHAIR BRUNE: So my understanding is that is a friendly  
4 amendment.

5 COMMISSIONER VINCENT-LANG: That's my understanding my  
6 motion is.

7 MR. SCHMID: Formal second.

8 CHAIR BRUNE: And Schmid.

9 MS. HSIEH: Should I wave?

10 MS. WANG: Sorry, and could it be made clear, which  
11 fiscal year that this would start in, FY20 or FY21? It will  
12 take some time for the (indiscernible) to address.....

13 COMMISSIONER VINCENT-LANG: FY21.

14 MS. HSIEH: Sometimes we will craft a motion verbally  
15 trying to capture all of these things for you and if you like  
16 what you hear, then you can just say aye. Would you like  
17 Shiway and I to do that on the spot right here? We've done it  
18 before.

19 CHAIR BRUNE: Yes, and I guess, can I ask a question for  
20 a point of order?

21 MS. HSIEH: Yeah.

22 CHAIR BRUNE: Is your recommendation 20 or 21?

23 MS. WANG: My recommendation would be 21 to allow the  
24 proposers enough time to address comments and questions and  
25 (indiscernible - speaking simultaneously).....

1 CHAIR BRUNE: Okay, and I believe that's what Trustee  
2 Wackowski and Trustee Schmid, or sorry, Trustee Vincent-Lang  
3 and Trustee Schmid had agreed to. So we.....

4 MS. HSIEH: Okay.

5 CHAIR BRUNE: .....support the concept of a motion being  
6 drafted and I think we're all on the same page. Does that.....

7 MS. HSIEH: That's fine. It'll be in a resolution that  
8 you are -- I believe my understanding is you're moving to  
9 approve the funding for -- which including GA for \$160,708 for  
10 the FY21 funding of status and trends of Kittlitzs, Murrelets,  
11 Marbled Murrelets and Pigeon Guillemot in a changing northern  
12 Gulf of Alaska ecosystem, project 2020012 (sic) -- and in  
13 combination with -- and to be integrated with moving approval  
14 of funding of \$117,938.00, which includes GA for FY21 funding  
15 of the status and recovery of Kittlitzs and Marbled Murrelets  
16 within the EVOS affected area, Kachemak Bay Project 20200130.  
17 The funding for both of these projects, which will now be  
18 combined and integrated into one, is also conditioned upon the  
19 proposers addressing the Science Panel's and peer reviewers'  
20 concerns and comments, as determined by the EVOS Science  
21 Coordinator, in coordination with the Trustees.

22 CHAIR BRUNE: Trustee.....

23 UNIDENTIFIED SPEAKER: So.....

24 CHAIR BRUNE: Hold on. Trustee Vincent-Lang, is  
25 that.....

1           COMMISSIONER VINCENT-LANG: That's -- that's find with  
2 me. I just want to -- the reason to group these two proposals  
3 is to look for synergies and cooperation with the expectation  
4 that we'll have better science as a result of that.

5           CHAIR BRUNE: And Trustee Schmid, are you good with  
6 the.....

7           MR. SCHMID: Yes, I'm good with that.

8           CHAIR BRUNE: Okay, so we have a motion and a second on  
9 (indiscernible).....

10          MR. WACKOWSKI: Can I just ask for.....

11          CHAIR BRUNE: Trustee Wackowski.

12          MR. WACKOWSKI: .....point of clarification? Am I  
13 allowed to just have my Fish and Wildlife Services advisor poke  
14 up, because my question is -- can I do that real quick?

15          CHAIR BRUNE: We have a motion and a second on the floor,  
16 so we're having discussion. So yes, absolutely.

17          MR. WACKOWSKI: Okay, Veronica from the Fish and Wildlife  
18 Service, is this for FY20 or 21, because I'm reading 20. Does  
19 it matter? What's the -- I'm confused.

20          MS. HSIEH: The motion was written 20, as per last fall,  
21 but we just had a discussion and Shiway is recommending that it  
22 be for FY21 so that there's time for the proposers to integrate  
23 their proposals and also respond to some of the reviewers  
24 comments.

25          MR. WACKOWSKI: Sorry, I thought Fish and Wildlife

1 Service was trying to get out this summer to do this work.

2 MS. WANG: We would like to, but if the condition is now  
3 to combine the two, there may not be enough time to -- because  
4 it's already pretty close the start of the (indiscernible -  
5 speaking simultaneously).....

6 MS. HSIEH: Shiway, could we -- I mean, we could also  
7 write the motion to allow the flexibility and.....

8 MS. WANG: Yeah, we can be flexible. I just want  
9 to.....

10 MR. WACKOWSKI: That's.....

11 MS. HSIEH: .....our office will work actively to try and  
12 get them out the door. Why don't we.....

13 MS. WANG: Yeah, I just want to make sure that they have  
14 enough time.

15 MR. WACKOWSKI: Could we do that?

16 MS. HSIEH: So why.....

17 MR. WACKOWSKI: Could we give them the option?

18 MS. HSIEH: Let's do that.

19 MR. WACKOWSKI: Okay.

20 MS. HSIEH: Let's make it for FY20 or 21.

21 MR. WACKOWSKI: Thank you.

22 CHAIR BRUNE: Hold on, let me just make sure that that's  
23 good with the.....

24 UNIDENTIFIED SPEAKER: (Indiscernible - speaking  
25 simultaneously).....

1 MS. HSIEH: Upon -- right.

2 CHAIR BRUNE: .....maker of the motion and the.....

3 COMMISSIONER VINCENT-LANG: I hate to do this, but --  
4 talk to the audience, but how critical is it that you get out  
5 this summer versus next summer?

6 MADAM COURT REPORTER: Could you get to a microphone,  
7 please?

8 CHAIR BRUNE: Yeah, let's bring -- be up to the -- please  
9 put yourself of the record, sorry.

10 MS. VARELA: Hello, this is Veronica Varela with the U.S.  
11 Fish and Wildlife Service and I'm the technical advisor to the  
12 DOI Trustee. In terms of how critical it would be for Fish and  
13 Wildlife, well, they're two different lead PIs. One is the  
14 Alaska SeaLife Center and the other is Fish and Wildlife  
15 Service. I have not talked.....

16 UNIDENTIFIED SPEAKER: (Indiscernible).

17 MS. VARELA: Great, good idea, because I have not talked  
18 to them to find out the criticality of whether or not they need  
19 to get out this year versus next year. So if we could ask them  
20 on the phone?

