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PRIBILOF RESTORATION ADVISORY BOARD MEETING

Wednesday, April 7, 1999

Held at  
Captain Cook Hotel  
Anchorage, Alaska

1 ANCHORAGE, ALASKA; WEDNESDAY, APRIL 7, 1999

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08:33:29 3 CO-CHAIR MALAVANSKY: Good morning. At this  
08:33:48 4 point in time I'd like to call the Pribilof Islands  
08:33:52 5 Restoration Advisory Board meeting to order. We're  
08:33:55 6 meeting here at the Hotel Captain Cook in Anchorage.  
08:33:57 7 Today's date is April 7th, 1999. It's 8:38 in the  
8 morning.

08:34:05 9 My name is Max Malavansky. I'm the community  
08:34:08 10 co-chair of the RAB. I'd like to start with  
08:34:11 11 introductions, to my right.

08:34:14 12 CO-CHAIR HIGUCHI: My name is Sam Higuchi, I'm  
08:34:17 13 the co-chair from NOAA for the Restoration Advisory  
08:34:19 14 Board for the Pribilof Islands.

08:34:23 15 MR. ENDLICH: My name is Norman Endlich. I'm  
08:34:25 16 from Tetra-Tech EM, Incorporated, here to facilitate the  
08:34:27 17 meeting.

08:34:30 18 MR. LINDSAY: Good morning. My name is John  
08:34:30 19 Lindsay. I'm with NOAA's Office of Response and  
08:34:32 20 Restoration out of Seattle. And as of Monday, I'm  
08:34:35 21 NOAA's new project manager on the Pribilofs.

08:34:40 22 MR. WINANDY: Good morning. My name is David  
08:34:42 23 Winandy. I'm an environmental engineer with NOAA. I  
08:34:45 24 work for Mr. John Lindsay.

08:34:46 25 MR. BOURDUKOFSKY: My name is Jason

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08:34:48 1 Bourdukofsky. I'm a RAB member, member at-large, St.  
08:34:53 2 Paul.  
3 MR. JACOB MERCULIEF: My name is Jacob  
08:34:56 4 Mercurief. I'm representing the City of St. Paul.  
08:35:01 5 MR. ZACHAROF: Good morning. My name is Mike  
6 Zacharof from St. Paul.  
08:35:05 7 MR. ANTHONY PHILEMONOFF: Anthony Philemonoff,  
08:35:08 8 alternate for Victor Mercurief.  
08:35:10 9 MS. MUEHLLEHNER: Tessa Muehllehner, for the  
08:35:13 10 Coast Guard, the environmental branch in Juneau.  
08:35:16 11 MR. RON PHILEMONOFF: Ron Philemonof from the  
08:35:19 12 City of St. Paul.  
08:35:21 13 MR. COBURN: Bret Coburn, vice president of  
08:35:23 14 finance for St. George Tanaq Corporation.  
08:35:26 15 MR. LESTENKOF: Laurence Lestenkof, president  
08:35:26 16 of St. George Tanaq Corporation.  
08:35:29 17 MR. ALVIN MERCULIEF: Alvin Mercurief with the  
08:35:31 18 of City of St. George, mayor.  
08:35:32 19 MS. MALAVANSKY: Martha Malavansky, member  
08:35:33 20 at-large.  
08:35:36 21 MR. DRONENBURG: Ray Dronenburg. As of Monday,  
08:35:38 22 I'm the old project manager from DEC.  
08:35:44 23 CO-CHAIR MALAVANSKY: Maybe we can go in the  
08:35:46 24 back and have everybody in the back introduce themselves  
08:35:48 25 also.

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08:35:52 1 (Audience members introduced.)

08:36:00 2 CO-CHAIR HIGUCHI: We have a sign-in sheet.

08:37:11 3 CO-CHAIR MALAVANSKY: We've also got a sign-in

08:37:16 4 sheet. Just to point out, we have a recorder here, and

08:37:20 5 to help assist, maybe if you can identify yourself prior

08:37:24 6 to speaking, that will help her put the names to faces

08:37:30 7 so, you know, God forbid, I don't want to be accused of

08:37:34 8 representing NOAA in remarks, but --

08:37:39 9 CO-CHAIR HIGUCHI: That's all right, Max. I'll

08:37:42 10 let you take some of the pressure off of me.

08:37:44 11 CO-CHAIR MALAVANSKY: We have a sign-in sheet

08:37:47 12 and we'll be passing this around and whatnot.

08:37:48 13 Sam, do you have any opening remarks you'd like

08:37:50 14 to make?

08:37:51 15 CO-CHAIR HIGUCHI: Yeah. I'd like to make --

08:37:53 16 do you have any first, Max, that you want to make?

08:37:54 17 CO-CHAIR MALAVANSKY: Other than, you know, we

08:37:57 18 try to be a little civil here, I guess, if we can. And,

08:38:06 19 you know, we try to operate on a relaxed Robert's Rules

08:38:11 20 of Order here and whatnot, in terms of motions and

08:38:13 21 things of that nature. And there's -- this gentleman

08:38:17 22 here will be facilitating if in fact, you know, things

08:38:22 23 get ugly.

08:38:25 24 CO-CHAIR HIGUCHI: We hope not. All right.

08:38:28 25 First of all, I'd like to welcome you here

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08:38:35 1 today. And this is the agenda that Max and I had agreed  
08:38:39 2 on. If you notice, the morning part is mostly NOAA, and  
08:38:44 3 the State will make a presentation. I hope that Ray is  
08:38:46 4 ready to make a presentation on the risk assessment, or  
08:38:50 5 risk-based assessment. And we have some copies of the  
08:38:53 6 agenda over here on this table so in case those of you  
08:38:57 7 in the gallery don't have a copy of that.

08:39:00 8 For my opening remarks, I'd just like to say  
08:39:04 9 again I'm Sam Higuchi. I am from the Office of Finance  
08:39:07 10 and Administration in Washington, D.C., and most of you  
08:39:10 11 have known me for quite a while. I've been working on  
08:39:13 12 this project. Originally, I was working at the  
08:39:16 13 departmental level when information came in about the  
08:39:20 14 Pribilofs situation, and that's how I originally became  
08:39:22 15 involved in this. So it's been a long time for me.

08:39:29 16 Again, what I'd like to do is welcome you all  
08:39:31 17 here. When I come to Anchorage, I'm always prepared.  
08:39:37 18 The last time I was here I had to scrape ice off the  
08:39:41 19 windshield of my car, and so now I carry my own. I had  
08:39:44 20 to use a credit card and broke my credit card one time  
08:39:46 21 when I was here.

08:39:48 22 The other thing that I enjoy when I'm up here  
08:39:52 23 is to visit the Alaska Native Medical Center campus.  
08:39:56 24 One of my favorite spots, as Erin knows, is the  
08:40:00 25 Meditation Room on the second floor, and I go up there,

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08:40:04 1 and also take a look at the exhibits. So I do

08:40:08 2 appreciate being up here.

08:40:09 3 And I appreciate all of you traveling during  
08:40:13 4 your holiday season. And for most of you who are in the  
08:40:16 5 audience who don't understand that, this is the Russian  
08:40:21 6 Orthodox Church's Easter coming up this weekend, and so  
08:40:27 7 they're traveling during their holiday season. So I  
08:40:30 8 would like to thank you for doing that and coming to  
08:40:34 9 participate in this Restoration Advisory Board.

08:40:39 10 I realize that you're traveling on your  
08:40:47 11 holiday, and I would like to relate some of the things  
08:40:49 12 that happened to me. It wasn't a real easy trip for me  
08:40:53 13 coming in from D.C. yesterday. They lost my luggage.  
08:40:57 14 Even though I arrived at the airport about two hours  
08:41:00 15 ahead of time, they somehow didn't load my luggage and I  
08:41:03 16 didn't get it until 3:00 last night, so I was up pulling  
08:41:08 17 out clothes and unwrinkling them at 3:00 this morning.  
08:41:10 18 So if I don't seem quite coherent, you'll understand  
08:41:15 19 why.

08:41:15 20 It's an honor for me to be here. I've been  
08:41:20 21 sitting out in the gallery for quite a long time, and  
08:41:23 22 now to be co-chair for at least this one meeting, I  
08:41:25 23 appreciate that. I come from a small Minnesota town,  
08:41:28 24 and I just want to tell you that it's a real privilege  
08:41:32 25 to be here and to serve here.

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08:41:34 1 I was asked to co-chair this. I did not  
08:41:41 2 volunteer, so I want to make that clear. And I was  
08:41:45 3 asked at the very last minute. So if there is some  
08:41:49 4 logistical problems here, you can blame me, but NOAA had  
08:41:56 5 enough information that it wanted to inform you about to  
08:41:57 6 call this meeting and to provide you with that  
08:42:00 7 information. I want to make that clear to you, that we  
08:42:02 8 felt strongly enough that we needed to get together and  
08:42:05 9 talk. That's what this dialogue is all about.

08:42:08 10 I feel very strongly about what's happening  
08:42:12 11 here. I participated in the General Facilities  
08:42:19 12 Environmental Restoration Dialogue Committee meeting,  
08:42:22 13 which was the national committee that thought up the  
08:42:26 14 idea about the Restoration Advisory Board, and this is  
08:42:28 15 the final report. So I served on that committee, so I  
08:42:31 16 feel strongly about this process of dialogue. I want  
08:42:33 17 you all to know that. I'll put this -- I don't want to  
08:42:36 18 take this back to D.C. If anybody wants one, I'll lay  
08:42:40 19 it out here.

08:42:44 20 From a personal viewpoint, I would like to  
08:42:48 21 express a couple of things from one of my heroes, and  
08:42:52 22 just to express what my feelings are and what I feel  
08:42:56 23 that your participation here means. One from a public  
08:43:01 24 servant's point of view: "As I see it, a public servant  
08:43:08 25 should listen, analyze and learn to understand fully the

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08:43:12 1 forces at work and the interests at stake, so that he is

08:43:16 2 able to give the right advice when the situation calls  
08:43:20 3 for it. I don't think that he, in following this line  
08:43:24 4 of personal policy, takes but a passive part in the  
08:43:31 5 development. It is the most active one. But he is  
08:43:35 6 active as an instrument, a catalyst, and perhaps an  
08:43:38 7 inspirer -- he serves."

08:43:40 8 This is from Dag Hammarskjold in his remarks  
08:43:46 9 when he took on the position of Secretary General of the  
08:43:51 10 United Nations. Now, that's my personal feeling about  
08:43:54 11 being a public servant here, in being here and listening  
08:43:57 12 to your dialogue.

08:43:58 13 What I'd also like to also share with you is in  
08:44:01 14 this same address, talk a little bit about why I think  
08:44:05 15 we're all here. And it talks about how participation is  
08:44:10 16 like mountaineering, which is one of his favorite  
08:44:13 17 sports. And mountaineering -- Dag Hammarskjold came  
08:44:16 18 from Scandinavia. It's more like hiking in the  
08:44:20 19 mountains, it is truly climbing rocks and things.

08:44:24 20 And he speaks about -- "that much I know of  
08:44:31 21 this sport that the qualities it requires are just those  
08:44:35 22 which I feel we all need today: perseverance and  
08:44:39 23 patience, a firm grip on realities, careful but  
08:44:43 24 imaginative planning, a clear awareness of the dangers  
08:44:48 25 but also of the fact that fate is what we make it and

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08:44:52 1 that the safest climber is he who never questions his



08:44:55 2 ability to overcome difficulties."

08:44:59 3           And I hope that we're all here to state that we  
08:45:02 4 can overcome difficulties and talk to one another in a  
08:45:05 5 civil way and create a dialogue between us, a  
08:45:09 6 communication. And one of the most important things  
08:45:12 7 about communication is listening. And that's one of the  
08:45:15 8 things what I'm here today for, is to listen.

08:45:18 9           I'd like to also share with you the fact that  
08:45:26 10 this thing was put together by John Lindsay. I would  
08:45:29 11 like to thank him personally for putting the logistics  
08:45:32 12 together for this event. And it was put together at the  
08:45:36 13 last moment and I really would like to acknowledge him.

08:45:38 14           Also, Norman Endlich, who at the last moment  
08:45:42 15 agreed to come up here and facilitate should we require  
08:45:46 16 it. I would like to thank Norman. He's also been a  
08:45:50 17 facilitator working on the island of Adak; is that  
18 right?

08:45:52 19           MR. ENDLICH: Right. Also working with the  
08:45:55 20 State, with the Department of Defense.

08:45:59 21           CO-CHAIR HIGUCHI: And for the meeting, I'm  
08:46:02 22 going to turn it over to Max as far as parliamentary  
08:46:04 23 procedure. He's more aware of this than I am, because  
08:46:08 24 he's been mayor for a long period of time. He knows how  
08:46:11 25 to conduct meetings. I will be co-chair and in

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08:46:15 1 consultation with Max.

08:46:16 2           So that's basically how I see NOAA's point.

08:46:20 3 And again, the agenda is on the side if you need copies  
08:46:24 4 of it.

08:46:27 5 CO-CHAIR MALAVANSKY: All right. Thank you,  
08:46:29 6 Sam.

08:46:30 7 At this point I think, you know, the time is of  
08:46:36 8 the essence, probably, in trying to get through today.  
08:46:39 9 We've only got a day. Typically, the RAB has gone a day  
08:46:43 10 and a half, the RAB meetings have gone a day and a half.  
08:46:45 11 So I'd like to dispense. The minutes of the previous  
08:46:50 12 meeting in October, I believe, were passed out here. I  
08:46:56 13 haven't had the chance to read through them, and I  
08:47:00 14 wonder if you would just like, the RAB board, at this  
08:47:01 15 point in time, table the minutes until the next meeting.

08:47:06 16 MR. RON PHILEMONOFF: I so move to table the  
08:47:08 17 minutes.

08:47:08 18 CO-CHAIR MALAVANSKY: It's been moved by Ron  
08:47:10 19 Philemonoff to table the minutes.

20 MR. ZACHAROF: Second.

08:47:10 21 CO-CHAIR MALAVANSKY: Seconded by Mike  
08:47:13 22 Zacharof. Any discussion?

08:47:15 23 MR. ALVIN MERCULIEF: Question.

08:47:18 24 CO-CHAIR MALAVANSKY: The question has been  
08:47:18 25 called. All in favor of the motion, signify by saying

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1 "aye."

2 BOARD MEMBERS: Aye.

08:47:20 3 CO-CHAIR MALAVANSKY: All opposed, same sign.  
08:47:21 4 Motion carries.  
08:47:23 5 Okay, we have the agenda in front of us. The  
08:47:26 6 deletions -- or excuse me, additions to the agenda at  
08:47:29 7 this point in time? Ron?  
08:47:34 8 MR. RON PHILEMONOFF: I want to clarify under  
08:47:36 9 community issues and concerns related to cleanup. I  
08:47:38 10 want to make it clear, if it isn't clear, that the  
08:47:41 11 104-91 is a proper agenda item under that line item. If  
08:47:45 12 not, I'd like to add it to the agenda.  
08:47:48 13 CO-CHAIR MALAVANSKY: Okay. All right.  
08:47:51 14 104-91, Public Law 104-91.  
08:48:01 15 Any further additions at this point in time?  
08:48:08 16 Hearing none, I'll have a motion on the floor to adopt  
08:48:13 17 the agenda as --  
18 MR. ZACHAROF: I move.  
08:48:15 19 CO-CHAIR MALAVANSKY: Moved by Mike Zacharof.  
08:48:17 20 MS. MALAVANSKY: Second.  
08:48:19 21 CO-CHAIR MALAVANSKY: Second by Martha  
08:48:21 22 Malavansky. Any discussion?  
08:48:22 23 MR. ALVIN MERCULIEF: Question.  
08:48:22 24 CO-CHAIR MALAVANSKY: The question's been  
08:48:24 25 called. All those in favor of the motion, signify by

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1 saying "aye."

2 BOARD MEMBERS: Aye.

3 CO-CHAIR MALAVANSKY: All opposed, same sign.

08:48:27 4 Motion carries.

08:48:28 5 All right. We have the 8:30 to 9:15 time slot.

08:48:32 6 We have the NOAA Restoration Program organizational

08:48:36 7 chart.

08:48:37 8 Sam?

08:48:39 9 CO-CHAIR HIGUCHI: Norman will pass the

08:49:00 10 organizational chart out while I talk, and I do have an

08:49:05 11 overhead.

08:49:14 12 Having been around here for a long time on this

08:49:24 13 project, I just throw this up just for historical

08:49:29 14 reference. This is the crazy wiring diagram that we had

08:49:33 15 before, and it's no longer -- I realize you can't read

08:49:37 16 it, but I just wanted to show that to you. What we've

08:49:41 17 done is we've simplified it a little bit, so I wanted to

08:49:45 18 express to you that today we have a diagram that looks

08:49:48 19 something like this.

08:49:50 20 NOAA has changed the way it's going to operate

08:49:58 21 with this project. Again, what Norman is passing out is

08:50:01 22 what the Pribilof Environmental Restoration Program

08:50:05 23 organizational chart looks like. There are two reasons

08:50:08 24 for this change. The first one I'll speak to. The

08:50:11 25 second one John Lindsay will speak to.

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08:50:14 1 First of all, in the Environmental Compliance

08:50:17 2 and Safety Program, we have put together a strategic

08:50:21 3 plan -- I brought four copies with me. So that we've

08:50:25 4 sort of restructured our Environmental Compliance and  
08:50:27 5 Safety Program. And that's one of the reasons for the  
08:50:31 6 change. So I'll put that out here on the table. And  
08:50:37 7 one copy to Max, co-chair.

08:50:41 8 Now, on this chart, you see that this is the  
08:50:58 9 Environmental Compliance and Safety. That's where I  
08:51:01 10 reside. Sue Kennedy is the head of that organization.  
08:51:04 11 I work for Sue Kennedy. There is a Pribilof Program  
08:51:09 12 Coordinator which is now a vacant slot. That person  
08:51:14 13 will be hired by Susan Kennedy to work with you on this  
08:51:18 14 project from the Environmental Compliance and Safety  
08:51:20 15 side. So that's how things will be handled from  
08:51:24 16 Washington, D.C.

08:51:25 17 And as far as the project office in Seattle,  
08:51:31 18 the day-to-day operations -- let's see if I can get this  
08:51:36 19 right. It's John Lindsay, sitting up here at the table.  
08:51:42 20 He works for the National Ocean Services. And along  
08:51:49 21 with him are some familiar faces. There's Tony  
08:51:53 22 Mercadante, who is sitting in the back -- was sitting in  
08:51:55 23 the back. I don't know where he is right now. There he  
08:51:58 24 is. Thanks, Tony. And David Winandy, who is sitting up  
08:52:04 25 here. And Donna Kottke, who has been the notetaker and

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08:52:11 1 logistics person, has moved on to a position in Alaska  
08:52:14 2 Fisheries down in Seattle, so you'll no longer see her  
08:52:17 3 face here. So she found a better position. I want you  
08:52:20 4 to know about that. So she's very happy where she is.

08:52:25 5 And she's put together some of the notes, and I  
08:52:26 6 understand she worked closely with John in doing that.  
08:52:30 7 Notes of the minutes from the last meeting.  
08:52:38 8 There's one other piece of information, and  
08:52:40 9 I'll ask Norman to come forward, if you would, to do the  
08:52:44 10 honors for this. This is a Memorandum of Agreement  
08:52:50 11 internal within NOAA that describes the relationship  
08:52:53 12 between the Office of Finance and Administration, where  
08:52:58 13 I work, and the National Ocean Services, where John  
08:53:02 14 works, as far as the split of duties, obligations and  
08:53:08 15 responsibilities for the Pribilof Islands. This  
08:53:11 16 Memorandum of Agreement is given to you so you better  
08:53:14 17 understand, because you can't do that from this diagram.

08:53:21 18 What I'll let John explain is the  
08:53:24 19 reorganization of his group, and I do believe that there  
08:53:28 20 is a handout for that. I'll ask Norman to hand out  
08:53:35 21 that, after you finish here at the table and put those  
08:53:39 22 on the distribution table. And I'll ask John to come  
08:53:42 23 forward and talk to that. Do you want to come here, or  
08:53:46 24 do you want to stand?

08:53:49 25 MR. LINDSAY: Do you want me -- are we entering

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08:53:50 1 into the next agenda item, or is this part --

08:53:53 2 CO-CHAIR HIGUCHI: No; this is just on the  
08:53:54 3 reorganization.

08:53:56 4 MR. LINDSAY: Okay.

08:54:02 5                   So Sam has just conveniently knocked off 15  
08:54:20 6 minutes of my presentation and put it onto his so he  
08:54:24 7 could get through his.

08:54:26 8                   National Ocean Services has been around for a  
08:54:32 9 long time and it's equivalent to, say, what you're  
08:54:36 10 familiar with probably is the National Marine Fisheries  
08:54:39 11 Service in terms of line structures within NOAA. So I  
08:54:44 12 work within the National Ocean Services. And Dr. Nancy  
08:54:47 13 Foster took over responsibility for NOS, I'm not sure  
08:54:51 14 when, it's on the order of a year and a half, two years  
08:54:53 15 ago. She has come in and she has been very dynamic in  
08:54:58 16 wanting to restructure and change the way things, the  
08:55:01 17 way business is being conducted within that program.

08:55:04 18                   I think sort of in the -- at least from my  
08:55:08 19 perspective, down low on the totem pole here, is that it  
08:55:11 20 was kind of a status quo organization. It wasn't all  
08:55:14 21 that dynamic. She came over from the National Marine  
08:55:19 22 Fisheries Service and she wants to make things change  
08:55:21 23 and move pretty progressively.

08:55:23 24                   As part of her reorganization, she formed the  
08:55:29 25 Office of Response and Restoration. That office was

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08:55:35 1 really started off as a branch in the 1970s, I think, to  
08:55:41 2 deal with oil spills, and it elevated to a division in  
08:55:46 3 the early 1990s. And now because of our continued  
08:55:51 4 growth, it's elevated now to office status. And the  
08:55:56 5 director of the office is David Kennedy. He started

08:56:00 6 kind of with the oil spill program way back when as  
08:56:02 7 well, and he's been around for quite a long time.

08:56:05 8 At the bottom of the chart here you'll see the  
08:56:09 9 Damage Assessment Center, the Coastal Protection and  
08:56:12 10 Restoration Division, and the HAZMAT division. Those  
08:56:15 11 were all branches at one time, and they've all been  
08:56:19 12 elevated to division status with this reorganization.

08:56:22 13 The reorganization for OR&R, as we call it in  
08:56:26 14 simple terms, became effective February 28th, which I  
08:56:31 15 think was a Sunday, so actually it became effective  
08:56:34 16 March 1st, on Monday. So it's a relatively recent  
08:56:37 17 change.

08:56:37 18 Now, the planning for all of this took quite a  
08:56:41 19 bit of time. I mean, it's been on people's minds for  
08:56:45 20 months and months. But the actual -- inception is not  
08:56:51 21 the right word, but the actual launching of the program  
08:56:55 22 is only about a month ago. And with the formation of  
08:57:01 23 OR&R, it was decided internally within NOAA, for which I  
08:57:08 24 had no involvement in, that activities such as response  
08:57:13 25 issues related to cleanup -- we're doing oil spill

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08:57:18 1 response, we now have what's called CERCLA 106  
08:57:22 2 Authority. That means we have the authority to issue  
08:57:24 3 enforcement orders against potentially responsible  
08:57:27 4 parties, like ourselves, to initiate cleanup actions  
08:57:33 5 that will abate threats to the environment, primarily.



08:57:37 6 That authority is similar and basically parallel to the  
08:57:41 7 authorities granted to EPA and the Coast Guard.

08:57:44 8 EPA and the Coast Guard typically respond to  
08:57:49 9 the public health threats first; and where there's just  
08:57:55 10 ecological problems, they usually kind of are so low on  
08:57:59 11 the priority list for response agencies that they go  
08:58:02 12 unattended. Well, our agency now has the authority to  
08:58:07 13 take actions under 106.

08:58:08 14 But anyway, it was decided because we have all  
08:58:11 15 of this authority dealing with oil spills, hazardous  
08:58:15 16 substances, authorities to deal with cleanups, that it  
08:58:18 17 was appropriate maybe to move the Pribilof Islands  
08:58:21 18 project over to the Office of Response & Restoration.

08:58:25 19 David Kennedy decided that he was in favor of  
08:58:30 20 that switch. And there was a lot of deliberations,  
08:58:34 21 again which I wasn't privy to, that went on over a  
08:58:40 22 period of time between OFA and NOS and OR&R -- prior to  
08:58:46 23 it being OR&R -- there was lots of dialoguing and how  
08:58:50 24 are we going to do this, et cetera, et cetera. And  
08:58:53 25 again, I'm not really privy to all of that. But it did

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08:58:59 1 happen. I was asked, primarily -- well, that's kind of  
08:59:02 2 like my part of the talk. Primarily because I've been  
08:59:05 3 involved with the CERCLA 106 Authority's enforcement  
08:59:09 4 action, have worked with EPA for over 11 years as a NOAA  
08:59:13 5 employee, but on Superfund cleanup activities, that  
08:59:16 6 maybe I would be interested in taking on this problem as

08:59:21 7 project manager. And I was asked at one point --  
08:59:26 8 actually it was on my birthday, lucky me -- whether I'd  
08:59:31 9 be interested or not, and I said sure, why not. So here  
08:59:34 10 I am.

08:59:35 11 And I don't know if there's anything else I can  
08:59:37 12 tell you about those offices, but the Coastal Protection  
08:59:42 13 and Restoration Division, which is from what I hail,  
08:59:46 14 deals with Superfund cleanup activities. The HAZMAT  
08:59:49 15 division is primarily focused on oil spills and chemical  
08:59:53 16 spills. And the Damage Assessment Center is actually  
08:59:56 17 focusing on suing responsible parties to recover damages  
09:00:00 18 for natural resources that have been injured by releases  
09:00:04 19 of oil and hazardous substances, and then they take that  
09:00:07 20 money and they restore the environment. And so that's  
09:00:10 21 the group that I'm -- that we now, Dave and Tony and I,  
09:00:14 22 reside in.

09:00:20 23 CO-CHAIR MALAVANSKY: Go ahead, Sam.

09:00:21 24 CO-CHAIR HIGUCHI: I'd like to make a comment  
09:00:23 25 concerning John. I found him, in the short time I've

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09:00:26 1 worked with him, to be a doer. Very active and wanting  
09:00:29 2 to get things done. So I think you'll see some very  
09:00:31 3 good changes being made. I highly support him and his  
09:00:35 4 actions and his abilities. And again, I've enjoyed  
09:00:39 5 working with him, in the short time I have, so I give my  
09:00:42 6 full support to him. I hope that you will find him to

09:00:44 7 be a doer and very active in pursuing what needs to be  
09:00:49 8 done, and I think he'll represent a nice change for this  
09:00:53 9 project.

09:00:56 10 CO-CHAIR MALAVANSKY: Any questions on the  
09:00:59 11 organizational chart? Ron?

09:01:01 12 MR. RON PHILEMONOFF: I'm wondering about the  
09:01:02 13 budgetary authority and how it relates to the funding  
09:01:05 14 under 104-91, and the administrative budget that the  
09:01:09 15 previous department in Seattle, how much they expend and  
09:01:13 16 how does this transfer relate to additional  
09:01:17 17 administrative funds, and have we duplicated efforts in  
09:01:19 18 the last year and a half getting this transition. So  
09:01:21 19 the question is, how much of the administration budget  
09:01:23 20 has increased over this transfer and what is the new  
09:01:26 21 allocation of administrative funding under this new  
09:01:28 22 organizational chart? Where is the duplication, and how  
09:01:31 23 much more funds are allocated to administration under  
09:01:33 24 this new division?

09:01:37 25 CO-CHAIR HIGUCHI: Ron, I don't think I can

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09:01:39 1 answer that, other than I think this, from -- as far as  
09:01:44 2 administrative costs, it lessens the cost of the entire  
09:01:47 3 management of the program. Because if you saw the other  
09:01:51 4 organizational chart, there was a lot of arrows and  
09:01:54 5 lines going all over the place. And so I expect this to  
09:01:57 6 be less, and decision making to be faster and more  
09:02:01 7 streamlined. And that's about as much as I can comment

09:02:06 8 at this time.

09:02:07 9 The budgetary matters will be handled back in  
09:02:10 10 Washington, along with some of the field budgetary  
09:02:14 11 information that John provides us from the field  
09:02:17 12 perspective. I don't know if John wants to comment on  
09:02:20 13 that or not at this time.

09:02:24 14 MR. LINDSAY: I just, I will say, though, that  
09:02:25 15 it depends how you define administrative budget. But  
09:02:29 16 the operational part of the budget is going to increase.  
09:02:33 17 From our perspective, in part, at least from where I'm  
09:02:36 18 coming from, it appears to me that there has been some  
09:02:40 19 problems elicited by ourselves in the past for not being  
09:02:43 20 on the islands during various activities.

