January 8, 2021 Meeting Summary

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

B. DATE: January 8, 2021

C. LOCATION: This virtual meeting was held using the Zoom video conferencing platform. PAC members and others participated by computer or phone.

D. MEMBERS IN ATTENDANCE:

Name	Principal Interest
Gary Fandrei	Aquaculture/Mariculture, PAC Chair
RJ Kopchak	Commercial Fishing, PAC Vice-chair
Patience Andersen Faulkner	Subsistence
Stacey Simmons	Commercial Tourism
George Skladal	Public at Large
David Totemoff, Sr.	Native Landownership
Chris Saal	Recreation
Linda Leary	Sport Hunting/Fishing
Kristin Carpenter	Science/Technical
John Whissel	Conservation/Environmental

E. NOT PRESENT:

Name	Principal Interest
N/A	

F. OTHER PARTICIPANTS:

Name	Organization
Elise Hsieh	EVOS Trustee Council Executive Director
Philip Johnson	U.S. Department of the Interior (DOI), Designated Federal Officer (DFO)
Grace Cochon	DOI
Shiway Wang	EVOS Trustee Council Science Director
Lauri Adams	EVOS Trustee Council Habitat Program Director
Linda Kilbourne	EVOS Trustee Council Administrative Manager
Tim Richardson	Wildlife Forever
Brooke Mallory	Eyak Corporation
Gillian O'Doherty	Alaska Department of Fish and Game (ADF&G)
Mandy Lindeberg	National Oceanic and Atmospheric Administration (NOAA) and Long-Term Monitoring Program Lead
Katrina Hoffman	Prince William Sound Science Center (PWSSC)
Veronica Varela	DOI U.S. Fish and Wildlife Service (USFWS)

Heather Hansen	USFWS
Eileen Kazary	Great Land Trust
Ron Britton	U.S. Forest Service (USFS)
Wayne Owen	USFS
Josie Hickel	Chugach Alaska Corporation (CAC)
Michael Levshakoff	CAC
Maile Branson	Chugach Regional Resources Commission
Jana Turvey	Lesnoi Corporation
Donna Aderhold	Prince William Sound Science Center
Tara Riemer	Alaska SeaLife Center (ASLC)
Tuula Hollmen	ASLC and University of Alaska Fairbanks
Diane Kaplan	Rasmuson Foundation
Ann Robertson	Office of Senator Lisa Murkowski
Dede Bohn	U.S. Geological Survey
Rachel Kallander	Kallander and Associates, Think Tank consultant
Shauna Hegna	Koniag, Inc.
Tom Panamaroff	Koniag, Inc.

H. SUMMARY:

Welcome and Roll Call

At 10:08 a.m., Philip Johnson, DFO, called the meeting to order and took roll call of PAC members. All ten members (including three new appointees) were present, establishing a quorum. During the roll call, PAC members provided additional information regarding their current and/or past affiliations, highlighting any which might overlap with Trustee Council or PAC business.

Gary Fandrei, Chair – mariculture/aquaculture

- Chair Fandrei is retired, formerly serving as the Executive Director of the Cook Inlet Aquaculture Association. He currently is a Council Member and Secretary/Treasurer for the Cook Inlet Regional Citizen's Advisory Council and sits on the Board of the United Fisherman of Alaska, serving as Chair of the Enhancement Committee. Additionally, he serves as Deputy Commander for the Civil Air Patrol Kenai Squadron as a volunteer.
- No current EVOS funding or financial interests are associated with these organizations.

RJ Kopchak, Vice Chair – commercial fishing

- Vice Chair Kopchak is a retired fisherman who owns two inactive herring permits and spent 40 years on the water. He was the founding (unpaid) president of PWSCC and currently volunteers on the Facility Committee. He also serves on the Alaska Marine Conservation Council Board of Directors.
- He does not receive direct EVOS funding; however, he worked on PWSSC proposals which were funded in the past, so he was not directly paid but indirectly paid through administrative fees.
- He is committed to the PAC and to working diligently to understand ecosystems and impacts to the herring fishery.

Stacey Simmons – commercial tourism

- Simmons was born and raised in Kodiak. She is the Director of Operations for Kodiak Brown Bear Center (ecotourism lodge) and the President of Discover Kodiak (visitors bureau). She also works for Koniag Corporation as the Director of Shareholder Services.
- She has not applied for EVOS funding, (previously or currently) and has not been a part of the Koniag habitat project that is seeking EVOS funding. Simmons stated that she is not affiliated with the portion of Koniag that is working on [land conservation] issues with the Trustee Council; she represents commercial tourism.

George Skladal – public-at-large

- Skladal is an attorney-at-law, a volunteer for the Prince William Sound Regional Citizens Advisory Council (Terminal Operations and Environmental Monitoring Committee) , Alaska Bar Association member, and American Society of Civil Engineers member.

David Totemoff, Sr. – Native landowner

- Totemoff is a life-long Prince William Sound (PWS) resident in the Village of Tatitlek. He has been involved with the Trustee Council since it began and had a big involvement in the Oil Pollution Act of 1990.
- He asked how strong are the PAC's advisory words are when they have anything to tell the EVOS Trustee Council? What can they say, and how can they move the group forward? The DFO responded that PAC members have discussions regarding issues that come before the group and make motions that are considered and passed. These non-binding recommendations go to the Trustee Council for consideration. Totemoff then asked what happens if the PAC is not happy with what's going on? Are they doing what they can for PWS recovery, and what are they going to do? The DFO recommended continuing with introductions, and those issues can be considered by the PAC during the meeting.