21 MS. WANG: Yeah, I believe Tuula Hollmen and Liz Labunski  
22 are both on the phone.

23 CHAIR BRUNE: So let's start with Dr. Hollmen.

24 DR. HOLLMEN: Yes, thank you, and apologies for not being  
25 able to be there in person today. I think I would like to have

1 a discussion with Liz Labunski about the -- some of the  
2 logistical feasibility as to how soon we could get out in the  
3 field this summer. I believe we could get started this summer,  
4 but pending some logistical details, we probably wouldn't have  
5 a start date firmed up until we can review some logistical  
6 details, but in terms of how critical it would be, I think if  
7 we started this summer, we could start some field ground-  
8 truthing and integration of methods in the field moving forward  
9 with the 2021 field season.

10 CHAIR BRUNE: Sure. Thanks, Dr. Hollmen. How about Dr.  
11 Labunski?

12 DER. LABUNSKI: Hello, thank you for your time and yeah,  
13 just to follow-up on what Tuula was saying, I agree with her.  
14 I think we could definitely use some time this season to  
15 coordinate and kind of conduct field validation for our  
16 methodology, just to be sure that we're on the same page when  
17 it comes to -- and presenting our surveys and field proposals,  
18 but yeah, I think I'm definitely willing to work with Tuula  
19 here to see how we can optimize the time we have for FY20 and  
20 then build toward, I believe like a (indiscernible) field  
21 season in 2021.

22 CHAIR BRUNE: Thank you, and I'll just ask a question for  
23 point of order, when we talk fiscal year for the Trustee  
24 Council, is that the same as the federal fiscal year or the  
25 state fiscal year?



1 MS. HSIEH: Neither.

2 CHAIR BRUNE: Or neither. It's the annual fiscal year,  
3 so.....

4 MS. HSIEH: It's our -- February 1<sup>st</sup>.

5 CHAIR BRUNE: February 1<sup>st</sup>, so -- and we're right now in  
6 FY?

7 MS. HSIEH: Twenty.

8 CHAIR BRUNE: Twenty, so what we're saying is this would  
9 not be able to be even started then until February of next  
10 year?

11 MS. HSIEH: They would miss this field season, but you  
12 can also make the motion to allow the flexibility and just --  
13 and let Shiway go ahead and -- and she'll be in communication  
14 with you to make sure that they are integrating and reviewing  
15 any of the concerns and.....

16 CHAIR BRUNE: Sure.

17 MS. HSIEH: She will work actively with them to  
18 (indiscernible - speaking simultaneously).....

19 CHAIR BRUNE: Commissioner Vincent-Lang.

20 COMMISSIONER VINCENT-LANG: So I'm open to having them do  
21 some field work this summer. However, I do not want that to  
22 come back and result in an increased cost over this project to  
23 do assessment work this field season. So I'm open to having  
24 field work. My motion to be amended so it covers FY20 scoping  
25 work, but what I don't want to see at the end of my motion is

1 that because we've now allowed this, the cost of scoping wasn't  
2 included in the original proposal and the cost of the overall  
3 program has gone up.

4 CHAIR BRUNE: Thank you. Trustee Schmid.

5 MR. SCHMID: I second that.

6 CHAIR BRUNE: I think we have a friendly amendment that's  
7 been put out there. I think both PIs have heard the intent  
8 that there won't be subsequent cost increases with -- as part  
9 of this proposal. Since there's a motion and a second of the  
10 revised motion, is there other -- further discussion by the  
11 Trustees?

12 (No audible response)

13 CHAIR BRUNE: Hearing none, is there any opposition to  
14 the motion?

15 (No audible response)

16 CHAIR BRUNE: Hearing none, the motion passes. Thank you  
17 both for the work that you do for the Trustee Council.

18 UNIDENTIFIED SPEAKER: Great work, Veronica.

19 CHAIR BRUNE: Thanks, Veronica. Sorry to have put you on  
20 the spot.

21 Moving next to the habitat enhancement projects,  
22 Commissioner Vincent-Lang.

23 COMMISSIONER VINCENT-LANG: I move we approve \$49,050,  
24 which includes GA, for the EVOSTC outreach and education  
25 project 20180119, proposal date -- dated August 16, 2019.

1 CHAIR BRUNE: We have a motion. Is there a second?

2 DR. BALSIGER: I'll second.

3 CHAIR BRUNE: Dr. Balsiger seconded. Is there any  
4 discussion on this motion?

5 COMMISSIONER VINCENT-LANG: Well, I think it's a good  
6 proposal. I've heard support from the PAC and I also heard  
7 support from different members of the public, because I've  
8 talked to them about this proposal and I think it's a good  
9 piece of work and I support it.

10 CHAIR BRUNE: Thank you, Commissioner Vincent-Lang.  
11 Other discussion?

12 (No audible response)

13 CHAIR BRUNE: Hearing none, I will call the question. Is  
14 there any opposition to this motion?

15 (No audible response)

16 CHAIR BRUNE: Seeing none, the motion passes unanimously.  
17 We will now bring up the invitation areas.

18 DR. BALSIGER: Mr. Chairman.

19 CHAIR BRUNE: Yeah, Dr. Balsiger.

20 DR. BALSIGER: So I should have asked this in the -- when  
21 we approved the agenda, but I wonder if the Commissioner could  
22 give some background on the parcel we deleted? I didn't  
23 understand.....

24 CHAIR BRUNE: The -- sure.

25 DR. BALSIGER: .....if it's postponed, deleted, or we're

1 done with it and I just -- just for -- so I can tell people  
2 that ask me.

3 CHAIR BRUNE: Thanks, Dr. Balsiger. The item, the Kenai  
4 Watershed Forum Stream Watch Program Project was removed from  
5 the agenda because there was not unanimous -- there was  
6 opposition expressed and -- from one of the Trustees, which  
7 means it would not have passed at this meeting.

8 DR. BALSIGER: I see, thank you.

9 COMMISSIONER VINCENT-LANG: That -- though it doesn't  
10 mean that it's dead.

11 CHAIR BRUNE: It does not mean that it's dead. It just  
12 means that for now, there was not unanimous support for it and  
13 so we chose to take it off the agenda.

14 DR. BALSIGER: Thank you.

15 CHAIR BRUNE: And I guess that's a message to everyone,  
16 that if your item is not on the agenda or has been removed from  
17 the agenda, it was because there was opposition from one of the  
18 Trustees expressed and so feel free to contact Trustees if you  
19 would like further explanation of concerns.