09:02:46 21 And as a consequence of that, in the future we  
09:02:50 22 intend to be on the islands during any activity that we  
09:02:56 23 let the contract, or with what's going on, so that is  
09:03:00 24 going to result in an increase in our operational. If  
09:03:03 25 you want to call it administrative budget, that's going

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09:03:07 1 to happen.

09:03:09 2 CO-CHAIR HIGUCHI: From my perspective in  
09:03:12 3 dealing with John, in my short time, I think you'll find  
09:03:15 4 him budgetary conscious. When they asked me to come  
09:03:19 5 here and I wanted to have a facilitator here in case we  
09:03:21 6 needed one, John asked some questions, very probing  
09:03:25 7 ones, about how much are we spending and what we're

09:03:28 8 going to do with this, and he wanted to keep costs down.  
09:03:31 9 So we tried to trim the costs as much as we could. And  
09:03:35 10 as far as I'm concerned, he's done a very nice job of  
09:03:39 11 being budgetary conscious and watching out for your  
09:03:42 12 money.

09:03:42 13 CO-CHAIR MALAVANSKY: Ron?

09:03:42 14 MR. RON PHILEMONOFF: I'm glad to hear that.  
09:03:47 15 It's been a request from ours from day one that NOAA  
09:03:50 16 needs to have a presence out there if they're going to  
09:03:54 17 properly manage the affairs on the Pribilofs from  
09:03:56 18 Seattle, let alone now from D.C. So I think it's even  
09:03:57 19 more important now that you have someone out there.

09:04:01 20 In past meetings you would bring to us a budget  
09:04:06 21 showing us where the administration, how much money they  
09:04:07 22 had spent in the budget. I don't see one in here. What  
09:04:11 23 was spent in the past and how much you're proposing for  
09:04:12 24 the future. So I guess my request is, can we get that  
09:04:15 25 at this meeting at the end of the day, or tomorrow if

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09:04:18 1 we're going to meet tomorrow, or the next meeting? Or  
09:04:20 2 is that no longer a proper issue for you guys to share  
09:04:24 3 with us?

09:04:25 4 CO-CHAIR HIGUCHI: To tell you the truth, Ron,  
09:04:28 5 I was not prepared to talk on that issue, so that  
09:04:30 6 information is not available at this meeting. We wanted  
09:04:33 7 to share with you what the reorganization was and what  
09:04:36 8 it meant to you and how the decision making has been

09:04:40 9 streamlined, and the cost savings that you would see in  
09:04:44 10 the speed of making decisions. Those were two things we  
09:04:48 11 thought were extremely important to share with you and  
09:04:51 12 with the State here. And it is a major change in the  
09:04:54 13 program and the way we're doing things.

09:04:57 14 MR. DRONENBURG: Ray Dronenburg with the State.

09:05:00 15 I notice that on the last page of this  
09:05:03 16 Memorandum of Understanding -- Memorandum of Agreement,  
09:05:07 17 it says that a full historical accounting of the program  
09:05:10 18 financial activities will be provided to NOS upon  
09:05:14 19 transfer of the program functions. This accounting will  
09:05:18 20 include historical records of all funds received, uses  
09:05:21 21 to which the funds have been directed, and  
09:05:23 22 identification of which activities under the Two-Party  
09:05:25 23 Agreement were addressed.

09:05:28 24 On January of 6th of this year, I wrote to  
09:05:30 25 NOAA, pursuant to the Two-Party Agreement, and requested

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09:05:33 1 this information, as was required by the Two-Party  
09:05:36 2 Agreement, and as a project manager, and I've not been  
09:05:41 3 provided that. So even though you're not prepared to  
09:05:42 4 discuss it today, it was requested as long ago as  
09:05:47 5 January 6th.

09:05:47 6 Do you have any idea when we might expect that  
09:05:50 7 information?

8 MR. LINDSAY: I don't.

09:05:55 9 CO-CHAIR MALAVANSKY: Iliodor?

09:05:57 10 MR. ILIODOR PHILEMONOF: Yes, Mr. Chairman.

09:05:58 11 I'd like to make a motion that we get a detailed

09:06:03 12 budgetary -- or budgets, let's say, for the past two

09:06:09 13 years up to date, and we'd like to know how much NOAA

09:06:12 14 has actually spent on that administration in Seattle.

09:06:16 15 So I'd like to put that in the form of a formal motion.

09:06:21 16 From the past two years to date.

09:06:24 17 MS. MALAVANSKY: Second.

09:06:25 18 CO-CHAIR MALAVANSKY: There's been a motion

09:06:25 19 made by Iliodor Philemonof, seconded by Martha

09:06:29 20 Malavansky. The motion is asking for, I believe, a

09:06:34 21 budget breakdown of all expenditures to date with

09:06:40 22 regards to the Pribilof Island cleanup.

09:06:43 23 I believe, if I'm correct, previous RAB meeting

09:06:47 24 and the RAB meeting previous, and perhaps the RAB

09:06:50 25 meeting previous to that, for the last two years the RAB

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09:06:56 1 has requested a financial breakdown from NOAA of all

09:07:00 2 accounting and that information hasn't been forthcoming,

09:07:05 3 and I guess we'll ask for it again.

4 It's been moved and seconded.

5 Erin?

09:07:07 6 MS. ROSE: I just would like to suggest that as

09:07:14 7 part of your motion you might want to amend to make a

09:07:17 8 formal statement for the record that you are requesting

09:07:20 9 this under the federal Freedom of Information Act, which

09:07:23 10 puts specific deadlines and time lines for NOAA to  
09:07:25 11 respond.  
09:07:26 12 MR. ILIODOR PHILEMONOF: Yes.  
09:07:27 13 CO-CHAIR MALAVANSKY: With concurrence of the  
09:07:29 14 second, Mr. Philemonof, do you --  
09:07:29 15 MS. MALAVANSKY: Yes.  
09:07:33 16 MR. ILIODOR PHILEMONOF: Yes.  
09:07:33 17 CO-CHAIR MALAVANSKY: -- would you like to  
09:07:34 18 amend the motion?  
09:07:34 19 MR. ILIODOR PHILEMONOF: Yes.  
09:07:35 20 CO-CHAIR MALAVANSKY: The motion has been  
09:07:36 21 amended.  
09:07:37 22 Jason, did you have a question?  
09:07:38 23 MR. BOURDUKOFISKY: Not pertaining to this  
09:07:43 24 motion.  
09:07:44 25 CO-CHAIR MALAVANSKY: Ron?

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09:07:44 1 MR. RON PHILEMONOFF: I want to clarify that  
09:07:46 2 the intent of the motion will also include the reports  
09:07:50 3 called out for in the third page of the Memorandum of  
09:07:53 4 Agreement between OFA and NOS. There is a specific  
09:07:59 5 request on the third page and I'm wondering if we can  
09:08:02 6 have an understanding of the intent of the motion to  
09:08:04 7 include that information called for on the third page in  
09:08:07 8 the first paragraph.  
09:08:08 9 CO-CHAIR MALAVANSKY: Okay.



09:08:14 10 For the record, the motion will ask for an  
09:08:27 11 accounting of historic fund record of the funds  
09:08:29 12 received, uses to which the funds were directed, and  
09:08:33 13 identification of which activities under the Two-Party  
09:08:35 14 Agreement were addressed/completed as a result of the  
15 expenditures.

09:08:52 16 MR. RON PHILEMONOFF: As soon as possible. Not  
09:08:57 17 next year.

09:08:58 18 CO-CHAIR MALAVANSKY: Yes, as soon as possible.  
09:09:01 19 And just for the record, Ron, I'm no longer the mayor of  
09:09:04 20 the City of St. George. I was mayor for 16 years, and  
09:09:10 21 Alvin Mercurief is currently the new and improved mayor.  
09:09:15 22 It's like soap, you know.

09:09:19 23 But anyway, further discussion on the motion?

09:09:24 24 MS. MALAVANSKY: Question.

09:09:25 25 CO-CHAIR MALAVANSKY: Question is called.

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09:09:28 1 Should we have a roll call vote on the motion, or do you  
09:09:33 2 want to go voice vote? Voice vote?

09:09:38 3 All in favor of the motion, signify by saying  
4 "aye."

5 BOARD MEMBERS: Aye.

09:09:41 6 CO-CHAIR MALAVANSKY: All opposed, same sign.  
09:09:43 7 Motion carries.

09:09:46 8 MR. BOURDUKOFISKY: Mr. Chairman.

09:09:46 9 CO-CHAIR MALAVANSKY: Jason?

09:09:48 10 MR. BOURDUKOFISKY: I'm curious about this

09:09:49 11 organizational chart. The National Ocean Services,  
09:09:54 12 NOAA, you know, covers not only the Pribilofs and covers  
09:09:59 13 the whole area, and I'm kind of curious on, you know,  
09:10:04 14 where the Pribilof Island program is going to stand  
09:10:07 15 within the organization. I mean, are we going to be  
09:10:10 16 lumped in with some other organizations other than the  
09:10:18 17 Pribilof Islands program? I want to know if we have to  
09:10:21 18 compete with them. If we do, they're going to say -- I  
09:10:24 19 mean, there are 10,000 people there and there's only 500  
09:10:27 20 over here. I mean, where do we stand on this chart?  
09:10:31 21 Are we going to be thrown in with a bunch of other  
09:10:33 22 projects or, you know -- I mean, I'd like to -- it seems  
09:10:41 23 like 104-91 is not being addressed in the organizational  
09:10:45 24 chart. It seemed like there would be a special block  
09:10:49 25 over here with a Pribilof Island program. I mean, I'm

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09:10:55 1 kind of confused, and I hate to compete with Kodiak or  
09:11:00 2 Valdez because I'm not going to stand a chance, and I'd  
09:11:05 3 like that clarified.  
09:11:07 4 CO-CHAIR MALAVANSKY: John.  
09:11:09 5 MR. LINDSAY: I guess I'll have to apologize,  
09:11:11 6 both in my previous presentation for not pointing it  
09:11:14 7 out, because it was on my mind prior to the  
09:11:17 8 presentation, but also because of the rapidity with  
09:11:22 9 which this is moving and still not really being assigned  
09:11:25 10 project manager until Monday. There is going to be

09:11:27 11 basically a block right here, and it's a separate  
09:11:33 12 entity. I will report directly to the director, David  
09:11:38 13 Kennedy, as per the MOA as you see it.

09:11:42 14 The Pribilof Islands project is a stand-alone  
09:11:46 15 project. The individuals in that project are not  
09:11:51 16 assigned to conduct any other activities. I may do a  
09:11:55 17 couple other things because of my expertise, but  
09:11:59 18 basically the other people that will be within that  
09:12:02 19 project will not be working on any other activities.

09:12:05 20 There will not be any environmental, what do  
09:12:08 21 they call it, environmental compliance duties regionally  
09:12:12 22 assigned to any of the individuals in the Pribilofs  
09:12:16 23 project. We will not be doing -- again, this is part of  
09:12:18 24 my talk, so I'm whittling away here, but we will not be  
09:12:22 25 doing any non-Two-Party Agreement activities on the

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09:12:26 1 Pribilofs. So the sealing plant, for example, we won't  
09:12:29 2 be doing it. That's somebody else's problem. What's  
09:12:34 3 the other one?

09:12:36 4 The outfalls is another activity. We won't be  
09:12:41 5 touching those. So we're only going to be dedicated to  
09:12:44 6 dealing with the Pribilofs. We're not competing with  
09:12:47 7 anything else. There's no other projects assigned to  
09:12:48 8 us. Minh Trinh was the regional environmental  
09:12:52 9 compliance officer. He may have been doing those kind  
09:12:55 10 of activities previously, Kodiak, things like that,  
09:13:00 11 but -- so that's where he is now, dealing with those.

09:13:04 12 And he's going to be an advisor to us on the Pribilofs  
09:13:08 13 because of his historical corporate background memory  
09:13:13 14 here, but essentially he won't be involved in any of the  
09:13:15 15 day-to-day activities on the Pribilofs.

09:13:17 16 Does that answer the question?

09:13:18 17 MR. BOURDUKOFSKY: Yes, thank you.

09:13:18 18 CO-CHAIR MALAVANSKY: Laurence?

09:13:20 19 MR. LESTENKOF: Yes, I have a question.

09:13:21 20 You said you're going to have a representative  
09:13:24 21 on the island during any cleanup or restoration,  
09:13:28 22 whatever. And I think it's very essential that you have  
09:13:33 23 that. Trying to be on top of what's happening out on  
09:13:35 24 the islands with no representation by NOAA defeats the  
09:13:39 25 purpose of the whole program because you don't even know

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09:13:41 1 what's going on. I work for another company that have  
09:13:47 2 our management in Seattle, and they have the least bit  
09:13:51 3 of idea what's going out on the islands. They put us in  
09:13:55 4 a pretty difficult situation where we could not, you  
09:13:58 5 know, provide the service that we're there to do. So I  
09:14:02 6 think it's absolutely essential you have someone there  
09:14:06 7 at all times during the cleanup, restoration, whatever  
09:14:09 8 we're doing up there under NOAA.

09:14:14 9 MR. LINDSAY: So you understand my comments  
09:14:15 10 that we will do that. You also understand my comments  
09:14:20 11 that that's going to cost us more money to do that. So

09:14:23 12 if we ever get around to giving you those budget items,  
09:14:26 13 that will be reflected.

09:14:29 14 CO-CHAIR MALAVANSKY: Okay. Just, you know, I  
09:14:30 15 probably have a question here myself. This all looks  
09:14:36 16 real good and fascinating, reminds me of what we went  
09:14:40 17 through about three or four years ago when the RAB was  
09:14:43 18 set up and we all fell in love with these charts and  
09:14:46 19 promises were made and all this other stuff.

09:14:49 20 Have we learned anything? If history is  
09:14:54 21 anything, I think this all fell apart, and I'm just kind  
09:14:59 22 of curious, what happened, and why and how, and why are  
09:15:05 23 we reinventing the wheel, if you will?

09:15:06 24 Can somebody answer the question, or -- do we  
09:15:11 25 have enough talent here to answer it?

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09:15:15 1 CO-CHAIR HIGUCHI: You're asking that of NOAA,  
09:15:17 2 I assume.

09:15:17 3 CO-CHAIR MALAVANSKY: Generally.

09:15:20 4 MR. MERCULIEF: What is the significance here?

09:15:22 5 CO-CHAIR HIGUCHI: Again, the main thing that  
09:15:25 6 happened, from my perspective -- I do strategic planning  
09:15:29 7 for the environmental compliance office. And the main  
09:15:32 8 thing, from my perspective, is -- and it's the strategic  
09:15:42 9 plan I gave to Max. It deals with the Environmental  
09:15:46 10 Compliance Chief, Susan Kennedy. We went through the  
09:15:50 11 strategic planning process where we were looking under  
09:15:53 12 the Government Performance and Results Act. So this was

09:15:58 13 a look -- relook at the program to provide taxpayers,  
09:16:03 14 you all on the islands and other taxpayers, a look at  
09:16:10 15 the program to be sure that we're providing the results  
09:16:13 16 that needed to be done. And to do that, again, we came  
09:16:16 17 up with this document and that's how we're running our  
09:16:21 18 program now. This is part of our reorganization within  
09:16:26 19 the Environmental Compliance and Safety Program to  
09:16:29 20 reorganize, to provide those results to you. So that's  
09:16:33 21 what we underwent.

09:16:35 22 John just explained to you the reorganization  
09:16:38 23 that his organization has gone through to provide  
09:16:42 24 additional services and to streamline theirs. And to  
09:16:48 25 me, he's got -- over in his shop, under Dave Kennedy,

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09:16:53 1 they've got the expertise there for restoration and  
09:16:59 2 cleanup work that needs to be done on the islands. And  
09:17:03 3 he has stated that he will have his staff on the islands  
09:17:07 4 to monitor those projects that are ongoing. At least  
09:17:10 5 that's my interpretation of what he has said. So that's  
09:17:12 6 a significant change.

09:17:14 7 That's one of the reasons to get a better  
09:17:16 8 handle, to control costs, to see that projects are  
09:17:19 9 implemented properly, and that your money is being spent  
09:17:23 10 wisely. So those are the reasons for this change.  
09:17:26 11 Again, Government Performance and Results Act, from my  
09:17:30 12 perspective, from Congress, asks us that we spend your

09:17:35 13 money to see that results are obtained; and from his  
09:17:37 14 aspect, to see that your money is spent wisely. Those  
09:17:41 15 are very specific changes that have taken place.

09:17:48 16 CO-CHAIR MALAVANSKY: Ms. Rose, you have a  
09:17:49 17 question?

09:17:50 18 MS. ROSE: I had a question of Sam. What was  
09:17:52 19 the document you held up?

09:17:53 20 CO-CHAIR HIGUCHI: It's our strategic plan for  
09:17:54 21 the Environmental Compliance and Safety Program.

09:17:58 22 CO-CHAIR MALAVANSKY: Craig?

09:17:59 23 MR. O'CONNOR: Yeah, I'll add my two cents from  
09:18:03 24 D.C., because I was one of the individuals that was  
09:18:05 25 instrumental in creating the restructure and --

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09:18:09 1 MR. GROMOFF: I just came in. Can you state  
09:18:13 2 your name and what position you have before you make  
09:18:14 3 your statements.

09:18:16 4 MR. O'CONNOR: My name is Craig O'Connor, I'm  
09:18:19 5 the deputy general counsel for NOAA, in Washington, D.C.  
09:18:24 6 I was one of the individuals who was instrumental in  
09:18:28 7 bringing about the restructuring of our approach to the  
09:18:33 8 Pribilof Islands. It in large measure was motivated by  
09:18:36 9 our dissatisfaction with the pace at which we were  
09:18:39 10 bringing about performing obligations on the Two-Party  
09:18:43 11 Agreement. And as you saw with Sam's earlier flowchart,  
09:18:50 12 it very much reflected how NOAA had historically  
09:18:53 13 addressed the environmental compliance issues.

09:18:57 14 Understand, NOAA has about 1500 facilities  
09:18:59 15 spread throughout the world, all of which we happen to  
09:19:03 16 manage and ensure that they're complying with applicable  
09:19:07 17 federal, state, local environmental laws. We were going  
09:19:10 18 about that in a very diffuse way and in a way that was  
09:19:13 19 proving to be both costly and unsatisfactory in  
09:19:19 20 attending to our responsibilities in a timely and  
09:19:23 21 effective way.

09:19:24 22 Part of what we did about three years ago, four  
09:19:28 23 years ago, as a result of sanctions being brought  
09:19:31 24 against our agency by the State of Washington, was to in  
09:19:35 25 fact create a centralized environmental compliance

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09:19:39 1 program that we put directly under the deputy  
09:19:42 2 undersecretary. The deputy undersecretary is the  
09:19:46 3 highest career position within the agency. It's the  
09:19:50 4 person who will persist from administration to  
09:19:53 5 administration, and who is ultimately the individual  
09:19:57 6 responsible for assuring that our compliance obligations  
09:20:01 7 are fulfilled.

09:20:02 8 With that restructuring we hired a professional  
09:20:07 9 staff of environmental compliance people, including the  
09:20:10 10 individual that was identified to you, Susan Kennedy,  
09:20:14 11 who had spent several years working as a civilian  
09:20:18 12 directing the environmental compliance program for  
09:20:23 13 certain Air Force bases in the eastern United States.



09:20:24 14 She has taken over that program, and we asked that she  
09:20:28 15 take over, bring into that program the responsibilities  
09:20:32 16 for NOAA with regard to the Pribilofs, particularly  
09:20:35 17 under the Two-Party Agreement.

09:20:37 18           There are a number of other projects that are  
09:20:39 19 going on out there that are not, quote, environmental  
09:20:42 20 compliance-related. So we have put it under a team of  
09:20:47 21 experts as John described. I also specifically  
09:20:50 22 requested that John Lindsay be assigned to this project  
09:20:53 23 because I have dealt with John over a number of years  
09:20:55 24 and I have seen how effective and how efficient he is at  
09:21:00 25 getting the work done that needs to be done. And we

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09:21:04 1 actually pointed at specific individuals that we felt  
09:21:10 2 would be appropriate to attend to these  
09:21:13 3 responsibilities, and we have carved them out and  
09:21:14 4 dedicated them to the environmental cleanup on the  
09:21:19 5 Pribilof Islands under the Two-Party Agreement.

09:21:22 6           And it very much is responsive to the  
09:21:24 7 deficiencies that have been pointed out to us as far as  
09:21:27 8 our compliance. We are under fines by the State of  
09:21:34 9 Alaska for failing to comply with the Two-Party  
09:21:35 10 Agreement. That's totally unacceptable to us. We are  
09:21:38 11 going to get this job done. We've assigned the people  
09:21:42 12 that we believe will be able to get it done timely, and  
09:21:46 13 that's what this is all about.

09:21:48 14           CO-CHAIR MALAVANSKY: Ron?

09:21:49 15 MR. RON PHILEMONOFF: Yes. I want to  
09:21:51 16 acknowledge the reorganization in the agency to properly  
09:21:54 17 and efficiently do the job. Unfortunately, some of the  
09:21:57 18 expertise that was involved in the past has been left on  
09:22:01 19 the roadside someplace and a lot of the knowledge hasn't  
09:22:03 20 been transferred over. A prime example is the letter to  
09:22:07 21 Don Young from Paul Roberts, who has no experience and  
09:22:11 22 no prior knowledge of the Pribilof program, and in his  
09:22:14 23 letter he goes so far as to criticize and push all the  
09:22:18 24 blame to the Aleut people of St. Paul and St. George for  
09:22:20 25 the failure of cleanup of the Pribilofs. And it's

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09:22:23 1 unfortunate that -- you know, you admit that there's an  
09:22:26 2 organizational problem and efficiency problem, and yet  
09:22:29 3 you write to our senators and congressmen and say it's  
09:22:31 4 all the Aleuts' fault.

09:22:34 5 MR. O'CONNOR: That's not what we suggested.

09:22:36 6 MR. RON PHILEMONOFF: That's the way the letter  
09:22:37 7 came across. And I think something needs to be  
09:22:40 8 recognized in this organization that, yes, there were  
09:22:41 9 problems, but it's from both sides of the fence. We  
09:22:44 10 need to work it out, rather than dump it all on us.

09:22:48 11 MR. O'CONNOR: We're assuming full  
09:22:51 12 responsibility.

09:22:52 13 MR. RON PHILEMONOFF: Then why did Paul write  
09:22:53 14 this letter to the congressmen?

09:22:57 15 MR. O'CONNOR: Because the congressman asked  
09:22:57 16 for an update.

09:22:59 17 MR. RON PHILEMONOFF: It was focused on the  
09:23:01 18 problem --

09:23:02 19 MR. O'CONNOR: His request was in regard to how  
09:23:04 20 we were proceeding with local hire and our  
09:23:07 21 responsibilities under 104-91. That was a specific  
09:23:13 22 request. There had been a prior meeting.

09:23:16 23 MR. RON PHILEMONOFF: I understand that. The  
09:23:16 24 point is the letter was -- it didn't highlight any of  
09:23:19 25 the problems that you were having. The NOAA deficiency

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09:23:23 1 in Seattle is part of the problem, yet in the letter to  
09:23:27 2 Don Young it was all the Aleuts' fault. It doesn't  
09:23:29 3 mention the inefficiency of Seattle.

09:23:33 4 MR. O'CONNOR: We had a briefing with both  
09:23:37 5 Mr. Stevens and Mr. Young's personal staff on this  
09:23:39 6 project and advised them of the reorganization and our  
09:23:43 7 concerns with our own deficiencies, and they had asked  
09:23:46 8 for us to provide written communication to Mr. Young  
09:23:51 9 with regard to the issues that we had addressed.

09:23:55 10 CO-CHAIR MALAVANSKY: Ron?

09:23:56 11 MR. RON PHILEMONOFF: I'll talk more about that  
09:23:58 12 on the agenda this afternoon.

09:23:59 13 CO-CHAIR MALAVANSKY: Okay.

09:24:00 14 MR. RON PHILEMONOFF: What role does the deputy  
09:24:02 15 general counsel and Craig's office play in relationship

09:24:05 16 to the Two-Party Agreement between NOS and OR&R? What  
09:24:12 17 role does your office play with this agreement?

09:24:15 18 MR. O'CONNOR: It's our responsibility to  
09:24:18 19 ensure that the agency complies with the laws that are  
09:24:20 20 applicable to its activities, whether it's the law of  
09:24:23 21 the State of Alaska with regard to cleanup in the  
09:24:26 22 Pribilof Islands or any other federal and state laws.  
09:24:28 23 We are the principal legal advisors to all components of  
09:24:33 24 the agency.

09:24:49 25 CO-CHAIR MALAVANSKY: Craig, can you speak up.

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1 The recorder can't hear you.

09:24:55 2 MR. O'CONNOR: I'm Michelle Mayer and Nancy  
09:25:02 3 Briscoe's boss. I am responsible in Washington, D.C. to  
09:25:06 4 ensure that NOAA complies with all the federal laws and  
09:25:09 5 state laws. And it's one of my responsibilities in the  
09:25:12 6 environmental compliance program for NOAA. And as you  
09:25:16 7 are well aware, Ron, I've been involved with the  
09:25:19 8 Pribilofs now for two or three years, having been out to  
09:25:22 9 the island a couple of times, having made commitments  
09:25:26 10 both to the people and the State of Alaska to get the  
09:25:31 11 job done. And I'm not satisfied with the pace that  
09:25:34 12 we're doing it, and I'm not satisfied with the adequacy  
09:25:37 13 of our compliance with regard to the responsibilities of  
09:25:40 14 the Two-Party Agreement. That's one of the reasons I'm  
09:25:43 15 here today. That's my job.

09:25:45 16 CO-CHAIR MALAVANSKY: Thank you.  
09:25:46 17 Bret?  
09:25:47 18 MR. COBURN: Mr. Chairman, I've worked  
09:25:50 19 intimately with the program, and I think it's good to  
09:25:52 20 put on the record that we've become painfully aware of  
09:25:58 21 NOAA's inability to administer the projects. During the  
09:26:02 22 entirety of our work on Phase I, we had a program  
09:26:10 23 officer from NOAA on island for a period of three, four  
09:26:15 24 days, over a whole year's worth of work, and then we  
09:26:19 25 have watched as people have resigned and been replaced,

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09:26:23 1 major reorganizations. And it's very disturbing to see  
09:26:28 2 a letter come out like this that sort of suggests that  
09:26:32 3 it in fact is our fault, when quite frankly we've been  
09:26:35 4 working honestly and diligently, and have yet to even  
09:26:40 5 have a response on our latest proposal that we submitted  
09:26:43 6 to NOAA over a year ago.

09:26:48 7 CO-CHAIR MALAVANSKY: Okay. We have community  
09:26:52 8 concerns. Perhaps we can take it up under the community  
09:26:56 9 issues and concerns and/or, you know, individual  
09:27:00 10 contractor type of concerns we can take up 104-91. I'd  
09:27:05 11 like to focus more on the agenda item, the  
09:27:08 12 organizational chart. Are there further --

09:27:15 13 MR. DRONENBURG: I have a question for John.

14 CO-CHAIR MALAVANSKY: Ray?

09:27:17 15 MR. DRONENBURG: John, looking at your  
09:27:18 16 organizational chart here -- I'm Ray Dronenburg with the

09:27:21 17 State.

09:27:22 18                   Looking at the organizational chart, will you  
09:27:24 19 have the same abilities -- is your line of communication  
09:27:30 20 any different than it was when we were working directly  
09:27:34 21 with Minh? Will you have the same abilities to work  
09:27:38 22 independently, or do you have a group? I mean, do I  
09:27:42 23 recognize that all of these folks that are on the same  
09:27:45 24 line as you, Minh and vacant and Mike Nelson and  
09:27:50 25 yourself and Michelle Mayer, will all get together and

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09:27:53 1 jointly review or deal with the topic, or can you make  
09:27:57 2 independent decisions?

09:27:59 3                   MR. LINDSAY: My chart, as I understood it, and  
09:28:02 4 it was made pretty clear, and I -- when I was offered  
09:28:09 5 the responsibility and I was willing to accept the  
09:28:11 6 responsibility, that I was to deal with implementing the  
09:28:16 7 project and getting the work done, period. Only for  
09:28:21 8 items under the Two-Party Agreement, period.

09:28:25 9                   In my mind, and in a show of, display of  
09:28:31 10 honesty here, that to me, I've been asked to do things  
09:28:34 11 that weren't Two-Party Agreement-related on the  
09:28:38 12 Pribilofs. I said, no way, you guys told me that I'm  
09:28:41 13 only going to do 2PA projects. We don't have the staff  
09:28:45 14 to deal with all these other kinds of issues that are up  
09:28:47 15 there. Like the outfall, et cetera. You know, we're  
09:28:52 16 only doing 2PA. So I have the authority to basically to

09:28:56 17 drive the cleanup process.