Chris Saal – recreation

- Saal has been a resident of PWS since the 1970s. He is the owner/operator of a lodge and used to be a herring fisherman. He is also an airplane spotter and participates in other typical Alaska activities. He stated that he is a fairly new member and is focused on listening.

Patience Andersen-Faulkner – subsistence

- Andersen-Faulkner stated she "loves to eat good food." She has been a subsistence user almost all of her life, and she depends on the natural/renewable resources within PWS; the food and the safety of that food is very important to her and all her friends and relatives.
- She is affiliated with PWSRCAC (Economic Development Committee) and on the board of an indigenous tribal leadership group – Salmon Nation.

New members appointed by DOI Secretary on January 7, 2021:
Kristin Carpenter – science/technical

- Carpenter has lived in Cordova since the 1990s. She used to be affiliated with Copper River Watershed Project (CRWP) for over 20 years but is now with the PWS Economic Development District for the past year. She stated she is a "newby" who is still reading materials and listening.
- She has not worked for the CRWP for a year and doesn't anticipate her current employer will apply for EVOS funds, but they do support economic development in the region.

Linda Leary – sport hunting and fishing

- Leary is the founder of FisheWear, which sells clothing and gear for women, and owner of Women's Flyfishing, a business that takes women on fishing trips (including Cordova). She also has a consulting practice, is on the Kenai River Sport Fishing Association Board, and participates on the Alaska Regional Hospital Board.
- She hasn't worked for anyone who has applied for EVOS funds.

John Whissel – environmental/conservation

- Whissel lives in Cordova and works for the Native Village of Eyak as Director of the Department of the Environment and Natural Resources. He is a member of Federal Subsistence Board Southcentral Advisory Committee and is on the Board of the Prince William Sound Aquaculture Corporation.
- The Eyak Tribe may have been involved with past funding requests, including an application to establish an ocean restoration facility (outside of the formal RFP process). The Executive Director stated that proposal was provided to the Trustees about five years ago, and although PAC members might not be directly involved in certain funding requests, they still should consider those projects put forward by organizations they are affiliated with. Whissel noted he is also involved with a group that may pursue EVOS funding in the future under the current request for proposals.

The DFO then requested that other participants in the meeting introduce themselves (listed above).

PAC Training

Because of the recent appointment of three new PAC members, the DFO presented on the following topics regarding PAC requirements, which were previously presented at the PAC meeting in February 2020.

Federal Advisory Committee Act (FACA)

- Charter – outlines authorities, required to update every 2 years
- Advisory role only – PAC provides recommendations to Trustee Council
- PAC acts as a body, not as individuals
- FACA violations – no fines for individuals, but litigation possible
- Membership must be balanced
- Meetings – limited to public meetings with the opportunity to provide written or verbal statements, must be advertised in the Federal Register at least 15 days prior, summary prepared by the DFO
- Subcommittees are allowed under FACA, but the PAC currently does not have any

- Records – must be publicly available, PAC records (meeting summaries, etc.) are available on the Trustee Council website
- Potential conflicts of interest must be disclosed

Ethics

- PAC members are representatives and serve as a voice for particular interests (e.g., subsistence, recreation); they do not serve as employees
- Charter language--can't discuss specific party matters where members have a direct financial interest
    - Specific party matter – grants, applications
    - Direct financial interest – personal interest, gain or loss, ownership, salary, job, debt, or similar interest
        - Direct effect – causal link
        - Predictable – real, not speculative; dollar amount doesn't matter (no minimum threshold)
- Advisory duties are restricted, but members may act outside of advisory duties
- Reach out to DFO if there are questions

Chair Fandrei suggested that if there are any doubts or questions, bring it up for discussion. He once owned land next to a parcel the Trustee Council was considering purchasing. It was determined to not be a conflict, but he did raise the issue. The Executive Director also stated that Trustees bring up potential conflicts of interest for transparency when necessary.

After taking roll and presenting information regarding FACA and ethical responsibilities, the DFO recognized the PAC Chair who presided over the meeting.

Honoring Cherri Womac

Chair Fandrei noted the very sad news of the passing of Ms. Cherri Womac. She was a great person and was always a helpful EVOS Trustee Council staff member whom he had known since 2001. She will be greatly missed. Other heart-felt condolences were offered during the meeting by several PAC members, the DFO, and members of the public.

October 2020 Meeting Summary

The PAC passed a motion to approve the October 13, 2020, meeting summary.

15150123 - Kenai Aquatic Ecosystem Restoration Project

The Executive Director recommended adding this item to the agenda. No objections were made. The Executive Director and Gillian O'Doherty with ADF&G briefed the PAC on this issue.

This is not a new project, but rather a request to administratively move funds within an already approved project. Each sub-project was assigned an individual budget, which is unusual for fish passage projects.

It was proposed to move unused funding for Crooked Creek (Project D) on the Sterling Highway, which involved culvert replacements that were completed under budget, to the ongoing North Fork Anchor River/Nik Road (Project A). The final billing for this project is $637,000. Overall, the project budget is on track; however, some additional funding was requested due to cost uncertainties associated with the pandemic, including staffing costs, foreign trade issues and tariffs.