20 DR. BALSIGER: But not me, because I don't know why.  
21 Contact one of the other Trustees.

22 CHAIR BRUNE: Sure, Elise, go ahead.

23 MS. HSIEH: I think, Jason, what you're saying is that,  
24 while it may not always be identified to one Trustee, I know  
25 when our office staff hears from one or more Trustees that

1 there's just not enough support for something, then it's --  
2 then it's removed as per that. So we don't actually ask for a  
3 vote, of course, and we don't pin down reasons, but we --  
4 there's a lot on the table and when there's just not enough  
5 support, we can see that it's going to fail and take up a lot  
6 of time, so.....

7 CHAIR BRUNE: And -- thank you, Elise, and I'll just add  
8 that it doesn't necessarily mean even that there's opposition,  
9 it just means that there is more information that is needed the  
10 Trustees to be able to make an informed decision and we will be  
11 working with the staff to identify what our concerns are and to  
12 go back to the project nominators for that additional  
13 information or clarification, so that it may be on a future  
14 agenda.

15 Perfect. Okay, moving to the invitation, we have, as was  
16 proposed in the making of the agenda, made modifications to the  
17 invitation, which effectively combines what all of you would  
18 have seen in the pre-published agenda, Items A., B., and C.  
19 I'm sorry, I don't know which version you have, but combining  
20 the long-term monitoring with the herring research and data  
21 management into one invitation item. The second one was the  
22 development of mariculture, excluding finfish, and the third  
23 was education and outreach. Commissioner Vincent-Lang.

24 COMMISSIONER VINCENT-LANG: So -- thank you, so I thought  
25 long and hard about reviewing the -- in my review of the EVOSTC

1 history of what some of the successes and -- have been of this  
2 program, and clearly, one of the successes is the long-term  
3 research and monitoring program of the Gulf Water of Alaska,  
4 and I think that, not only has informed us all and taught us a  
5 lot about how things are changing in the ocean and how things  
6 are affecting the ocean, but certainly, having more information  
7 on those conditions is going to help us understand any  
8 potential lingering effects from the oil spill, as well as  
9 informing us in the event that something else catastrophic  
10 occurs into the future.

11           So to me, I would like to see that long-term Gulf Watch  
12 of Alaska program elements continue into the future. I'd also  
13 like to see some of the information we have with respect to  
14 herring, which is not a completely recovered species yet,  
15 continue as a foundational piece of science as we move forward  
16 over the next decade, and clearly, management of the data  
17 that's been collected in the past, as well as data that is  
18 going to be collected in the future and having that managed so  
19 that it becomes available to the scientific community as a  
20 whole is a good piece of work.

21           Second of all, I think -- clearly, I think there's some  
22 opportunities to look forward, in terms of mariculture, not  
23 only in terms of restoring some kelp beds across the area, but  
24 also in terms of providing economic opportunities for  
25 communities that have been affected by the oil spill.

1 I think we've heard that loud and clear today, talking to  
2 several members of the public that there still are suffering  
3 long-term impacts from loss of commercial opportunities in  
4 their areas, and one of those things that we can do to provide  
5 them is expanded mariculture opportunities.

6 Third, I think clearly, having some education and  
7 outreach is a critical element. We see proposals coming in to  
8 us. Some of them we've tabled, but having the foresight to  
9 move forward, in terms of education and outreach, is something  
10 that I think is critical toward moving forward.

11 I also heard loud and clear during the testimony here  
12 that development of infrastructure is critical, research  
13 infrastructure is critical, but I don't see development of  
14 infrastructure separate from science. I think to the extent  
15 that we're developing infrastructure, we should be developing  
16 centers of expertise for that infrastructure that's supporting  
17 the work that we're doing.

18 So to me, you know, if the EVOSTC -- if the SeaLife  
19 Center and the Prince Williams Sound Science Center are  
20 considered centers of expertise for some of this work, I'm not  
21 necessarily opposed to that because we put a lot of investment  
22 into those two different entities moving forward and to the  
23 extent that they are housing some of our centers of expertise  
24 and our data management, I think that's a good thing to do  
25 because it's building on some of the investment we've done in

1 the past. So I'm comfortable with moving forward with a new  
2 invitation for focal areas built around long-term monitoring,  
3 herring research, data management, and to development of  
4 mariculture activities, and education and outreach.

5 CHAIR BRUNE: Is that a motion?

6 COMMISSIONER VINCENT-LANG: That is a motion.

7 CHAIR BRUNE: Is there a second?

8 MR. WACKOWSKI: Point of order; I'm just confused as to -  
9 - is that just a statement we're making?

10 CHAIR BRUNE: The three -- that the invitation that we  
11 will be.....

12 MR. WACKOWSKI: Got you.

13 CHAIR BRUNE: .....tasking staff (indiscernible -  
14 speaking simultaneously).....

15 COMMISSIONER VINCENT-LANG: Yeah, so I move that we have  
16 three focal areas for -- that will form the foundation of the  
17 next invitation, which include long-term monitoring of  
18 ecosystem conditions in Prince William Sound, Gulf of Alaska,  
19 incorporating elements of the existing Long-Term Research and  
20 Monitoring Program, Gulf Watch, herring research and  
21 monitoring, and data management.

22 The second component would be development of mariculture,  
23 excluding finfish, and third is education and outreach.

24 CHAIR BRUNE: There's a motion on the floor. Is there a  
25 second?



1 MR. MULDER: I'll second it.

2 COMMISSIONER VINCENT-LANG: Yeah, and my intent.....

3 CHAIR BRUNE: We have Trustee Mulder.....

4 COMMISSIONER VINCENT-LANG: .....is to be able to have  
5 the -- is to be able to have the staff work with who -- I mean,  
6 have the Trustees work with staff to develop those and flesh  
7 them out, to have a lot of the comments that I put out in my  
8 opening statement, which I probably should have waited until  
9 after I made the motion. I'm sorry.

10 CHAIR BRUNE: Thank you. We have a motion and a second  
11 on the floor. Dr. Balsiger.

12 DR. BALSIGER: Yes, thank you, Mr. Chairman. So put it  
13 out for the next invitation, do you have a timeframe in mind  
14 for when this next invitation might go out and when we might  
15 expect response to it?

