

## **DRAFT Meeting Minutes**

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

**B. DATE:** September 7, 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:**

<u>Name</u>	<u>Principal Interest</u>
Kristin Carpenter	Science/Technology, new PAC Chair
Michael Stekoll	Aquaculture/Mariculture, new PAC Vice-chair
RJ Kopchak	Commercial Fishing, former PAC Vice-chair
Amanda Bauer	Commercial Tourism
Stacey Simmons	Recreation
John Whissel	Conservation/Environmental
Cynthia Berns	Native Landownership
George Skladal	Public at Large
Linda Leary (afternoon)	Sport Hunting/Fishing
Patience Andersen-Faulkner (morning) <sup>1</sup>	Subsistence

**E. NOT PRESENT:**

<u>Name</u>	<u>Principal Interest</u>
None	

**F. OTHER PARTICIPANTS:**

<u>Name</u>	<u>Organization</u>
Dr. Shiway Wang	EVOS Trustee Council Executive/Science Director
Grace Cochon	U.S. Department of the Interior (DOI), Acting Designated Federal Officer (DFO)
Lauri Adams	EVOS Trustee Council Program Manager
Austin Quinn-Davidson	EVOS Trustee Council Program Officer
Joy Maglaqui	EVOS Trustee Council Executive Assistant

**G. SUMMARY:**

**1. Welcome, Roll Call, and Meeting Minutes**

At 9:06 a.m., Grace Cochon, Acting DFO, called the meeting to order, approved the agenda, and conducted a roll call of PAC members and Trustee Council staff. Seven members were

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<sup>1</sup> Patience Andersen-Faulkner joined the meeting in the morning after roll call was taken.

appointed or re-appointed in May 2022, and eight PAC members were present in the morning, establishing a quorum.

Cochon recognized the previous PAC Vice-Chair, RJ Kopchak, to preside over the next part of the meeting. Kopchak noted his frustration with the PAC's virtual meetings and its decreased influence on Trustee Council decisions. He declined to chair the meeting, with exception of approving the previous meeting minutes. Kopchak moved to approve the September 28-29, 2021, PAC meeting minutes (see attachment), and the motion carried unanimously.

## **2. Chair and Vice-Chair \*Action Items**

Cochon asked for nominations for PAC chair and vice-chair. Kristin Carpenter nominated Mike Stekoll as chair, but he declined because it was his first PAC meeting. Cynthia Berns nominated Carpenter, and Stekoll offered to serve as vice-chair. Executive/Science Director Shiway Wang recommended PAC members attend the Trustee Council meeting to voice their feelings about the PAC process. Kopchak thanked Carpenter and Stekoll, and Stacy Simmons and Cochon thanked Kopchak for his previous service on the PAC. PAC members unanimously passed a motion to name Carpenter as PAC Chair and Stekoll as Vice-chair.

## **3. PAC Term Change**

Cochon explained the rationale to lengthen the PAC member term due to the Trustee Council's reduced meeting schedule. The term will change from two years to four years, so members can participate in more than one meeting before their term expires.

The change does not require Trustee Council action. The PAC is administered by DOI, which notified Trustees about the change. DOI moved forward with updating the PAC Charter with the new term length. The current charter expires on October 2, 2022; the revised charter is expected to be filed on October 3, 2022, and will be effective for two years.

The term change takes effect for new members appointed after October 3. Current members were all appointed under the current charter for two-year terms. Chair Carpenter requested a list of current members and their term expirations. Three members were appointed in January 2021, with terms expiring in January 2023. Seven members were appointed in May 2022, with terms expiring in May 2024.

PAC member nominations must be solicited through a Federal Register notice. Afterwards, the Trustee Council staff advertises nominations through the Council website, state website, newspapers, online groups, and various email lists, including spill area Native communities and corporations, principal investigators, and PAC members. Carpenter recommended also sending notices to community and tribal councils and others.

## **4. Ethics and Federal Advisory Committee Act (FACA) Training**

Michael Shields and Jennifer Heindl, with the DOI Office of the Solicitor, presented ethics responsibilities for PAC members and a FACA overview, respectively. Both provided a copy of

their presentations (see attachments) and answered questions from PAC members. Vice Chair Stekoll asked about conflicts with their representation, and Shields clarified that members are representatives of their respective public interests and can provide input based on their expertise and the interest they represent. However, he encouraged members to act with an abundance of caution if members feel personally conflicted regarding a specific matter.

Chair Carpenter thanked Shields and Heindl. Kopchak noted how the PAC used to function as an empowered advisory committee, as described in the FACA presentation, producing advisory documents for the Trustee Council and allowing participation and integration of thoughts on overall programming rather than specific items. Kopchak recommended mirroring that approach in future years.