Public Comment

The floor was opened for public comment. Comments are summarized below.

Tim Richardson – Wildlife Forever (Lower 48 and Alaska NGO)

- Richardson was on Capitol Hill when the spill happened and has worked with 2 Tribes, 14 Alaska Native corporations and 4 NGOs. He has had a long association with the Trustee Council, and he considered it to be a career highlight. He has assisted his clients in receiving $350 million for habitat projects.
- Koniag's Karluk agreement ended ten years ago, and roughly $50 million returned to the Habitat account. He looked at what else could be done and is particularly interested in sockeye salmon. The Copper River Delta is the best opportunity to help this species with link to injury and economically important. He started to work with Eyak Preservation Council and had met with PAC members, Chris, RJ, and Patience in the past. He supports the purchase of Korean coal interests in the Bering River Coal Field to avoid mountain-top mining that would devastate the area. He supports resolution 20-D regarding spill area boundaries.
- Richardson also supports keeping the research and habitat sub-accounts separate.
- He is grateful for the leadership by USFS and Steve Wackowski with DOI previously.
- He has letters from his organization that are backed by millions of sportsmen which he wants to make available to the PAC.
- In the joint federal & state EVOS settlement, half the money was for U.S. citizens in a 50/50 split. He questioned why there is no federal representative on the PAC.
- He would mostly like to be available as a resource for the PAC if there are questions.
- Richardson entered into the Zoom chat: *How can the written voices of millions of Americans be so cavalierly discounted in recap of public comment? The EVOS process is not just an "inhouse Alaska" exercise. Who is representing the federal interest on the PAC?* The Executive Director noted they will pass his public comment to the Trustees.

Josie Hickel – Chugach Alaska Corporation

- The entire region, including PWS and lower Cook Inlet, was devasted by EVOS, and there is significant interest in the use of EVOS trust funds.
- She is opposed to all 4 draft resolutions, which would further limit an already limited public engagement and participation process. We need to make sure there is trust in the public process, which should be open, transparent, and inclusive.
- Hickel also opposed to spending down the trust fund balance, which should instead be used in perpetuity to help communities most impacted by the spill, including tribes and shareholders.

- She thanked PAC members for looking at public comments. It is the PAC's job to understand how public feels, particularly the impacted communities. Based on comments submitted, 90% or more oppose Resolutions A, B and C.
- 60% opposed Resolution D, but it is unclear what percentage were Alaskan commenters. She agrees the Copper River habitat is important and would like to retire coal rights in the Bering River. Chugach retired other coal rights in that area already, but does not believe that expanding the spill zone is the way to proceed, and the funds should be used to restore habitat in the spill area.
- These are significant issues that are important for public to be involved, particularly communities in Alaska. For Alaska issues, Alaska input needs to be heavily weighed.
- She appreciates the PAC's time and is available for questions.
- Hickel noted in the Zoom Chat: *Chugach did a summary, which I just emailed to the EVOSTC staff.* The Executive Director stated that Linda will forward Chugach's summary to the PAC.

Brooke Mallory – Eyak Corporation, Chairman of the Board

- Created under the Alaska Native Claims Settlement Act of 1971, Eyak is the Alaska Native village corporation for eastern PWS, Cordova, and the Copper River area. They are still on the frontline of EVOS 31 years later with lands, shareholders, and communities still suffering from lingering effects.
- Their corporation only recently learned of Trustee Council plans that would significantly change public involvement, funding processes, boundaries and other aspects of the 1994 Restoration Plan. They urged the PAC to recommend to the Trustee Council to postpone decisions on the resolutions until adequate consultation is conducted with communities, tribes, and Alaska Native corporations impacted by EVOS.
- This consultation is consistent with the Trustee Council mission to efficiently restore the affected environment to a healthy, productive, world-renowned ecosystem, while taking into account quality of life and opportunities to establish and sustain a reasonable standard of living. She looks forward to further discussion and collaborative efforts. We all have a common goal – to restore injured resources.

Tom Panamaroff – Regional Legislative Affairs Executive for Koniag, Inc. (Kodiak area Region Native Corporation)

- Regarding Resolutions 20-A, B, C, and D, the 60-day comment period (in the midst of the global COVID-19 pandemic) was not enough time for public engagement, particularly because many in the spill-affected areas have limited access to broadband, and many communities were focused on pandemic prevention, relief, and recovery. Koniag is not aware of Trustee Council efforts to hold public meetings to explain these proposed resolutions to communities in the Koniag region. Koniag shared information regarding the resolutions at regional leadership meetings. During the previous Trustee Council meeting, Koniag testified before the council and offered their assistance to get the word out and to make time on regional meeting agendas to discuss the proposed changes. More could have been done to explain the proposals, and Koniag offered their assistance with two-way engagement.
- Resolutions are a fundamental shift, and Koniag opposes all 4 of them. In reading written comments, it appears the resolutions were opposed by 6 individuals, 3 tribes, and

2 village corporations in our region. Removing annual review and public comment reduces the opportunity for offering suggestions for changes that could improve projects.