16 COMMISSIONER VINCENT-LANG: I'd like to get Elise's.....

17 CHAIR BRUNE: Elise.

18 MS. HSIEH: Our typical cycle, and Shiway's actually even  
19 closer -- or is learning to be closer to it now, so she may  
20 even correct me, is that the staff will start to work with any  
21 agency staff or other entities that the Trustees identify to  
22 draft up these focus areas, as well as at the EVOS Science  
23 Panel, and that draft will start to circulate to Trustees at  
24 various junctures.

25 We often have either a briefing or a PAC meeting

1 telephonically, like this summer, to have them also review the  
2 draft to see if they have other information they can add and  
3 further flesh it out, and then -- and then the draft should be  
4 finalized toward the end of summer, so that it's ready to go  
5 for its final review for the PAC, the EVOS Science Panel, and  
6 the Trustees have their review of it and -- in the fall, and if  
7 they approve it, it's usually issued December 1<sup>st</sup>, and then  
8 proposals come in the next spring for the next year, which  
9 dovetails with the ending of this five-year cycle that we're  
10 in.

11           So we actually have all of the dates written down. We  
12 can send that to you, too, but so they dovetail in five-year  
13 cycles and so this one is picking up in year three/four of this  
14 last cycle, and then it will be put into place when this cycle  
15 ends.

16           CHAIR BRUNE: And just for putting it on the record,  
17 there is nothing that precludes us from making a 10 or 20 or  
18 other.....

19           MS. HSIEH: Correct.

20           CHAIR BRUNE: .....length cycle. A five-year cycle is  
21 what we have done, but if in conjunction with discussions with  
22 Trustees, we made that longer, that would be appropriate.

23           MS. HSIEH: So you -- so this Council can state that  
24 their intent is, for example, for a 10-year program, and we'll  
25 also be in conversation with you about funding levels. We

1 usually give kind of a span of funding any invitation to give  
2 folks an idea and we have quite a bit of information about, you  
3 know, this is five years or however many years and we expect to  
4 see some years won't be the same, blah, blah, blah. We have  
5 quite a bit of stuff from our prior invitations that can help  
6 proposers with that.

7 This Council can set up a five or 10-year structure. It  
8 would run administratively -- our longest and what we have in  
9 place that's very efficient are five-year agreements through  
10 NOAA and those have been working very well. We finally have  
11 this program running very smoothly with the funding flow. So I  
12 would recommend leaving it this way.

13 However, every Council, every year comes back to look at  
14 how the programs are doing and can make changes at that time.  
15 The funds are approved for a 12-month period. So the Trustees,  
16 as far as I'm aware, would not legally be able to approve the  
17 next 10 years of funding. It also allows for adaptive  
18 management. That's my understanding.

19 CHAIR BRUNE: Sure, but -- so I just -- I need  
20 clarification. You said both five and 10, and I'm just  
21 wondering from a regulatory or legal or any other perspective,  
22 if we made that 20, if we made that 40, whatever.....

23 MS. HSIEH: We.....

24 CHAIR BRUNE: .....it is, is there anything that  
25 precludes us from having -- or does that need to be part of the

1 motion or.....

2 MS. HSIEH: So.....

3 CHAIR BRUNE: .....can that just be part of the  
4 discussion that we have as we're drafting the invitation that  
5 we have as we're drafting the invitation?

6 MS. HSIEH: Right, so I'm not making myself -- I'm not  
7 explaining it correctly. So the -- this current Council, as  
8 you sit today, can have a vision and state in the invitation,  
9 "This is a 10-year invitation and this is what we're looking  
10 for, is a 10-year program, and here's the funding levels, focus  
11 areas," and in the invitation we explained that we're going to  
12 launch this, and in fact, the first year, you get the proposal  
13 for the whole 10 years, understanding that every year, it's  
14 reviewed again by the current Council for.....

15 CHAIR BRUNE: Sure, understood.

16 MS. HSIEH: .....any sort of tweaks or they can scrap the  
17 whole thing. I'm not aware of a mechanism for this Council to  
18 bind the future Councils to maintain those 20 years. However,  
19 having sat for 12, and this having been borne out of Trustees  
20 who sat for 20 before me, it does help to have these integrated  
21 longer-term visions. It helps new Council members have some  
22 continuity and some momentum to look at what's come before.

23 CHAIR BRUNE: Sure. Thanks, Elise. Dr. Balsiger.

24 DR. BALSIGER: Thank you. So Commissioner, I like your  
25 motion and I like these focus areas, but we did hear quite a

1 bit of public testimony over the last several weeks and  
2 particularly today about the inability of public to have  
3 influenced us as we put these ideas together.

4 So I see these as relatively generic topics, and so as we  
5 go forward putting out the invitation, do you expect there'd be  
6 opportunity for the public participants to sway some of the  
7 context of these to make sure that their needs are incorporated  
8 in the invitation?

9 COMMISSIONER VINCENT-LANG: So what I think I heard Elise  
10 say is that will occur over the next several months through the  
11 PAC and through the Science Committee to -- yes, so it's  
12 (indiscernible - speaking simultaneously).....

13 DR. BALSIGER: Thanks. I just wanted to hear it on  
14 record from you.

15 COMMISSIONER VINCENT-LANG: Yes, yeah.

16 DR. BALSIGER: So I appreciate that.

17 CHAIR BRUNE: And so I guess, I'll ask the question; is  
18 there any reason why we couldn't open it -- this idea,  
19 conceptually, up for public comment, not just from the PAC, but  
20 for the public, too?

21 MS. HSIEH: The drafts are posted on the web for public  
22 comment and I don't know if -- Jim, if you're referring to like  
23 adding archaeological repositories or something like that.  
24 Anyone -- we, of course, accept anything and we send it to you,  
25 if we're directed by the Trustees to then start to flesh that

1 out, then we do. The PAC also would have a meeting and they  
2 can voice their interest, but then we wouldn't be having a  
3 Council meeting right after that in the summer again. Do you  
4 see what I'm saying?

5 CHAIR BRUNE: Sure.

6 MS. HSIEH: To change up the invitation again.

7 UNIDENTIFIED SPEAKER: Well.....

8 MS. HSIEH: Although we can, but it's -- the Trustees --  
9 if you guys today have an interest in opening up the focus  
10 areas to any ideas of the public, I mean, you can do that and  
11 we can take public comment and have another Trustee Council  
12 meeting.