09:28:58 18                   However, to meet the responsibilities under the  
09:29:03 19 law, to meet our budgetary, our fiscal responsibilities,  
09:29:08 20 based on the budget that we've been handed, I have to  
09:29:13 21 confer with my boss, David Kennedy. I have to confer  
09:29:18 22 with Susan Kennedy. I have to confer with the office of  
09:29:22 23 general counsel. I have to confer with contracts  
09:29:23 24 officers, I have to confer with grant specialists if and  
09:29:28 25 when we're going to give out grants or cooperative

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09:29:31 1 agreements. I have to confer with all these people.  
09:29:34 2 But if you look at the line of authority, basically I  
09:29:40 3 report to David Kennedy and -- it's not on here, but  
09:29:46 4 it's in the MOA, you can read it in the MOA. My second  
09:29:48 5 line supervisor is Sue Kennedy.

09:29:51 6                   So I don't know if that answers it or not, but  
09:29:55 7 I have the authority to make decisions as appropriate.  
09:29:58 8 I have the authority to select contractors. The  
09:30:01 9 guidance on how to select contractors, however, comes  
09:30:04 10 from higher above me.

09:30:11 11                   MR. DRONENBURG: Thank you, I appreciate it.

09:30:12 12                   CO-CHAIR MALAVANSKY: Mike Zacharof.

09:30:13 13                   MR. ZACHAROF: Thank you. Mike Zacharof from  
09:30:17 14 St. Paul.

09:30:17 15                   Iliodor made a motion earlier for providing  
09:30:21 16 information on the budget, and John just mentioned that  
09:30:24 17 he had a budget that he had to work with, and I'd like

09:30:28 18 to ask Sam if it's possible to have the budget faxed  
09:30:33 19 down today so we can review this budget. If there's  
09:30:38 20 duplications in there that we've been working on for the  
09:30:42 21 last four years, we want to at least comment on that  
09:30:44 22 budget. I'd be very interested to see what's in that  
09:30:48 23 budget, how it's going to be spent. Too many times  
09:30:53 24 already, the Pribilofs was number one on the list, which  
09:31:01 25 was Jason's worry earlier to replace these. But every

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09:31:07 1 time something comes, happens in Tempe, Arizona, because  
09:31:10 2 they have more people, they scrub the Pribilofs and give  
09:31:14 3 it to somebody with bigger population, and we're tired  
09:31:17 4 of seeing that. So I'd like to look at the budget and  
09:31:21 5 see if there's something in here that we can contribute.  
09:31:23 6 I mean, we got some finance people over here, corporate  
09:31:28 7 people present, we're pretty sharp people, let me tell  
09:31:31 8 you. We'll help you scrutinize that budget if we can.

09:31:36 9 Is that possible, Sam, to have the budget faxed  
09:31:39 10 down today?

09:31:40 11 CO-CHAIR HIGUCHI: I understand your concern,  
09:31:45 12 but from my perspective I don't think that can happen  
09:31:48 13 today. I'd like to state, and it states here in the  
09:31:55 14 Memorandum of Agreement, that an accounting will be made  
09:31:59 15 with the transfer of funds so that John can work with  
09:32:02 16 them. And I think at that time they'll be made  
09:32:05 17 available. Because John is not going to accept a



09:32:08 18 project that has a fuzzy budget to it. And that's not  
09:32:14 19 our agreement internal within NOAA. There will be funds  
09:32:18 20 transferred and accounting made. And I'd like to  
09:32:21 21 emphasize that. But I can't say that that information  
09:32:24 22 will be made today. I'm sorry, I just can't.

09:32:29 23 CO-CHAIR MALAVANSKY: Martha.

09:32:29 24 MS. MALAVANSKY: Martha, at-large.

09:32:32 25 I understand Mike's concern, and basically I

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09:32:37 1 guess the concern of all of us sitting around the table.  
09:32:41 2 Like Max mentioned earlier, this organization was  
09:32:47 3 started three years ago or so, and this, to us, seems to  
09:32:52 4 be a duplication of effort. Our concern is there has  
09:32:57 5 been money spent so far. There are projects ongoing as  
09:33:01 6 we speak, supposedly.

09:33:03 7 We'd like to know the status of these projects  
09:33:07 8 in terms of how much money has been spent to date, how  
09:33:10 9 much more money is going to be allocated to these  
09:33:15 10 projects under this Memorandum of Agreement. And to  
09:33:22 11 make good decisions and to point out concerns that we  
09:33:27 12 might have, seeing the progress to date would be  
09:33:31 13 helpful. You know, I can't reiterate enough that it  
09:33:36 14 would be prudent to see this, prudent for us to see it.  
09:33:44 15 The budget information.

16 MR. LINDSAY: Mr. Chairman.

17 CO-CHAIR MALAVANSKY: John?

09:33:48 18 MR. LINDSAY: We were prepared just to go over

09:33:51 19 briefly the status of the various sites and the progress  
09:33:55 20 and what remains to be done today, if I ever get to my  
09:34:00 21 agenda item session.

09:34:02 22 MS. MALAVANSKY: Okay.

09:34:03 23 MR. LINDSAY: That will help. And then you can  
09:34:05 24 ask more pointed questions about the different projects.

09:34:09 25 CO-CHAIR MALAVANSKY: Iliodor?

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09:34:11 1 MR. ILIODOR PHILEMONOF: Yeah. Sam, you know,  
09:34:13 2 I think you were given once again a bureaucratic answer,  
09:34:16 3 all your bureaucrats that are here from D.C. and  
09:34:21 4 Seattle. I don't want to take no for an answer. I want  
09:34:25 5 you to say that you will try to get something. We  
09:34:31 6 always get this no, no, no, you can't have it, we can't  
09:34:34 7 do it now. That's the same old bureaucratic BS we've  
09:34:38 8 heard over and over again. We've heard that from Craig  
09:34:42 9 O'Connor. They're the ones at fault in D.C. for not  
09:34:49 10 looking after what was happening in Seattle. You have  
09:34:53 11 to understand that. You tell us that you're going to do  
09:34:57 12 something different now. You could have done that two  
09:35:01 13 years ago. So I don't want to hear this bureaucratic  
09:35:06 14 gobbledygook from you and the rest of the bureaucrats  
09:35:12 15 from Seattle and D.C. So I would ask that you try to  
09:35:16 16 see if you could get something on the budget. Thank  
09:35:19 17 you.

09:35:20 18 CO-CHAIR MALAVANSKY: Thank you.

09:35:22 19 MR. O'CONNOR: I'll be happy to respond, and  
09:35:26 20 this won't be bureaucratic gobbledygook. I don't  
09:35:30 21 believe it's the role of the RAB to overview the budget  
09:35:36 22 of the agency with regard to its compliance activities.  
09:35:39 23 So if we give you the budget, it would be basically in  
09:35:45 24 recognition of our desire to work cooperatively with  
09:35:47 25 you, but under ordinary circumstances that's not one of

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09:35:51 1 the RAB's roles, to oversee the budget.

09:35:54 2 CO-CHAIR MALAVANSKY: Ed?

09:35:57 3 MR. ILIODOR PHILEMONOF: May I respond to that?

09:36:00 4 Mr. O'Connor, do you know how much money has been spent  
09:36:03 5 in Seattle administration, and perhaps even in D.C., I  
09:36:06 6 don't know.

09:36:07 7 MR. O'CONNOR: No. It's not my job as the  
09:36:09 8 deputy general counsel to know that information. That's  
09:36:12 9 not something that --

09:36:13 10 MR. ILIODOR PHILEMONOF: So I think that's  
09:36:14 11 something that we should ask, because I believe a good  
09:36:20 12 percentage of the money is being spent in Seattle and  
09:36:23 13 not on the cleanup itself. That's why I'm requesting  
09:36:27 14 this. Thank you.

09:36:33 15 CO-CHAIR MALAVANSKY: Mike?

09:36:35 16 MR. ZACHAROF: I'd like to reiterate what  
09:36:37 17 Iliodor just had to say. And looking at the  
09:36:41 18 responsibilities of the RAB, I mean our responsibility  
09:36:46 19 is to make recommendations. Our responsibility is to

09:36:50 20 look at that budget that Craig says they'll give it to  
09:36:54 21 us if they think we should have it. How are we going to  
09:36:57 22 make any kind of decisions and recommendations to you or  
09:37:01 23 anybody else on projects in the community of St. Paul  
09:37:04 24 and St. George unless we know how much money we got to  
09:37:07 25 deal with?

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09:37:08 1 I mean, I could tell you do this, do that, do  
09:37:10 2 this, do that, \$50 billion. But I want a listing, how  
09:37:15 3 much do we have to spend. How much do we have? It's my  
09:37:19 4 responsibility as a RAB board member to make  
09:37:20 5 recommendations, and I can't do that unless I have  
09:37:25 6 something in front of me.

09:37:26 7 CO-CHAIR MALAVANSKY: A real good point, Mike.  
09:37:27 8 And I think, you know, maybe there's an underlying  
09:37:31 9 question here. You know, supposedly there's been  
09:37:35 10 millions appropriated for the cleanup, and I think  
09:37:38 11 perhaps, you know, the question is, has enough money  
09:37:46 12 been appropriated and is it there to do the cleanup.

09:37:48 13 MR. ZACHAROF: Is there enough money to pay for  
09:37:50 14 this meeting?

09:37:50 15 CO-CHAIR MALAVANSKY: Yeah, is there enough  
09:37:51 16 money to clean up anything this summer, and that's a  
09:37:54 17 concern the communities have. And forgive us for asking  
09:37:56 18 that, Craig.

09:37:58 19 MR. O'CONNOR: And I don't mean to be rude. We

09:38:02 20 are trying to put that information together. We are not  
09:38:08 21 passing this off. We are as concerned -- I personally  
09:38:12 22 don't know the answer. If I had the answer, I'd give it  
09:38:15 23 to you. What I do understand is that we have sufficient  
09:38:17 24 money to get the job done that we have committed  
09:38:21 25 ourselves to do to the State of Alaska. And that's what

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09:38:23 1 we're looking at, getting it done.

09:38:27 2 How we go about doing that, I think we had too  
09:38:30 3 big a structure. I think too much money was being spent  
09:38:33 4 on administration that didn't have to be spent on  
09:38:35 5 administration. We have streamlined it. Two years ago,  
09:38:38 6 we didn't know that we were not going to get the job  
09:38:41 7 done that we had committed to do. And we are apologetic  
09:38:45 8 for that. We are not going to sit by and say simply,  
09:38:49 9 well, we had a structure and, damn it, we're going to  
09:38:52 10 stick with it and we're not going to make changes  
09:38:54 11 because we're going to be perceived as coming up with  
09:38:57 12 another bureaucratic response. That's not what we're  
09:38:59 13 doing. We're trying to get the damn job done. And John  
09:39:01 14 is working to assure that that occurs. We want to do it  
09:39:04 15 in the partnership that we began with.

09:39:06 16 I don't want to create friction where we don't  
09:39:09 17 need to have friction. I don't mean to throw stones at  
09:39:13 18 the Aleuts. That's not what we're doing. We're trying  
09:39:17 19 to get this done. We're trying to get it done together.  
09:39:19 20 How can we go about doing that? I am very disappointed

09:39:22 21 with my own agency, because we're sitting there faced  
09:39:26 22 with fines and penalties from the State of Alaska that  
09:39:28 23 never should have come about, period. And now we're  
09:39:32 24 going to make sure it doesn't happen again. It's my  
09:39:36 25 responsibility to assure that that occurs and we get it

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09:39:40 1 done. We will get you whatever information we have as  
09:39:42 2 soon as we have it, and that includes the budget  
09:39:46 3 information. That's my personal commitment to you.

09:39:49 4 CO-CHAIR MALAVANSKY: Thank you.

5 Elary?

09:39:51 6 MR. GROMOFF: I'm Elary Gromoff with the Aleut  
09:39:54 7 Corporation, past co-chair, community, for this RAB.  
09:39:59 8 And from my experience, I'll let you all know I serve on  
09:40:02 9 other RABs and have been on the National Caucus RAB.  
09:40:07 10 I'm hearing comments here from -- I've been out of the  
09:40:11 11 picture for a while, but when we first started -- for  
09:40:14 12 the new players that don't know me, we initially started  
09:40:18 13 out with this RAB. The goals of this RAB was to make  
09:40:21 14 sure our input was put in. We had a good partnering  
09:40:24 15 session when we first started out with all agencies  
09:40:26 16 involved. We set our goals and commitments at that  
09:40:31 17 partnering session. None of them are being honored here  
09:40:34 18 by the agency. And I'm hearing, we're talking now we're  
09:40:38 19 back to square one.

09:40:39 20 I'd like everybody to go back, look at your

09:40:41 21 notes on what we discussed at that partnering session  
09:40:44 22 and what we were all committed to. What I'm hearing  
09:40:48 23 here is revisiting the same issues. And it's not --  
09:40:52 24 this is over two years. I highly encourage all, even  
09:40:57 25 the members of this RAB, just go back, and we need to

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09:41:00 1 have -- and I think I'm hearing issues are rising up to  
09:41:04 2 come back to that partnering session again, get a  
09:41:06 3 commitment on the part of everyone, because that was  
09:41:08 4 money well spent on the island when we did that. And  
09:41:13 5 come forward and say, where are we going.

09:41:15 6 And part of that commitment on the part of  
09:41:18 7 NOAA, I remember, was to keep us informed of the money  
09:41:22 8 that was spent in the budget, and those are certain  
09:41:25 9 things we discussed. We were told that you would make  
09:41:28 10 sure it would be available for us to make the right  
09:41:30 11 decisions and providing advice on this NOAA RAB.

09:41:33 12 And I'll tell you, in the past I used to be  
09:41:36 13 proud to be a member of this RAB, because I used to go  
09:41:39 14 to the National RAB caucuses and say this is one of the  
09:41:43 15 best RABs we have. We have a good commitment from NOAA.  
09:41:46 16 Now I'm going to have to turn and take my word back when  
09:41:49 17 I do my travels. This has really become one of the  
09:41:52 18 worst discussions I have heard on a RAB, from my  
09:41:54 19 experience. I'll tell you, it's not fun to come back  
09:41:58 20 and listen to this. I left here hoping things would be  
09:42:01 21 more workable, we had a great partnership going with

09:42:04 22 NOAA, things were going forward. And I'm not seeing  
09:42:08 23 here, and that's what I wanted to say.  
09:42:09 24 CO-CHAIR MALAVANSKY: Thank you, Elary.  
09:42:10 25 Sam?

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09:42:10 1 CO-CHAIR HIGUCHI: I'd sort of like to move us  
09:42:13 2 on to the second agenda item which I think is sort of  
09:42:16 3 falling away. In that as Craig has said, the agency's  
09:42:23 4 committed to fulfilling the Two-Party Agreement, and  
09:42:26 5 that's our commitment. So that the financial part is  
09:42:29 6 sort of secondary. And what I'd like to focus on is  
09:42:33 7 what we plan to do in the near future to address getting  
09:42:38 8 back on track and going with that Two-Party Agreement.  
09:42:43 9 And I think the co-chair here agrees with me that we  
09:42:46 10 need to get beyond the budget, because that's sort of a  
09:42:50 11 secondary aspect of it. What we really want to do is  
09:42:53 12 see the fulfillment of the Two-Party Agreement. And --

09:42:57 13 CO-CHAIR MALAVANSKY: Ron?

09:42:57 14 MR. RON PHILEMONOFF: Question before we move  
09:42:59 15 on.

09:42:59 16 John mentioned that he was only working on the  
09:43:06 17 Two-Party Agreement, and mentioned something in the past  
09:43:09 18 that, for example, the outfall was not part of the  
09:43:10 19 Two-Party Agreement. And I assume he believes that  
09:43:11 20 there are issues out there that are not Two-Party  
09:43:14 21 Agreements and it's not his department or his directive



09:43:17 22 to work on.

09:43:17 23 So my question is, when or where or who is in  
09:43:21 24 charge of related issues that are not considered  
09:43:24 25 Two-Party Agreements but are related issues, such as

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09:43:26 1 104-91 issues, such as the outfall issue, the blubber  
09:43:30 2 plant, seal plant issues. If you're not in charge, who  
09:43:33 3 is and where is it, and what department does it fall  
09:43:35 4 under?

09:43:42 5 CO-CHAIR HIGUCHI: I think that you can see  
09:43:44 6 that what remains after the Two-Party Agreement has been  
09:43:49 7 carved out by NOS is that Minh Trinh will be involved or  
09:43:53 8 the Seattle office will be involved in doing those other  
09:43:57 9 items. As we said, John's expertise is in the area of  
09:44:01 10 cleanup. The Seattle office has expertise in doing some  
09:44:07 11 engineering projects. So in my way of looking at what  
09:44:11 12 remains after we carve out the cleanup work from the  
09:44:16 13 Two-Party Agreement remains with Minh Trinh.

09:44:19 14 MR. RON PHILEMONOFF: How about the 104-91  
09:44:22 15 issue related to local organizations being used in the  
09:44:25 16 cleanup process? The letter that came from Paul  
09:44:29 17 Roberts' department, is that an OFA issue or is that an  
09:44:32 18 NOS issue, or who makes that decision where it falls, if  
09:44:36 19 it's not on John's table?

09:44:39 20 MR. LINDSAY: I didn't understand the question,  
09:44:40 21 I'm sorry.

09:44:40 22 MR. RON PHILEMONOFF: In terms of using 104-91

09:44:42 23 directive to use local hire or local organizations to do  
09:44:46 24 the jobs, the letter that we received came from Paul  
09:44:50 25 Roberts' office saying that the local Natives aren't

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09:44:52 1 qualified to do the job. And you said earlier that you  
09:44:56 2 only deal with cleanup issues under the Two-Party  
09:45:00 3 Agreement, so I'm wondering, where does this issue fall?  
09:45:04 4 Does it fall under Paul Roberts to make the decision, or  
09:45:07 5 the undersecretary, or is it Minh Trinh? Who is making  
09:45:09 6 that specific decision on local organizations doing the  
09:45:13 7 cleanup, if it's not your office?

09:45:14 8 MR. LINDSAY: First of all, I saw the letter to  
09:45:21 9 Representative Young on Monday. I received that letter,  
09:45:24 10 let's put it that way, on Monday. I read it on the  
09:45:27 11 plane on the way up here. I think it predated the  
09:45:31 12 signing of the MOA. Barely, maybe. But nonetheless,  
09:45:38 13 the responsibility for all this, all the Pribilof  
09:45:40 14 projects, was still within Paul Roberts' shop at that  
09:45:44 15 particular time.

09:45:45 16 With respect to 104, my understanding is -- and  
09:45:55 17 again, you have this organizational chart and you asked  
09:45:58 18 me how do I relate to all these people. Well, I'm  
09:46:01 19 looking for legal counsel on how I'm supposed to satisfy  
09:46:05 20 Public Law 104-91. And my understanding is that for the  
09:46:10 21 Two-Party Agreement activities, Public Law 104-91  
09:46:16 22 applies.

09:46:17 23 I guess what you're telling me, it also applies  
09:46:19 24 to other activities on the islands, such as the outfall  
09:46:23 25 and maybe the sealing plant. I don't know. And that is

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09:46:27 1 not my responsibility. Maybe Paul Roberts' shop, who  
09:46:34 2 Minh Trinh works under, as I understand it, anyway, is  
09:46:36 3 responsible for satisfying Public Law 104-91 relative to  
09:46:41 4 the non-2PA items as well. I know I'm not. And I'm  
09:46:45 5 telling everybody, I'm not. I don't think I have the  
09:46:49 6 time or the resources to deal with all of these other  
09:46:52 7 issues. The 2PA issues to me are a quagmire enough to  
09:46:56 8 deal with. And that's all I'm dealing with. And 104  
09:47:01 9 relates to 2PA items as well, and when it does we'll be  
09:47:05 10 responsible for those items.

09:47:09 11 MR. O'CONNOR: That's correct. Craig O'Connor,  
09:47:14 12 legal advisor to John in this context.

09:47:17 13 He's absolutely right. I mean, 104-91 would  
09:47:22 14 apply in the local hire issue to both components. John  
09:47:25 15 will be basically the decision maker with regard to the  
09:47:28 16 utilization of the local hire to the maximum extent  
09:47:32 17 practical, whatever 104-91 said with regard to the  
09:47:36 18 cleanup issues.

09:47:37 19 Minh Trinh, he's overseeing the sealing plant,  
09:47:40 20 the outfall, and some of those non-Two-Party Agreement  
09:47:44 21 issues and will be making some of the same decisions,  
09:47:49 22 but John is the responsible guy on the cleanup side.

09:47:53 23 MR. ALVIN MERCULIEF: Mr. Chairman.

09:47:54 24 CO-CHAIR MALAVANSKY: Alvin?

09:47:54 25 MR. ALVIN MERCULIEF: Is everybody provided

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09:47:56 1 this particular letter that -- I haven't received a copy  
09:47:59 2 of the letter. I don't understand why John has a copy  
09:48:03 3 when it doesn't pertain to him. I'd like to have a copy  
09:48:06 4 of this letter.

09:48:09 5 CO-CHAIR MALAVANSKY: Okay, you've got a copy  
09:48:11 6 now.

09:48:13 7 MR. ALVIN MERCULIEF: Thank you.

09:48:15 8 CO-CHAIR MALAVANSKY: Jason?

09:48:15 9 MR. BOURDUKOFISKY: Yeah, I have a question to  
09:48:20 10 John. It will probably be answered by Mr. O'Connor, but  
09:48:25 11 the question is: John, I believe you said you are going  
09:48:29 12 to be the one to select the contractor to do the  
09:48:32 13 restoration work on the islands. Is this correct?

09:48:36 14 MR. LINDSAY: Correct.

09:48:37 15 MR. BOURDUKOFISKY: This happened in the past  
09:48:41 16 where other -- how are you going to be different from  
09:48:45 17 what's happened in the past? Say, already there were  
09:48:49 18 three weeks, or they gave us three weeks or a month that  
09:48:54 19 a contract was going to be signed, and it goes back to  
09:48:59 20 Washington, D.C. and it's been overrun and everything  
09:49:03 21 else. I mean, what's going to be different? What  
09:49:05 22 really is going to be different here?

09:49:07 23 CO-CHAIR MALAVANSKY: Excuse me, Jason. I'd

09:49:10 24 like to interject here as co-chair. Maybe what we  
09:49:14 25 should do at this point in time is, we're running over

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09:49:19 1 time. Let's steamroll right through the break issue  
09:49:22 2 here. If you want to take a break, just help yourself  
09:49:26 3 to some of the goodies in the back. Would be just to  
09:49:30 4 move into the projects planned for the future and maybe  
09:49:33 5 some of these questions can be answered. I think we're  
09:49:37 6 just getting bits and pieces of the -- do you concur,  
09:49:41 7 Sam?

09:49:41 8 CO-CHAIR HIGUCHI: I concur. That would give  
09:49:43 9 people a chance to look at the Young letter and more  
09:49:45 10 able to discuss this. Apparently not everybody has seen  
09:49:49 11 it. I haven't read it fully. And so I would suggest  
09:49:52 12 that we save it for this afternoon. It more  
09:49:56 13 appropriately fits there. The community's concern about  
09:49:59 14 that issue. And I think what we really need to do is to  
09:50:03 15 focus on our commitment towards the future and what John  
09:50:06 16 has planned in the near future. I think that's where  
09:50:09 17 your interests lie right now. And then we can discuss  
09:50:12 18 those issues that the community has at that time. I  
09:50:17 19 think that's, at least as co-chair, where I'd like to  
09:50:21 20 see us focus now.

09:50:23 21 CO-CHAIR MALAVANSKY: Jason?

09:50:24 22 MR. BOURDUKOFISKY: My question pertains to the  
09:50:26 23 organizational chart. You know, I would like to know  
09:50:29 24 what difference and what authority John Lindsay is going

09:50:33 25 to have over Washington, D.C. Like I say, you know, too

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09:50:35 1 many times in the past here we've been waiting month  
09:50:38 2 after month, three weeks, oh, they're going to sign this  
09:50:42 3 week, it going to be Friday. You know, and this has  
09:50:46 4 been going on for two years. Now, what kind of  
09:50:48 5 authority is John Lindsay going to have?

09:50:51 6 CO-CHAIR MALAVANSKY: John, maybe you can  
09:50:52 7 answer that.

09:50:54 8 MR. LINDSAY: As a government bureaucrat, I  
09:50:57 9 mean, I recognize that I have certain authorities  
09:51:00 10 granted to me, but I also work all the way up to  
09:51:04 11 President Clinton, and anybody between me and President  
09:51:06 12 Clinton, all the way up to President Clinton, can  
09:51:11 13 override any of my decisions, and it's that simple.  
09:51:13 14 That's just a fact of life. Just as it's a fact of life  
09:51:17 15 in city government. Mayor Mercurief can override the  
09:51:20 16 public works department director's decision to pave a  
09:51:24 17 road. He says, we're not going to do it. Sorry. Maybe  
09:51:27 18 you want to, but we're not going to do it.

09:51:28 19 I mean, that's just the way things are. I have  
09:51:31 20 the decision, I have the authority to make decisions.  
09:51:34 21 But if for political reasons, more often than not, it's  
09:51:38 22 deemed expeditious to make another decision, then I'll  
09:51:42 23 be overridden. I mean, what else can I tell you? Am I  
09:51:48 24 wrong?

09:51:50 25

MR. BOURDUKOFSKY: The chart is a nice looking

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09:51:56 1 piece of paper. More organized than the first one,  
09:51:59 2 apparently.

09:52:00 3 MS. MALAVANSKY: The lines look different.

09:52:03 4 CO-CHAIR MALAVANSKY: Okay. Why don't we move  
09:52:04 5 into the projects planned for the near future with the  
09:52:09 6 newly appointed NOAA project manager, and confirmed  
09:52:13 7 project manager, I take it, John.

09:52:14 8 MR. LINDSAY: Yes. Well, a lot of the issues  
09:52:19 9 that I was going to discuss have already been discussed.  
09:52:22 10 But I guess I'll reiterate here that based on the new  
09:52:27 11 organizations, NOAA has a resolve now, and we've heard  
09:52:31 12 this over and over again, and I know some of you have a  
09:52:34 13 hard time believing it, and quite frankly I don't blame  
09:52:38 14 you for having a hard time believing it, but NOAA has  
09:52:41 15 resolved to move quickly and aggressively on dealing  
09:52:43 16 with the cleanup. NOAA wants to get out of the  
09:52:47 17 Pribilofs relative to this issue.

09:52:47 18 Maybe it should be intuitively obvious, at  
09:52:53 19 least, from the organization of OR&R. It's a new  
09:52:57 20 organization. It's dealing with oil spills, it's now,  
09:53:01 21 get it done, do it. Hazardous waste sites, I mean we  
09:53:07 22 kind of work with EPA and fall under the guidelines of  
09:53:12 23 EPA in terms of how aggressive they are in cleaning up  
09:53:14 24 Superfund sites. There's a lot of problems with that  
09:53:18 25 process. It doesn't go as quickly as everybody would

09:53:20 1 like, including us. We are there sometimes occasionally  
09:53:22 2 beating on them to move faster. But we are doers.  
09:53:26 3 We're not sitting back and contemplating what it is we  
09:53:29 4 should do. We want to get it done.

09:53:31 5 So under this new reorganization, my guidance  
09:53:34 6 basically is to get the job done, is to find a  
09:53:42 7 contractor or contractors that are already affiliated  
09:53:43 8 with the government. And I've expressed this to some of  
09:53:47 9 you, and maybe some of you haven't heard it yet, but  
09:53:50 10 since it's basically knowledge since I've said it, we're  
09:53:53 11 considering the U.S. Navy, Corps of Engineers and  
09:53:56 12 Tetra-Tech as our potential prime contractors. These  
09:53:59 13 potential prime contractors are being directed to  
09:54:03 14 consider local entities to accomplish whatever work is  
09:54:07 15 appropriate that can be accomplished under the program  
09:54:11 16 directions that we're going to be trying to fulfill this  
09:54:15 17 coming year and next year.

09:54:16 18 Where our priorities are, to do the ex situ  
09:54:22 19 treatment of PCS materials; to do the in situ treatment  
09:54:28 20 and remediation of PCS materials; and finally, to finish  
09:54:33 21 off the debris removal on St. Paul Island. Relative to  
09:54:38 22 debris removal, that's a little bit lower priority, but  
09:54:42 23 it needs to be done. Once we get our act together with  
09:54:47 24 regards to a prime contractor, we will enter into or  
09:54:52 25 approach an island entity to try to deal with finishing



09:54:55 1 off the debris removal. We're just not really in that  
09:54:58 2 position yet because of all the things that are going  
09:55:01 3 on. But nonetheless, that's one thing that we expect to  
09:55:04 4 come to the communities directly to deal with.

09:55:09 5 Another issue that we have as an agency is the  
09:55:12 6 illegal dumping in the landfills. There's been an  
09:55:16 7 expression of concern about continued illegal dumping,  
09:55:18 8 whether it's solid waste, but more importantly, any  
09:55:22 9 hazardous materials that are going into those landfills.  
09:55:24 10 There's a feeling that there's a need to take some form  
09:55:27 11 of action with regards to that. What it will be, I  
09:55:30 12 don't know yet, but I'm just pointing it out.