- Panamaroff is concerned about merging funds into one account, which could lead to one program becoming more dominant and leaving little for the other program. He also opposes funding projects outside of the spill-impacted area, much accomplished in 30 years but still much to do in the spill-impacted area.
- Panamaroff urged the PAC and Trustee Council to review the citizens' "Think Tank" proposal and reconsider their recommendations. That group is dedicated to establishing a framework to utilize the remaining funds for the maximum benefit, particularly in communities in the spill-affected area, for generations to come.

Tara Reimer – ASLC

- Reimer supports Resolution B and was surprised to read 175 pages of comments on this resolution, most of which appear to object to B because of A and because they don't understand it. B doesn't remove annual Trustee Council meetings and annual review of ongoing research. It provides multi-year funding for projects without having to reapply every year. Resolution B makes sense to her, but she understands the Trustee Council grant process and other scientific grant processes, and many in the public don't have such knowledge. She hopes the PAC will take note of the comments from those who understand the process, such as the scientists familiar with the scientific grant process.
- The EVOS funding process is administratively challenging. Most other grants don't require reapplication every year. Annual reports are extremely common and should be retained, but we need certainty for multi-year funding to operate efficiently. The initial review process should be rigorous, and it is typical to fund projects for 3-5 years. 10 years without re-approving projects is too long. Trustees need the ability to remove poorly performing projects. Annual reports are needed to identify red flags and poor performance. It makes sense to have a more efficient process to achieve the end goal of restoration.

Rachel Kallander – lawyer and consultant in Anchorage

- Born and raised in a fishing family in Cordova, Kallander's work has focused on the economic health and sustainability of PWS and the EVOS region. She has attended every PAC and Trustee Council meeting for roughly the last 2.5 years and observed and heard from community leaders in the EVOS region about a fundamental gap in communication, understanding, and collaboration between EVOS and members of the communities. She noted PAC members have personal ties to the region.
- Kallander implores the PAC to consider the four resolutions and the overwhelming input received through public comments. In her review of public comments, it is clear that the region is not in full agreement with the Trustees, and there is much to discuss with the communities.
    - Resolution A – 117 comments in objection, 3 in support
    - Resolution B – 95 comments in objection, 5 in support
    - Resolution C – 92 comments in objection, 4 in support
    - Resolution D – 283 comments in support, 85 in opposition, but she also heard there is a need for further consultation from stakeholders, particularly fisherman, and tribes

- There are concerns from mayors, tribal leaders, and city council members. From the public comments submitted to EVOS, she noted the City of Cordova strongly opposes Trustee Council consideration of Proposals A, B, C, D at this time. With the pandemic and holiday season, it was a terrible time to solicit stakeholder comments from within the region. The city strongly encouraged Trustee Council to host a meeting in Cordova to encourage stakeholder dialog. Consideration of these proposals at this time supports recent criticism that the Council is circumventing the public process and operating without transparency or access. She knows that is not the intension of this group, but it is clear that problems exist and should be reviewed to quell any heartburn.
- The proposals fundamentally alter the future EVOS and how the public can participate. As the PAC was appointed to "gut check" the Trustee Council, please recommend to the Trustees on January 19th to delay action on these proposals and aggressively pursue public meetings throughout the region, soliciting more input on the future of EVOS. Thank you
- Kallander noted in the Zoom chat: *FYI - We know from review of the comments on the EVOS website that at least 16% of the comments in support of Resolution D came from people who blatantly stated in their comments that they are not Alaskan.*

Totemoff, Sr. expressed that it is nice to have restoration in different places, but until the Trustee Council and communities affected by '89 spill agree we are recovered, then the spill boundary should not be expanded. If they are not yet satisfied with what's going on, they should ensure that PWS is recovered first. They haven't seen recovery in Tatitlek where he was born and raised. Totemoff noted he worked on herring restoration in the past with Vice Chair Kopchak. When the herring have been restored in the Village of Tatitlek, then he might be satisfied that they are on the road to recovery.

FY 2021 EVOS Science Programs and Projects

The Science Director summarized the four draft resolutions that will be considered at the next Trustee Council meeting.

Draft Resolutions 20-A, B, C, and D and related public comments

At the October 14, 2020, Trustee Council meeting, the following draft resolutions were approved for a 60-day public comment period from October 16 until December 16, 2020.

Draft Resolution 20-A proposed to amend the 1994 Restoration Plan to eliminate the annual Trustee Council public meeting and funding process and change reporting schedules. The related **Draft Resolution 20-B** would change the procedures for approval of multi-year projects.

The Science Director and Executive Director agreed it may be helpful to review the current policies for annual review and reporting, which is also posted on the website.

Annual Funding Review: Currently, all proposals (new and multi-year) are reviewed annually for funding for the next Trustee Council fiscal year. Reviewers include the Council staff, Science Panel, PAC, and the Trustee Council. Multi-year proposals include information on project progress and any requested changes to the original proposal and budget.

Annual and Final Reports: Funded projects are required to submit annual reports detailing project progress, including budget actuals and timelines for deliverables. Multi-year projects provide annual reports, with the exception of the first and last fiscal year; a final report is submitted after the end of the last fiscal year of the project. Reports are reviewed by Trustee Council staff and Science Panel and are made available on the website after approval. Final reports are also published and archived at the Trustee Council and Alaska Resources Library and Information Services; electronic copies are available on the Trustee Council website, program websites, and also submitted to the Alaska State Library and National Technical Information Services.