## **5. Program and Project Updates**

Executive/Science Director Wang presented on program and project updates related to the FY22-26 and FY22-31 Invitations for Proposals (see summary and presentation attachments). The Trustee Council approved 39 multi-year projects for the five-year and 10-year proposal invitations, and a total of 43 multi-year projects were in operation for FY22, which was higher than usual.

Wang provided information on new FY22-FY26 projects, which included general restoration, brick-and-mortar, and habitat enhancement focus areas and projects. There were some delays in releasing FY22 funds, which postponed the start of some projects. She presented updates on continuing habitat enhancement projects and continuing habitat protection projects that were previously funded, as well as new FY22-FY31 projects, which included long-term research and monitoring (LTRM), mariculture, and education and outreach focus areas and projects. She also gave updates on continuing science projects, the Gulf Watch Alaska Program, Herring Research and Monitoring Program, Data Management Program, and marine facilities projects.

## **6. Financial Update**

Executive/Science Director Wang provided a financial update on the two subaccount balances for research and habitat. As of July 30, 2022, the research subaccount had \$62,619,105 and habitat subaccount \$81,894,284, which together totaled \$144,513,389. All remaining fund balances were allocated to projects by the Trustee Council for FY22-FY31, with encumbered funds to be released annually.

Chair Carpenter asked about different balance amounts since the last PAC meeting, and Wang explained the difference includes funds spent and monthly fluctuations due to investment gains and losses; the accounts lost money since January 2022 due to poor market performance.

## **7. Public Comment**

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

*Craig Matkin* – Killer Whale Monitoring Project (see comment from John Durban attached)

- Matkin has run the killer whale long-term monitoring project since it started with the Trustee Council. He thanked the Trustee Council and PAC for their past support and helping to make their work possible, which includes pre-spill baseline data and charting the recovery and non-recovery of killer whale groups.
- The project is entering a new phase and trying to more fully integrate with other projects through photogrammetry to track conditions of animals more precisely year-to-year and integrate with oceanographic conditions and environmental changes.
- They appreciate the Trustee Council allocating one year of project funding for this new phase. They identified new funding sources, as the Council requested, and the project is working towards becoming independent of EVOS funding, but they still need continuing support from the Trustee Council.
- There are various animal species that have not recovered from EVOS.

*Laurie Daniel* – National Estuarine Research Reserve, Kachemak Bay Research Reserve Community Council (see comment attachment)

- Daniel expressed the community council’s dismay for the Trustee Council decision to discontinue funding the Oceanographic Monitoring in Cook Inlet/Kachemak Bay project, which is vitally important for several reasons.
- Daniel suggested reallocating funds from habitat protection to resource development only makes sense for Alaska’s economy if one ignores the consequences of not having long-term oceanographic and biographical monitoring data. For example, invasive green crabs were detected in Southeast Alaska, heightening the need for monitoring and threatening Alaska’s economy, ecosystems, and ways of life. A publicly funded program like Gulf Watch Alaska is needed to achieve the necessary collective monitoring.
- They request the Trustee Council uphold the intention of the Resolution 99-03-01 directive for allocating settlement funds and restore funding to the Oceanographic Monitoring in Cook Inlet/Kachemak Bay project (#22120114-J). Without continued funding, they lose biological data collection, analysis, and synthesis efforts, which disrupts this vital long-term ecosystem data set that is so significant to habitat protection, Alaska’s coastal economy, and the spill region.

Chair Carpenter thanked the commenters. Two people who signed up for public comment were not present, and no other attendees volunteered to provide additional comments at that time. PAC members agreed to open the floor for public comment after the spending scenarios discussion and then members would vote on the work plan and proposed amendment after having discussions and hearing more public comments.

## **8. FY23 Work Plan: Administrative Programs \*Action Items**

Executive/Science Director Wang presented the two administrative proposals up for review (see presentation attachment).

### *A. FY23-33 General Operating Budget (GOB)*

The GOB includes six main components:

1. Program Management and Operations (Trustee Council staff oversee all management and operations)
2. IT and Website Support (equipment, website support, archiving platform)
3. Science Program (science panel biannual reviews)
4. PAC (DFO and PAC member travel)
5. Habitat Program (program officer oversees general restoration and habitat projects) – reduced from prior years and proposed to conclude by FY26, will not be funded after FY25 in anticipation of the completion of habitat and general restoration projects
6. Trust Agency Project Management (agency staff support)

Trustee Council staff positions were merged, reducing staff from seven to four personnel. The contracted program manager will oversee habitat projects until FY26, and three staff will remain from FY27-FY33. Additionally, there has been a significant downward trend in GOB funding since FY19, and reductions are expected to continue. A two-year close-out period (FY32-FY33) will allow staff to close-out and cease operations. At least two Trustee Council meetings are anticipated in FY26 and FY31.