09:55:32 13 So primarily, where we are at this point, and I  
09:55:38 14 think it's been fairly clear here this morning, we're at  
09:55:43 15 the stage of who is going to do it and how is it going  
09:55:46 16 to get done? And basically what's going to get done.  
09:55:50 17 Other than within those parameters that I said, ex situ,  
09:55:55 18 in situ is agreed. Those are the things we're moving  
09:55:57 19 on. But who is going to do it and how are we going to  
09:56:00 20 do it, that's where we're at right now. And basically,  
09:56:07 21 I've covered everything else in my presentation, so I'm  
09:56:12 22 willing to take any questions.

09:56:12 23 CO-CHAIR MALAVANSKY: Yeah, I've got a  
09:56:14 24 question. You know, in terms of your in situ, ex situ,  
09:56:20 25 et cetera, and there seems to be, you know, from what I

09:56:26 1 hear, a commitment from the agency to let's get this  
09:56:30 2 damn thing done, over and done with. Does that mean  
09:56:36 3 you're going to take a look at perhaps cleanup  
09:56:39 4 methodologies that would get the project done quicker  
09:56:43 5 but would cost more?

09:56:46 6 MR. LINDSAY: We want finality, for one thing.  
09:56:50 7 We don't want to be experimenting, for a second thing.  
09:56:53 8 We were supposed to be done -- as I understand it, and I  
09:56:55 9 want to reiterate again in here, I'm coming into this  
09:56:58 10 relatively naive, okay? I haven't been on the islands,  
09:57:00 11 I haven't met any of you before yesterday. Some of you  
09:57:03 12 I met yesterday. I've talked to you, Max, I think, a  
09:57:07 13 couple weeks ago or so. I mean, you know, I'm new to  
09:57:10 14 this process, so there's going to be some naivete on my  
09:57:15 15 part.

09:57:16 16 But my point is we want to get this project  
09:57:19 17 over with. It should have been done, I think, last  
09:57:22 18 year. It's not. It's got a long ways to go, from my  
09:57:25 19 way of thinking, unless we get real aggressive. Can we  
09:57:28 20 be so aggressive as to get it all done within the next  
09:57:31 21 two years? I don't think so. But I think we can make a  
09:57:34 22 significant push in that direction where essentially  
09:57:39 23 there will be a few remaining more highly contaminated  
09:57:43 24 sites, such as Tract 41 and Tract 46, possibly the  
09:57:48 25 diesel tank farm. I don't know. But I know those, as I

09:57:52 1 understand it, are bigger problems than some of the  
09:57:54 2 other ones. Whether we can complete those expeditiously  
09:57:59 3 remains to be seen, quite honestly.

09:58:03 4 But for the most part, I think we can get most  
09:58:07 5 of it done now. We could screw around, essentially,  
09:58:09 6 trying various types of treatments which may be cheaper  
09:58:12 7 but don't bring us to finality, don't allow us to meet  
09:58:17 8 ID/IQ's regulations. We don't really want to say, well,  
09:58:19 9 we tried it, it was cheaper, but in the long run it's  
09:58:22 10 more expensive because now we've got to go back and do  
09:58:25 11 it again. I mean, that's something we'll all probably  
09:58:26 12 have to try to deliberate with when we come forward with  
09:58:29 13 our work plans, but nonetheless, we want finality. We  
09:58:34 14 want sooner rather than later.

09:58:37 15 CO-CHAIR MALAVANSKY: Thank you, John.

09:58:38 16 Iliodor?

09:58:39 17 MR. ILIODOR PHILEMONOF: Yeah. I guess I'd  
09:58:41 18 like to ask John, and perhaps Craig -- he's gone.

09:58:47 19 John, who made the decision to use the Navy,  
09:58:55 20 the Corps or Tetra-Tech? Was that from D.C.? And if it  
09:59:01 21 was from D.C., I'd like to know why -- and unfortunately  
09:59:05 22 Craig is not here. I think that's one of the biggest  
09:59:12 23 questions that we have right now. And the TDX and the  
09:59:17 24 Tanaq Corporation are not being considered in this at  
09:59:21 25 all.

09:59:22 1 MR. LINDSAY: Basically, the decision to have a  
09:59:29 2 prime contractor that's associated with the government  
09:59:33 3 already through some kind of prebidding process or  
09:59:37 4 whatever is made in D.C. The selection of whether it  
09:59:45 5 was ID/IQ contractors that we already had in place in  
09:59:51 6 (inaudible), or whether it was ID/IQ or any contractor  
09:59:56 7 we had in place in other administrative centers across  
09:59:58 8 the country, or whether it was the Corps of Engineers or  
10:00:01 9 whether it was the U.S. Navy, or whether it's going to  
10:00:03 10 be somebody else, it's been a combination of decisions.

10:00:07 11 For example, coming into this brand-new, I  
10:00:10 12 wasn't familiar with really any of this. I haven't had  
10:00:14 13 any need to be familiar with any of this prior to my  
10:00:17 14 coming on. But the direction and the suggestions have  
10:00:20 15 been coming through a variety of sources. Sort of the  
10:00:23 16 decisions as to who we will interview and who we will  
10:00:28 17 approach have largely been made by myself in  
10:00:32 18 consultation with others. Others have not highly  
10:00:37 19 disagreed with my decisions to go forward or to reject  
10:00:43 20 certain entities. And so, you know, it's a combination  
10:00:45 21 of things.

10:00:48 22 CO-CHAIR MALAVANSKY: Iliodor?

10:00:49 23 MR. ILIODOR PHILEMONOF: Perhaps you can  
10:00:53 24 answer, by whom were these decisions made in D.C.?  
10:00:59 25 Anyone in specific?

10:01:01 1 MR. LINDSAY: Well, I'll tell you who I've been  
10:01:04 2 talking to. And whether they've been talking with  
10:01:06 3 somebody else, I don't know. But I've been talking to  
10:01:08 4 Sue Kennedy, David Kennedy, Craig O'Connor, Nancy  
10:01:14 5 Briscoe, and Richard Legatski. Whether they -- I mean,  
10:01:18 6 they've all contributed in one sense or another. I wish  
10:01:22 7 they were in the room to hear this. And Michelle Mayer.  
10:01:28 8 The contract officers. Our contract officer in Kansas  
10:01:34 9 City. And they've all -- those are the people that I've  
10:01:41 10 spoken to.

10:01:44 11 CO-CHAIR MALAVANSKY: Bill.

10:01:46 12 MR. ARTERBURN: Yeah, Bill Arterburn, Bering  
10:01:50 13 Sea Ecotech.

10:01:50 14 Judging from the letter that went to  
10:01:53 15 Congressman Young, somebody has made a decision not to  
10:01:55 16 use local entities for the Phase II work. And I guess I  
10:01:58 17 have a couple of questions. First of all, and that  
10:02:01 18 would be number one, whether NOAA intends to do any work  
10:02:04 19 this summer.

10:02:07 20 MR. LINDSAY: Yes.

10:02:08 21 MR. ARTERBURN: And I just want to point out to  
10:02:09 22 you that, you know, over the last 18 months we have  
10:02:14 23 negotiated details of a work plan with NOAA on four  
10:02:18 24 different occasions, and those work plans basically have  
10:02:22 25 been concepts approved by the Alaska Department of

10:02:26 1 Environmental Conservation. And if you bring on your  
10:02:29 2 ID/IQ, from another state or another land, I'm not sure  
10:02:34 3 what your intention is there, but I would suggest to you  
10:02:38 4 that you're probably not going to get much work done  
10:02:41 5 because you haven't started the process in developing  
10:02:43 6 work plans.

10:02:43 7 And I just would like for you also to identify  
10:02:48 8 for us what contracting office you intend to use to do  
10:02:52 9 this work, because as recently as Monday I addressed to  
10:02:59 10 the NOAA contracting office the intent of Bering Sea  
10:03:03 11 Ecotech to compete for this work and to represent that  
10:03:07 12 we represent the best value to the federal government  
10:03:09 13 for this work, simply because of the fact that we have  
10:03:12 14 already done the work plan.

10:03:14 15 So could you identify what contracting office  
10:03:17 16 or what contracting vehicle you intend to use?

10:03:19 17 MR. LINDSAY: We have contracts in WASC, in  
10:03:26 18 Seattle, we have four contracts. Two of them are no  
10:03:32 19 longer being considered. The others aren't, I don't  
10:03:35 20 think are capable of doing the work. The work we're  
10:03:40 21 talking about, the remedial work. Confirmatory sampling  
10:03:43 22 type of work, we may be using one of our other  
10:03:46 23 contractors that's administered out of Seattle.

10:03:54 24 The other major contract that NOAA has for  
10:03:59 25 nationwide contracts is handled out of Kansas City. If

10:04:03 1 we use the Navy or the Corps of Engineers, those are  
10:04:07 2 interagency agreements that we would enter into, and  
10:04:10 3 they're not handled out of any administrative office.  
10:04:13 4 They're handled directly between NOS and that entity.  
10:04:18 5 DOD, for example.

10:04:21 6 CO-CHAIR MALAVANSKY: Go ahead, Bill.

10:04:24 7 MR. ARTERBURN: Yeah. As recently as Monday,  
10:04:25 8 sir, Don Caldwell, the contracting officer for NOAA WASC  
10:04:32 9 in Seattle, informed me that his office was not involved  
10:04:35 10 in the process. Has that changed?

10:04:37 11 MR. LINDSAY: With the ID/IQ contract, that's  
10:04:41 12 correct. Yes.

10:04:42 13 MR. ARTERBURN: So he will not be involved in  
10:04:43 14 the procurement?

10:04:45 15 MR. LINDSAY: Of ID/IQ contractors, that's  
10:04:46 16 correct. But for -- I don't know, what's the name of  
10:04:49 17 the --

10:04:52 18 MR. WINANDY: We have our remedial action  
10:04:53 19 contractors, we have two of those, and those we are no  
10:04:57 20 longer looking at. And then we have our -- I should say  
10:05:03 21 WASC has it, the architect and engineering contractors.  
10:05:06 22 We are considering them as one of our options for  
10:05:11 23 confirmation sampling.

10:05:16 24 So that's where Mr. Caldwell said the WASC  
10:05:22 25 contracting group is no longer involved, is because we

10:05:25 1 have decided against using either of the remedial action  
10:05:30 2 contractors that are currently under contract through  
10:05:33 3 NOAA WASC.

10:05:38 4 I'm sorry. I'm David Winandy.

10:05:43 5 CO-CHAIR MALAVANSKY: Why don't we go into the  
10:05:47 6 projects planned for the future, or, you know, what do  
10:05:50 7 you think you want to do this summer, et cetera, or the  
10:05:54 8 agency wants to accomplish.

10:05:56 9 MR. LINDSAY: What we can do is go over the  
10:05:58 10 project status remaining on the two islands. Dave  
10:06:03 11 Winandy will do that.

10:06:05 12 CO-CHAIR MALAVANSKY: Erin?

10:06:06 13 MS. ROSE: A quick question. In the list that  
10:06:08 14 you gave of future projects, ex situ, in situ,  
10:06:14 15 petroleum-contaminated soil, finish debris removal, and  
10:06:16 16 some concern about illegal dumping, where is the  
10:06:20 17 landfill closure and redevelopment in this lineup of  
10:06:23 18 projects?

10:06:24 19 MR. LINDSAY: Other than our immediate concerns  
10:06:27 20 about the illegal activities, basically the overall land  
10:06:31 21 corridor is not on our calendar at the moment. In part  
10:06:36 22 we're waiting, as I understand it -- again, being new --  
10:06:41 23 is there's some pending legislation regarding the  
10:06:43 24 redevelopment of landfills. We're hoping will help  
10:06:48 25 alleviate a lot of stress.

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10:06:50 1 MS. ROSE: NOAA is sponsoring some legislation?

10:06:52 2 MR. LINDSAY: No. There is some.

10:06:55 3 MR. LEGATSKI: The Alaska delegation is

10:06:57 4 developing legislation.

10:06:57 5 MR. LINDSAY: I think there are other people

6 here that are familiar with it.

10:07:02 7 MR. LEGATSKI: Last fall.

10:07:03 8 MR. LINDSAY: Other island entities.

10:07:10 9 MS. ROSE: You're not going to do anything with

10:07:12 10 regard to closing the existing landfills or redeveloping

10:07:16 11 landfills in this season; is that correct?

10:07:18 12 MR. LINDSAY: That's correct.

10:07:19 13 MS. ROSE: Or this coming year?

10:07:21 14 MR. LINDSAY: Other than like I mentioned,

10:07:23 15 we're concerned about the illegal dumping activities.

10:07:27 16 MR. LEGATSKI: And I think it's worth pointing

10:07:29 17 out that under 104-91, under existing law, we don't have

10:07:33 18 any responsibility for redeveloping that. Our

10:07:35 19 responsibility is close the existing landfill, period.

10:07:37 20 MS. ROSE: So the language in PL 104-91 that

10:07:40 21 says you are responsible for redevelopment, that's

10:07:43 22 (inaudible) statutory requirements.

10:07:45 23 MR. LINDSAY: I don't think we have any

10:07:47 24 statutory responsibilities.

10:07:48 25 MS. ROSE: We've had this debate at past RAB

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10:07:52 1 meetings. The record will reflect that there's a  
10:07:55 2 disagreement on both sides as to what the  
10:07:56 3 responsibilities are. My question was not addressed to  
10:07:59 4 that issue. My question was addressed to the issue of  
10:08:03 5 planning the future projects.

10:08:04 6 CO-CHAIR MALAVANSKY: Thank you, Erin.

10:08:07 7 Just a quick question here. In bringing in the  
10:08:11 8 Corps of Engineers and/or the U.S. Navy, it seems to me  
10:08:17 9 it would have some, at least at a minimum, some  
10:08:21 10 duplication of this organizational chart. And if in  
10:08:25 11 fact you brought in the Navy and/or the Corps, how  
10:08:31 12 would, you know, your staff, John, fit into that? Just  
10:08:36 13 a quick question. It seems to me they would have --  
10:08:39 14 would they hire -- would they be your agent to hire a  
10:08:43 15 contractor, and/or would they have a whole new  
10:08:47 16 environmental shop that would essentially --

10:08:51 17 MR. LINDSAY: That would be the case with  
10:08:53 18 whoever we hire. Whoever we hire is going to bring in  
10:08:56 19 their project team, project management team,  
10:08:58 20 subcontractor teams. I mean, that would be the same  
10:09:01 21 with us. If you hired another federal entity, we would  
10:09:05 22 still have a NOAA presence on the island, but my belief  
10:09:12 23 is that the oversight responsibilities would be lessened  
10:09:16 24 a little bit by the oversight provided by the other  
10:09:20 25 federal entity. But we would still be there. So I

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10:09:24 1 don't know if that answers it or not.

2 CO-CHAIR MALAVANSKY: Jason?

10:09:30 3 MR. BOURDUKOFFSKY: I believe this whole thing,  
10:09:32 4 you know, is a complete -- I mean, sitting around, and I  
10:09:35 5 think it defeats our purpose as we sit here and as  
10:09:40 6 advisors to cleanup on the Pribilofs, to the effect, you  
10:09:43 7 know, that we, you know, the Pribilovians, want to do  
10:09:48 8 the cleanup work and everything else, and here we're  
10:09:51 9 talking about probably the TERC or somebody coming in  
10:09:55 10 there with white suits and clean your back yard for you  
10:09:57 11 and then leave and you don't even have no say-so in the  
10:10:02 12 work they have to do or anything like that, and I think  
10:10:05 13 it's defeating the purpose of the Pribilof Island RAB.  
10:10:10 14 I think local has got to be there; and to hire, like I  
10:10:14 15 say, a TERC, or whomever, is going to completely -- I  
10:10:20 16 mean, what we say is going to be useless anyway.

10:10:25 17 CO-CHAIR MALAVANSKY: Where were we on the --  
18 Elary?

10:10:29 19 MR. GROMOFF: Elary Gromoff with the Aleut  
10:10:31 20 Corporation. What I'm hearing in reference to the ID/IQ  
10:10:34 21 and et cetera. I remember two years ago we went through  
10:10:37 22 this whole process of selecting who would be an Alaskan  
10:10:41 23 company that would do the work on the Pribilofs. Then  
10:10:44 24 we went away from that and went to this cooperative  
10:10:47 25 agreement to do the work and so we could meet the

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10:10:48 1 requirements of 104-91, trying to figure out a contract

10:10:51 2 tool that would work. And it sounds like now we're  
10:10:54 3 reverting back to where we did two years ago.

10:10:58 4 Now, if NOAA has an understanding that to work  
10:11:03 5 in Alaska, to bring companies from the Lower 48 and not  
10:11:06 6 work with Alaskan companies or do as much as you can  
10:11:10 7 with local hire, I think that we need to relook at it  
10:11:14 8 from a political position on what the State and our  
10:11:17 9 congressional delegation has said to many of the  
10:11:20 10 contractors. We work under a conception that we would  
10:11:25 11 be involved somewhere or another, that the locals will  
10:11:28 12 have to say, especially the stakeholders.

10:11:31 13 Now, if you looked at the decree the president  
10:11:36 14 has put out to the departments -- this is my experience  
10:11:39 15 working with other RABs -- that any type of  
10:11:41 16 environmental cleanup that is done on lands that belong  
10:11:43 17 to the Native corporations or are involved with the  
10:11:47 18 tribal entities, they have the right to say what is  
10:11:50 19 going to be done on their lands for cleanup. And that  
10:11:53 20 also means in there, if you read that decree, that it  
10:11:55 21 was directed to all federal agencies on how to work with  
10:12:00 22 Alaskan corporations, ANCSA corporations, tribal  
10:12:03 23 governments, especially on Native lands.

10:12:04 24 I think that needs to be relooked at. I think  
10:12:07 25 we're going around and you're doing things that are

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10:12:11 1 different from what we all had this commitment for. And

10:12:15 2 I'll raise that issue, and I will raise it to the top,  
10:12:17 3 because we're not being committed under this, and it's  
10:12:21 4 very important to us, especially to the Natives of  
10:12:24 5 Alaska, the Aleuts, and especially the work that's being  
10:12:26 6 done in our region. Whatever policy NOAA sets in the  
10:12:29 7 Pribilofs affects not only Adak but the rest of the  
10:12:31 8 Aleutians, and that's where my position is going to be  
10:12:35 9 on this.

10 CO-CHAIR MALAVANSKY: Sam?

10:12:38 11 CO-CHAIR HIGUCHI: Could I ask that we, because  
10:12:38 12 of the agenda items that we have on this morning, move  
10:12:42 13 on to listen to Winandy. I think Winandy has a  
10:12:48 14 presentation to tell us what is anticipated to be done  
10:12:51 15 in the near future. What you're talking about now is  
10:12:54 16 how, which is more of a community concern, which is this  
10:12:56 17 afternoon, and we've carved out a whole afternoon to  
10:12:59 18 talk about community issues and concerns.

10:13:02 19 So I would say that in the interest of Winandy  
10:13:05 20 making his presentation and the State coming in and  
10:13:09 21 making their presentation on risk-based assessment, that  
10:13:12 22 we move on to these other issues, because we have carved  
10:13:16 23 out some time for the community to talk about these  
10:13:19 24 other issues that we're talking about right now.

10:13:23 25 CO-CHAIR MALAVANSKY: Ron?

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10:13:24 1 MR. RON PHILEMONOFF: John brought up the  
10:13:27 2 Tetra-Tech and Army Corps, so we thought we might need

10:13:30 3 to respond because he did make the statement on the  
10:13:32 4 record. As long as the recorder has the knowledge it  
10:13:35 5 was put on the table and we want to discuss it. We  
10:13:40 6 don't agree with it.

7 MR. GROMOFF: Mr. Chairman.

8 CO-CHAIR MALAVANSKY: Elary?

10:13:44 9 MR. GROMOFF: To go on to the next subject  
10:13:45 10 here, are we going to have a handout? You remember we  
10:13:48 11 used to get the standard format on the project, status,  
10:13:51 12 et cetera. You know, I always like -- are we having  
10:13:56 13 those handouts?

10:13:57 14 CO-CHAIR MALAVANSKY: Dave?

10:13:58 15 MR. WINANDY: No.

10:13:59 16 CO-CHAIR MALAVANSKY: Used the money on the  
10:14:01 17 room.

10:14:04 18 CO-CHAIR HIGUCHI: He's trying to save on the  
10:14:06 19 overhead, right.

10:14:07 20 MR. GROMOFF: I was looking for my project  
10:14:09 21 list.

10:14:09 22 CO-CHAIR HIGUCHI: Thanks for the segue. David  
10:14:12 23 can come forward and talk now.

10:14:15 24 MR. WINANDY: First of all, I have St. George  
10:14:34 25 Island. These were the sites, and again, they relate

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10:14:38 1 only to the Two-Party Agreement sites. And for the  
10:14:40 2 recording secretary, I'm David Winandy.

10:14:42 3                   We've listed out, we've taken all the ones that  
10:14:48 4                   were either closed, previously closed, where we've had  
10:14:52 5                   no further action letters received from the State of  
10:14:56 6                   Alaska. Those sites that were completed under Phase I  
10:15:03 7                   where what we have left to do is submit our request to  
10:15:06 8                   ADEC for no further action required. And what you have  
10:15:09 9                   left up here are the remaining Two-Party Agreement sites  
10:15:14 10                  where we intend to do work this summer.

10:15:21 11                  You have the former diesel tank farm, you know,  
10:15:26 12                  in order. We are either going to perform PCS  
10:15:32 13                  remediation or, in some cases, site assessments to  
10:15:35 14                  determine if we can site closure under existing  
10:15:40 15                  conditions; and if not, then what additional further  
10:15:43 16                  work has to be done.

10:15:45 17                  Originally, 25 total sites, Two-Party Agreement  
10:15:52 18                  sites, on St. George. There were subsites, such as the  
10:15:58 19                  port fuel supply line, there was the north, south,  
10:16:01 20                  essentially the east and west, four sites.

10:16:08 21                  Are there any questions as to any of these  
10:16:16 22                  sites?

10:16:19 23                  MR. ANTHONY PHILEMONOFF: Number 4, 5, 7 and  
10:16:21 24                  10.

10:16:21 25                  MR. WINANDY: Those were sites that were

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10:16:24 1                  either -- we've already received no further action  
10:16:27 2                  required letters from the State of Alaska, or under  
10:16:29 3                  Phase I, where work was completed, and all that NOAA has

10:16:33 4 to do now is submit to the State for no further action  
10:16:36 5 required.

10:16:40 6 MR. AUSMANN: Mr. Chair.

10:16:41 7 My name's David Ausmann, I'm with Polar  
10:16:45 8 Consult. I worked extensively for St. George Tanaq  
10:16:48 9 Corporation on this project and worked on each one of  
10:16:50 10 these sites.

10:16:51 11 One thing that I'd like to point out is that  
10:16:53 12 during the process we uncovered additional sites which  
10:16:56 13 NOAA should look at on the island. One of which happens  
10:17:02 14 to come to mind as I look at this is the cargo line, the  
10:17:07 15 fuel cargo line that we found that goes from the new  
10:17:13 16 power plant fuel facility in to the other cargo line  
10:17:18 17 area. Just for the record, I want to make the point  
10:17:20 18 that that site was never investigated by NOAA's previous  
10:17:24 19 contractors, and wasn't part of our scope of work.

10:17:28 20 MR. WINANDY: That actually falls underneath  
10:17:32 21 the active power plant because that was the line  
10:17:36 22 (inaudible) the port fuel cargo line up there, so I have  
10:17:41 23 included that as site number 8.

10:17:44 24 MR. AUSMANN: This one that I'm referring to  
10:17:45 25 actually comes from the diesel tank farm, it's up on the

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10:17:49 1 hill, and it keys off of the cargo supply line and comes  
10:17:54 2 downhill, goes down the main street and then travels on  
10:17:58 3 into the power plant. We never got the opportunity to



10:18:02 4 discuss that with NOAA.

10:18:06 5 MR. WINANDY: I'm not aware of that. Whatever  
10:18:09 6 information we get, we'll --

10:18:13 7 MS. MALAVANSKY: Dave, there's been some soil  
10:18:15 8 that has been removed from the abandoned city diesel  
10:18:20 9 tank disposal area that now sits near a fur seal  
10:18:23 10 rookery. What is the status of the remediation on that  
10:18:28 11 particular soil? And where does it stand in this list?

10:18:32 12 MR. WINANDY: It falls underneath the original  
10:18:34 13 sites. But you're talking about the PCS stockpile where  
10:18:37 14 we have the leachate collection tank. That was the  
10:18:40 15 ex situ PCS that John had mentioned earlier was the  
10:18:44 16 priority, the ex situ and the in situ, and that's what  
10:18:49 17 we're setting up is part of the project this summer to  
10:18:53 18 take care of.

10:18:55 19 MS. MALAVANSKY: So you're hoping to get that  
10:18:56 20 down, the schedule is to hopefully get that remediated  
10:18:59 21 this summer?

10:18:59 22 MR. WINANDY: Yes, ma'am.

10:19:00 23 MS. MALAVANSKY: It's been sitting exposed for  
10:19:02 24 quite some time.

10:19:04 25 CO-CHAIR MALAVANSKY: Just a quick comment, and

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10:19:05 1 probably, this needs to be discussed probably under  
10:19:09 2 community concerns. At previous RABs we brought up  
10:19:12 3 other sites, from the St. George contingent, and I  
10:19:15 4 believe St. Paul has. And it seems it's just a gray

10:19:20 5 area on what's the process for, you know, formally  
10:19:24 6 identifying those sites and/or getting action on them.  
10:19:28 7 I think we just need to clarify that, Dave, somehow,  
10:19:32 8 before we get done here today. And I think we've  
10:19:36 9 identified other sites and whatnot. Not to belabor the  
10:19:40 10 point, and that, you know, NOAA will be out there in the  
10:19:43 11 year 2050 still cleaning up. I mean, you know, just  
10:19:46 12 sites have been found and need to be addressed.

13 Elary?

10:19:52 14 MR. GROMOFF: On these sites here that you say  
10:19:53 15 no further action requirements, on the sites that you've  
10:19:55 16 done some remediation on.

10:19:57 17 MR. WINANDY: Yes, sir.

10:19:59 18 MR. GROMOFF: Do you have closure plans on  
10:20:00 19 those finished so we could review, as a RAB, on what was  
10:20:04 20 done and what was accepted, and what level of clean was  
10:20:08 21 clean on the closure plans? Is that available for us?  
10:20:12 22 We should have that as a record.

10:20:14 23 MR. WINANDY: That should have actually already  
10:20:16 24 been sent out to the repositories. There's one on St.  
10:20:21 25 Paul Island at the Pribilof School District. And then

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10:20:25 1 we've been -- since I've been here, we've been shipping  
10:20:28 2 everything we've got copies of to ARLIS, Alaska  
10:20:31 3 Resources Library and Information System here in  
10:20:35 4 Anchorage. So I've been sending two copies, one for

10:20:45 5 their circulation, so people can check it out if they  
10:20:48 6 need to; and one for noncirculation, so that we have a  
10:20:52 7 set public record. You can still go in and look at it;  
10:20:56 8 you just can't check it out.

10:20:57 9 MR. GROMOFF: Mr. Chair.

10 CO-CHAIR MALAVANSKY: Elary.

10:21:00 11 MR. GROMOFF: I understand what's happening  
10:21:00 12 here, but you're bypassing the fact that we haven't had  
10:21:04 13 a real meeting since one year. We have some closure  
10:21:07 14 plans and the RAB has never had the opportunity to  
10:21:10 15 comment back on these closure plans. We should have had  
10:21:13 16 some public comment so we can come back and respond. If  
10:21:18 17 we said, we don't agree, but just for public record we  
10:21:21 18 would like to have our comments noted. You know, we  
10:21:24 19 might not agree with you or the State on what we  
10:21:27 20 consider a level of clean, but it should be noted. And  
10:21:29 21 I felt that we have not -- I don't know if any other RAB  
10:21:33 22 member has had the opportunity to comment on it, but I  
10:21:35 23 haven't because I haven't seen it. And this is the  
10:21:37 24 first time I've heard, from this briefing on this, that  
10:21:39 25 you had no further action requirements by the State on

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10:21:42 1 these projects.

2 CO-CHAIR MALAVANSKY: Dave?

10:21:45 3 MR. AUSMANN: Mr. Chairman. I submitted those  
10:21:48 4 requests for closure, and maybe I can give some  
10:21:52 5 assistance. The requests for closure were based on the

10:21:54 6 fact that the samples of the site met the standards that  
10:22:00 7 were listed in the Two-Party Agreement and agreed to by  
10:22:04 8 the State of Alaska and NOAA. And as that being the  
10:22:08 9 case, and since the samples indicated that all the  
10:22:11 10 contaminated soil has been removed down to those levels,  
10:22:16 11 the request for closure of the site was approved by the  
10:22:20 12 State.

10:22:24 13 MR. TODD: Was this a public comment time?

10:22:26 14 MR. GROMOFF: No.

10:22:29 15 MR. TODD: When you sent the plans to the  
10:22:31 16 repository, did you make it known to the Aleut people  
10:22:35 17 that the closed plans were actually going in? Were they  
10:22:38 18 just simply sent to the repository?