Synthesis Report in Year 4: Initiated in FY2012, the Trustee Council Long-Term Monitoring (Gulf Watch Alaska) and Long-Term Herring Research and Monitoring Programs are required to submit a synthesis report for each program in year 4 (FY15, FY20) of the 5-year cycles of the programs. These synthesis reports inform stakeholders of the current state of knowledge on the ecosystem components within the region.

Draft Resolution 20-C proposes to authorize the Trustee Council to combine the habitat and research sub-accounts into a single multi-purpose account. Combining the sub-accounts could be accomplished two ways:

- Path 1 requires federal legislation to modify restrictions in a 1999 public law, which allowed deposit of the trust funds into "outside accounts" conditioned on continued management and allocation consistent with the March 1, 1999, Trustee Council Resolution that originally divided the trust funds into two sub-accounts. Path 1 would enable the trust funds to remain with the Alaska State Department of Revenue where they have earned a good return over the past decade, but federal legislation would be needed to combine the sub-accounts. The Executive Director noted the state fund earned approx. 151.1 million over the last decade.

- Path 2 would transfer the trust funds to the DOI's Natural Resource Damage Assessment and Restoration Fund (NRDAR Fund). Path 2 would not require legislation, but DOI's NRDAR Fund has earned minimal returns over the last decade compared to the state-invested trust funds.

Draft Resolution 20-D proposes to amend the 1994 *Exxon Valdez* Oil Spill Restoration Plan (1994 Restoration Plan) to incorporate an ecosystem approach to the oil spill boundary. The 1994 Restoration Plan (adopted by the Trustee Council) established the boundaries of the EVOS-impacted area (Oil Spill Zone) to include "the maximum extent of oiled shorelines, the severely affected communities and their immediate human-use areas, and the adjacent uplands to the watershed divide."

The 1994 Restoration Plan states that the vast majority of the trust funds are to be used to restore resources and services within the Oil Spill Zone where the injury and need for restoration was most severe. Restoration activities emphasize injured resources and services that have not yet recovered from the oil spill.

Under the 1994 plan, restoration or monitoring outside of the Oil Spill Zone, but within Alaska, may be undertaken only if additional specifically limiting criteria are met. Restoration actions within the Oil Spill Zone boundaries are subject to more relaxed standards.

The criteria for undertaking restoration activities outside of the Oil Spill Zone are discussed on page 14 of the 1994 plan and restated below. There are two alternative tests:

- When the most effective restoration actions for an injured population are in a part of its range outside the spill area; or
- When the information acquired from research and monitoring activities outside the spill area will be significant for restoration or understanding injuries within the spill area.

Since the promulgation of the 1994 Restoration Plan, these strict criteria have confined virtually all Trustee Council-funded restoration activities to the area within the Oil Spill Zone. There has never been a finding that "the most effective restoration actions for an injured population are in a part of its range outside of the spill area." As a result, no habitat protection purchases, or enhancement projects have been undertaken outside of the Oil Spill Zone under the 1994 Restoration Plan.

Over the 30-year history of the EVOS trust, two research and restoration projects have been expanded to include actions and data undertaken outside of the spill area boundaries. They each met the second prong of the test in the 1994 plan for when "the information acquired from research and monitoring activities outside the spill area will be significant for restoration or understanding injuries within the spill area."

The two projects are described briefly here:

- In the early 1990s, removal of introduced foxes from two Shumigan Islands, Simeonof and Chernabura, was undertaken to assist in the recovery of black oystercatchers and pigeon guillemots; two then unrecovered injured species from the spill. The response of the oystercatcher and pigeon guillemot populations to the removal was monitored by the researchers. Follow-up research in 1995 was undertaken to determine whether any foxes had survived on the islands and to record changes in recovering bird counts.
- Starting in FY2017, the Middleton Island seabird diet study was added to the ongoing Gulf Watch Alaska (GWA) forage fish monitoring project. Although Middleton Island is outside of the spill area boundary, this complementary study was funded because of its cost-effective approach for using predators (birds) as indicators of trends in forage fish in PWS and the Gulf of Alaska. Funding the Middleton Island study ensured it would be integrated with the GWA program, published, and made available for use by other researchers. The additional sampling effort at Middleton Island was determined by the Trustee Council to be necessary to ensure the continuity of long-term datasets that will collectively provide an important contribution to knowledge of ecosystem function.

Draft Resolution "D" proposes an amendment to the 1994 Restoration Plan that would eliminate the strict criteria for out-of-the-spill-zone restoration actions. Instead of relying on a limiting boundary for the Oil Spill Zone, within which almost all spill restoration work has taken place,

the amendment would adopt an ecosystem approach for funding restoration projects. If adopted, draft Resolution "D" would allow Trustee Council-approved projects to be undertaken outside of the Oil Spill Zone when "the Council determines the restoration actions will address the *Exxon Valdez* oil spill's adverse effects to ecosystem services and mobile fish and wildlife populations whose ranges overlap or intersect with the spill area." The focus on recovering populations and sustaining recovered populations would continue. For some species and ecosystems, such as migratory birds or salmon that range widely, the area of overlap or intersection in the ecosystem approach could be quite large, extending the geographical area where EVOS restoration activities could be undertaken, with Council approval.

PAC discussion of Proposed Resolutions:

When asked by Chair Fandrei for a summary of public comments, the Executive Director stated this would be challenging. She didn't want to discount individual comments as each comment is important. Missing a comment could leave someone out. She expected the Trustees to read the comments, which is an important part of the process, and staff have not filtered them. There were organized efforts for getting out comments in some instances.