*B. FY23-31 Long-Term Research and Monitoring (LTRM) Integrated Program Management (IPM) Budget*

The LTRM IPM structure started in FY12 to reduce administrative costs. The Council approved FY22 funding, but the remaining nine years (FY23-FY31) of funding is up for review.

The IPM is composed of two administrative components:

1. Fiscal and outreach administration – Prince William Sound Science Center (PWSSC) provides administrative leadership and coordination for LTRM and mariculture recon programs, acts as a fiscal agent for 24 projects, and is responsible for LTRM coordination and outreach and community involvement activities.
2. Science administration – National Oceanographic and Atmospheric Administration (NOAA) provides LTRM program leadership, coordination and oversight of science/data synthesis, and leverage of funding through partnership and collaborations.

Program management services are not duplicated elsewhere. The 2009 Trustee Council decided to contract out the services to downsize the Council staff. PWSSC’s fiscal and outreach administrative staff include three positions, and NOAA’s science administration staff include three positions and two post docs responsible for scientific analysis and modeling across projects. The 9-year cost for the IPM is \$8,009,608 for FY23-FY31, which is 11.4% of total LTRM program.

If the fiscal and outreach administration is not funded, NOAA five-year grants for EVOS programs would be cancelled (GWA, herring, data management, and mariculture recon), the Alaska Department of Fish and Game would need to manage additional program contracts, the reduced Trustee Council staff would be responsible for more reporting and tracking, program websites would go off-line, and outreach no longer supported. Lack of funding for science

administration would result in a substantial decrease in scientific quality of work products, loss of synthesis and integration, lack of contributions to the North Pacific Fisheries Management Council and journals, reduced staffing to two positions, and reduced ability to leverage funds (about \$21 million over 10 years with over 50 partnerships and collaborations).

Chair Carpenter and Kopchak thanked Wang who then answered questions. Kopchak noted 11.4% is a phenomenally low overhead rate. Wang clarified the GOB includes funds for in-person PAC meetings in the 10-year cycle. The GOB is funded from both research and habitat subaccounts, and LTRM IPM is funded from the research subaccount. The work plan approvals were separate actions that are not dependent on combining the subaccounts.

## **9. FY22-FY33 Spending Scenarios**

Executive/Science Director Wang presented the FY22-FY33 spending scenarios (see presentation attached).

The combined balance of the research and habitat subaccounts December 2021 was nearly \$200 million, and the Trustee Council approved almost \$192 million in spending with only one year of GOB and LTRM IPM funding. The GOB and LTRM IPM would need over \$24 million for FY23-FY33, but there would be less than \$8 million unallocated in the accounts. The accounts used to make significant investment gains over a long-time horizon, with less spending and higher risk investments. However, with less funding remaining due to increased spending, there is less growth potential in the accounts. The subaccounts also lost over \$18 million total since January 2022 and were transferred to medium-low risk portfolios to prevent further loss.

Additionally, the 2021 Trustee Council assumed habitat subaccount funds could be used to support other projects, but agency attorneys determined they could not or only partially fund due to the restrictions in the Council's March 1999 resolution and Public Law 106-113.

The current spending scenario shows the research subaccount is expected to spend about twice the available amount remaining for FY23-FY33 and will have insufficient funds to support projects after FY25. In contrast, the habitat subaccount is expected to have about \$25 million remaining after FY31. If the subaccounts can be combined, the planned spending still surpasses the expected account balance after FY28 or FY29. Carpenter requested Wang to share the graphs.

Wang answered questions about habitat projects and how to move forward. She clarified that no new habitat protection projects were funded, but the Trustee Council approved funding for five new habitat enhancement projects at their last meeting. Four or five habitat protection projects were presented to the Council last year, which were not approved. Additionally, Wang stated they were showing the PAC options, including combining the accounts and what could be funded. The PAC can recommend funding all projects or defunding projects.

Kopchak commented the Trustees did not have a master plan for funding. Similarly, the PAC did not have a chance to discuss the larger picture and only discussed individual projects, which

is not how to administer a trust account. The PAC should meet in person to talk about the big picture in order to provide meaningful input.

John Whissel echoed Kopchak, commenting the PAC was not directed in how to appropriately advise the Trustee Council to spend down of the remaining funds in one meeting. It would have been better to incrementally award funds over time, with the intention to spend over 10 years. Due to market volatility, it is impossible to predict how much funds will be available, and they risk making substantial changes, just to have another large market shift that requires them to revisit the problem again. He suggested going back and making funding decisions two or three times over a period of time, instead of all at once, but he acknowledged that would affect people who expect to receive funding approved by the Council. He expressed the desire to fix the problem properly and not kick the can down the road.