10:22:41 19 MR. WINANDY: The letters I sent out, I've at  
10:22:44 20 least sent it to the co-chair when I've sent anything  
10:22:46 21 out.

10:22:50 22 CO-CHAIR MALAVANSKY: Bret?

10:22:51 23 MR. COBURN: Mr. Chairman, Bret Coburn.

10:22:53 24 Dave, there's a number of people here that  
10:22:56 25 probably don't understand what work is actually --

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10:22:58 1 probably RAB members -- what work actually took place on  
10:23:01 2 St. George or in the first phase that's led to this. I  
10:23:05 3 wonder if you could summarize the work that St. George  
10:23:10 4 Tanaq Corporation did in conjunction with NOAA during  
10:23:13 5 Phase I.

10:23:13 6 MR. WINANDY: During Phase I. Dave, you can  
10:23:15 7 help me, correct me if I'm wrong, or Tony. We had  
10:23:19 8 approximately 9800 cubic yards of PCS-contaminated soil  
10:23:24 9 that was stockpiled, or excavated and stockpiled. In  
10:23:28 10 most locations, with the exception of the, not the  
10:23:36 11 oceanfront but the inactive abandoned diesel tank farm,  
10:23:40 12 which is site number 23, it's below the lake up on the  
10:23:45 13 hill, the well field -- is everybody here familiar with  
10:23:48 14 St. George Island? Okay. We don't have a map.

10:23:54 15 But anyways, the inactive abandoned diesel tank  
10:23:59 16 farm, the excavation is still open. The reason is  
10:24:03 17 that -- I'm not quite quoting upon the report, but you  
10:24:06 18 had excavated down to the level where there was oil and  
10:24:13 19 vasicular basalt, to the point where the vasicular  
10:24:14 20 basalt still had oil within it. When the rock was  
10:24:18 21 broken open there was actually free product in it. So  
10:24:22 22 that site was left open.

10:24:24 23 The other sites where there were underground  
10:24:27 24 storage tanks were removed. It was excavated down to  
10:24:33 25 the level of capability, put in plastic liner, and then

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10:24:40 1 backfilled with clean soil, at both sites.

10:24:43 2 The inactive abandoned diesel tank farm, I  
10:24:52 3 believe there were 12 tanks up there. There were six  
10:24:54 4 tanks that were gasoline tank farms. Those were removed  
10:24:59 5 and cut up, sent off, cleaned and rinsed,  
10:25:03 6 decontaminated, and sent off island for scrappers.

10:25:07 7                   You have the port fuel supply lines, were  
10:25:11 8 removed. I have a question on a section of that which  
10:25:15 9 maybe I can address a little bit later. That was pulled  
10:25:19 10 up. Again, decontaminated. The pipes were removed.  
10:25:26 11 Off island for recycling. The concrete saddle blocks,  
10:25:30 12 on which the pipelines were sitting, were buried in the,  
10:25:36 13 from my understanding, in the open-pit site with ADEC  
10:25:39 14 approval.

10:25:44 15                   The tanks that were situated just oceanside of  
10:25:52 16 the fish processing plant that had been formerly at the  
10:25:56 17 oceanfront former diesel tank farm were, again,  
10:26:01 18 decontaminated, cut up, and sent to the recycling.

10:26:03 19                   Actually, it turns out to be two inactive  
10:26:08 20 gasoline -- oceanfront gasoline stations. Both those  
10:26:14 21 sites, the tanks were removed, soil was, PCS level was  
10:26:20 22 excavated down to limits of excavation. It was noted  
10:26:22 23 that there was additional tendrils proceeding out into  
10:26:27 24 the soil. That was included in the final report.  
10:26:30 25 Again, the tanks were decontaminated, cut up for scrap

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10:26:34 1 and sent off island.

10:26:37 2                   The same thing essentially happened in all the  
10:26:42 3 sites where there was underground storage tanks that we  
10:26:45 4 were charged to remove under the Two-Party Agreement.

10:26:48 5                   Again, the debris that was up at Boneyard B.  
10:26:53 6 Boneyard C, I believe, had already been cleared. All

10:26:59 7 that debris was removed. We had vehicles, equipment, et  
10:27:03 8 cetera.

10:27:03 9 Does that answer your question?

10:27:09 10 MR. COBURN: We moved 1100 tons off of St.  
10:27:17 11 George in the course of a year. We pulled ten  
10:27:23 12 underground storage tanks. We removed and demolished 44  
10:27:25 13 above-ground storage tanks. We moved them off St.  
10:27:28 14 George. A substantial amount of work, actually. And I  
10:27:32 15 think for somebody like Mr. Lindsay, who is not aware  
10:27:35 16 that we were actually a legitimate qualified contractor,  
10:27:39 17 with a proven track record on St. George, it's good for  
10:27:43 18 him to know that and let him know that we did get quite  
10:27:47 19 a bit accomplished during the year that we did work for  
10:27:53 20 them.

10:27:53 21 CO-CHAIR MALAVANSKY: Ray?

10:27:55 22 MR. DRONENBURG: Mr. Chairman, Ray Dronenburg  
10:27:57 23 with DEC.

10:27:58 24 I'm sorry, I missed the first part of your  
10:28:00 25 presentation. Is this your list of the 1999 field

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1 season?

10:28:03 2 MR. WINANDY: Yes.

10:28:05 3 MR. DRONENBURG: If it is, where is the  
10:28:06 4 groundwater investigation? It was my understanding you  
10:28:10 5 had a contract with somebody to do groundwater  
10:28:12 6 investigation before you stopped talking to us, or  
10:28:16 7 whatever happened a while back and with the

10:28:19 8 reorganization, and that contract was then pulled.

10:28:26 9 MR. LINDSAY: If we do anything in that regard,  
10:28:29 10 it may be part of a risk assessment. We're in a stage  
10:28:34 11 of having to maybe reevaluate how we're going to  
10:28:38 12 proceed. We have to select a contractor. The  
10:28:42 13 contractor has to select subcontractors, potentially.  
10:28:46 14 They have to issue us work plans. We have to have those  
10:28:49 15 reviewed by you. We have to determine how we're going  
10:28:52 16 to get site closure.

10:28:53 17 Some of these things may be just dig it up,  
10:28:57 18 treat it. Other things we may apply the risk-based  
10:29:01 19 assessment approach to try to leave things in place and  
10:29:07 20 do nothing. We don't know yet. A groundwater study is  
10:29:11 21 going to have to be incorporated into a risk-based  
10:29:13 22 approach if we're going to do it.

10:29:15 23 MR. DRONENBURG: Yeah, that was my question.  
10:29:18 24 That you had previously designated a contractor to  
10:29:20 25 investigate the groundwater on St. George. And I think

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10:29:24 1 we've even evaluated that proposal for you, and then it  
10:29:26 2 was going to go forward. Didn't you have something,  
10:29:29 3 Max?

10:29:29 4 CO-CHAIR MALAVANSKY: Right.

10:29:30 5 MR. DRONENBURG: Anyway, having said that, then  
10:29:32 6 that contract -- I talked to NOAA and it was determined  
10:29:35 7 that that contract was no longer in effect, or had been



10:29:37 8 pulled or whatever. So I guess my question is, is there  
10:29:41 9 going to be a separate contract to do groundwater, will  
10:29:44 10 it be incorporated with -- you've just said it's going  
10:29:48 11 to be done with the risk assessment.

10:29:50 12 MR. LINDSAY: If we decide that that's the best  
10:29:53 13 way to go, right, that's what we'll do.

10:29:58 14 MR. DRONENBURG: Thank you, Dave.

10:29:59 15 MR. WINANDY: Did that answer your question?

10:30:01 16 MR. DRONENBURG: Thank you, Dave.

10:30:04 17 UNIDENTIFIED WOMAN: Do you anticipate  
10:30:09 18 achieving closure at any of these sites at the end of  
10:30:12 19 the 1999 field season? If so, which sites, and what  
10:30:16 20 work will you be doing at those sites this field season?

10:30:25 21 MR. WINANDY: Yeah, John.

10:30:27 22 MR. LINDSAY: I'd like to just preface some of  
10:30:28 23 Dave's answer. It's been pointed out to us that we're  
10:30:31 24 late in the season here. We know we're late in the  
10:30:34 25 season. We're being driven by, at least the project

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10:30:39 1 team is being driven by the fact that we've reorganized.  
10:30:44 2 We'd like to select a contractor as quickly as possible  
10:30:47 3 and have that project team up and running as quickly as  
10:30:51 4 possible so that we can get work plans submitted to Adak  
10:30:54 5 for approval so that we can get people in the field.

10:30:57 6 We are right now looking at maybe, under the  
10:31:02 7 best situation here, July before we get in the field.  
10:31:06 8 If we continue to experience delays, we may not get in

10:31:12 9 the field this year. Our intention is to get in the  
10:31:15 10 field and do everything we can to try to get in the  
10:31:18 11 field. With that caveat, Dave can describe what it is  
10:31:24 12 and how we intend to address it.

10:31:27 13 MR. WINANDY: Okay.

10:31:30 14 CO-CHAIR MALAVANSKY: Yes.

10:31:32 15 MR. TODD: I'm Jim Todd with Ogden  
10:31:35 16 Environmental and Energy Services Corporation. And I  
10:31:36 17 think that just to throw out another option to get you  
10:31:42 18 in the field this season. There's one significant thing  
10:31:43 19 that's happened, it actually happened on February 26,  
10:31:47 20 when the Air Force signed a contract with Ogden  
10:31:52 21 Environmental and Energy Services Corporation under the  
10:31:54 22 federally-mandated program to enhance minority and  
10:31:58 23 disadvantaged businesses.

10:32:01 24 Ogden Environmental is about a \$2 billion  
10:32:03 25 international corporation. We presently have a presence

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10:32:06 1 in Anchorage, actually in Eagle River. We have the  
10:32:09 2 environmental staff, the environmental science staff.  
10:32:12 3 We have people that are fully capable of site  
10:32:15 4 characterization, site assessment, site cleanup, the  
10:32:19 5 whole process.

10:32:20 6 We are in fact the mentor to Bering Sea  
10:32:24 7 Ecotech. We already have a work plan we've been  
10:32:27 8 negotiating on, preliminary approval by DEC already.

10:32:32 9 Basically, through the mentor/protege program, you would  
10:32:36 10 have an oversight by virtually a \$2 billion organization  
10:32:39 11 at no cost, because any oversight we provide as the  
10:32:42 12 mentor is paid by the mentor/protege program which is  
13 already under contract.

10:32:47 14 So I think there's a way for us to go ahead and  
10:32:50 15 use the local corporations. Bering Sea Ecotech, who has  
10:32:53 16 a presence on the island, are very familiar, did it in  
10:32:55 17 Phase I, and with the actual oversight of basically a \$2  
10:32:59 18 billion organization. So maybe that's an opportunity to  
10:33:03 19 investigate.

10:33:07 20 MR. WINANDY: Okay. Where were we at?

10:33:10 21 CO-CHAIR MALAVANSKY: Elary?

10:33:12 22 MR. GROMOFF: The other thing, I still feel  
10:33:13 23 like you're leaving out the RAB in this structure. I  
10:33:16 24 know one of the concerns I have is we haven't had the  
10:33:21 25 chance to get briefed on looking at the scope. I hear

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10:33:24 1 what you're saying is the timing and the work plans and  
10:33:28 2 what needs to be done, et cetera. And as our role here,  
10:33:31 3 we're trying to provide some public comment to these  
10:33:36 4 work plans and to provide that as part of the record. I  
10:33:40 5 don't know if this RAB's going to have to meet more  
10:33:41 6 often to be able to look at these as you're developing  
10:33:44 7 these work plans and you're ready to go into the field,  
10:33:47 8 but I sure would like, Mr. Chair, to have some  
10:33:49 9 opportunity to comment on this before we move forward on

10:33:52 10 it. At least let you know what we feel about the level  
10:33:55 11 of clean is clean. And that is my comment.

10:34:01 12 CO-CHAIR MALAVANSKY: John, a few comments.

10:34:04 13 MR. LINDSAY: We would like to work with you  
10:34:07 14 more closely, and I think in order to accomplish that,  
10:34:15 15 quarterly RAB meetings is not going to work for us. We  
10:34:18 16 may be willing to come to the islands, each island  
10:34:21 17 respectively, and talk over these work plans with you to  
10:34:25 18 try to meet your concern, but to formally hold a big  
10:34:30 19 roundtable RAB meeting where both islands get together  
10:34:34 20 to go over all this, I don't know if we're going to be  
10:34:38 21 able to accommodate that this work season. I'm willing  
10:34:42 22 to go that extra mile to try to get your input and come  
10:34:45 23 out there and discuss it with you.

10:34:50 24 MR. GROMOFF: Appreciate that.

10:34:52 25 CO-CHAIR MALAVANSKY: Perhaps a subcommittee of

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10:34:53 1 the RAB to help expedite the process, so each island can  
10:34:59 2 effectively -- you know, the landholders and  
10:35:02 3 stakeholders can effectively comment on the process  
10:35:08 4 you'd like to utilize for what's upcoming this season.

10:35:19 5 MR. COBURN: Mr. Chairman, perhaps Mr. Winandy  
10:35:22 6 could explain to the RAB what methods of remediation  
10:35:24 7 NOAA intends to use on the stockpile, in particular, on  
10:35:29 8 St. George, and on the in situ sites of St. George.

10:35:32 9 MR. WINANDY: Actually, did everybody hear the

10:35:34 10 question? Mr. Coburn asked if I could explain what  
10:35:43 11 methodologies or processes that we're going to use on  
10:35:47 12 both the ex situ sites and the existing or excavated  
10:35:53 13 in situ sites from contaminated soil remediation.

10:35:55 14           Actually, I can tell you it's an easy question.  
10:36:00 15 No, I can't explain it at this time, because we're  
10:36:02 16 looking at all options, and that's part of the selection  
10:36:07 17 process with the prime contractors. So have we set in  
10:36:13 18 stone what we're going to do? No. We're still looking  
10:36:16 19 at all options.

10:36:20 20           CO-CHAIR MALAVANSKY: Go ahead, Dave.

10:36:22 21           MR. WINANDY: What I wanted to identify was the  
10:36:25 22 sites which we intend to go ahead and perform field work  
10:36:31 23 on this summer at St. George.

10:36:34 24           Melissa, was your question answered?

10:36:40 25           UNIDENTIFIED WOMAN: No. Would you like me to

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10:36:42 1 repeat it?

10:36:43 2           MR. WINANDY: No. The question was, which  
10:36:47 3 sites did we intend to work on and which ones did we  
10:36:51 4 anticipate closure this year. Again, it's a simple  
10:36:56 5 answer, is I can't tell you, because until we select,  
10:37:01 6 NOAA selects the prime contractor or awardee,  
10:37:06 7 cooperative agreement grant awardee, whatever option  
10:37:10 8 we're going to take, then we have to develop the work  
10:37:12 9 plan. And depending on how long that takes, you know,  
10:37:13 10 with the time frame under the Two-Party Agreement, for

10:37:17 11 us to submit and for ADEC to review, and then you have  
10:37:20 12 to again mobilize, and then you start your field work, I  
10:37:25 13 can't tell you that at this time.

10:37:31 14 And these are the Two-Party Agreement sites  
10:37:36 15 which we intend to perform field work. There's a  
10:37:55 16 variation we have. Again, we have some miscellaneous  
10:38:00 17 debris removal that wasn't quite caught under Phase I.  
10:38:04 18 We have confirmation sampling at sites which relates to  
10:38:08 19 those debris sites. And then we have  
10:38:13 20 petroleum-contaminated soil sites where we intend to go  
10:38:18 21 in and perform remediation as well.

10:38:25 22 MR. DRONENBURG: I have a question. Ray  
10:38:28 23 Dronenburg with the State of Alaska.

10:38:29 24 On Tract 46, formerly Tract 41, subsites and  
10:38:34 25 PCS stockpiles, you had a contract with Columbia

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10:38:37 1 Environmental Services that I think has been completed  
10:38:42 2 for almost 60 days now. When can we anticipate a final  
10:38:45 3 report? Groundwater, saltwater wells.

10:38:52 4 MR. WINANDY: Right. They aren't completed  
10:38:54 5 with their work. We still have some additional analyses  
10:39:00 6 we're awaiting from them. And because of that, we don't  
10:39:03 7 have the draft report in to ADEC.

10:39:08 8 MR. DRONENBURG: When can I anticipate that?

10:39:11 9 MR. WINANDY: We're scheduled right now to have  
10:39:13 10 it to you by 1 June.

10:39:15 11 MR. DRONENBURG: 1 June?

10:39:17 12 MR. WINANDY: Yes, sir.

10:39:18 13 MR. DRONENBURG: I think the Two-Party

10:39:19 14 Agreement calls for 60 days after you've completed the

10:39:23 15 work.

10:39:23 16 MR. WINANDY: I'll look at that again. If I

10:39:26 17 made a mistake and advised John Lindsay of that, then

10:39:31 18 it's my fault.

10:39:32 19 MR. DRONENBURG: Yeah, I think that it's really

10:39:34 20 close to being done. I think that if you're going to

10:39:38 21 elect a contractor to work on Tract 41, that's going to

10:39:41 22 be a critical piece of information.

10:39:44 23 MR. WINANDY: Oh, yes.

10:39:44 24 MR. DRONENBURG: And that thing needs to be out

10:39:48 25 as soon as possible.

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10:39:48 1 MR. WINANDY: Yes, I agree.

10:39:48 2 MR. DRONENBURG: Thank you.

10:39:49 3 MR. WINANDY: Columbia Environmental Sciences,

10:39:52 4 Incorporated went out and prioritized well sampling, and

10:39:56 5 they were able to sample the old former sealing plant

10:39:58 6 wells, and then a couple of wells that were associated

10:40:01 7 with the now-decommissioned power plant down in the

10:40:07 8 Tract 46 area. And they did historic research, both in

10:40:12 9 the national archives up here and wherever they could

10:40:15 10 get their hands on by hook or crook, and dragging, and

10:40:21 11 they have compiled that information, and we're working

10:40:25 12 to complete our analyses from those samples. And then  
10:40:30 13 once that is done, of course, we'll be submitting a  
10:40:33 14 draft to ADEC as required by the Two-Party Agreement.  
10:40:38 15 And then, you know, the copies will also go out to the  
10:40:42 16 appropriate repositories at this point.

10:40:46 17 CO-CHAIR MALAVANSKY: Ron?

10:40:47 18 MR. RON PHILEMONOFF: On the former gas station  
10:40:50 19 in Tract 46, 41, done under Phase I. UST was taken out.  
10:40:56 20 Contaminated soil was so saturated that it was beyond  
10:40:59 21 the scope of the contracts. It was covered back up  
10:41:01 22 again. Is that going to fall under your subsites, or is  
10:41:05 23 that going to fall through the cracks?

10:41:07 24 MR. WINANDY: No; that's Tract 46. Two-Party  
10:41:09 25 Agreement site in St. Paul. The subsites included USTs.

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10:41:17 1 They included the former AST, cells up in the hill, the  
10:41:23 2 former kerosene, diesel drum storage area behind the  
10:41:29 3 power plant municipal building. All those subsites are  
10:41:33 4 incorporated.

10:41:34 5 CO-CHAIR MALAVANSKY: Bill?

10:41:36 6 MR. WINANDY: And then stockpiles that came out  
10:41:38 7 of Phase I down at Polovina Hill; I think the southeast  
10:41:43 8 borrow pit. And then you'll see the Two-Party  
10:41:45 9 Agreement, site number 13, we had the salt lagoon diesel  
10:41:52 10 seep, we had a portion of that excavated, with the  
10:41:53 11 exception of the buffer strip. Now that soil is out at



10:41:57 12 the blubber dump. That is the PCS stockpile you see  
10:42:00 13 there. And then we have the buffer strip, too, that  
10:42:04 14 we're going to deal with.

10:42:06 15 CO-CHAIR MALAVANSKY: Bill Arterburn.

10:42:08 16 MR. ARTERBURN: Yeah. Regarding these sites, I  
10:42:10 17 would like to ask Alaska Department of Environmental  
10:42:12 18 Conservation if they've reviewed a NOAA work plan  
10:42:16 19 regarding these specific sites.

10:42:20 20 MR. DRONENBURG: Yes, we have. Well, no,  
10:42:22 21 excuse me. We've received -- we required a work plan to  
10:42:26 22 be received by the department by February 22nd. NOAA  
10:42:29 23 asked for an extension of that deadline. We extended  
10:42:34 24 the deadline to 22 March. We received a statement of  
10:42:38 25 work, I think everybody here has gotten a copy of our

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10:42:42 1 response to that statement of work, which we deemed it's  
10:42:46 2 a statement of work to not be a reasonable work plan.  
10:42:51 3 The reasons are stipulated in the letter. What else can  
10:42:57 4 I say?

10:42:59 5 CO-CHAIR MALAVANSKY: Bill?

10:43:00 6 MR. ARTERBURN: Yeah, I'd like to point out  
10:43:02 7 that we, Bering Sea Ecotech, have submitted a proposed  
10:43:05 8 work plan for these activities in the budget we've  
10:43:08 9 negotiated with NOAA over an extensive process over the  
10:43:15 10 last year. And, you know, I guess my question is, what  
10:43:19 11 is your process from this point forward? Have you  
10:43:22 12 selected a contractor for this work?

10:43:25 13 MR. WINANDY: No, we have not. We're in the  
10:43:29 14 process of doing that. And what we did receive from  
10:43:32 15 Bill was a cooperative agreement proposal, which isn't  
10:43:36 16 quite the same thing as a work plan.

10:43:38 17 MR. ARTERBURN: I understand that.

10:43:40 18 In the process of selecting a contractor to do  
10:43:44 19 this work, though, who will be -- what contracting  
10:43:50 20 office do you intend to use?

10:43:52 21 MR. WINANDY: We're looking at all our options,  
10:43:55 22 which includes past -- which is the Central  
10:44:02 23 Administrative Support Center, contracting office.  
10:44:05 24 We're looking at the Corps of Engineers, using their  
10:44:07 25 services. And we're looking at using the U.S. Navy as a

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10:44:13 1 contracting agency as well.

10:44:14 2 MR. ARTERBURN: And, Dave, will local entities  
10:44:17 3 who have developed detailed budgets and cost estimates  
10:44:22 4 for this work be notified and given an opportunity to  
10:44:26 5 participate in the solicitation for these projects?

10:44:32 6 MR. LINDSAY: I'll answer that.

10:44:33 7 The prime contractor, and we've listed this  
10:44:38 8 several times, I don't know if people keep coming in and  
10:44:40 9 going out of the room, but we've listed this several  
10:44:42 10 times already. We're looking at potential prime  
10:44:45 11 contractors, which include Corps of Engineers, U.S.  
10:44:48 12 Navy, and Tetra-Tech. We are directing these prime

10:44:52 13 contractors to consider using local entities to  
10:44:56 14 accomplish the work. We are not telling people, don't  
10:45:00 15 use local entities on these projects. We are  
10:45:05 16 encouraging them to do that. So there's opportunity for  
10:45:09 17 local entities to become involved in this work. The  
10:45:13 18 only real difference here is that NOAA is reserving its  
10:45:17 19 right and authority to select the prime contractor. I  
10:45:22 20 mean, I don't know how many other ways we can say this.

10:45:27 21 MR. DRONENBURG: Mr. Chairman.

10:45:28 22 CO-CHAIR MALAVANSKY: Ray?

10:45:29 23 MR. DRONENBURG: Dave, can you clarify. I'm  
10:45:32 24 reading from a letter that NOAA wrote to the Honorable  
10:45:38 25 Don Young. On Page 2 it says, with regards to assessing

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10:45:43 1 and identifying remaining contamination to determine the  
10:45:46 2 scope of Phase II work, NOAA has determined that there  
10:45:48 3 would be a conflict of interest in using local hire to  
10:45:50 4 evaluate the needs for additional work on the Pribilof  
10:45:53 5 Islands, and to avoid any conflict NOAA will employ an  
10:45:58 6 independent contractor to conduct required soil sampling  
10:46:01 7 and other environmental tests.

10:46:02 8 Does that mean that you're going to have a  
10:46:04 9 contractor to do the evaluation, and then a separate  
10:46:08 10 contractor to do the cleanup, or will that contractor be  
10:46:13 11 one and the same?

10:46:17 12 MR. WINANDY: I'm sorry, I haven't read the  
10:46:21 13 letter yet. Tony?

14 MR. MERCADANTE: Hi, this is Tony Mercadante.

10:46:24 15 For clarification, I believe the conflict of  
10:46:27 16 interest statement was bearing directly to confirmation  
10:46:30 17 sampling.

10:46:31 18 MR. DRONENBURG: So that means there would be  
10:46:34 19 two contractors? I'm getting a nod in the back behind  
10:46:37 20 you.

10:46:39 21 MR. MERCADANTE: Yes, a confirmation sampling  
10:46:40 22 would be performed by a nonbiased outside entity.

10:46:44 23 MR. DRONENBURG: Great. Thank you very much.

10:46:48 24 MR. WINANDY: Are there any other questions on  
10:46:51 25 the sites where we intend to do work?

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10:46:53 1 CO-CHAIR MALAVANSKY: Ron?

10:46:55 2 MR. RON PHILEMONOFF: Can you define what you  
10:46:56 3 mean by Cell B. I assume there must be an A because you  
10:47:00 4 have B up there. Also, is it defined in the survey? I  
10:47:06 5 know the landfill up there, the open dump, is quite  
10:47:07 6 larger than the survey. What are we talking about?

10:47:11 7 MR. WINANDY: Cell B is just one of the cells  
10:47:13 8 within the open dump, and within that area there,  
10:47:20 9 however it happened, oil was poured in there. There are  
10:47:25 10 drums that are mixed in with the soil at that site. And  
10:47:31 11 the intent was to remediate that particular PCS area.

10:47:37 12 MR. BOURDUKOFISKY: This is in the city dump?

10:47:42 13 MR. WINANDY: Yes.

10:47:42 14 MR. DRONENBURG: Mr. Chairman.

10:47:43 15 CO-CHAIR MALAVANSKY: Ray?

10:47:44 16 MR. DRONENBURG: I can clarify that. If you

10:47:45 17 remember, Ron, back in, long time ago, that's where they

10:47:48 18 had all the drums staged. It was like, I think there

10:47:51 19 was 450 drums that were staged there that NOAA had hired

10:47:55 20 a contractor and they'd actually gone out and numbered

10:47:57 21 the drums 1 through 400. And the only thing they forgot

10:48:02 22 to do is put the plug on the drum, so as the water came

10:48:07 23 in the oil went out.

10:48:09 24 MR. RON PHILEMONOFF: So it's a different site.

10:48:11 25 MR. DRONENBURG: That's what we call Cell B.

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10:48:13 1 And there's a depression there. There was quite a bit

10:48:15 2 of a heavy oil that had run down into the depression,

10:48:20 3 and the contaminated sites department had set that aside

10:48:22 4 from the actual closure of the St. Paul landfill. We

10:48:24 5 had set that site aside as a contaminated site rather

10:48:28 6 than just a solid waste site.

10:48:32 7 MR. RON PHILEMONOFF: Is this the extent of

10:48:34 8 your list, then, for '99?

9 MR. WINANDY: For '99, yes.

10:48:37 10 MR. RON PHILEMONOFF: I mean, you got a lot

10:48:38 11 more sites out there.

10:48:40 12 MR. WINANDY: Well, St. George originally had a

10:48:42 13 lot more sites.

10:48:43 14 MR. RON PHILEMONOFF: St. Paul does, too.

10:48:45 15 Where is the rest of it?

10:48:48 16 MR. WINANDY: The Two-Party Agreement sites?

10:48:50 17 We've already received no further action required

10:48:55 18 letters on St. Paul as well. And then we have some

10:48:58 19 additional -- I believe we have some additional, and I

10:49:03 20 may be mistaken, I better check my notes -- where we are

10:49:07 21 going to submit to ADEC no further action required

10:49:11 22 request letters, and then it's up to ADEC to review it

10:49:15 23 and make their decision.

10:49:17 24 MR. RON PHILEMONOFF: My concern, we have a

10:49:19 25 Telegraph Hill pit that's not on there. The Scoria

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10:49:23 1 pits. Then the city landfill, where does that fall?

10:49:26 2 MR. WINANDY: At this time, we are not, with

10:49:29 3 the exception of the Cell B, anticipating to do any

10:49:34 4 field work, actual on-site field work for the dump.

10:49:38 5 The Scoria pits include Telegraph Hill,

10:49:44 6 Ridgewall Hill, and the Lake Hill. And the work that

10:49:49 7 we're doing there would be confirmation sampling for the

10:49:53 8 debris removal that's already occurred under Phase I.

10:49:58 9 MR. RON PHILEMONOFF: Say again about the city

10:49:59 10 landfill. Is that some future thing?

10:50:01 11 MR. WINANDY: Yeah, for field work we're

10:50:03 12 scheduling for next year, for the closure.

10:50:10 13 MR. AUSMANN: The point of clarification.

10:50:12 14 That's a NOAA landfill operated by the city?