13 CHAIR BRUNE: I was just addressing Dr. Balsiger and.....

14 MS. HSIEH: Right.

15 CHAIR BRUNE: .....some of the public comments that we  
16 received today. So I guess, do you.....

17 COMMISSIONER VINCENT-LANG: It was my intent to keep it  
18 within those three focal areas. Now if the public comes back  
19 and -- with the call -- comes back with new ideas, I'm always  
20 open to suggesting new ideas, but I don't want to ask for new  
21 ideas outside that.

22 MS. HSIEH: Right. Also, we have a new website that  
23 we've been working on that will be compatible with Department  
24 of Fish and Game. It will be embedded eventually into a Trust  
25 agency. We are not meant to be perpetual. That new website

1 and our current website has a button on the front page that  
2 says, "Do you have an idea? Press it," and it goes right to  
3 us. We respond typically within like five hours, if not one,  
4 and then we help just figure out what those people -- what is  
5 the idea, and then we give them a form to fill out.

6 Even with the invitational cycle, our office accepts and  
7 circulates any idea that comes in the door and often those --  
8 some of those ideas end up becoming part of programs or other  
9 things that Trustees want to pursue. So unless the Trustees  
10 tell us otherwise, we're always an open door, regardless of  
11 what the invitation says.

12 CHAIR BRUNE: Thanks, Elise. Dr. Balsiger.

13 DR. BALSIGER: Specifically to the point about  
14 archaeological preservation, I think that could fit under  
15 education and outreach, and so maybe it would fit there, and so  
16 I -- that's the way I envision, is we can (indiscernible). So  
17 thank you for the motion.

18 UNIDENTIFIED SPEAKER: I agree.

19 COMMISSIONER VINCENT-LANG: So just in a general -- to  
20 get this call started, to me, I see, just for a 10-year call.  
21 I think there's benefits in having a longer-term call than a  
22 shorter-term call. I was even thinking 20 when I was  
23 originally doing this. So -- because I think we vary too much  
24 on a (indiscernible) basis.

25 So -- and I also suggest for elements, you know, whatever

1 money we put to this, about 50% of it going to the monitoring  
2 of the research and 25 into mariculture and 25 into education  
3 and outreach, in terms of percentages.

4 MS. HSIEH: The other thing you may want to keep in mind  
5 as you look at these drafts and consider the invitations, in  
6 the first invitation, there were more focus areas, some of  
7 which were designed to be short-term, such as clean harbor work  
8 and also marine debris, which we ended up extending because of  
9 the tsunami.

10 So you guys can also assign, as you look at drafts,  
11 shorter time periods. Not everything has to be a certain time  
12 period. So we -- the Trustees at that time tailored some of  
13 those to just temporary support. So that's something to keep  
14 in mind, as well.

15 CHAIR BRUNE: Sure, and my understanding from what I  
16 heard from Commissioner Vincent-Lang is collaboration with the  
17 Centers of Excellence is -- will be encouraged in proposals  
18 that are ultimately received, is that.....

19 COMMISSIONER VINCENT-LANG: Yeah, we want collaboration  
20 with existing infrastructure that we've had in place in this  
21 area.

22 CHAIR BRUNE: That we've -- okay. I just want to put  
23 that.....

24 COMMISSIONER VINCENT-LANG: Yeah.

25 CHAIR BRUNE: .....on the record to make sure that was --



1 that intent was there. Okay, any other discussion by Trustees?

2 (No audible response)

3 CHAIR BRUNE: Hearing none, is there any opposition to  
4 the motion?

5 (No audible response)

6 CHAIR BRUNE: All right, we have an invitation.

7 There were a number of comments that were brought up  
8 during the public comment that -- and I know we would have to  
9 make a change to the agenda before we do this, are there  
10 desires for adding agenda items for action in light of the  
11 public comment that was received, Chairman -- or Trustee  
12 Wackowski?

13 MR. WACKOWSKI: (No audible response).

14 CHAIR BRUNE: I'm just -- I'm wondering because I know  
15 you had expressed some interest about the.....

16 MR. WACKOWSKI: Well, Mr. Chair, I think I committed to -  
17 - I'm going to link up the BIA -- you mean, trying to get.....

18 CHAIR BRUNE: Multiple things, that -- the.....

19 MR. WACKOWSKI: Yeah, I don't need an official action  
20 item on the record. I think we.....

21 CHAIR BRUNE: Okay.

22 MR. WACKOWSKI: We made it clear, as long as our staff  
23 can commit to working with Koniag, SIRI, and Chugach to get  
24 outreach and.....

25 CHAIR BRUNE: Okay.

1 MR. WACKOWSKI: .....I'll link them up with BIA.

2 CHAIR BRUNE: And with respect to the discussion that was  
3 had on the process for engaging the public on perpetual -- I'm  
4 looking at you, Dr. Balsiger, is there a desire for that to be  
5 a formal process, working with DOJ, Department of Law, and each  
6 of the special -- specific lawyers and Trustee staff? Is there  
7 a desire to have that a formal process or are we going to  
8 just.....

9 MS. HSIEH: Maybe the.....

10 CHAIR BRUNE: Hold on.

11 DR. BALSIGER: Well, I -- I think we need more discussion  
12 probably with our attorneys and maybe amongst the Trustees a  
13 little bit. You know, a permanent endowment, we could manage  
14 the Trustees in the exact current situation as a permanent  
15 endowment by not spending more than a certain amount every  
16 (indiscernible) and just expect it's going to last forever, or  
17 we could create a separate endowment and have it managed  
18 otherwise.

19 I think such a separate endowment and having it managed  
20 otherwise would require a grand public process because that  
21 would be dramatically different than what we do now. We'd  
22 probably have to even look at NEPA and those kinds of things to  
23 see if -- if that's -- another environmental impact statement  
24 is necessary and that kind of stuff, and I just don't know, and  
25 so I don't think we've gotten to the point with our attorneys

1 to say yes, we could set up a separate endowment with different  
2 rules and different oversight. It's a thought.

3 I like the -- I like a permanent endowment, but I don't  
4 mind -- I think it could be managed in the current structure,  
5 and if there is a thought different than that, I think that  
6 would take some background before I could.....