Wang thanked Kopchak and Whissel and suggested PAC members share their concerns with DOI Trustee, Sara Taylor, when she joins the meeting. If needed, the PAC could hold a second meeting before moving forward. Carpenter also noted the complex nature of the situation.

Wang reiterated the essential nature of the GOB and LTRM IPM. If funding is not approved, no one would run the office, manage programs, or administer funds after January 31.

The PAC broke for lunch at 11:35 a.m. and resumed at 1 p.m. Nine PAC members were in attendance for the afternoon session, establishing a quorum.

#### **10. Proposed Amendment to Public Law No. 106-113 \*Action Item**

Executive/Science Director Wang began presenting the proposed amendment (see presentation attachment). The Trustee Council issued a draft resolution and letter to the PAC describing their proposed amendment to Public Law No. 106-113 section 350, removing paragraph five which codified the distinction between the habitat and research subaccounts. They also proposed revoking the account distinctions outlined in the March 1999 Council resolution. Removing the restrictions would allow the habitat subaccount to support the Council's 2021 funding decisions. Currently, the research subaccount is expected to run out of funds after FY25. Combining the accounts is expected to fund projects through FY28 or FY29.

DOI Trustee Taylor continued the presentation of the proposed amendment (see presentation attachment). Taylor conducted research and reviewed records to address the financial situation. The first ten or so years of the Trustee Council program included five core programs, including the restoration reserve where they reserved about \$12 million (or 12%) of Exxon settlement payments every year, which became \$170 million in 1999. The Council conducted public outreach to determine how to use the restoration reserve and identified long-term restoration needs, per the 1994 Restoration Plan requirement for a comprehensive and balanced approach to restoration that required a complimentary commitment to five factors.

The Council issued the March 1999 resolution, declaring their decision to grow the reserve through investments, which required legislation (public law 106-113). The law tied the eligibility to spend money to the March resolution, which stipulated how much to spend on

habitat protection and other uses. The Habitat Protection Program protected threatened habitat for injured species; 60% of funds were spent by 1999, and funds were set aside and invested for future parcel acquisitions. By 2019, the funds grew larger than expected, enabling additional habitat spending.

Taylor was still considering whether and how to combine the subaccounts without disturbing the long journey (of the spill impacted community) towards the health, productivity, wellness, and sustainability of the ecosystem. The Trustee Council paid sincere thought on the proposed amendment and believes they satisfied the commitment of the 1999 resolution. Taylor excused herself to attend a federal panel and would return at 2 p.m. to answer questions.

Chair Carpenter summarized that the Trustee Council spent \$20 million more on habitat protection than expected, and expenditures accomplished the Council's 1999 commitment. Kopchak noted he was pleased Taylor referenced the late 1990s effort, which was largely driven by a very active PAC that wrestled with the future of EVOS funding and helped enable the evolution of the consolidated and integrated programs. A similar effort by the PAC today could contribute tremendously to how the Council addresses the current financial challenge.

Wang clarified that the Trustees had discussions during the summer and developed the proposal. Carpenter commented how the PAC met last year and the Trustee Council did not follow PAC recommendations. Should the PAC spend time to develop solutions if the Council is already set to follow their proposal? How much direction was the Council looking for? Wang stated they were not able to develop a solution that satisfies the need to fulfill the project approvals granted at the last Council meeting, and they were unsure how to defund projects, some of which already started. She reiterated the PAC should voice any frustrations and concerns about the process to the Council for public record, even if the Council chooses a path that others did not recommend. The PAC could also schedule another meeting before the Council meeting. Berns suggested the PAC could draft a letter outlining recent events and expressing concerns about PAC recommendations not impacting Trustee decisions.

Wang answered a question on whether projects started, clarifying that LTRM projects with NOAA grants have contracts initiated, and state-administered projects are contracted, in the process of contracting, or already spent funds while waiting for contracts.

Carpenter noted they could decrease funding to multi-year projects, and there would still be a funding gap if they combine the subaccounts. Wang added that project awardees are informed that annual funding is contingent on the net asset value of the accounts, and she confirmed they could reconsider funding for all projects.

Amanda Bauer suggested the Trustee Council will likely disregard what the PAC recommends and combine the accounts. The Council previously passed a resolution unsupported by the public, and they committed funds they could not legally spend and forced the issue to combine the accounts. She emphasized the importance and success of the habitat account, and although she supports science immensely, the ecosystem and injured resources are not fully recovered and need protection. The purpose of the settlement was to assist environmental recovery, but it is now vulnerable to political and special interests. She will firmly vote against the proposal.