10:50:15 15 MR. RON PHILEMONOFF: Need a sign down there.  
16 CO-CHAIR MALAVANSKY: Bill?  
10:50:17 17 MR. ARTERBURN: Yeah, just a clarification  
10:50:19 18 here. Dave, can you indicate which of the sites that  
10:50:20 19 you have on the list there are sites which were supposed  
10:50:25 20 to have been handled under Phase I that were not handled  
10:50:28 21 under Phase I?  
10:50:30 22 MR. WINANDY: Vehicle boneyard, we still have  
10:50:36 23 to do some residual -- and when I say residual at that  
10:50:39 24 site, you know, you're talking thousands of tons that  
10:50:42 25 were removed, and we're talking in the essence of

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10:50:45 1 cleanup of a couple of tons, and then to do the  
10:50:50 2 confirmation sampling out there, to allow us to go in to  
10:50:53 3 the State and request no further action.  
10:50:58 4 MR. BOURDUKOFISKY: Are you going to dig --  
10:51:03 5 MR. WINANDY: No; just what is remaining on the  
10:51:04 6 surface. We're not performing any excavations out  
10:51:10 7 there, and that wasn't our requirement under the  
10:51:11 8 Two-Party Agreement.  
10:51:13 9 MR. BOURDUKOFISKY: Some of that stuff is  
10:51:17 10 starting to come out.  
10:51:21 11 CO-CHAIR MALAVANSKY: Bill?  
10:51:22 12 MR. ARTERBURN: Just to follow up. Because the  
10:51:23 13 letter that went to our congressional delegation  
10:51:26 14 indicated, without naming names, that there were some  
10:51:30 15 items that were not completed under Phase I, and kind of

10:51:33 16 implied that it was the local contractor's fault. And  
10:51:37 17 I'd like to point out that under our Phase I contract,  
10:51:41 18 not only did we remove 2300 tons of steel debris from  
10:51:45 19 those sites, but we actually took on six additional  
10:51:50 20 sites that were not in the cooperative agreement and  
10:51:52 21 closed those out for NOAA.

10:51:53 22 And I don't think, you know, that it's fair to  
10:51:58 23 represent it as it was represented in that letter, that,  
10:52:00 24 you know, island entities did not complete the work.  
10:52:05 25 And, you know, specifically with respect to the

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10:52:08 1 boneyard, you know, where we had specific instructions  
10:52:12 2 not to go under the surface, the implication there is  
10:52:15 3 that somehow the local contractor didn't do the job.  
10:52:19 4 And I would just like to state for the record that that  
10:52:21 5 is not the case. And I would be happy to discuss with  
10:52:25 6 Mr. Lindsay or anyone else, you know, the actual facts  
10:52:29 7 of the situation on St. Paul Island, rather than having  
10:52:33 8 someone in Washington, D.C. who none of us know or have  
10:52:36 9 ever seen write letters and make assertions that aren't  
10:52:41 10 factual.

10:52:45 11 CO-CHAIR MALAVANSKY: Thank you, Bill.  
10:52:53 12 Jacob?

10:52:54 13 MR. JACOB MERCULIEF: I just had a couple  
10:52:56 14 comments on a couple of the sites. One was the former  
10:52:59 15 gas tank farm, had leaded gasoline stored up there and



10:53:04 16 it's kind of contaminated. Right now it's open to the  
10:53:07 17 public. They should probably put a fence around it and  
10:53:12 18 keep kids out of there so they don't get into the  
10:53:14 19 lead-contaminated soil. And also the PCS stockpile from  
10:53:19 20 the salt lagoon diesel site. Originally I think had a  
10:53:23 21 tarp over it, and it's blown off and kind of possibly  
10:53:29 22 contaminated the area around it further.

10:53:33 23 MR. WINANDY: As part of the project, for the  
10:53:37 24 cleanup of the site -- and I'm sorry, yes, that is a  
10:53:41 25 concern for us, too. But as part of the cleanup we

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10:53:45 1 would do a post-PCS or stockpile remediation site  
10:53:52 2 assessment where we go in and do confirmation sampling  
10:53:56 3 at that site. And then when it comes up clean, you  
10:53:59 4 know, then we, again, we close the site down. If it  
10:54:04 5 does not -- if we come up to contamination levels, if we  
10:54:09 6 are responsible and there's an action required, then  
10:54:11 7 that's NOAA's responsibility for that site.

10:54:17 8 MR. ANTHONY PHILEMONOFF: I have a question on  
10:54:18 9 your site 13, or site 14. I didn't know there was a  
10:54:24 10 vehicle boneyard there.

10:54:25 11 MR. WINANDY: That was on the Two-Party  
10:54:29 12 Agreement. I know that there was a surface withdrawal  
10:54:32 13 pump house with piping that extended out into Ice House  
10:54:36 14 Lake. That was removed during the cooperative agreement  
10:54:41 15 part of Phase I. And then there was also some drums  
10:54:46 16 adjacent to the site, and at least one AST that I've

10:54:54 17 estimated was 600,000 gallons, that were not removed  
10:54:57 18 during Phase I. So that's the additional work that has  
10:55:01 19 to be done out there. And then once that debris is  
10:55:03 20 removed --

10:55:09 21 MR. ARTERBURN: Dave, have you developed a  
10:55:11 22 proposed schedule for this work? I mean --

10:55:17 23 MR. WINANDY: Yes, but that schedule is again  
10:55:21 24 subject to the final selection of a prime contractor,  
10:55:26 25 whatever vehicle NOAA is going to use to do the work.

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10:55:30 1 And then once that individual or that organization is  
10:55:35 2 selected, is defined, then we have to do the work plan.  
10:55:38 3 So the schedule is subject to change at this point.

10:55:46 4 CO-CHAIR MALAVANSKY: Okay. Thank you, Dave.

10:55:47 5 At this point in time we'd like to break for  
10:55:50 6 five minutes, and then we'll go into the risk-based  
10:55:53 7 assessment by Ron Klein and Ray Dronenburg with the  
10:55:57 8 State.

10:55:58 9 Take a five-minute break, and let's try to  
10:56:01 10 adhere to the schedule.

11 (Short recess taken.)

11:18:51 12 CO-CHAIR MALAVANSKY: Let's reconvene here.  
11:18:54 13 Moving on the agenda to the 10:30 to 11:30 time frame,  
11:18:58 14 and with the risk-based assessment with the State of  
11:19:01 15 Alaska. Ron Klein.

11:19:02 16 MR. KLEIN: Thank you.

11:19:03 17 I'm Ron Klein. I'm manager of the Department  
11:19:07 18 of Environmental Conservation, Site Remediation Section.  
11:19:09 19 My office is in Anchorage, and Ray is part of the Site  
11:19:15 20 Remediation Action group. What I'd like to do is just  
11:19:18 21 provide you with some short remarks on risk-based  
11:19:23 22 cleanup. And first I'd like to thank you for the  
11:19:26 23 opportunity to participate in your RAB meeting and talk  
11:19:29 24 with you today.

11:19:31 25 Basically, according to the Two-Party

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11:19:35 1 Agreement, the way it works now is cleanup decisions are  
11:19:41 2 made according to guidance that the department used to  
11:19:46 3 guide cleanup decisions prior to some new regulations  
11:19:51 4 that we now have in effect. And these guidelines  
11:19:55 5 provided for the use of a soil cleanup matrix, to make  
11:19:59 6 soil cleanup decisions at site. And so a cleanup matrix  
11:20:05 7 takes into account the quantities of soil, the type of  
11:20:09 8 soil that petroleum is in, distance to drinking water  
11:20:17 9 wells, and that sort of thing. And we will assign a  
11:20:23 10 score to each one of those and it will tell you what the  
11:20:26 11 cleanup levels are for various classes of petroleum.  
11:20:31 12 Groundwater cleanup that requires cleanup to the water  
11:20:38 13 quality standards or the drinking water levels, for  
11:20:41 14 water, and there's also an opportunity to conduct a risk  
11:20:46 15 assessment if the department concurs that one is  
11:20:48 16 feasible for the site, following federal EPA, National  
11:20:54 17 and Region 10, risk assessment guidance.

11:20:58 18                   In January 1999, the department promulgated  
11:21:06 19                   some new cleanup regulations. It was based on a long  
11:21:09 20                   effort by department staff and external stakeholders to  
11:21:15 21                   develop some, promulgate cleanup levels and approaches  
11:21:20 22                   to determine cleanup levels that are flexible and both  
11:21:27 23                   cost-effective.

11:21:28 24                   Right now I understand from NOAA that they do  
11:21:32 25                   not -- I've been told that there's no interest in

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11:21:37 1                   reviewing those and potentially using those for cleanups  
11:21:44 2                   on the islands, and we're interested in making those  
11:21:48 3                   available if indeed they determine that they wish to  
11:21:52 4                   change their mind. I've negotiated numbers of  
11:22:03 5                   agreements with other parties that have similar  
11:22:07 6                   provisions and they're jumping and taking the  
11:22:12 7                   opportunity to use these.

11:22:15 8                   Anyways, with that, I'm just going to quickly  
11:22:20 9                   go through some overheads to provide an overview of the  
11:22:25 10                   new regulations. We're going to be providing a copy of  
11:22:28 11                   the regulations to NOAA so that they can be included in  
11:22:32 12                   the minutes for RAB members. And they also are  
11:22:37 13                   available on the department's Website, or through us.  
11:22:45 14                   You can actually contact us. But before I get into it,  
11:22:49 15                   I just also want to provide just some short remarks.

11:22:55 16                   The department's been very concerned about the  
11:22:58 17                   lack of progress here with the project, and as you

11:23:03 18 probably know now, there are stipulated penalties that  
11:23:06 19 are occurring for failure to meet deadlines. And we're  
11:23:12 20 interested in working with NOAA, now that I understand a  
11:23:17 21 reorganization has been completed to get this project on  
11:23:22 22 track and get it completed on time and in a manner  
11:23:26 23 that's cost-effective and protective of the health of  
11:23:29 24 the islanders and the environment. So we're ready to  
11:23:33 25 go.

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11:23:33 1 And one other thing, too. We do have three  
11:23:45 2 members of the project team here from the department  
11:23:48 3 that I would like to introduce. Kevin Kleveno with the  
11:23:53 4 Division of Environmental Health. He works on drinking  
11:23:56 5 water, wastewater and solid waste issues, with Laura  
11:24:01 6 Ogar, who is with solid waste, who is not here. Lynne  
11:24:04 7 Bush, with our storage tank program; and, as you know,  
11:24:07 8 Ray.

11:24:13 9 Basically, the goal of our cleanup standards  
11:24:21 10 are to ensure protection of human health and the  
11:24:24 11 environment, and establish a consistent and flexible  
11:24:26 12 cleanup process. These regulations also provide the  
11:24:33 13 cleanup direction for decisions made by the storage tank  
11:24:38 14 program; and the solid waste program is using them for  
11:24:42 15 determining, I believe, what levels, minimum levels,  
11:24:49 16 soil needs to be treated to be used as cover. And we  
11:24:54 17 also incorporated for our groundwater cleanup standards  
11:25:01 18 the water quality standards. So they're in a sense

11:25:04 19 integrated department regulations.

11:25:16 20 This overhead here just provides some basic  
11:25:21 21 information on our contaminated site cleanup process.

11:25:27 22 Yes, sir?

11:25:27 23 MR. GROMOFF: The question I have is, under  
11:25:29 24 what level of contamination are you talking about where  
11:25:32 25 this would fall into it? Are you talking of basically

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11:25:37 1 CERCLA?

11:25:37 2 MR. KLEIN: No; this is -- CERCLA is the  
11:25:38 3 federal cleanup program.

11:25:40 4 MR. GROMOFF: Yeah.

11:25:42 5 MR. KLEIN: So, this -- which actually excludes  
11:25:45 6 petroleum. This could be for any level.

11:25:47 7 MR. GROMOFF: Any level?

11:25:49 8 MR. KLEIN: Any level. Any hazardous  
11:25:51 9 substance. I mean, there are certain -- new spills and  
11:25:55 10 releases would be taken care of as, likely as an  
11:26:00 11 emergency response, which our spill response group, the  
11:26:02 12 prevention and emergency response program, would be  
11:26:05 13 taking care of on land. If it's in water, it would be  
11:26:09 14 Coast Guard, with DEC, too.

11:26:14 15 And these sites, for our contaminated site  
11:26:17 16 program, we're primarily interested in historical  
11:26:21 17 contamination, and we don't focus on, you know, spots --  
11:26:30 18 spills of small quantities, oils in driveways, that type

11:26:34 19 of thing. So it really has to be somewhat significant  
11:26:38 20 for us to take it, put it into our system and review and  
11:26:48 21 prioritize and assign it to a project.

11:26:50 22 MR. GROMOFF: I have another question, then.  
11:26:52 23 What you're saying is, let's say we're doing a  
11:26:54 24 construction on a site.

11:26:56 25 MR. KLEIN: Yes.

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11:26:58 1 MR. GROMOFF: We run into contaminated soil  
11:27:00 2 nobody knows about, basically. And the calls go in and  
11:27:04 3 everybody says cease and desist, don't do anything.  
11:27:07 4 Does that trigger this regulation for you to come in and  
11:27:11 5 do the site analysis and site characterization?

11:27:13 6 MR. KLEIN: What would happen in that instance  
11:27:17 7 is a call would be made to the department, to probably  
11:27:22 8 our Pribilof project manager, who would then assess  
11:27:25 9 whether or not it appears to be something that could be  
11:27:27 10 subject to the Two-Party Agreement. If so, then I guess  
11:27:31 11 discussion would be held on how to handle it, with NOAA.

11:27:34 12 If not, then guidance would be provided to the  
11:27:40 13 contractor and the landowner as to what steps they can  
11:27:45 14 take in the short term, in order to facilitate the  
11:27:49 15 project that's under way. And to, second, long term,  
11:27:53 16 for the responsible person to undertake whatever  
11:27:56 17 assessment and cleanup is needed.

11:28:00 18 MR. GROMOFF: So how long would you say, just  
11:28:02 19 roughly, if that happened, you would hold up a project

11:28:05 20 before you'd let them go forward?  
11:28:07 21 MR. KLEIN: We don't hold up projects.  
11:28:09 22 MR. GROMOFF: Okay.  
11:28:10 23 MR. KLEIN: We don't make cease and desist  
11:28:13 24 orders. But what we do is we provide information to the  
11:28:17 25 responsible person so that they can responsibly manage

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11:28:21 1 the program in accordance with state law. It is their  
11:28:26 2 obligation to do that. So that may require that  
11:28:31 3 responsible person to hire qualified parties to help  
11:28:37 4 them with that, as well as find the resources in order  
11:28:41 5 to do that work. We provide the technical advice and  
11:28:45 6 the regulatory direction to do that. That's something  
11:28:49 7 that happens, quite common.

11:28:52 8 Again, this is just a short overview of how it  
11:28:59 9 works. And I mean, a number of this, in a sense some of  
11:29:04 10 these steps, like site discovery, database entry,  
11:29:10 11 interim removal action required, that occurs as part of  
11:29:12 12 the Two-Party Agreement party negotiation process and  
11:29:15 13 discussions that Ray, as project manager, had with the  
11:29:18 14 NOAA project manager.

11:29:20 15 But then the next step, once there is a site,  
11:29:23 16 you know, we need to identify the presence and  
11:29:25 17 concentrations of hazardous substances. And that  
11:29:29 18 includes whether or not there's groundwater  
11:29:30 19 contamination, or soil contamination that's resulting in



11:29:34 20 surface water contamination. That is normally done  
11:29:40 21 before a risk assessment. That's under our old regs as  
11:29:44 22 well as our new regs.  
11:29:46 23 Decisions usually need to be made whether or  
11:29:51 24 not the source can be taken care of as an interim  
11:29:57 25 removal action, so it's something that you don't

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11:29:59 1 necessarily have to study something to death or  
11:30:02 2 undertake feasibility studies. Interim removal action  
11:30:06 3 might be, we know there's X cubic yards of contaminated  
11:30:11 4 soil, let's just go out there and dig them up and treat  
11:30:17 5 it and take care of it. And then if there's any  
11:30:20 6 residual, then it would be part of the remedial  
11:30:24 7 investigation process. It's also the opportunity to  
11:30:30 8 characterize the current potential risk and develop  
11:30:35 9 site-specific risk-based cleanup levels.

11:30:39 10 What I'm going to do next is just talk about  
11:30:42 11 the four soil cleanup methods under the regulations.  
11:30:47 12 And Method 1 is our old soil cleanup matrix.

11:30:54 13 Method 2 is a new method that we provide based  
11:30:59 14 on use of EPA soil screening levels. This is not  
11:31:05 15 something that we developed independently. These are  
11:31:08 16 peer-reviewed, nationally used soil screening levels  
11:31:15 17 developed by EPA.

11:31:17 18 And we've got Method 3, which is site-specific  
11:31:24 19 cleanup standards, where you can take the default  
11:31:25 20 cleanup standards in our Method 2 tables -- and I'll go

11:31:30 21 into that a little more briefly -- make certain  
11:31:34 22 site-specific adjustments to determine a site-specific  
11:31:37 23 cleanup level which may be a little higher, but based on  
11:31:42 24 site conditions still protective of human health and the  
11:31:47 25 environment.

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11:31:47 1 They're conservative cleanup levels, but  
11:31:51 2 they're also flexible. And there are the opportunities,  
11:31:55 3 depending on level of effort, to, kind of moving down  
11:32:00 4 the method tier, to conduct additional work to come up  
11:32:06 5 with a level which is, you know, again maybe a little  
11:32:12 6 higher but still protective.

11:32:25 7 So this is basically, again, just an overview  
11:32:30 8 of our Method 1. We've got nonarctic, which essentially  
11:32:34 9 is everything except for areas where there's continuous  
11:32:38 10 permafrost. It looks at, the soil cleanup matrix looks  
11:32:43 11 only at petroleum defects and groundwater shall meet the  
11:32:49 12 requirements of basically MCLs of water quality.

11:32:54 13 Method 2, we use those soil screen-up levels to  
11:33:07 14 create look-up tables for the various organic and  
11:33:11 15 inorganic chemicals that correspond to climate zones and  
11:33:20 16 leaching, as well as cleanup levels, cleanup levels for  
11:33:33 17 inhalation and ingestion and migration.

11:33:39 18 Method 3 provides you with the opportunity to  
11:33:43 19 go in there and it makes the CERCLA coefficients in the  
11:33:50 20 soil screening levels to come up with an alternative

11:33:53 21 cleanup, proposed alternative cleanup level.

11:34:02 22 I don't have one for Method 4, but Method 4 is  
11:34:15 23 simply the standard risk assessment approach that  
11:34:19 24 follows essentially the EPA National/Region 10 guidance  
11:34:24 25 for risk assessment for Superfund. We also have a risk

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11:34:28 1 assessment procedure manual that we've developed that  
11:34:32 2 has some Alaska-specific exposure scenarios, which is  
11:34:36 3 useful because for areas where there is, for example,  
11:34:43 4 continuous snow cover, it can have a bearing on how  
11:34:48 5 much, what period of time somebody is exposed to  
11:34:52 6 contamination in the soils that's covered by snow.  
11:34:58 7 These are the essentially groundwater cleanup standards  
11:35:01 8 that --

11:35:01 9 CO-CHAIR MALAVANSKY: Bret, do you have a  
11:35:03 10 question?

11:35:03 11 MR. COBURN: Mr. Chairman --

11:35:05 12 MS. ROSE: I had a question. With these four  
11:35:08 13 methods, how does ADEC go about determining which one  
11:35:13 14 will apply to a given site? Is that a negotiation  
11:35:15 15 process with the potentially responsible party?

11:35:17 16 MR. KLEIN: It is. It's actually primarily the  
11:35:20 17 responsible person proposes that, based on their  
11:35:24 18 assessment of the level of effort they want to put into  
11:35:26 19 it. There's certainly, you know -- the department is  
11:35:29 20 the one that is responsible for taking the information  
11:35:33 21 that they provide and making the decision. And it's

11:35:37 22 possible we could make a decision that suggests that,  
11:35:40 23 you know, they want to do a Method 1, for example, but  
11:35:44 24 based on some site-specific reasons we could make a  
11:35:49 25 determination that that may not be protective and we can

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11:35:52 1 require more cleanup.

11:35:55 2 CO-CHAIR MALAVANSKY: Bret?

11:35:56 3 MR. COBURN: Yes.

11:35:56 4 Mr. Klein, I'm wondering if you can bring this  
11:35:59 5 for the RAB members to something of a practical basis.  
11:36:02 6 For instance, on St. George, NOAA had the tank farm that  
11:36:07 7 we excavated down, as NOAA's contractor, and we met  
11:36:11 8 refusal and we found that the fractured basalt was  
11:36:17 9 permeated with diesel fuel, and it appears that a  
11:36:20 10 reasonable person would assume that it continues down  
11:36:21 11 into the groundwater.

11:36:23 12 To be able to obtain closure for that site,  
11:36:25 13 what would NOAA or its contractor -- would they be  
11:36:27 14 required to go down to determine what the horizontal  
11:36:33 15 contamination is of that site? Do you need to take  
11:36:37 16 screen samples?

11:36:38 17 MR. KLEIN: Ray?

11:36:39 18 MR. DRONENBURG: I know that's a leading  
11:36:41 19 question.

11:36:42 20 I think it would be premature to say that you'd  
11:36:46 21 have to dig holes and go to ground -- we have a lot of

11:36:50 22 information there. It would be a site-specific thing,  
11:36:53 23 and obviously these regulations are designed to protect  
11:36:56 24 human health and the environment, which includes the  
11:36:58 25 aquifer, and obviously we'd want to do that. But to

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11:37:04 1 make -- I mean, I can see where you're leading with that  
11:37:07 2 question, and obviously you're thinking that NOAA may  
11:37:09 3 not be protective of the groundwater. We can assure you  
11:37:12 4 that's not going to happen.

11:37:13 5 MR. COBURN: Actually, that's not where I'm  
11:37:15 6 going. Where I'm going is, with it being somewhat  
11:37:18 7 unclear, as a contractor, it's been hard to figure out  
11:37:21 8 exactly how to best serve NOAA on that site. Like, for  
11:37:25 9 instance, if ADEC said, yeah, you got to go down, take  
11:37:27 10 screen samples, you need to bring a drill rig in. If  
11:37:31 11 you say, no, you don't, you don't bring to a drill rig  
11:37:34 12 in. It's sort of an important point, actually.

11:37:37 13 MR. DRONENBURG: But actually we're not going  
11:37:39 14 to say any of that until we see a work plan which sort  
11:37:42 15 of sets forth what they intend to do.

11:37:46 16 MR. COBURN: So it's back to NOAA has to take  
11:37:48 17 the lead.

11:37:48 18 MR. DRONENBURG: Yeah, we're going back to when  
11:37:50 19 Dave had his little slide up here about what they're  
11:37:53 20 going to do, and my question, where does groundwater  
11:37:57 21 come into that.

11:37:58 22 MR. COBURN: It wasn't addressed, actually.

11:38:00 23 Thank you.

11:38:01 24 MR. KLEIN: These considerations would apply

11:38:10 25 for proposal to modify cleanup standards. Basically,

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11:38:14 1 it's possible that a more stringent cleanup standard may  
11:38:17 2 apply, depending on classification. Drinking water,  
11:38:23 3 there may be secondary maximum contaminant levels like  
11:38:28 4 for chemicals, and taste problem, odor or appearance,  
11:38:34 5 that they may need cleanup, too. And for groundwater  
11:38:39 6 that's hydraulically connected to surface water, they  
11:38:44 7 may need to clean up that water to the surface water,  
11:38:47 8 with quality and criteria.

11:38:52 9 In certain instances, if determination is made  
11:38:55 10 that the groundwater is not potable or not a current or  
11:39:01 11 expected future source of drinking water, a  
11:39:04 12 determination may be made that groundwater cleanup  
11:39:08 13 standard can be ten times the table value there. And  
11:39:15 14 that requires public participation, consultation before  
11:39:21 15 the department -- the department is the one that makes  
11:39:25 16 that decision, so it's its discretion. And it may also  
11:39:30 17 be possible to do an alternative cleanup standard, again  
11:39:32 18 that's protective.

11:39:37 19 That pretty much concludes the overview on this  
11:39:41 20 subject. I could go on for hours on this and I won't  
11:39:44 21 today.

11:39:45 22 CO-CHAIR MALAVANSKY: Elary?

11:39:48 23 MR. GROMOFF: You stated at the beginning that  
11:39:49 24 this does not apply, this new regulation, to the  
11:39:52 25 Two-Party Agreement. The question is, why?

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11:39:55 1 MR. KLEIN: It does not.

11:39:57 2 MR. GROMOFF: Yeah.

11:39:59 3 MR. KLEIN: I am sorry.

11:40:00 4 MR. GROMOFF: The question is, why?

11:40:01 5 MR. KLEIN: Why. Because the Two-Party  
11:40:03 6 Agreement, the department and the federal government  
11:40:07 7 agreed that the approach in effect as of the time of  
11:40:12 8 signature of that agreement would apply. So we  
11:40:16 9 specifically agreed to it and that's why. It's a legal  
10 issue.

11:40:21 11 MR. GROMOFF: Under the Two-Party Agreement, I  
11:40:23 12 was hoping the State would have a clause in there, upon  
11:40:27 13 new discovery or changes in the environmental laws as  
11:40:30 14 per the state, that the standards would change.

11:40:33 15 MR. KLEIN: This is really the only exception,  
11:40:42 16 and that's just the way it is.

11:40:45 17 MR. GROMOFF: Because I know the State is  
11:40:46 18 really strict with the other federal agencies on the  
11:40:48 19 standards of cleanup, specifically with DOD. One level  
11:40:53 20 that they will accept as clean. And it would behoove  
11:40:56 21 that the standards would stay the same with all federal  
11:40:59 22 agencies that were doing cleanup in Alaska.  
11:41:02 23 Specifically, the deals with lands that will be

11:41:05 24 transferred over to private property. I mean private  
11:41:08 25 owners.

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11:41:09 1 MR. KLEIN: Yeah. Let me say, too, that the  
11:41:14 2 cleanup levels -- that basically the Method 1 is the  
11:41:21 3 default, essentially the default cleanup level, which is  
11:41:24 4 also the most conservative. So, for example, if the  
11:41:28 5 Two-Party Agreement was not renegotiated to provide for  
11:41:34 6 the use of these other two approaches, basically Method  
11:41:37 7 2 and Method 3, the cleanup level would be much more  
11:41:43 8 conservative than what they could achieve using a Method  
11:41:45 9 2 or Method 3.

11:41:46 10 The Method 4, risk assessment, the risk  
11:41:50 11 assessment that they could conduct under the Two-Party  
11:41:52 12 Agreement would be the same as a Method 4 risk  
11:41:57 13 assessment, so the protectiveness level is the same.  
11:42:01 14 It's not going to change.

11:42:03 15 And as to the agreements, if we negotiate an  
11:42:06 16 agreement, whether we renegotiated these agreements with  
11:42:10 17 other federal agencies as well, it is not uncommon to  
11:42:14 18 have these clauses that identify the approach that will  
11:42:19 19 be used to make cleanup decisions. And as I mentioned,  
11:42:22 20 we do have opportunities to renegotiate that and, you  
11:42:26 21 know, we're interested in talking.

11:42:29 22 CO-CHAIR MALAVANSKY: Bill, do you have a  
11:42:30 23 question?



11:42:31 24 MR. ARTERBURN: Yeah. How would these new  
11:42:34 25 regs, or what would the situation be if there were new

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11:42:37 1 sites identified under the Two-Party Agreement? Would  
11:42:41 2 these apply, or would the agency --

11:42:45 3 MR. KLEIN: I don't know.

11:42:47 4 MR. ARTERBURN: -- have the option?

11:42:48 5 And I'm thinking specifically -- maybe Ray is  
11:42:49 6 better to answer this question. But what about the  
11:42:52 7 situation in St. Paul with the saltwater well and the  
11:42:58 8 apparent contamination that exists in the groundwater  
11:43:01 9 there?

11:43:01 10 MR. DRONENBURG: The Two-Party Agreement, as  
11:43:04 11 Ron points out, allows for a matrix score, which is the  
11:43:09 12 old score, or Level 1. Okay? Either one of those. And  
11:43:13 13 I think they're identical, with the exception under the  
11:43:14 14 new regulations there's a requirement for BTEX sampling.  
11:43:20 15 So NOAA has that option. And also under the Two-Party  
11:43:24 16 Agreement they have an option of asking for a  
11:43:27 17 risk-assessment approach. I mean, that was built  
11:43:28 18 into -- and that's the Phase 4 that Ron was talking  
11:43:29 19 about.

11:43:29 20 So the only thing that we're offering with the  
11:43:33 21 new CS regulations is an opportunity to be more relaxed.  
11:43:37 22 But let me assure you that, as Ron pointed out, each one  
11:43:42 23 of those regulations are equally protected for human  
11:43:43 24 health, the environment, and were subject to a lot of

11:43:48 25 peer review, came out of EPA, are used in other parts of

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11:43:53 1 the country.