7 CHAIR BRUNE: Sure, so.....

8 DR. BALSIGER: .....possibly support it.

9 CHAIR BRUNE: So I guess what I'm asking is -- I'm not  
10 asking that you support or oppose something like that. I'm  
11 asking, we were requested during the public comment to put a  
12 process together to bring clarity for the public, to bring the  
13 parties together to provide something that we could address  
14 what has been brought up over the couple of years, the last  
15 couple of years. Is that -- and I'm asking Trustees.....

16 MR. WACKOWSKI: Yeah, I.....

17 CHAIR BRUNE: .....if that's.....

18 MR. WACKOWSKI: I just -- to Trustee Balsiger's point,  
19 I'd like -- my original intent in bringing in DOJ into the  
20 discussion was -- I already hit that wall with my legal counsel  
21 saying, "No, you can't do that." My intent was, in asking for  
22 at least a discussion to happen is because I didn't want to  
23 waste the Trustees' time. If we get whatever think tank or  
24 massive endowment proposal, I mean, my initial thought is the  
25 lawyers had said no, and then I hear back from either, you

1 know, congressional delegation representation or the group, the  
2 interest groups themselves saying, "No, our lawyers say you're  
3 wrong," and like we're at loggerheads, because I don't want to  
4 bring it up and waste the Trustee Council's time by discussion  
5 something that our lawyers have told us no, and so is the  
6 correct answer a change in law, another NEPA review of our 20  
7 or 1993 plan?

8 I don't know that, and again, my intent wasn't, "Hey,  
9 meet with the lawyers and come up and tell us this is a good  
10 idea." My intent was if our legal counsel is missing  
11 something, somebody should be talking to them about like, "Hey,  
12 you need to look at X, Y, or Z." I wasn't trying to get  
13 predecisional in.....

14 CHAIR BRUNE: No, no, for sure.

15 MR. WACKOWSKI: .....our considerations. I'm just --  
16 like I get bounced from lawyer to lawyer all the time, right.  
17 So at some point, is there an ethical or a legal forum where  
18 they can consider the outside view and then come back to us  
19 with advice? You know, or do we ask them for official advice?  
20 So that was my point and my confusion about DOJ's role and  
21 advising us, is because at some point, they're going to come up  
22 and say -- if we were today to say, "We're good with the EVOS  
23 think tank proposal, let's fund it," my assumption would be  
24 that they're either going to weight in on -- one way or another  
25 with the ultimate veto, "No, you can't do that."

1           So why would we go down that road only to then -- if we  
2 would go down that road, only to then get a yea or nay from  
3 DOJ. If DOJ can't come in on the front end and let us know if  
4 something is, in fact, something we can do or requires  
5 legislation -- does that make sense?

6           CHAIR BRUNE: It does, and last I've seen, there are six  
7 Trustees not seven. So that's.....

8           MR. WACKOWSKI: Right.

9           CHAIR BRUNE: .....a question that I guess I would have,  
10 then, is if this -- these six members agree to at least  
11 entertain a process for getting an answer for the public, who  
12 has requested an answer, DOJ would engage in that process. Do  
13 we need a formal motion to be able to start a process that  
14 answers that question we've been asked to answer? That's my  
15 question for the Trustees.

16           COMMISSIONER VINCENT-LANG: I don't think so, because I  
17 think at the end of the day, we evaluate all different kinds of  
18 projects that come in and I think this could -- maybe I'm  
19 wrong, but I think we could direct staff just to work with them  
20 without a motion. Maybe I'm wrong.

21           MS. HSIEH: Can I.....

22           CHAIR BRUNE: Sure, Elise.

23           MS. HSIEH: There's another way to go, perhaps. I  
24 believe that the think tank and their lawyers -- I thought I  
25 remember seeing a paper where they had talked about the legal

1 process that they thought was the way forward, I think if you  
2 can encourage other groups that say, you know, "We have  
3 lawyers. We've looked at it. We think we can do it," to have  
4 -- lawyers like things in writing. They're not big on  
5 discussion, and certain not with our clients.

6 So perhaps they might be more amenable if the think tank  
7 or those other groups could send in the piece of paper with,  
8 you know, with, "Yeah, this is doable. This is how we do it,"  
9 and then send that to your lawyers and say, "Is this right?"  
10 You know, and then get feedback on something really specific.

11 I don't know if that's correct or not, but that might be  
12 a more approachable way with regard to legal counsel that want  
13 to work with their clients.

14 CHAIR BRUNE: Sure, but if there's 800 lawyers and groups  
15 represented that agree, but DOJ's lawyers don't.....

16 MS. HSIEH: I wouldn't necessarily make that statement.  
17 That might be premature. I would perhaps just see what -- the  
18 only one I saw, I believe, was from the think tank, and I might  
19 be misremebering, but I would certainly encourage any groups  
20 that feel that they've hired lawyers and have the answer to  
21 (indiscernible) I'm sure they want it to happen, to give that  
22 information to the Trustees and the Trustees can then consult  
23 with their attorneys and have discussions with them in the  
24 attorney/client forum.

25 CHAIR BRUNE: Okay, well, I just -- I want to make sure

1 that I'm on the record, as I heard the public comments loud and  
2 clear, and this group has not publically addressed those  
3 comments, other than not having the items on the agenda.

4 So I'm trying to find a solution with -- that we can  
5 respond to them officially. So I guess.....

6 DR. BALSIGER: So I guess I'm not opposed -- I think it's  
7 probably a good idea to discover whether the particular idea  
8 that friends of the -- I forget what they called the group,  
9 brought forward, whether or not that could be done and what  
10 steps would have to be gone through by the Trustees, by our  
11 various agencies in order to make it possible.

12 I think it would be useful to find that out. That  
13 doesn't mean at the end I'd be in favor or.....

14 CHAIR BRUNE: Sure.

15 UNIDENTIFIED SPEAKER: Agreed.

16 CHAIR BRUNE: Agreed.

17 COMMISSIONER VINCENT-LANG: Yeah, so.....

18 CHAIR BRUNE: Agreed, but there's not point in doing it  
19 if it wouldn't be possible.

20 MS. HSIEH: And I'll look and.....

21 COMMISSIONER VINCENT-LANG: So I move.....

22 MS. HSIEH: .....see, I believe they sent a paper with  
23 some of their legal -- or they showed it to me. I will look  
24 and see if I have it, but otherwise, they could be approached  
25 and then they could submit it, of course.

1 CHAIR BRUNE: Okay.

2 COMMISSIONER VINCENT-LANG: So I move that we direct  
3 staff to work to determine whether or not there's options for  
4 developing a permanent endowment of the EVOS, remaining EVOS  
5 Trustees' funds as an option for expending.