Whissel agreed the Trustee Council was informing the PAC what they will do. It is the PAC's responsibility to provide a very clear and strong rebuttal that combining the funds is not in the best interests of the resources. The Council created the problem by spending the funds down in the manner they did, and it would likely happen again when the market changes. They should sunset the trust in a measured way that continues to fulfill the mission, instead of dismantling productive and useful programs that could persist beyond the settlement funds. He does not support the proposal and agrees the PAC should provide the Council a written rebuke.

Wang reminded the PAC there were two very important management proposals up for review and recommendation.

Kopchak commented the Trustee Council took action that totally compromised the PAC's capacity to provide meaningful input. The PAC was asked to endorse something they had no prior input on, and he will not support the proposal because they were not invited to have meaningful participation. Simmons echoed the PAC had zero control over Trustee decisions and now must consider how to clean it up and cut projects.

Wang confirmed the remaining deficit after combining the accounts was \$19-26.8 million. Without combining the accounts, the research subaccount would be about \$50 million short, requiring research projects to end after FY25. There would be about \$25 million remaining in the habitat subaccount.

Regarding the difference between Trustee Council and PAC prioritization of projects, Wang responded the Council did not fund new herring projects recommended by the Science Panel and funded one project not recommended by the Science Panel. The PAC relied heavily on the Science Panel recommendations. Wang and Carpenter noted the PAC and Council supported mariculture proposals, but the PAC recommended scaling back funding. The PAC also recommended approving all four protection proposals, which the Council did not fund. Austin Quinn-Davidson recounted that when the PAC last met, there were so many projects that they did not discuss priorities; instead, they provided support for individual projects, which left the Council the opportunity to select which projects to fund. However, the Trustees did not necessarily follow the PAC's recommendations. Whissel confirmed the PAC recommended more projects to fund than what was available. The PAC operated as a volunteer group, recommending projects with value and not determining how to allocate funds. The Council did not follow the PAC's prioritization and ignored some of their own guidance. It was arbitrary and unexpected because they approved a decade of funding for the first time. Simmons agreed, highlighting the length of funding as the biggest issue, which the PAC did not favor, but the Council approved.

Stekoll noted there is still a deficit no matter what, which is the important issue to address. How much would need to be cut? What scenarios would work? Whissel commented they need to remove the market uncertainty and develop a lower risk, more predictable financial plan. Wang clarified she worked with the Alaska Department of Revenue to develop a conservative asset allocation to stop losing money, which began a month ago, and they can change the asset allocation in the future.

Wang suggested they may need to revisit the invitations and start over? However, if the GOB is not funded, there will not be anyone to manage the process. Instead of a two-year cycle, she recommended a five-year cycle, which would provide more stability for the Trustee Council office and staff.

Carpenter stated some PAC members were strongly opposed to the proposal, and there would be much work to do if they did not combine the accounts. The PAC could vote on the budget today and schedule another meeting after the Trustee Council meeting on October 5, offering to do the hard work to allocate funds if they want the PAC's help. A PAC meeting before October 5 may not be productive if the Council will not consider the PAC's recommendations, especially if the Trustees unanimously support the proposal. Wang recommend stating that sentiment in a PAC letter to the Council, noting the PAC does not feel heard and are hesitant to invest time in solving the problem. Cochon offered that since Council decisions must be unanimous, then the PAC would need just one Trustee to follow the PAC's recommendation in order to influence their decision. Not all Trustees are the same.

Bauer stated for the record that the public is opposed to combining the accounts. There is still habitat protection to be done; habitat conservation has been one of the most successful parts of the Trustee Council's work. Conserving land around waterways is not popular with certain administrations, so there is little chance to save more land from becoming more industrialized, but they need to protect the habitat.

### **Public comment** (continued)

*Kris Holderied* – NOAA Kasitsna Bay Laboratory

- Holderied appreciated the PAC's discussion and the importance of informing the Trustee Council about their disregard of PAC opinions.
- It was very important to approve funding for program management and administration for both the Trustee Council office and Gulf Watch Alaska, which are absolutely essential and provide much added value through their management and integration of projects.

*Heather Coletti* – LTRM Program Nearshore Component Lead

- The RFP released last year laid out a long-term vision. The Science Panel and PAC recommendations mirrored the long-term vision, which the Trustee Council disregarded. Revisiting the RFP could be valuable, not to match the Trustee Council decisions, but to go back to that vision and assess which programs should move forward.