11:43:55 2 And I think one of the things that wasn't  
11:43:56 3 mentioned, but that should be pointed out, is there are  
11:43:59 4 several opportunities in the new CS regulations for  
11:44:03 5 public opinion and public participation. Under the new  
11:44:07 6 Contaminated Site regulations, there's a new requirement  
11:44:09 7 for a decision document to be initiated.

11:44:14 8 In other words, once John goes out and takes  
11:44:17 9 crew out there and determines what the site  
11:44:19 10 characterization is, then at that time we look at all  
11:44:21 11 that data and we sit down with John and we determine a  
11:44:25 12 cleanup level. And then once we've arrived at that,  
11:44:29 13 then we bring that document to you folks and we say,  
11:44:31 14 this is what we're thinking of; what do you think? And  
11:44:34 15 then having negotiated with you and with NOAA and with  
11:44:39 16 DEC, we arrive at a final document, we put our signature  
11:44:41 17 on it and say, okay, and we give that to the contractor,  
11:44:44 18 whoever the heck that contractor is, if there ever is  
11:44:48 19 one. And then that guy has that piece of paper that  
11:44:50 20 says, when I clean up to that, the site is clean. Am I  
11:44:53 21 right?

11:44:55 22 MR. KLEIN: Yeah.

11:44:57 23 MR. DRONENBURG: So having said that, I don't  
11:44:59 24 know if that answers your question, but we think that

11:45:02 25 we're pretty steady on what we're asking to be done.

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11:45:04 1 CO-CHAIR MALAVANSKY: Erin, did you have a  
11:45:06 2 question?

11:45:07 3 MS. ROSE: No; he's answered it. That was my  
11:45:10 4 question.

11:45:11 5 CO-CHAIR HIGUCHI: One comment. I know Ron's  
11:45:13 6 made his presentation short here, for brevity sake, and  
11:45:19 7 so I've asked him if he would submit a copy to us so we  
11:45:23 8 could incorporate it into our minutes so that everybody  
11:45:26 9 would have access. I know everybody does not have  
11:45:28 10 access to the Web. So this would be made part of the  
11:45:32 11 record of the RAB.

11:45:34 12 As co-chair, would you agree that that would be  
11:45:37 13 a wise thing to do at this time?

11:45:39 14 CO-CHAIR MALAVANSKY: Oh, yeah, definitely.

11:45:42 15 MR. KLEIN: Thank you.

11:45:45 16 CO-CHAIR MALAVANSKY: Thank you.

11:45:46 17 CO-CHAIR HIGUCHI: Thanks very much.

11:45:49 18 CO-CHAIR MALAVANSKY: Thanks, Ron. With that  
11:45:52 19 in mind, I guess we'll break for lunch and come back at  
11:45:58 20 1:15. Is that okay? Thank you.

11:46:03 21 (Lunch recess taken from 11:45 a.m. to 1:40 p.m.)

13:35:37 22 CO-CHAIR MALAVANSKY: We'll reconvene the  
13:35:37 23 Pribilof Island Restoration Advisory Board. It's 1:40  
13:35:41 24 in the afternoon, the 7th of April, 1999.

13:35:44 25 We've got the Pribilof Islands community agenda

13:35:51 1 items. 104-91 was asked to be inserted on there.

13:35:58 2 Public Law 104-91. So at this point in time I'd like to

13:36:03 3 move on into that agenda item -- items, excuse me.

13:36:15 4 Discussing community concerns, issues and concerns

13:36:19 5 related to the cleanup.

13:36:24 6 Ron?

13:36:26 7 MR. RON PHILEMONOFF: I wanted to make sure

13:36:30 8 104-91 was on the agenda under that line item. From day

13:36:35 9 one, or almost day one, the Aleut people have insisted

13:36:38 10 that NOAA has more than a RAB connection with the Aleut

13:36:42 11 people. We have a government-to-government

13:36:44 12 relationship, a trust relationship, with the federal

13:36:48 13 government. The Fur Seal Act spells out Native

13:36:50 14 responsibilities. And the cleanup process is a direct

13:36:53 15 result of our government-government relationship with

13:36:56 16 the federal government, and our senators and our

13:36:57 17 congressman have made sure that NOAA was aware of their

13:37:01 18 duties to fulfill their responsibilities to the Aleut

13:37:04 19 people.

13:37:04 20 So we're more than just a RAB board here. I

13:37:07 21 mean, I know there's some notes here about what's the

13:37:11 22 duty of a RAB and what the bylaw says, which is great,

13:37:14 23 but in reality we are more than a RAB board here. So I

13:37:17 24 wanted to make it clear that 104-91 is directly related

13:37:21 25 to this RAB process and the cleanup of the Pribilofs.

13:37:27 1 And the lawyers will try to limit the responsibility  
13:37:31 2 they have to the Aleut people, but the reality is they  
13:37:33 3 have a great burden on their shoulders to the Aleut  
13:37:36 4 people.

13:37:36 5 And John stated earlier that he wanted to make  
13:37:39 6 it clear once and for all that NOAA was going to be  
13:37:44 7 hiring one of three contractors. We heard this for the  
13:37:46 8 first time, myself, directly, today. And I've heard  
13:37:47 9 rumors about it. This is the first direct communication  
13:37:50 10 from the NOAA people. Yesterday for the first time we  
13:37:53 11 received a letter from NOAA to our Congressman Don  
13:37:57 12 Young, spelling out their opinion on why they believe  
13:38:03 13 the Aleuts screwed up the whole cleanup process. They  
13:38:07 14 make some very broad, general and vague statements, and  
13:38:09 15 some of them are very defamatory against the Aleut  
13:38:12 16 people, alleging that we screwed up this whole process,  
13:38:15 17 that the State of Alaska is all over their case because  
13:38:18 18 we screwed up the cleanup.

13:38:19 19 I think this is a very unjust statement on the  
13:38:22 20 part of NOAA staff people, and for them to try to blame  
13:38:27 21 the Aleut people for this problem they're having with  
13:38:28 22 the cleanup process, and for them to blame us to try to  
13:38:32 23 justify to our congressman why they cannot meet the  
13:38:35 24 obligation of 104-91, is just a slap in the face and  
13:38:39 25 beyond. I mean, it's almost bordering illegal or

13:38:43 1 slanderous, defamatory case against the Aleut people.  
13:38:46 2           Who is Paul Roberts? Has he ever been to the  
13:38:51 3 Pribilofs? How does he know what our experiences are,  
13:38:53 4 what our companies can do? The guy's never been to the  
13:38:56 5 Pribilofs. I've never met the guy. What is his  
13:38:59 6 experience to judge us like this? I demand we spend  
13:39:02 7 some time today to talk about 104-91, about the letter  
13:39:04 8 to our congressman, and we need to set the record  
13:39:08 9 straight that the Aleut people are not the ones that  
13:39:11 10 screwed up this process. They may have been all over  
13:39:16 11 their case, but that doesn't give you the right to slap  
13:39:19 12 us and criticize us and blame us for everything that's  
13:39:21 13 gone wrong in the Pribilofs.

13:39:23 14           I think we need to spend some time to review  
13:39:25 15 the obligation of 104-91 and why NOAA is obligated to  
13:39:30 16 deal with the Aleut people, to use the local agencies to  
13:39:34 17 clean up the islands, and why their decision to go to  
13:39:35 18 three outside contractors is a violation of 104-91. I  
13:39:40 19 think we need to have some open discussion on this whole  
13:39:41 20 issue.

13:39:46 21           CO-CHAIR MALAVANSKY: Thank you, Ron.

13:39:47 22           Mike?

13:39:48 23           MR. ZACHAROF: Well, I read the letter, too,  
13:39:52 24 and I'm kind of disturbed. I think it's very insulting  
13:39:56 25 to the Aleut people. I would seriously like to make a

13:40:07 1 motion to file a lawsuit against NOAA for defamation of  
13:40:15 2 character of the Aleut people. They evacuated people  
13:40:18 3 from the Pribilofs during World War II. They relocated  
13:40:21 4 the Japanese people during World War II. Guess what?  
13:40:23 5 The United States government did not apologize to the  
13:40:27 6 Aleut people, but they apologized to the Japanese people  
13:40:29 7 for relocating them.

13:40:30 8 I mean, Aleut people have been shot at with  
13:40:35 9 real bullets and missed. We're always the scapegoat for  
13:40:43 10 some reason. I mean, so we do things differently on the  
13:40:47 11 Pribilofs. We do things differently on the Pribilofs  
13:40:50 12 because that's what the government taught us to do. So  
13:40:53 13 we're doing everything they taught us to do. How to do  
13:40:56 14 it. And yet, to turn around and write a letter like  
13:41:00 15 that about the Aleut people is very, very disturbing, as  
13:41:03 16 far as I'm concerned. I withdraw my motion, by the way.

13:41:10 17 CO-CHAIR MALAVANSKY: Thank you, Mike.

13:41:11 18 Iliodor?

13:41:14 19 MR. ILIODOR PHILEMONOF: Mr. Chairman, I'd like  
13:41:15 20 to concur with what Ron said, and part of Mike said. I  
13:41:26 21 don't want to go into the lawsuit business right now.  
13:41:31 22 Yes, I think NOAA's certainly been unfair to the  
13:41:36 23 Pribilofs, and I put a lot of the blame, certainly, on  
13:41:41 24 the Seattle office as to how it -- how the  
13:41:45 25 administration ran the projects, especially the first

13:41:53 1 phase.

13:41:54 2 Like was mentioned earlier today, that there  
13:42:00 3 were people who were in charge of the project, managers  
13:42:05 4 didn't make much of an effort to go to the Pribilofs. I  
13:42:11 5 think Mary Getz (ph) was there, you know, a few days.  
13:42:16 6 Before Mary Getz, Tony Mercadante's name was on the,  
13:42:30 7 our, what was it? Our cooperative agreement. And I  
13:42:35 8 think he only went to St. George once, and they had to  
13:42:40 9 drag him out to go and see the sites. And another time  
13:42:47 10 he passed through St. George on his way to St. Paul,  
13:42:52 11 didn't even stop there to see how things were going,  
13:42:57 12 spend a day or two on St. George. So I think this is  
13:43:00 13 really a waste of money in the Seattle office to have  
13:43:07 14 some project manager doing a poor job.

13:43:15 15 And I may add, if you were going to get outside  
13:43:18 16 contractors, it's going to be more costlier, because  
13:43:22 17 once you get the people, or the contractor takes their  
13:43:27 18 own people in, they're going to have to pay them whether  
13:43:30 19 they work or not. There may be inclement weather, there  
13:43:34 20 may be machinery broke down, breakdown, and there may be  
13:43:37 21 other things that happen. Nevertheless, they'll still  
13:43:41 22 have to be paid, otherwise they will -- their people  
13:43:45 23 will just rebel.

13:43:46 24 Whereas, us Pribilovians, we live on the  
13:43:50 25 island, and they will stay there. If they have to shut



13:43:54 1 down the job for a while, then, you know, we don't pay  
13:43:57 2 them. But it's going to work the opposite. Whether  
13:44:00 3 they work or not, they're going to be paid and it's  
13:44:02 4 going to be a lot more costlier. And, you know,  
13:44:06 5 certainly there are other negatives to having an outside  
13:44:13 6 contractor, and certainly they're not going to do as  
13:44:16 7 well as we on the Pribilofs can do and will do.

13:44:25 8 CO-CHAIR MALAVANSKY: Thank you, Ed.

13:44:29 9 Ron?

13:44:31 10 MR. RON PHILEMONOFF: From the very beginning,  
13:44:31 11 I think NOAA understood the obligations of 104-91, and  
13:44:33 12 maybe you weren't here, but I think Sam may have been  
13:44:38 13 here, and the others I'm not sure. We had a partnering  
13:44:40 14 agreement in the very beginning explaining how we were  
13:44:42 15 going to work together and why it was a good thing that  
13:44:44 16 we were going to work together, and how the laws were  
13:44:47 17 going to be implemented and what regulations and what  
13:44:50 18 jobs, grant agreements were going to be applicable to  
13:44:55 19 the Aleut, and jobs. We went through all that.

13:44:58 20 It was understood that we were going to be  
13:44:59 21 partners in this cleanup. It was understood that we  
13:45:02 22 were going to work together and NOAA was going to assist  
13:45:06 23 the Aleut people in getting the jobs. In the letter you  
13:45:09 24 imply that we're untrainable. Basically, we're too damn  
13:45:13 25 dumb to do the job. From the very beginning, we had

13:45:15 1 this positive relationship that we were going to be  
13:45:18 2 partners, and somewhere along the line it fell apart.

13:45:20 3 And the St. Paul Ecotech proposal has been on  
13:45:24 4 NOAA's desk for over 18 months. It's been back and  
13:45:28 5 forth, negotiated, redid the scope of work, changed  
13:45:31 6 according to NOAA's specification. It was tentatively  
13:45:33 7 approved by the Seattle office. It was tentatively  
13:45:35 8 approved by the State of Alaska office. And went to  
13:45:38 9 D.C. and died in somebody's deep black hole there or  
13:45:41 10 something.

13:45:41 11 But the process has been there, and there's  
13:45:44 12 been some political maneuvering and some bad feelings  
13:45:48 13 between the Aleuts and the legal counsels of NOAA. The  
13:45:56 14 job is not getting beyond Washington, D.C. for some  
13:45:59 15 reason. It's unfair for D.C. staff people to say that  
13:46:03 16 it's the Aleut people's fault, when in reality our scope  
13:46:08 17 of work, our work plan, our efforts to meet NOAA's  
13:46:11 18 requirements have been fulfilled.

13:46:14 19 The Seattle staff can attest to it that we did  
13:46:16 20 our part to make a proposal that was sound and  
13:46:20 21 justifiable. The State of Alaska saw it and they  
13:46:23 22 weren't having any heartburn with it. They thought it  
13:46:26 23 was a workable plan. But it never got past Washington,  
13:46:30 24 D.C. And I'd like to ask Washington, D.C., the general  
13:46:33 25 counsel, what have they thought of the proposal? Was it

13:46:36 1 so far off the wall that the Aleut people could not  
13:46:40 2 fulfill their jobs? I mean, why was it that they could  
13:46:43 3 not believe what the State of Alaska and Seattle thought  
13:46:46 4 they could do?

13:46:50 5 MR. O'CONNOR: Are you asking me?

13:46:51 6 MR. RON PHILEMONOFF: Somebody from D.C.

13:46:54 7 MR. O'CONNOR: I never saw your proposal, so it  
13:46:56 8 wasn't killed by us. I don't think the proposal left  
13:47:00 9 Seattle. I don't know where it -- I don't know what  
13:47:04 10 you're referring to.

13:47:06 11 MR. RON PHILEMONOFF: That's not what we heard.

13:47:08 12 CO-CHAIR MALAVANSKY: Iliodor?

13:47:09 13 MR. ILIODOR PHILEMONOFF: To what Ron is saying.

13:47:17 14 NOAA failed to respond to our proposal in a timely  
13:47:20 15 fashion. Our first proposal was to NOAA, was at the  
13:47:24 16 NOAA Seattle office, September 19th, 1997. That's for  
13:47:30 17 Phase II. And NOAA delayed responding to our first  
13:47:35 18 proposal until February 6 of 1998, citing internal  
13:47:38 19 problems as a reason for delay.

13:47:41 20 And we haven't received any response from NOAA  
13:47:45 21 on our second proposal, which was submitted May 13,  
13:47:52 22 1998. It's almost a year. So we've asked NOAA to  
13:47:59 23 respond to our second proposal in writing and verbally  
13:48:03 24 on many occasions. However, to this date we have not  
13:48:07 25 heard a word from NOAA in Seattle on our second

13:48:13 1 proposal. I want to make this part of the record.

13:48:17 2 CO-CHAIR MALAVANSKY: Thank you, Iliodor. For

13:48:18 3 the record.

13:48:19 4 Mike?

13:48:20 5 MR. ZACHAROF: Thank you.

13:48:21 6 A couple of you might recall when we had a

13:48:28 7 meeting at the Regal Hotel where Julie Shane and her

13:48:31 8 group came up with the pictures of the cleanup in the

13:48:36 9 boneyard, vehicle boneyard in St. Paul, and NOAA stated

13:48:39 10 at that time it was a model project, it was very well

13:48:43 11 done. That they would try to help us, make sure the

13:48:47 12 contracts were awarded for local people, local hire.

13:48:50 13 Whatever happened to that? I mean, they were really

13:48:53 14 impressed with the job that the local people did to that

13:48:56 15 boneyard on St. Paul Island. I thought that would have

13:49:00 16 been a tool to help the local people get the jobs in the

13:49:04 17 future. Somewhere down the line that fell into the

13:49:07 18 cracks. You better start getting some putty or

13:49:13 19 something to plug up the cracks that everything's been

13:49:17 20 falling through.

13:49:20 21 MR. BOURDUKOFSKY: I've been waiting for this

13:49:22 22 moment. I can remember in the federal hearings they had

13:49:30 23 here at the hotel on the west coast, I believe Sam was

13:49:35 24 there, and we proudly presented, you know, everything,

13:49:37 25 we had our brochures out. Pribilof Restoration Advisory

13:49:41 1 Board brochure. And everybody was really proud of what  
13:49:46 2 Pribilovians were doing as far as restoration was  
13:49:48 3 concerned. This was in 1996. And it gives a little  
13:49:53 4 history about the Pribilof Islands and everything else.  
13:49:57 5 And it states in January 1996, Two-Party Agreement was  
13:50:03 6 signed. Also signed in January of '96 was PL 104-91.  
13:50:10 7 Directs NOAA to use local entities and residents of the  
13:50:12 8 Pribilof Islands to maximum extent practical. So it  
13:50:17 9 seems like we're not following our brochure.

13:50:22 10 And I can mention what Iliodor mentioned, the  
13:50:27 11 fact that in 1997, I believe we had a RAB meeting in St.  
13:50:36 12 George in November. And at that time, in '97, it was  
13:50:37 13 stated by NOAA that it would be a couple weeks and Phase  
13:50:42 14 II of the St. Paul Island projects was going to be  
13:50:45 15 signed. And it just so happened that didn't happen.

13:50:50 16 And then here, a year later, October 22nd,  
13:50:56 17 23rd, you know, there's another program that says --  
13:51:01 18 here we go, a year later, Phase II is going to be  
13:51:05 19 signed, and at that time I want a definite answer. And  
13:51:08 20 they said, yeah, it will be within 28 to 30 days, Phase  
13:51:12 21 II is going to be signed. Now here we are in April. I  
13:51:18 22 don't know, what should we shoot for? October? Going  
13:51:22 23 on a yearly basis? I mean, Jeez, this delay is actually  
13:51:28 24 not doing us any good, you know.

13:51:31 25 And I have a concern about the Memorandum of

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13:51:33 1 Agreement between the Office of Finance and  
13:51:37 2 Administration, the fact that the 43 sites listed in the  
13:51:44 3 agreement from both islands for evaluation and cleanup.  
13:51:48 4 And the original sites, the city dumps were on the  
13:51:54 5 original listing, and I don't see why they shouldn't be  
13:51:57 6 included in the Memorandum of Agreement. I just don't  
13:52:02 7 understand why. I mean, they were, the sites were  
13:52:09 8 actually listed on there, and I have it here, if anybody  
13:52:14 9 wants to refresh their memory, I have a copy of it.  
13:52:18 10 That's all I have to say.

13:52:19 11 CO-CHAIR MALAVANSKY: Thank you, Jason.  
13:52:21 12 Jacob?

13:52:24 13 MR. JACOB MERCULIEF: I just wanted to say that  
13:52:26 14 we're taking a new step in an old beginning here, and I  
13:52:29 15 was looking through the responsibilities of the RAB and  
13:52:34 16 we're not meeting a lot of them. The biggest one is  
13:52:36 17 conduct regular meetings, open to the public, at  
13:52:39 18 convenient times and locations. I'll admit that it's  
13:52:42 19 nice to come to Anchorage, I get to do a little bit of  
13:52:45 20 shopping and stuff like that. But when we do have our  
13:52:47 21 meetings up here, it excludes a lot of technical people  
13:52:50 22 that can give good input to RAB process, like St. Paul,  
13:52:55 23 St. George. I also agree that logistics at times make  
13:52:58 24 it hard for St. George to come to St. Paul, or people  
13:53:02 25 from Washington, Seattle and Washington, D.C. come out

13:53:06 1 to St. Paul and meet, but I'd like to see more island  
13:53:09 2 meetings. That way we get a better perspective on the  
13:53:13 3 RAB process.

13:53:17 4 CO-CHAIR HIGUCHI: I'd just like to respond to  
13:53:19 5 that. John Lindsay and I have both talked about that  
13:53:23 6 issue, and there's a great desire on John's portion to  
13:53:28 7 hold meetings on the island for NOAA. So that is  
13:53:34 8 planned in the near future. I can't say when right now,  
13:53:37 9 but there is plans to hold more meetings on the islands.  
13:53:41 10 And I agree with you, people need to go out there and  
13:53:45 11 see what there is there, talk to the technical people,  
13:53:47 12 and see the sites. I appreciate that comment, and John  
13:53:54 13 and I are both aware of that.

13:53:56 14 The other thing I'd like to bring up, just for  
13:53:59 15 a point of clarification, and that goes to something  
13:54:02 16 that Ron has brought out and Elary had brought out, and  
13:54:06 17 that goes to the partnering. I'm wondering if that has  
13:54:09 18 to do with a specific project which was the diesel seep,  
13:54:12 19 where we had the partnering session.

13:54:13 20 I haven't been at all the RABs, but my  
13:54:16 21 understanding was that there was a partnering session  
13:54:22 22 that modeled a Corps of Engineers process, where we sat  
13:54:27 23 down with the contractor and those involved on the  
13:54:30 24 island for the diesel seep, to sit down and talk about  
13:54:33 25 how that particular project was going to be run. If

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13:54:36 1 that's the partnering agreement that you're talking

13:54:38 2 about -- it's not. Okay.

13:54:42 3 MR. COBURN: The partnering session before the  
13:54:44 4 Phase I work.

13:54:46 5 CO-CHAIR MALAVANSKY: It was before the Phase  
6 I.

7 Erin?

13:54:50 8 MS. ROSE: Just to respond to your question,  
13:54:52 9 Sam. The partnering sessions weren't just open to  
13:54:55 10 contractors. I attended them, everyone attended them  
13:54:57 11 who was involved in this process. It was presented by  
13:55:00 12 NOAA as this is the approach we're going to work --  
13:55:04 13 we're going to change the past governmental approach  
13:55:06 14 where everything was so hostile and it was NOAA telling  
13:55:08 15 the Aleuts what's going to happen. We're going to go to  
13:55:11 16 a new approach, an approach where we're partners in this  
13:55:15 17 and we're going to work together. And that was  
13:55:17 18 presented as being the approach for the entire cleanup,  
13:55:20 19 not just for the one diesel seep project. And that gave  
13:55:23 20 everyone a lot of hope and a lot of empowerment to  
13:55:26 21 change a bad history that had been for too long. And to  
13:55:29 22 see this change to come back now to this hostile  
13:55:34 23 approach where it's "us versus you" kind of thing,  
13:55:37 24 Aleuts versus the government, is really a sad comedown  
13:55:40 25 and a sad turnaround for everybody.

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13:55:45 1 CO-CHAIR MALAVANSKY: Martha?



13:55:47 2 MS. MALAVANSKY: I missed the latter part of  
13:55:52 3 the morning. My question concerned the site work that  
13:55:59 4 is to be done. I really didn't hear a definitive  
13:56:05 5 schedule on when the remediation was going to start and  
13:56:09 6 how soon work was going to be done. Maybe it was  
13:56:14 7 mentioned and it flew right over my head, and all the  
13:56:18 8 muck that's been mired about. Just kidding.

13:56:26 9 Getting back to what Jacob said, I think, you  
13:56:29 10 know, our concern is getting both the islands, cleaning  
13:56:33 11 them up. And if I were to measure the progress with a  
13:56:40 12 yardstick, we could measure it in millimeters in terms  
13:56:43 13 of how clean we're getting those islands.  
13:56:46 14 Notwithstanding the debris removal.

13:56:52 15 Can anybody enlighten me as to what the  
13:56:54 16 approach is going to be in terms of getting these  
13:56:57 17 projects done?

13:56:59 18 MR. WINANDY: Mr. Chairman, if I may answer  
13:57:01 19 that.

13:57:01 20 CO-CHAIR MALAVANSKY: Yes.

13:57:02 21 MR. WINANDY: No, you didn't miss it at all,  
13:57:04 22 Martha. We don't have a definitive schedule right now.  
13:57:07 23 I'm sorry. For the recorder, I'm David Winandy.

13:57:10 24 We don't have a definitive schedule yet because  
13:57:13 25 we still have to make the selection of the prime. Once

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13:57:16 1 that is done, then the work plan is developed with the  
13:57:20 2 schedule. We have to meet with DEC's approval. So

13:57:25 3 there isn't a definitive schedule at this time.

13:57:27 4 MS. MALAVANSKY: Getting back to Jason. I

13:57:30 5 mean, what are we looking at? If I were to point to

13:57:34 6 site 1, for instance, on St. George, we've got a

13:57:36 7 stockpile of soil that sits right next to the rookery.

13:57:39 8 When is that going to be remediated?

13:57:43 9 MR. WINANDY: That we're hoping to do this

13:57:45 10 summer. That's the plan.

13:57:47 11 MS. MALAVANSKY: It's been sitting exposed for

13:57:50 12 over a year.

13:57:50 13 MR. WINANDY: I understand.

13:57:51 14 MR. LINDSAY: Martha, I don't know if you were

13:57:53 15 in the room or not during my presentation. We went over

13:58:00 16 the caveat. What we need to do is get our contractor on

13:58:05 17 line, have dialogue with our contractor, hopefully some

13:58:09 18 input from the community, especially when the work plan

13:58:13 19 is developed. Come onto the islands and talk about the

13:58:16 20 work plan. But our intention was to do ex situ, PCS

13:58:24 21 remediation this year. Again, in situ remediation this

13:58:26 22 year, complete the debris removal this year.

13:58:29 23 But a caveat is the fact that, and again I will

13:58:35 24 state that it has been pointed out by members of the

13:58:40 25 RAB, we're late into the season. We're pushing it to

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13:58:43 1 try to be able to accomplish that aggressive task that

13:58:47 2 is set before us this year. If we can do that, if we

13:58:50 3 can get our contractor on line, get the subcontracts  
13:58:54 4 laid out, which hopefully will include the entities from  
13:58:59 5 the islands, get approval on the work plans from Adak,  
13:59:04 6 input from yourselves on the work plan -- if we can get  
13:59:08 7 out there by July, we believe that, based on our  
13:59:12 8 conversations with other people, we believe we can make  
13:59:15 9 a significant impact on our plan this year.

13:59:17 10 MS. MALAVANSKY: Okay. I'm trying not to be  
13:59:24 11 facetious here, but sometimes I get the impression that  
13:59:27 12 we go forward ten steps and take another ten back. We  
13:59:32 13 discussed cleaning up, doing the remediation, back in  
13:59:38 14 October, we discussed it in the meeting prior to that,  
13:59:44 15 and we just -- I'm getting a little frustrated in terms  
13:59:46 16 of not seeing any progress.

13:59:51 17 CO-CHAIR MALAVANSKY: Thank you.

13:59:54 18 I've got some concerns here, if I can state  
13:59:59 19 them as eloquently as I can. I think the concerns I  
14:00:05 20 have are more related to landfill issues, and apparently  
14:00:09 21 they're money makers. But anyway, you know, the City of  
14:00:16 22 St. George was awarded a cooperative agreement to close  
14:00:21 23 the landfill in St. George, and for whatever reason, you  
14:00:24 24 know, the department said no, and ADEC said no to us to  
14:00:30 25 closing it, until the, quote, solution was found to open

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14:00:35 1 a new landfill. And I heard Rich Legatski mention  
14:00:40 2 briefly this morning about a, quote, solution,  
14:00:45 3 potentially legislation being introduced by

14:00:48 4 Representative Young to solve that issue.

14:00:52 5 I guess one of the questions would be if the  
14:00:55 6 concerns of the department were addressed, would the  
14:01:01 7 department object to the legislation? Number two, I  
14:01:05 8 guess the other part of the question was, John, you had  
14:01:08 9 some concerns about hazardous waste going into the  
14:01:12 10 landfills there. If you could probably enlighten us on  
14:01:16 11 the concerns you have there with regards to the  
14:01:21 12 landfills. And would the landfills be characterized,  
14:01:26 13 closure of the landfills, be characterized as having to  
14:01:30 14 be given to the Corps or Tetra-Tech or whomever, not  
14:01:37 15 done locally, also?

14:01:39 16 MR. LINDSAY: Okay. I'll give you some answers  
14:01:42 17 and then I'll have to probably defer to Dave here.

14:01:45 18 It's to my understanding regarding the  
14:01:51 19 hazardous materials that there has been -- first of all,  
14:01:55 20 my understanding is there's a continuation of the  
14:01:59 21 disposal of solid waste, not hazardous materials, in the  
14:02:02 22 landfills, including the NOAA portion of the landfills.