6 CHAIR BRUNE: So we have a motion on the table. Is there  
7 a second?

8 MS. HSIEH: Wait. We actually -- okay, I know this is  
9 weird and lawyers are weird, but we -- we work loosely with the  
10 attorneys to try and make your lives as easy as possible, and I  
11 can often be a liaison because I used to be an attorney for the  
12 Trust. However, with this kind of thing, they actually do work  
13 with you directly. You're clients. Again, if we can find or  
14 if the think tank can resubmit or any other group, their  
15 lawyers, like information of how they believe this could run  
16 out, then that can go to the lawyers and the Trustees. We can  
17 circulate that around and then the Trustees, as clients, can  
18 then ask their lawyers, "Is this correct?"

19 MR. WACKOWSKI: I'm confused. What's wrong with us  
20 asking DOJ for a legal opinion on whether or not we can  
21 entertain a.....

22 MS. HSIEH: You may, but I think lawyers typically --  
23 well.....

24 MR. WACKOWSKI: Well, they.....

25 MS. HSIEH: Steve is a lawyer, maybe he can.....



1 MR. WACKOWSKI: They advise us. I'm asking for advice.

2 MS. WELLS: Is this okay for me to jump in? This is  
3 Erica Wells with DOJ.

4 MS. HSIEH: Yeah.

5 MS. WELLS: And it certainly would be appropriate for the  
6 Trustees to, you know, request legal advice about, you know,  
7 any options you're considering or that sort of thing, and --  
8 but the appropriate channel for that would be, you know, your,  
9 you know, conversations with DOJ and the Trustee attorney, you  
10 know, setting up a conference to discuss what it is you're  
11 considering, and you know, what are those different steps and  
12 things you might need to take into consideration.

13 COMMISSIONER VINCENT-LANG: And I'm struggling why we  
14 can't.....

15 MR. O'CONNOR: This is O'Connor with NOAA. I know this  
16 has been on the table in various forms for quite a while, this  
17 Rasmuson proposal. I would be happy to work with other federal  
18 counsel at DOJ to try to flesh this issue out, what are the  
19 things that are missing, as far as factual predicate that we  
20 can actually evaluate. What is it that the Council is thinking  
21 about doing? What's coming from the Rasmuson folks, and so on,  
22 and work it through and then be able to sit and talk with the  
23 Trustees about a path forward, if there is one, and how best to  
24 go about doing it.

25 CHAIR BRUNE: And Craig,.....

1 MR. O'CONNOR: (Indiscernible - speaking  
2 simultaneously).....

3 COMMISSIONER VINCENT-LANG: I.....

4 CHAIR BRUNE: .....I want to be clear that.....

5 MR. O'CONNOR: .....and I'd be happy to do that.

6 CHAIR BRUNE: Thank you. I want to be clear that this is  
7 not predecisional for the Rasmuson Foundation or the think tank  
8 or anything like that. This is for any potential idea, that we  
9 are just trying to understand if there is -- if this is an  
10 option, regardless of who the entity is.

11 COMMISSIONER VINCENT-LANG: Right.

12 CHAIR BRUNE: Commissioner Vincent-Lang.

13 COMMISSIONER VINCENT-LANG: Yeah, I want to make it clear  
14 that I am not limiting this just to the Rasmuson Foundation.  
15 This could be like Dr. Balsiger said, this could be something  
16 that we, as a group, decide to do and make it a percent of  
17 market value and we still maintain control, rather than through  
18 a separate foundation.

19 So as long as -- I'm just trying to get an answer to the  
20 question of whether this is even legally possible, and if it  
21 is, what it requires. Does it require legislation? Does it  
22 require transfer of money into the (indiscernible)? There's a  
23 bunch of unanswered questions. So I'd like to know what those  
24 roadblocks are, what those hurdles are, and whether it's  
25 feasible to put this question to rest, and if it isn't

1 feasible, then we move forward with a different path, so.....

2 CHAIR BRUNE: Absolutely.

3 MR. O'CONNOR: All right, well, I will commend you guys  
4 for doing an excellent job in clarifying the record. We'll do  
5 what we can to give you meaningful guidance on the concept of  
6 endowments or other approaches to longer-term funding of  
7 activities that are critical to the Council's responsibility.

8 COMMISSIONER VINCENT-LANG: Thank you.

9 CHAIR BRUNE: Thank you, Craig, and I heard that from  
10 you. Does that also include the Department of Justice?

11 MS. WELLS: Yes, it does.

12 MR. O'CONNOR: Yes, I -- yeah.

13 CHAIR BRUNE: Sorry, I.....

14 COMMISSIONER VINCENT-LANG: (Indiscernible) get to our  
15 state lawyer.

16 MR. MULDER: So we're currently on a 20-year path,  
17 having.....

18 MS. HSIEH: Completed.

19 MR. MULDER: .....completed a three-year public process  
20 to narrow the focus of the spend-down of the funds. We're in  
21 the middle of the second year of a five-year cycle, right?

22 MS. HSIEH: We're in year -- yes, so we're in year eight,  
23 approaching nine?

24 UNIDENTIFIED SPEAKER: We're in nine.

25 MS. HSIEH: We're in nine, sorry.

1           MR. MULDER: And so the notion of a sea change to do  
2 something significantly different to echo Jim earlier, I think  
3 if we get the answer back, yes, it could be done. It could be  
4 done with legislation or however, then it's an idea that we're  
5 -- that some Trustee is going to have to step forward and say,  
6 "All right, well, let's explore it," and that's going to  
7 require a significant public process to deviate from the path  
8 we're on now, so.....

9           MR. WACKOWSKI: Why -- can I ask a question? Why would  
10 we do that if the answer is, no, we can't do that?

11          MR. MULDER: Right, I agree.

12          MR. WACKOWSKI: So I would like to get that answer and  
13 say -- because I know, for instance, the think tank's spent a  
14 lot of time and resources doing that. They're a public entity.  
15 I just want to be able to tell them, "Our lawyers are saying  
16 no."

17          CHAIR BRUNE: And I've also heard today that a previous  
18 Trustee Council cannot bind the hands of a future Trustee  
19 Council, so even if we're on a 20-year plan or whatever, we  
20 have the ability to effectuate change on that or maybe we  
21 don't, and so that's.....