*Katrina Hoffman* – PWSSC

- Hoffman agreed there were clear priorities in the invitation released, and the Trustee decision-making did not reflect those priorities.
- Programs like long-term monitoring came about from community input, looking at how to spend down funds and the future of the Council's impact. The overwhelming majority opinion held that it was very important to continue the work in the spill affected area. There are still several species not recovered, but the Council cut funding for those research projects.

- Revisiting the process would be extremely difficult because very complex collaborations were set up for five to 10-year periods, and organizations cannot pivot easily in two to three years. The Council is unlikely to reverse decisions, and not combining the accounts could be catastrophic for organizations. Some habitat funding spent had a more distant nexus to spill effects than other research and habitat money that could have been spent.

*Brandon Drzazgowski* – Kenai Watershed Forum, Stream Watch Coordinator

- If they do not combine the funds and decide projects should be cut, how long would those decisions take to be made?

Carpenter answered that the Trustee Council would make the decisions, but not before October 5. Wang added the Council used to meet annually, but they changed their meeting cycle to five years with biannual reviews by the Science Panel and PAC. They would not meet again until FY26, but they may need to meet to resolve the funding issue.

**Proposed Amendment to Public Law No. 106-113** *(continued)*

Kopchak noted his support and commitment to long-term ecological monitoring and science. He feels a huge dilemma in how to ensure support for science for the future generations of managers. He is not as convinced that all the protection through real estate acquisitions will translate in the future in helping to manage the system for change.

DOI Trustee Taylor returned to the meeting to answer questions. She confirmed if the Trustee Council passes a resolution to rescind the direction in the 1999 resolution, the Trustees would need to ask Congress to change the legislation before combining the accounts.

Kopchak expressed his personal frustration with the process. Herring is still listed as unrecovered, but the Trustee Council cut the herring program. The Council convened and wrestled with how to balance the budget after they overspent. He assumed after the PAC passed on their recommendations to the Council, the Trustees would balance the budget in accordance with the plans they asked the public to respond to, but that was not the case. He is willing to assist in cleaning up the mess, but he voiced his frustration.

Taylor appreciated the sentiments. Public participation has been the corner stone of the Council's success and how it views success. Collecting all this data does not matter if there is no one to share it with or no one who understands it. So many different groups rely on the ecosystems, and we need to come together to talk and think critically about how to approach the task. They will be as honest as possible about what they are doing and how much it will cost.

Regarding whether the Trustee Council has a backup plan in case the accounts are not combined, Taylor is working on a "delta" plan to make the most of what is available and structure the funds to ensure at least five years of funding under the statutory limitations. The plan will be ready by the next Council meeting, and she offered to discuss the issue and hear ideas from others. She appreciated the earlier comment about the Trustees not being mindful about issuing a ten-year invitation with insufficient funding or how much they were spending, but there were a lot of incredible projects to choose from. If the Council cannot combine the accounts, she wants to

ensure they can follow through on their commitments for the five-year invitation, and then have an honest conversation about what they can do after that.

Whissel asked about the Trustee Council's approach and how there will still be a deficit even if the accounts are combined. He echoed previous frustrations of how they arrived in this predicament because the Council went against PAC recommendations. They will need to be creative and employ a holistic approach that includes both reevaluating funding allocations and combining accounts in order to meet the current challenge. They also need to be mindful of organizations that are conducting the work promised. There should be financial recompense if they negatively impact an organization.

Taylor agreed and complimented the idea. There are a lot of hard choices, and the Trustee Council made commitments without running the numbers. It was a difficult task, and they missed it. She is proud of the Council's work over the last 30 years and wants to make sure they can say they worked every day to meet the mission and did everything to make it stretch as much as they could to restore the ecosystem. There is no way to do it alone, only together. Taylor agreed they may not have enough money to pay for everything, but it is possible to invest and increase the fund. The 1999 Council provided an incredible legacy of growing the fund, enabling them to do more than they ever thought they could. She wants to take what they have accomplished and finish strong without regrets.

Taylor clarified that the "delta plan" does not include combining the accounts. The plan will be done by October 5 or sooner.

Whissel asked if there were discussions about adding to the fund through state or federal appropriations? Taylor appreciated the idea and would talk to others about it. While she also believes the public should never pay for what happened, the public would be paying for what happens next. She encouraged anyone to circle back with her to partner on the idea.

Kopchak agreed. They have some of the longest ongoing data sets in the region through EVOS, and it should be a public investment to maintain that data for the preservation and management of the resources. He thanked the Trustee Council for bringing us here and to Whissel.