Chair Fandrei suggested he was not looking for analysis but was interested in trends regarding how comments were leaning. He understands the office's position of not leaving anyone out. The Executive Director was also concerned that a tally was a simplistic way to look at the public input; some comments were more boiler plate, but still may have emotion and thought behind comment, while others went to a lot of effort to create their own comments. Therefore, she hesitated to tally due to the complex issues raised; not all comments were black and white with positives and negatives.

Simmons understood the resolutions were not black and white issues, but she still wanted to know percentages for and against resolutions. She did read all of the comments and noticed two organized efforts to submit comments, but they were still individual voices, and she would appreciate percentages.

The Executive Director stated EVOSTC staff read comments individually and did not try to develop a tally; however, the Chugach Corp. and Think Tank did prepare tallies, as noted in the public comments during this meeting. The majority of comments were against the resolutions – mostly opposed to A, B, and C, but some in favor of D.

Simmons noted she was concerned about the amount of comments from outside of Alaska (and possibly the United States), particularly regarding Resolution D. As a person from spill-impacted area, the priority should be to hear from those from the area. The Executive Director asserted there were some outside interests that commented on Resolution D.

Vice Chair Kopchak stated that after his review of the comments, he noted discrepancies in the process with the lack of adequate notice during this pandemic, which affected everyone's opportunity for meaningful public comment. It certainly affected his ability as a PAC member to make a decision today regarding the long-term impacts of these resolutions. It wouldn't be difficult to formulate a resolution that articulates the deficiencies in opportunity to make

meaningful comment and request that the Trustees postpone any action until the PAC can discuss the process and procedures among themselves. A 2 or 3-hour meeting to discuss thousands of public comments is not an adequate amount of time to make recommendations. It may not be the best use of time to discuss the numbers if the public did not have sufficient time to comment.

Mr. Richardson stated he was surprised at the confusion regarding tallies for Resolution D for which the comments were overwhelmingly favorable. Millions of Americans were represented in the letters received. The federal government and people of the U.S. are half the injured party. (Although the Trustee Council already has federal representation,) Richardson recommended the PAC needs a federal voice to accurately implement the court settlement.

Chair Fandrei appreciated the discussion and feels he got the information he was looking for. He had a question for the staff when looking at Resolutions 20 A-D. There is only one signature page at the end, after Resolution D, for the Trustee Council if they do approve them. Was the intent to consider approval of all the resolutions as a package, or were they going to look at each one individually? The Executive Director answered that it was a factor of formatting and getting the package out for public comment within 24 hours of their last meeting. The Trustee Council did not indicate that their intent was to consider them all together as a single package. They did want public comment on all the resolutions individually.

Chair Fandrei thought that the PAC is probably ready to formulate a direction for the PAC.

Simmons stated that in light of overwhelming feedback from the public, she asked the PAC to pass a motion recommending the Trustee Council not approve Resolutions 20-A thru 20-D until stronger public engagement be accomplished, to include the Trustee Council tasking the EVOS staff with developing an inclusive public engagement strategy in the communities affected by the *Exxon Valdez* Oil Spill. She suggested the PAC needs more discussion time.

As a point of order, Whissel asked if would it be more appropriate to move to adopt the four resolutions and then discuss them and then vote against them, versus voting on a motion in the negative? Leary seconded Simmons's motion. Simmons clarified the motion. Chair Fandrei further recommended modifying the motion, asking the Trustee Council to delay action on the resolutions. Andersen-Faulkner agreed with the modification. Simmons altered motion from "not approve" to "delay approval."

Vice Chair Kopchak has strong opinions about several sections of the motion. Some of his opinions have shifted following review of public comments and PAC discussion regarding what will be put forward to the Trustee Council. Some may be disappointed in a non-recommendation one way or the other to the Trustees. He thinks this is the right thing to do right now and the right motion; this is a tough time with COVID and everything else. Andersen-Faulkner also agreed with the motion to delay action because it is important to obtain more public input. Saal concurred with everybody. Whissel supported delaying decision, particularly given public comment.

Whissel called for a vote. Initially, 8 of 9 members present supported the motion (the tenth member dropped off the virtual meeting due to a scheduling conflict). One member was

opposed, but then stated he misunderstood and changed his vote to a "yes." The final vote was unanimous support of the motion (9 out of 9).

Edits to the FY22-31 Invitation

The Invitation was issued on November 4, 2020. Language regarding annual review and reporting policies will be edited in response to the Trustee Council's decisions on Resolutions A, B and D.

Trustee Council staff proposed to change text in the Invitation's mariculture focus area section on page 16: "Restoration activities may also support subsistence activities. Examples include building fish passages to restore fish populations, replanting seaweed to restore the intertidal zone to pre-Spill conditions or growing kelp species that may also be commercially valuable." This fish passage text was excerpted from the 1994 Restoration Plan's general examples of habitat restoration. However, as it is not appropriate for the mariculture section, Trustee Council staff recommend removing the language as part of the updates to the Invitation.

The PAC passed a motion recommending that the Trustee Council approve the proposed minor edits to the invitation.

Closing Remarks

Simmons thanked everyone for public testimony, thanked the Trustee Council staff for the hard work, extended condolences to the staff for their loss, and thanked the PAC for ensuring public comments were acknowledged.