22          MS. HSIEH: You do.

23          MR. MULDER: You do, but it requires a meaningful public  
24 process to (indiscernible - speaking simultaneously).....

25          CHAIR BRUNE: And I think everyone is committed to -- we

1 heard that today, loud and clear, we want to be as transparent  
2 -- that's why we're having this discussion on the record. We  
3 want to be -- have a meaningful, transparent process for those  
4 -- anyway, okay, well, I -- it sounds like we don't need a  
5 motion on this. We have commitment from federal attorneys to  
6 work on this issue.

7 COMMISSIONER VINCENT-LANG: So I remove my motion from  
8 the table.

9 CHAIR BRUNE: Thank you, Commissioner Vincent-Lang. Are  
10 there other closing comments? We'll start with Trustee Schmid.

11 MR. SCHMID: No. Thank you. I just want to thank the  
12 public for your engagement, again, and I know it's been, at  
13 times what seems like not necessarily a transparent process.  
14 I'm about transparency. I think -- I was proud today. I think  
15 there was more discussion and that folks that don't think we're  
16 just all working out of a black hole and that means a lot to  
17 me, and I just would like to thank folks who spoke openly and  
18 those that attended and are engaged in this process.

19 It is important and again, from one who spent 18 years  
20 working in Prince William Sound, and it's important to me  
21 personally, as well as professionally, and my agency. So thank  
22 you.

23 CHAIR BRUNE: Trustee Vincent-Lang.

24 COMMISSIONER VINCENT-LANG: I echo Mr. Schmid's comments.

25 CHAIR BRUNE: General Wackowski -- sorry, Trustee

1 Wackowski.

2 MR. WACKOWSKI: Just two quick things; one, I'm like  
3 flummoxed because in my job as -- at DOI, I'm encouraged to  
4 bring lawyers in early in the process as we undertake whatever  
5 action, and I feel like I'm taking crazy pills that -- like I  
6 heard from lawyers, "No, don't wait, take action, wait until we  
7 weight in," so I would just, you know, ask my attorney -- and I  
8 understand we have attorney/client privilege and we're all  
9 advised by our own separate attorneys, but the ask is, please  
10 get involved in this early and please engage with whatever  
11 folks that have interesting ideas to get us an opinion, that  
12 you know, takes into account other legal opinions.

13 So -- and then number two, per the education, our  
14 invitation for focus areas, we talked about education and  
15 outreach, both my mom or my mother and my wife are Anchorage  
16 School District teachers. They've taken the SeaLife Center  
17 training.

18 I view the SeaLife Center and Prince William Sound  
19 Science Center as critical avenues to the enduring legacy of  
20 what this Trustee Council should be. I think an important role  
21 so we don't further damage resources down the road is to teach,  
22 in particular urban Alaskans, what it means, because I know  
23 that many folks in the villages, they have -- it's taught in  
24 schools. Elders remind them of what it was like to have to go  
25 to the shore and clean up rocks, but what I think gets lost is

1 the next generation here that aren't tied to coastal  
2 communities for a lot -- of various set of reasons, but I just  
3 wanted to put it out there on the record that I do view those  
4 two centers as Centers of Excellence that are critical to our  
5 legacy and to what we should be doing with these funds.

6 CHAIR BRUNE: Thank you, Trustee Wackowski. Trustee  
7 Mulder.

8 MR. MULDER: I just wanted to say that I had the pleasure  
9 of being able to attend portions of the PAC meeting and the  
10 Science Panel meeting this week. My schedule freed up and  
11 some things (indiscernible) in the past year or two this week  
12 and I was quite impressed with the work our folks are doing and  
13 I'm appreciative of the new PAC members coming on and devoting  
14 their time and energy to this, and I wanted to compliment the  
15 staff for doing a terrific job and day-to-day pulling this all  
16 together.

17 CHAIR BRUNE: Thank you. Trustee Balsiger.

18 DR. BALSIGER: Well, I think I've been fairly outspoken,  
19 right. I think my major impression of this meeting is it seems  
20 that the Trustee, entire Council is taking a pretty strong turn  
21 toward the public and toward more transparency, not that we  
22 were ever trying to be opaque or keeping them out, but we've  
23 talked about enough up here that it's made some progress. So  
24 I'm pleased with that and I will support the motion.

25 CHAIR BRUNE: I don't think we have a motion on the

1 table, though.

2 UNIDENTIFIED SPEAKER: There's no motion.

3 CHAIR BRUNE: I think we're just doing -- doing closing  
4 comments.

5 UNIDENTIFIED SPEAKER: We're just doing farewells.

6 DR. BALSIGER: Can we vote on it anyway?

7 MR. WACKOWSKI: I've got something to vote on. I move to  
8 adjourn.

9 UNIDENTIFIED SPEAKER: Second.

10 CHAIR BRUNE: I don't even get to comment?

11 MR. WACKOWSKI: Yeah.

12 CHAIR BRUNE: I think that speaks volumes right there.  
13 Thank you for your service. Thank you, everyone, for your  
14 comments today and we heard you loud and clear. We look  
15 forward to our next meeting, and I have a motion on the floor  
16 for an adjournment. Is there a second?

17 DR. BALSIGER: Yeah.

18 CHAIR BRUNE: Okay. Any opposition?

19 (No audible response)

20 CHAIR BRUNE: The meeting is adjourned at.....

21 DR. BALSIGER: 12:35.

22 CHAIR BRUNE: 12:35. Thank you, everyone.

23 12:35:38

24 (Off record)

25 (END OF PROCEEDINGS)



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C E R T I F I C A T E

UNITED STATES OF AMERICA )  
STATE OF ALASKA )

I, Lisa Nelson, CSR No. 5907, Notary Public in and for the state of Alaska and reporter for Accu-Type Depositions, do hereby certify:

THAT the foregoing pages numbered 2 through 112 contain a full, true and correct transcript of the Exxon Valdez Oil Spill Trustee Council's Meeting recorded electronically by Accu-Type Depositions Court Reporter on the 28<sup>th</sup> day of February 2020 and thereafter transcribed under and reduced to print:

THAT the Transcript has been prepared at the request of:

EXXON VALDEZ TRUSTEE COUNCIL  
Anchorage, Alaska

DATED at Anchorage, Alaska this 11th day of June, 2020.

SIGNED AND CERTIFIED TO BY:

Lisa N. Nelson  
Notary Public, State of Alaska  
My Commissioner Expires: 02/06/24