Regarding adding the idea to the PAC letter, Taylor responded that every idea is worth considering. The ability to be creative is unparalleled – thanks to the process, the communities, and the people who invested in the program and brought ideas. The Trustee Council has been at the vanguard of new ideas in government because of the investment communities made into the Council. She wants to assist communities with next steps and the transition away from having a fund and still having an ecosystem that needs restoration. Are there things the Council can do to help create resiliency and support environments where people can come together to be creative and solve problems? How do we continue programs that provide data to the whole world forever? She looks forward to continuing the conversation as efficiently and economically as possible to put as much money back into these programs. She wants the Council to be a part of the transition, which is an honor debt for them because of how much the communities have given to their program and its success. Carpenter thanked Taylor, and Taylor thanked the PAC. She was grateful for the opportunity to have a hard conversation.

Wang commented that if they will have public meetings over the next year, that is a significant investment they did not include in the budget and may have to be completed by agency staff.

Regarding Coletti's comments on the RFP, Coletti responded that the Trustee Council put forward a vision with the RFP, and they did not follow it. They should revisit what was envisioned and reexamine the long-term vision of the programs. It was not their intent for the program to be presented last October as single projects because the sum is greater than its parts. The LTRM was put together as a single proposal, but in the agenda, each project was listed individually, which was a detriment to the program because they are collectively high functioning and efficient. Taylor commented she is not sure what happened. The whole package was marvelously and cohesively pieced together. It was a lot of money as one big project, but maybe they could have broken it down annually. Taylor was new to the Council and wishes she had more conversations about it beforehand.

### **Action items**

Kopchak motioned to approve the FY23-FY33 GOB and FY23-FY31 LTRM IPM budget. Stekoll seconded. Kopchak and Stekoll supported what the Trustee Council staff needs to continue the programs. The motion passed.

Stekoll motioned to approve the proposed changes to Public Law No. 106-113. Whissel seconded. Votes in favor of combining the accounts included Stekoll, Simmons, Berns, Whissel, Skladal, and Leary. Those opposed included Bauer and Carpenter. Kopchak abstained. The motion passed.

Carpenter reviewed what the PAC needs to do before the Trustee Council's October 5 meeting. They had discussed informing the Council of the PAC's concerns about the process, the role of the PAC, and the work they do. Leary suggested letting the Council know the PAC offers their help and to see how the five-year plan comes out. She advised against doing a lot of work ahead of time in a direction the Council will not go.

Kopchak was curious about if the proposed amendment fails legislatively, being an active participant in what comes next, and to see Taylor's draft plan. He was really pleased Taylor was able to join the meeting; that's the kind of Trustee who is a pleasure to have. He was also willing to meet again as appropriate.

Carpenter offered to draft a PAC letter to the Trustee Council and send to Council staff for review and circulation. Whissel supported a letter that captures their concerns and offered to help. The PAC voted to support the proposed amendment because it was the only practical way forward, but it should not be perceived as an endorsement. The Council went against PAC recommendations, which caused the problem. Simmons also favored a written letter, and Kopchak said a few people could help. Cochon noted the letter could serve as the PAC Chair's briefing to the Council during their meetings, and the Trustees would appreciate it in writing.

Regarding the timeline for the legislative change if the Trustee Council approves combining the accounts, Taylor stated that legislation takes an indeterminate amount of time. This legislation would be simple, removing “mentions” and a sub-section. The Council could provide a short statement and educate the Alaska Congressional delegation about the proposal, and they would work with them to pass it in Congress. The current 2000 law took less than two years to pass, but Taylor was not sure how long it would take today. It is quicker when legislation is simple with broad agreement, but it may not be enough.

### **Closing Remarks**

- Bauer recognized the work of the Trustee Council staff, and PAC members virtually applauded.
- Wang thanked the Council staff for taking on additional work as well as the PAC’s support and their hard work on a volunteer basis. She also thanked the Acting DFO.
- Carpenter thanked the staff and members for bringing their thoughts, commitments, and passion to the table. This is the value and importance of the public process. The PAC is a collective group they can use to lean on each other, boost each other, and share ideas.
- Cochon thanked the staff and PAC members for all their work and preparation.
- Kopchak thanked Carpenter for being a terrific chair.

### **Summary of PAC Motions**

**Motion:** Kopchak introduced a motion to approve the September 28-29, 2021, PAC meeting minutes. Carpenter seconded. **Motion carried unanimously.**

**Motion:** Berns introduced a motion, nominating Carpenter as PAC Chair and Stekoll as Vice-Chair. Simmons seconded. **Motion carried unanimously.**

**Motion:** Kopchak introduced a motion recommending the Trustee Council approve the FY23-FY33 General Operating Budget and FY23-FY31 Long-Term Research and Monitoring Program Management Budget. Stekoll seconded. **Motion carried unanimously.**

**Motion:** Stekoll introduced a motion to recommend the Trustee Council approve the proposed amendment to combine the sub-accounts. Whissel seconded. **Motion carried (6 yes, 2 no, 1 abstained).**

**Motion:** Stekoll introduced a motion to adjourn the meeting. **Motion carried.**

Meeting adjourned at 3:09 p.m.