Totemoff, Sr. requested a hard copy of materials be mailed out to him for the next meeting because it is confusing for him to follow online. He also thanked everyone for their input today regarding restoration of the PWS. Chair Fandrei noted that hopefully staff can work with you to ensure you get what you need; however, it might be hard to send all the comments, particularly with thousands of pages of comments.

Whissel stated he was excited to be part of the group. It was abrupt getting a letter from the DOI Secretary yesterday and participating in a meeting today. The PAC is talking about issues everyone is engaged in, one way or the other, which are potentially big changes for our region. He was happy with how the PAC dealt with them from the perspective of a stakeholder looking in. They did a job well done, and he is excited to get into issues more, figure out the future of the trust, and deal with issues important for the region, hopefully indefinitely. Thank you, and he looks forward to more.

Vice Chair Kopchak appreciated the observation regarding the loss of Cherri, which hurt his heart. He worked with her for a long time, and she was a great person. He believes they are demonstrating a brand-new PAC. He sensed frustration with the previous level of active participation and focus on issues. Now, the PAC has an assortment of good brains and can pick issues apart. He sees the PAC going back to be like the one he previously served on, digging into issues as a PAC and asking for extra information - not getting thousands of pages 8 days

before a meeting and being asked to make a recommendation. He suggested they should all be activists for the things they represent and make good things happen.

Leary was glad to be part of group. She is looking forward to doing what she can do to help protect PWS. She also appreciates the motion today to get more feedback, hear from people in region, what they want to see happen.

Skladal said thank you.

Saal noted everything was orderly and seemed to go well. Can Trustee Council staff ask people if they want a hard copy? Chair Fandrei encouraged staff to work with PAC members on this issue. The Executive Director said they are happy to work with members on what they can send, such as agenda and meeting materials, but they probably can't send thousands of pages of public comments; it would depend on the volume of materials and will work individually with members as needed.

Andersen-Faulkner stated a great deal of work went into this meeting. It was very concise, understandable, and from the heart. She appreciated the work that goes into it and to keep up the great work. We have a great deal of responsibilities and need to keep working on them. She hoped for everyone to be safe.

Chair Fandrei remarked they really do miss Cherri and her input into this program. She was a very big asset who they will miss for a long time. He appreciated everyone's assistance with the meeting and hoped he didn't offend anyone as chair. He also appreciated everyone's patience with the process (i.e., technical issues involving Zoom meetings) and the help he has received. He applauds the PAC for making a recommendation on the resolutions and thinks it was the right recommendation made from the PAC. He will relay the recommendations on to the Trustee Council at their next meeting. Thank you for joining them for the meeting.

The DFO thanked the new members for receiving a letter yesterday and diving in by reviewing materials quickly and rearranging their schedules. Thank you for the "can do" attitude and their contributions to the PAC.

The Science Director and Executive Director also thanked everyone and told them to stay healthy.

The meeting adjourned at 12:37 p.m.

PAC Motions

Motion: Kopchak introduced a motion to approve the October 13, 2020 meeting summary. Second by Simmons. **Motion carried.**

Motion: Kopchak introduced a motion to recommend the Trustee Council endorse and support the proposal to transfer funds between two sub-projects of *15150123 - Kenai Aquatic Ecosystem*

Restoration Project: Crooked Creek (Project D) to North Fork Anchor/Nik Road (Project A). Second by Simmons. **Motion carried.**

Motion: Simmons introduced a motion to recommend the Trustee Council delay decision on Resolutions 20-A thru 20-D until stronger public engagement can be accomplished, to include the Trustee Council tasking the EVOS staff with developing an inclusive public engagement strategy in the communities affected by the *Exxon Valdez* Oil Spill. Second by Leary. **Motion carried following a roll call vote *(9 to 0, with one PAC member not present due to a scheduling conflict)*.**

Motion: Kopchak introduced a motion to recommend the Trustee Council accept proposed edits to the FY 22-31 Invitation. Totemoff, Sr. seconded. **Motion carried.**

I. FOLLOW-UP:

The DFO provided the Chair with a draft meeting summary, including motions passed by the PAC during the January 8, 2021 meeting. Chair Fandrei will brief the Trustees on the PAC meeting during their meeting on January 19, 2021.

J. NEXT MEETINGS:

Trustee Council meeting – January 19, 2021 (Zoom platform)
PAC Meeting – Summer 2021 (potential meeting – subject to change)
PAC Meeting – Fall 2021
Trustee Council Meeting – Fall 2021

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

1. PAC 01.8.21 Meeting Draft Agenda Rev12.21.20 – 260 KB pdf
2. 10.13.20 PAC Meeting Draft Summary – 269 KB pdf
3. Draft Resolution 20-A – 162 KB pdf
4. Public Comments for Draft Resolution 20-A – 8,707 KB pdf
5. Draft Resolution 20-B – 129 KB pdf
6. Public Comments for Draft Resolution 20-B – 6,837 KB pdf
7. Draft Resolution 20-C – 158 KB pdf
8. Public Comments for Draft Resolution 20-C – 6,506 KB pdf
9. Draft Resolution 20-D – 194 KB pdf
10. Public Comments for Draft Resolution 20-D – 15,668 KB pdf
11. FY 22-31 Invitation released on 11.4.20 – 523 KB pdf
12. FACA Background and Summary – 88 KB pdf
13. FACA Committee Representative Ethics Responsibilities – 157 KB pdf

L. CERTIFICATION:

DocuSigned by:
Gary Fandrei
AD6854541CAD340B...