### **H. FOLLOW-UP:**

The DFO will provide the Chair and Executive Director with draft meeting minutes, including motions passed by the PAC during the meeting. Chair Carpenter will brief the Trustees on the PAC meeting during the Trustee Council meeting on October 5, 2022.

**I. NEXT MEETINGS:**

Trustee Council meeting – October 5, 2022 (Zoom platform)  
PAC Meeting – To be determined

**J. ATTACHMENTS (provided to PAC members prior to or presented during the meeting):**

**Meeting Documents:**

- [Sep 7, 2022 PAC Meeting Draft Agenda rev8.18.22](#)
- [1. September 28-29, 2021 PAC Meeting Summary rev5.31.22](#)
- [4. EVOS Representatives Ethics Responsibilities \(09.06.22\)](#)
- [4. FACA Summary 2022](#)
- [5. EVOSTC FY22 Program and Project Summary and Updates](#)
- [5.6.8.9.10. ED PAC Presentation Slides](#)
- [7. Rick Steiner Public Comment on Draft Resolution](#)
- [7. John Durban et al. Public Comment supporting Killer Whale Monitoring](#)
- [7. Laurie Daniel Public Comment from KBNERR Community Council](#)
- [8. FY23 Draft Work Plan rev8.22.22](#)
- [8.A. EVOSTC FY23-33 General Operating Budget rev8.22.22](#)
- [8.B. 2322LTRM Integrated Program Management Proposal Summary 8.19.22](#)
- [9. FY23-FY33 EVOSTC Spending Scenarios](#)
- [10. EVOS Trustee Council Letter to the PAC](#)
- [10. Draft Resolution Regarding the Restoration Reserve](#)
- [10. Trustee Sara Taylor Slide Deck](#)

**K. CERTIFICATION:**

\_\_\_\_\_  
PAC Chairperson

\_\_\_\_\_  
Date

## **Appendix A: Public Advisory Committee (PAC) Meeting Participants**

### PAC Members and Designated Federal Officer (DFO)

Kristin Carpenter, Science & Technology, new PAC Chair  
Stekoll, Aquaculture & Mariculture, new Vice-chair  
RJ Kopchak, Commercial Fishing, former Vice-chair  
Stacey Simmons, Recreation  
John Whissel, Conservation & Environment  
Amanda Bauer, Commercial Tourism  
Cynthia Berns, Native Landownership  
George Skladal, Public at large  
Linda Leary, Sport Fishing & Hunting  
Patience Andersen-Faulkner, Subsistence  
Grace Cochon, DFO, U.S. Department of the Interior (DOI)

### Trustee Council Staff, Presenters, and Trustees

Shiway Wang, Executive Director  
Lauri Adams, Program Manager  
Austin Quinn-Davidson, Program Officer  
Joy Maglaqui, Executive Assistant  
Michael Shields, DOI  
Jennifer Heindl, DOI  
Sara Taylor, DOI Trustee

### Other Participants

Lisa Fox, DOI  
Veronica Varela, U.S. Fish and Wildlife Service (USFWS)  
Mandy Lindeberg, National Oceanic and Atmospheric Administration, Long-Term  
Monitoring Program/Gulf Watch Alaska Program Lead  
Katrina Hoffman, Prince William Sound Science Center (PWSSC)  
W. Scott Pegau, PWSSC  
Brandon Drzazgowski, Kenai Watershed Forum  
Laurie Daniel, National Estuarine Research Reserve, Kachemak Bay Research Reserve  
Community Council  
Maile Branson, Alutiiq Pride Marine Institute  
Wei Ying Wong, Alaska SeaLife Center  
Heather Coletti, National Park Service, Inventory & Monitoring Program

Robb Kaler, USFWS  
Tanya Komakhuk  
Melisa Babb, Great Land Trus (GLT)  
Allison Carl  
Donna Aderhold, PWSSC  
Kyle Graham, USFWS  
Ellen Kazary, GLT  
Erica Boyd  
Kris Holderied, NOAA  
Craig Matkin, North Gulf Oceanic Society  
Jen Thomas, USDA  
Vicki Cornish  
Lisa Docken, Copper River Watershed Project  
Bruce Buzby, Port Graham Corporation (PGC)  
Clare Ostle, Marine Biological Association  
Jon Sheperd, PGC