11/5/2021

PAC Chairperson **Date**

DocuSign

Certificate Of Completion

Envelope Id: 59786D95F61B4F569AAEB4C39DFDA8AF
Status: Completed
Subject: Please DocuSign: Jan 2021 EVOSTC PAC Meeting Summary rev11-5-21.pdf
Source Envelope:
Document Pages: 17
Signatures: 1
Envelope Originator:
Certificate Pages: 3
Initials: 0
Joy Maglaqui
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Juneau, AK 99811
Time Zone: (UTC-09:00) Alaska
joy.maglaqui@alaska.gov
IP Address: 158.145.14.25

Record Tracking

Status: Original
11/5/2021 11:06:29 AM
Holder: Joy Maglaqui
joy.maglaqui@alaska.gov
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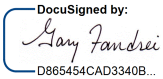
Signer Events	Signature	Timestamp
Gary Fandrei fandreigl@gmail.com Security Level: Email, Account Authentication (None)	DocuSigned by:  D865454CAD3340B...	Sent: 11/5/2021 11:08:45 AM Viewed: 11/5/2021 11:46:25 AM Signed: 11/5/2021 11:50:08 AM

Signature Adoption: Uploaded Signature Image
Using IP Address: 24.237.255.171

Electronic Record and Signature Disclosure:
Accepted: 11/5/2021 11:46:25 AM
ID: b0e50d9c-0feb-4dbd-9789-f34f7ce30ce3
Company Name: State of Alaska

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	11/5/2021 11:08:45 AM
Certified Delivered	Security Checked	11/5/2021 11:46:25 AM
Signing Complete	Security Checked	11/5/2021 11:50:08 AM
Completed	Security Checked	11/5/2021 11:50:08 AM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

Please read this Electronic Records and Signature Disclosure (ERSD). It concerns your rights regarding electronically undertaking, and the conditions under which you and the State of Alaska agree to electronically undertake, the transaction to which it relates (the "TRANSACTION").

Consent to Electronically Undertake the TRANSACTION

You can electronically undertake the TRANSACTION only if you confirm that you meet the following requirements by selecting the box next to "I agree to use electronic records and signature" (the "AGREE BOX"):

1. you can fully access and have read this ERSD;
2. you can fully access all of the information in the other TRANSACTION records;
3. you can retain all of the TRANSACTION records in a form that you will be able to fully access for later reference;
4. you consent to undertake the TRANSACTION electronically; and
5. you are authorized to undertake the TRANSACTION. (Please note that falsely undertaking the TRANSACTION may subject you to civil liabilities and penalties and/or to criminal penalties.)

If you cannot or are not willing to confirm each of these five things, do not select the AGREE BOX.

Withdrawing Consent

If you select the AGREE BOX, you can withdraw your consent to electronically undertake the TRANSACTION at any time before you complete the TRANSACTION: simply do not finalize it. The only consequence of withdrawing your consent is that you will not finalize the TRANSACTION.

If you select the AGREE BOX, your consent will apply only to this TRANSACTION. You must separately consent to electronically undertake any other transaction with the State of Alaska.

Paper Option for Undertaking the TRANSACTION

You may undertake the TRANSACTION with the State of Alaska using paper records. (State of Alaska employees who want to undertake the TRANSACTION in paper should contact the agency responsible for the TRANSACTION.) Print the paper records on the website of the State of Alaska agency responsible for the TRANSACTION, or request them from the agency. The State of Alaska homepage is at http://alaska.gov/.

Copies of TRANSACTION Records

After completing the TRANSACTION but before closing your web browser, you should download the TRANSACTION records. Or you can download the records within 30 days after

completing the TRANSACTION using the link in the DocuSign email sent to the email address you used to complete the TRANSACTION. The State of Alaska will not provide a paper copy of the TRANSACTION records as part of the TRANSACTION. Under the Alaska Public Records Act (APRA), AS 40.25.100–.295, you can request a copy from the agency responsible for the TRANSACTION, but if too much time has passed, the agency may no longer have the records when you make your request. If required under the APRA, the agency will charge a fee.

Required Hardware and Software

For the minimum system requirements to electronically undertake the TRANSACTION, including accessing and thereby retaining the TRANSACTION records, visit https://support.docusign.com/guides/signer-guide-signing-system-requirements. These requirements may change. In addition, you need access to an email account.

How to Contact the State of Alaska

To ask a question on this ERSD or the DocuSign document generated after you complete the TRANSACTION or on using DocuSign to electronically undertake the TRANSACTION, contact the Alaska Department of Administration at either of the following addresses:

State of Alaska
Department of Administration
550 West 7th Avenue
Suite 1970
Anchorage, AK 99501
Reference: DocuSign

doa.commissioner@alaska.gov
Subject: DocuSign

To ask any other question on the TRANSACTION records or to update the information for contacting you electronically, contact the State of Alaska agency responsible for the TRANSACTION using the contact information in the TRANSACTION records or, if those records contain no contact information, using the contact information on the agency's website. Again, the State of Alaska homepage is at http://alaska.gov/.