14:02:05 23 But in addition, there's MARPOL waste being  
14:02:10 24 taken off of vessels that are coming in to the islands  
14:02:14 25 and deposited in these landfills. Now, this is

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14:02:16 1 increasing our liability, we believe, since we're the  
14:02:21 2 responsible party, basically, or the responsible person  
14:02:25 3 in State terminology, to clean all of this up, we're

14:02:29 4 basically at this point accepting greater and greater  
14:02:32 5 liability that is not in our direct control, and that's  
14:02:37 6 putting us in more jeopardy than we care to be. So we  
14:02:45 7 haven't made a decision yet, but we believe that  
14:02:45 8 something may have to be done here to avoid further  
14:02:48 9 contamination of areas that we are responsible for  
14:02:50 10 cleaning up. And that's basically the address that I  
14:02:57 11 have regarding the landfill.

14:02:59 12 The closure aspects of it, maybe Dave can speak  
14:03:07 13 to this more eloquently than I can. I understand that  
14:03:09 14 as part of the time line, that was not to be addressed  
14:03:12 15 until next year; is that correct?

14:03:15 16 MR. WINANDY: Yes. We had renegotiated in  
14:03:18 17 November '98 with ADEC for the Two-Party Agreement  
14:03:21 18 milestones, and within the 43 sites that are on the MOA,  
14:03:29 19 the open dumps and their closure are included for both  
14:03:33 20 islands, both St. George and St. Paul. And we still  
14:03:40 21 have to close those.

14:03:42 22 But again, what I put up on that list was -- it  
14:03:49 23 did not address the open dumps because that was the  
14:03:51 24 field work we intended to do next year and to meet the  
14:03:55 25 Two-Party Agreement schedules. So that's why it wasn't

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14:03:58 1 listed. It wasn't that we were excluding it. We're not  
14:04:02 2 saying we're not going to do it. It's just that was our  
14:04:07 3 intended field work.

14:04:12 4 MR. BOURDUKOFSKY: It doesn't make sense that

14:04:14 5 here NOAA is concerned about the contamination and the  
14:04:16 6 dumps and everything else, yet they still seem to be  
14:04:21 7 using delay tactics on trying to close this dump and  
14:04:24 8 while more stuff is going into the dump, you know. I'm  
14:04:28 9 beginning to get the impression that maybe -- well, Y2K,  
14:04:34 10 we're going to be no more, and we'll have to start all  
14:04:37 11 over again. But I don't know why the delay, you know,  
14:04:41 12 if we're so concerned about whose hazards are going into  
14:04:44 13 the dump. If it was me and I was concerned about  
14:04:46 14 somebody else using my dump, I'd sure close it right now  
14:04:50 15 while I have an opportunity, rather than let it get  
14:04:53 16 worse, you know.

14:04:54 17 MR. LINDSAY: Maybe I'll speak to this out of  
14:04:57 18 ignorance. Speaking as a newcomer, I mean, it's not so  
14:05:04 19 much NOAA or other federal entities that are putting  
14:05:08 20 materials into these dumps as it is the island community  
14:05:12 21 putting materials into the dumps, full well knowing that  
14:05:16 22 it's illegal to put anything into these dumps.

14:05:21 23 And there has been -- based on what I've heard.  
14:05:24 24 I'm no expert. Every time I go to talk to somebody else  
14:05:29 25 there's a new story. But based on what I've heard, the

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14:05:33 1 community is averse to our closing these dumps because  
14:05:37 2 there's no other place to put the solid waste materials,  
14:05:41 3 at a minimum, on the islands. I mean, that's something  
14:05:47 4 that anybody can understand without a lot of thinking.

14:05:48 5 You got to put your waste somewhere. If the only place  
14:05:51 6 to put it is an illegal dump, what else are you going to  
14:05:55 7 do? So if the community would like us to close up the  
14:05:58 8 landfill sooner than later, I think maybe we'd be happy  
14:06:00 9 to do that. I don't know what you're going to do with  
14:06:07 10 your waste, but that's, you know, basically our position  
14:06:10 11 on this.

14:06:11 12 CO-CHAIR MALAVANSKY: Well, you know, the  
14:06:13 13 position -- well, the question I had earlier was, would  
14:06:20 14 the department object to legislation that would solve  
14:06:26 15 the, quote, new landfill problem, if there was, you  
14:06:32 16 know, dollars to be appropriated, et cetera, with the  
14:06:35 17 associated liabilities for the new landfills being with  
14:06:39 18 the respective city governments? I think, you know, the  
14:06:44 19 City of St. George -- and forgive me, Mayor, if I'm  
14:06:47 20 speaking out of turn -- would accept the associated  
14:06:51 21 liabilities of running a new landfill, quote, that  
14:06:55 22 wasn't a, quote, NOAA landfill, even if the dollars had  
14:07:01 23 to be, if you will, channeled through NOAA or Commerce.  
14:07:07 24 That's the \$6 million question. Craig or Rich, can  
14:07:16 25 you --

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14:07:16 1 MR. O'CONNOR: Go ahead, Richard.

14:07:18 2 MR. LEGATSKI: We have been talking with the  
14:07:21 3 delegation about legislation, and we've made it, I  
14:07:24 4 think, very clear to the delegation, and I think it's  
14:07:28 5 reasonable to say here that we need to see the final

14:07:34 6 language and see exactly what it means to us in terms of  
14:07:37 7 any longer term liability after the existing landfill  
14:07:43 8 was closed.

14:07:47 9 We could certainly accept a reasonable proposal  
14:07:51 10 that brings our obligations to a close and leaves the  
14:07:53 11 islands with a functioning landfill. I don't know how  
14:07:58 12 to work with the legislature to achieve that or  
14:08:00 13 negotiate that. They wouldn't promise it. We've got a  
14:08:05 14 ways to go. We're receptive, we're trying to cooperate.  
14:08:10 15 That's really all I can tell you at this point.

14:08:13 16 CO-CHAIR MALAVANSKY: So, okay, I appreciate  
14:08:15 17 that, Rich. Thank you.

14:08:18 18 Craig?

14:08:19 19 MR. O'CONNOR: Let me add something. Craig  
14:08:21 20 O'Connor, NOAA, Washington, D.C.

14:08:23 21 Some of the comments that Ron made, some of the  
14:08:30 22 comments that have gone around the table, I just want to  
14:08:32 23 talk to you guys for a minute, just talk about where we  
14:08:36 24 are.

14:08:36 25 We have nothing against the Aleuts. That's not

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14:08:43 1 what this letter is all about. We have nothing against  
14:08:46 2 the obligations to use local hire. We're firmly  
14:08:51 3 committed to that. We're firmly committed, even though,  
14:08:54 4 by the way, 104-91 has expired. We're still doing it,  
14:09:00 5 and we are going to continue to do it.



14:09:02 6                   The issue that we addressed with Mr. Young  
14:09:05 7 began last spring when Mr. Young had us come into his  
14:09:09 8 office, along with some representatives from the  
14:09:10 9 islands, and discuss the utilization of local entities  
14:09:16 10 in the form of corporate entities to do, particularly in  
14:09:21 11 this context, petroleum-contaminated soil work. And we  
14:09:27 12 said we will do the best we can to work with those  
14:09:31 13 representatives, those corporate entities that are  
14:09:35 14 indicating their ability to do that work. And we've  
14:09:41 15 tried.

14:09:44 16                   This letter reflects the process, the outcome  
14:09:47 17 of that process which began last June, as I recollect,  
14:09:51 18 we were meeting in Seattle where I was present, and made  
14:09:55 19 the commitment that we would do everything we could,  
14:09:59 20 given the problems that we had faced, given the legal  
14:10:03 21 constraints that we were under, making sure that we got  
14:10:05 22 the work done for the State, and concerns we had over  
14:10:09 23 potential liability, both criminal and civil. We were  
14:10:11 24 in a fairly nasty situation at that point. We will do  
14:10:16 25 what we can.

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14:10:18 1                   Now, the letter is a reflection of what has  
14:10:22 2 occurred, be it good, be it bad, be it otherwise, since  
14:10:25 3 June. And we have found ourselves today up against an  
14:10:32 4 order from ADEC who is imposing fines and penalties on  
14:10:37 5 us for various work that we have not been able to  
14:10:42 6 accomplish. And all we have said, we said it in the

14:10:45 7 letter, we couldn't get there from here with the  
14:10:48 8 particular entity we were trying to deal with. We have  
14:10:52 9 said we will continue to use local hire. We did not say  
14:10:55 10 the Aleuts are not capable of doing the work. That's  
14:10:59 11 not what we said, that is not what we meant, that is not  
14:11:02 12 what we intend.

14:11:03 13           John has told you what we are going to do. We  
14:11:09 14 are going to put a prime in the middle of this, a prime  
14:11:14 15 contractor. ADEC told us to do this a long time ago.  
14:11:21 16 That's all we're doing. And we will direct that that  
14:11:25 17 prime contractor utilize local entities, local people to  
14:11:30 18 do the work. We are not trained, we are not the  
14:11:36 19 contractors. And we have concluded, as is reflected in  
14:11:40 20 the letter, that the group we were dealing with was not  
14:11:44 21 cutting it. We could not do it with that entity, given  
14:11:48 22 their respective technical expertise to deal with  
14:11:52 23 petroleum-contaminated soils, and the cost. We can't do  
14:11:55 24 it. And that's what we reported. Nothing more. And we  
14:12:02 25 are going to continue to work with you. This is not an

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14:12:07 1 aspersion we are casting at you as people, as a group,  
14:12:11 2 as an entity.

14:12:13 3           The contractor we were trying to work with --  
14:12:16 4 this could have been any contractor, didn't have to  
14:12:19 5 particularly be a contractor that involved Native  
14:12:23 6 entities, could have been any contractor, we would have

14:12:25 7 come to the same conclusion: Can't do it. Too costly,  
14:12:32 8 they do not have the technical expertise. Realize --  
14:12:35 9 realize -- we are dealing not with your money. We are  
14:12:40 10 dealing with the money of the people of the United  
14:12:42 11 States that has been dedicated to performing the  
14:12:47 12 responsibilities we have here. We have got to be sure  
14:12:51 13 that they are done properly, that they are done  
14:12:53 14 cost-effectively.

14:12:55 15 Now, we are going to use local entities,  
14:12:58 16 whatever "local entities" means. But what we have said  
14:13:01 17 here is that group that presented itself to us, to in  
14:13:06 18 essence function as a prime contractor, was not  
14:13:11 19 qualified. That's what we said. That's it.

14:13:16 20 CO-CHAIR MALAVANSKY: Jason?

14:13:17 21 MR. BOURDUKOFISKY: Mr. O'Connor kind of, he  
14:13:22 22 admits that this letter doesn't reflect what NOAA's  
14:13:28 23 position is as far as the Aleut people are concerned.  
14:13:32 24 And I don't believe that. This letter here is a letter  
14:13:35 25 from the Department of Commerce, and it states in there,

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14:13:41 1 despite NOAA's effort to provide training to enhance  
14:13:46 2 local residents and entities (inaudible) to conduct  
14:13:50 3 environmental remediation where we have concluded local  
14:13:54 4 entities still do not meet our technical requirements.

14:13:58 5 Which I don't believe is a true statement. I'd  
14:14:01 6 like to know, you know, what did NOAA do, you know, to  
14:14:06 7 enhance training and everything else? Where have you

14:14:10 8 been the past two years? I mean, this letter is a  
14:14:13 9 letter that states, you know, what your feelings are,  
14:14:16 10 and you can't deny that. This don't reflect your  
14:14:20 11 opinion or --

14:14:21 12 MR. O'CONNOR: No; absolutely. We came to the  
14:14:23 13 conclusion that those individuals that were -- I can't  
14:14:29 14 use names, okay? Those groups, that entity that was  
14:14:33 15 presented to us was not technically qualified to do the  
14:14:37 16 work. All right? There may be individuals on the  
14:14:44 17 islands who actually have the technical qualifications,  
14:14:53 18 the certificates, the degrees, whatever it takes, to do  
14:14:54 19 the work. For a particular project or a particular  
14:14:57 20 component of the project. The group we were dealing  
14:14:59 21 with did not. Okay? That's as straightforward as I can  
14:15:05 22 say it. And that's not to suggest that we could have  
14:15:08 23 sitting in this room everybody at this table with a  
14:15:11 24 Ph.D. in environmental science and qualified to run some  
14:15:18 25 operation to clean up the petroleum-contaminated soils

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14:15:22 1 on St. Paul. That was not what we had before us.

14:15:25 2 MR. BOURDUKOFISKY: I want to mention the fact,  
14:15:27 3 too, you mention the fact that you're dealing with  
14:15:31 4 people of the United States' money. Well, we're dealing  
14:15:33 5 with the people of the United States also, and we are  
14:15:36 6 people of the United States also, you know.

14:15:39 7 MR. O'CONNOR: Absolutely. I do not argue with

14:15:40 8 that, and I don't suggest even for a moment that we  
14:15:44 9 shouldn't be doing what we're doing. You know that.  
14:15:48 10 That's why we're trying to get the damn thing done. And  
14:15:52 11 we want out. We want this island, we want the islands  
14:15:56 12 in your control. We don't want to be here two years,  
14:16:00 13 ten years from now, listening to you complain about NOAA  
14:16:04 14 or the federal government. We want out of it. It's  
14:16:06 15 yours. Just let's get it done.

14:16:09 16 MR. BOURDUKOFFSKY: What's the reasoning behind  
14:16:10 17 all this delay, then?

14:16:12 18 MR. O'CONNOR: You know, I don't have the  
14:16:14 19 slightest idea, but I hope to hell it's over.

14:16:20 20 CO-CHAIR MALAVANSKY: Ron?

14:16:21 21 MR. RON PHILEMONOFF: We want you out, too.

14:16:24 22 MR. O'CONNOR: I accept that, Ron. Although I  
14:16:27 23 would like to come on vacation.

14:16:30 24 MR. RON PHILEMONOFF: We understand it's  
14:16:33 25 government money, but we're part of the government and

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14:16:36 1 taxpayers, too. But the money was earmarked on behalf  
14:16:39 2 of the Aleut people of St. Paul and St. George, and  
14:16:41 3 there is an obligation by the government to recognize  
14:16:44 4 the need of the Pribilof Aleuts, and the congressmen and  
14:16:47 5 the senators recognize that and tried to put in some  
14:16:50 6 language to ensure that the money would directly benefit  
14:16:53 7 the Aleut people. Not so much the taxpayers of America,  
14:16:55 8 but the Aleut people of the Pribilofs. So there is an

14:16:58 9 express responsibility that NOAA seems to keep missing.

14:17:03 10           The other issue is you refer to local hire and  
14:17:07 11 local entities. But your conclusion in the letter says  
14:17:12 12 that NOAA believes that this approach satisfies the  
14:17:18 13 agency's obligation to use local hire. But you keep --  
14:17:21 14 what you keep failing to address is the local entities  
14:17:23 15 and the local organizations' desire to be (inaudible)  
14:17:28 16 companies and the businesses cleaning up the  
14:17:29 17 environmental damage around the world.

14:17:31 18           And that was part of the partnering agreement,  
14:17:35 19 that we were going to partner, in the end Pribilofs were  
14:17:37 20 going to be clean, and also NOAA was going to provide  
14:17:41 21 through its partnership an avenue for the Aleut people  
14:17:46 22 to be an ongoing concern in the environmental cleanup  
14:17:50 23 business. That's how we started the partnering  
14:17:52 24 agreement, and we were working on it.

14:17:54 25           I know you have some disbelief that the Aleut

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14:17:59 1 organization is capable of doing this job. They are  
14:18:01 2 certified and they have cleaned up jobs around Alaska  
14:18:04 3 and other military bases. There may have been a few  
14:18:07 4 bumps in the road, but I don't think there's  
14:18:10 5 justification anywhere in D.C. or Seattle that can prove  
14:18:13 6 that the Aleut organizations are incapable of cleaning  
14:18:15 7 this job up.

14:18:16 8           And one of the comments you make in the letter

14:18:18 9 that we intended to subcontract out the expertise to do  
14:18:21 10 some of these jobs. I don't think we want to do all the  
14:18:24 11 jobs subcontracting out, but you're subbing out to  
14:18:29 12 Tetra-Tech in Seattle. What's the difference between  
14:18:31 13 you subbing it out to Tetra-Tech versus us hiring some  
14:18:35 14 expertise to supplement our program to make sure it gets  
14:18:38 15 done right?

14:18:39 16 I believe there's more than what you've said to  
14:18:45 17 us today. I'm not sure what it is, but I think if we  
14:18:50 18 can get to the heart of it, you can see why you cannot  
14:18:56 19 justify hiring Aleut organizations to do the cleanup.  
14:19:00 20 We are capable, and there's people out there that know  
14:19:06 21 it, and why is it that NOAA can't?

14:19:09 22 MR. O'CONNOR: Well, I can tell you that the  
14:19:11 23 letter was prepared based on the information that was  
14:19:14 24 given to us by the people who are experts in this world  
14:19:18 25 in Seattle. Mr. Roberts did not prepare the content of

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14:19:23 1 that letter. It went over his signature because that  
14:19:26 2 was the level that would communicate to a congressman.  
14:19:30 3 You don't have it come from John Lindsay. John Lindsay  
14:19:34 4 does not a write letter to Congress, and Dave Winandy  
14:19:38 5 does not write a letter Congress. It came through the  
14:19:40 6 chain, the organization that's responsible for those  
14:19:43 7 kinds of decisions. You know, we're not going to  
14:19:50 8 resolve your perception. That's not what this is all  
14:19:58 9 about. If you want to believe that, you're free to

14:20:00 10 believe it.

14:20:00 11 MR. RON PHILEMONOFF: I'm talking organization  
14:20:02 12 versus individuals. In your letter you make it clear  
14:20:05 13 that the individuals -- you will hire local hires, which  
14:20:07 14 is fine, but the organizational level, you kind of  
14:20:11 15 blackballed it.

14:20:12 16 MR. O'CONNOR: Ron, the organization that was  
14:20:14 17 presented to us did not pass muster, and that's what we  
14:20:19 18 said.

14:20:20 19 CO-CHAIR MALAVANSKY: Bill?

14:20:21 20 MR. ARTERBURN: With respect to technical  
14:20:25 21 qualifications to do the job, if indeed, you know, the  
14:20:30 22 entities that presented were deemed not qualified, then  
14:20:33 23 there must be some record of determination that laid out  
14:20:41 24 exactly in which way, you know, technical qualifications  
14:20:45 25 were not met. And I believe that NOAA should be, you

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14:20:51 1 know, maybe should be advised in advance that, you know,  
14:20:57 2 if we're going to be eliminated from the possibility of  
14:20:58 3 doing this work, then we want a demonstration of why  
14:21:02 4 we're not technically qualified to do the work.

14:21:04 5 I've got how many people, 40 people preparing  
14:21:09 6 for the second year in a row now to get HAZMAT  
14:21:13 7 certifications to do this work. And we've met every  
14:21:16 8 requirement that has been laid in front of us, in terms  
14:21:19 9 of bringing technical people and bringing technical



14:21:21 10 expertise, up to and including bringing Ogden  
14:21:26 11 Environmental in, a mentor/protege relationship  
14:21:30 12 sponsored by the U.S. Air Force, to oversee the work  
14:21:34 13 that we do. It's not like NOAA has to have another  
14:21:38 14 contractor on top to look at things. We've brought in  
14:21:42 15 our own help to make sure that what we do is defensible  
14:21:44 16 and technically correct.

14:21:46 17 So, you know, it's one thing to say in a letter  
14:21:50 18 that you're technically not acceptable, but you better  
14:21:53 19 be prepared to back it up.

14:21:56 20 MR. O'CONNOR: This is not the arena to discuss  
14:21:59 21 a contract dispute or in this context a cooperative  
14:22:03 22 agreement. So I'm not going to indulge in this.

23 CO-CHAIR MALAVANSKY: Erin?

14:22:09 24 MS. ROSE: With due respect to you, Craig, I  
14:22:12 25 totally disagree. PL 104-91 has a specific provision

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14:22:16 1 that NOAA demonstrate in writing the technical reasons  
14:22:20 2 why it was rejecting local hire before it goes out and  
14:22:23 3 hires a prime contractor who is not local. And to me,  
14:22:28 4 the essence of Subsection D of PL 104-91, the whole  
14:22:34 5 purpose behind that requirement of NOAA specifying  
14:22:39 6 specifically in writing is to keep the money that Ron  
14:22:43 7 has so aptly described as money that's for the purpose  
14:22:46 8 of benefiting the environmental cleanup of the Pribilof  
14:22:48 9 Islands for the Aleut people and the entire world, to  
14:22:52 10 preserve that unique environment. To keep that money in

14:22:54 11 the community to foster and forward the ongoing goals of  
14:22:58 12 the Fur Seal Act, which is to get the local community  
14:23:02 13 able to gain these skills.

14:23:05 14 There is, you know, any number of Aleut  
14:23:08 15 entities here who are perfectly capable, and have  
14:23:11 16 actually gone out and started these partnership  
14:23:13 17 arrangements like with Ogden and others. They can  
14:23:16 18 contract for this kind of work. And they need that  
14:23:19 19 opportunity. That is what PL 104-91 is all about, and  
14:23:23 20 that is a totally appropriate subject for discussion in  
14:23:30 21 this crowd.

14:23:31 22 MR. O'CONNOR: Once again, I don't intend to  
14:23:33 23 debate the merits of what is a necessary contract  
14:23:37 24 cooperative agreement. It's not my job and not my  
14:23:41 25 expertise.

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14:23:44 1 CO-CHAIR MALAVANSKY: Flore?

14:23:49 2 MR. LEKANOF: I don't know where this sheet  
14:23:51 3 came from, I think you all have it in front of you. It  
14:23:55 4 doesn't have an authorship. And I'm not sure whether  
14:24:02 5 this body has adopted the theories that are in this  
14:24:06 6 sheet of paper, but it spells out what RAB does. And  
14:24:14 7 for the life of me, I don't think the communities that  
14:24:18 8 are members of this RAB can accept the area, and it  
14:24:23 9 spells out three bullets. And that is to say, "RABs do  
14:24:29 10 not," because that's what we're trying to do here. And

14:24:33 11 we're contradicting ourselves if we go by this sheet of  
14:24:36 12 paper. Because it says that RABs do not make decisions  
14:24:42 13 on environmental restoration activities. Now, what is  
14:24:48 14 an environmental restoration activity? As RAB, we do  
14:24:53 15 not make decisions on that.

14:24:54 16 The next one is, we cannot get involved in  
14:24:58 17 legal issues. And I think we've already discussed that,  
14:25:02 18 through our congressional delegation. There are some  
14:25:05 19 legal issues that we're involved in and, as RABs, we  
14:25:09 20 cannot do that, according to this sheet.

14:25:11 21 And lastly, RABs do not have to come to a  
14:25:18 22 consensus on cleanup issues. My God, we can't even make  
14:25:23 23 a decision, as a RAB, on the consensus on cleanup  
14:25:28 24 issues. And we're trying to do that here now.

14:25:31 25 So I think this sheet of paper is, to me, it's

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14:25:34 1 useless because it doesn't spell out what I think I'm  
14:25:40 2 sitting here for. And that is to represent the  
14:25:42 3 communities out there and the Aleut region to have  
14:25:47 4 environmentally safe communities and to be part of  
14:25:52 5 decisions that are to be made that would be safe for  
14:25:56 6 both communities, the Pribilofs. And that's why we  
14:26:02 7 exist.

14:26:03 8 And we need to revise this sheet of paper,  
14:26:06 9 really do. I think we need to revise this and rule out  
14:26:08 10 some of these things out of here because they don't --  
14:26:13 11 they're not logical. They don't make sense. They don't

14:26:16 12 assist us, and we're defeating ourselves. If we go by  
14:26:21 13 this, any decision we make here, the government  
14:26:27 14 officials will tell us, well, they don't have to listen  
14:26:30 15 to us. If we endorse this sheet of paper. They don't  
14:26:34 16 have to listen to us. So I think we're barking up the  
14:26:38 17 wrong tree here.

14:26:39 18 I think we ought to revise this legal paper and  
14:26:45 19 change it so that we can really make a difference, as  
14:26:50 20 suggested -- I think Jason was reading from a pamphlet  
14:26:55 21 there, the mission of the Pribilof RAB. Because the  
14:27:02 22 mission of the Pribilof RAB -- I don't have it in front  
14:27:05 23 of me here -- as I remember, it says that nothing will  
14:27:06 24 be considered done until two communities agreed that it  
14:27:11 25 has been done. I don't know, I don't have a copy of the

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14:27:16 1 mission statement, but Pribilof RAB mission statement I  
14:27:20 2 think says that. Thank you, Mr. Chairman.

14:27:21 3 CO-CHAIR MALAVANSKY: Elary?

14:27:24 4 MR. GROMOFF: I hear what you're saying, Flore,  
14:27:26 5 and I have to say that the statements listed there are  
14:27:30 6 correct. We, as a RAB, nationally all RABs under the  
14:27:35 7 federal government, are outlined as that, and we are an  
14:27:39 8 advisory group. What we're hearing here, and this is  
14:27:42 9 the thing we've always had problems with, is trying to  
14:27:45 10 define what role or what tools we have to express our  
14:27:49 11 feelings on certain things.

14:27:51 12                   We have a lot of stakeholders here. And we are  
14:27:53 13 involved with other issues that are normally not done  
14:27:56 14 through RABs, but this is the only tool we have to  
14:28:00 15 express these issues. There's other ways of doing this,  
14:28:06 16 presenting it to the government, is where these  
14:28:08 17 entities, we have other organizations that we are  
14:28:10 18 involved with which the RAB needs to advise and bring  
14:28:14 19 forward our issues to. So under the legal conduit to  
14:28:18 20 get that information back to the federal government,  
14:28:22 21 where we have some legal rights to make sure that these  
14:28:24 22 decisions are done properly. Because as a stakeholder,  
14:28:27 23 many of us belong to other organizations that have that  
14:28:31 24 clout, that legal clout to do that, and I understand  
14:28:34 25 where you come from.

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14:28:35 1                   Being on other RABs, we get into sometimes this  
14:28:39 2 authority thing that, hey, we need to know, we want a  
14:28:42 3 decision made, and we do it for the record. But I have  
14:28:44 4 to say that under our charter, when we first start out,  
14:28:48 5 under RABs, that information there is correct. But what  
14:28:51 6 we're discussing here, I think for us all here, is to  
14:28:54 7 come up and develop another organization or be part of  
14:28:56 8 another forum, Mr. Chair, to come up with these issues  
14:29:00 9 that we need to advise that other organization.

14:29:03 10                   CO-CHAIR MALAVANSKY: Sam?

14:29:04 11                   CO-CHAIR HIGUCHI: I'm the author, so I'll take  
14:29:07 12 the heat for that. And the reason being is when this

14:29:09 13 RAB was formed, this document was handed out, and that's  
14:29:13 14 where this is taken in, the formulation of this RAB.  
14:29:15 15 This is a Restoration Advisory Board. It's a means of  
14:29:21 16 communicating how you feel about what is going on. If  
14:29:25 17 you have an opinion that differs here and we can't reach  
14:29:31 18 consensus, then it comes outside this advisory board.  
14:29:35 19 But we need to communicate and find out what your  
14:29:38 20 opinions are and how the community feels. It is one way  
14:29:41 21 of finding out how the community feels. I want to  
14:29:44 22 stress that. Again, this is an advisory board, not a  
14:29:48 23 decisionary board.

14:29:50 24 MR. LEKANOF: Excuse me. Mr. Chairman.  
14:29:53 25 You're right. We don't even have to come to a

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14:29:56 1 consensus, you see. That's where we fall short. You  
14:30:00 2 don't have to listen to us, in other words, because we  
14:30:06 3 don't have to come to consensus. We can't even -- we  
14:30:07 4 can advise you, but you don't have to take the advice.

14:30:09 5 CO-CHAIR MALAVANSKY: Ron?

14:30:11 6 MR. RON PHILEMONOFF: And my point was, in our  
14:30:14 7 participating in the RAB, we did it reluctantly in the  
14:30:18 8 beginning. It was our belief that there was more than a  
14:30:20 9 RAB purpose in NOAA's mission, and it was the  
14:30:24 10 government-to-government relationship with the Aleut  
14:30:26 11 people in terms of their trust responsibility. And we  
14:30:29 12 made that point clear in the very beginning that there

14:30:30 13 is more than just cleanup here. There's an issue of the  
14:30:34 14 obligation by NOAA to fulfill the mission of the Fur  
14:30:37 15 Seal Act, to create a new economy not dependent on the  
14:30:42 16 fur seal harvest. And we also have some issues on land,  
14:30:46 17 that the government had claims over the land to the  
14:30:49 18 Aleut people, that aren't resolved to this date.

14:30:52 19 My point was that we're more than a RAB. We're  
14:30:56 20 in this forum because it is a RAB meeting, but when I  
14:30:58 21 speak I speak beyond the RAB mission, which is the  
14:31:00 22 mission that the federal government has with the Aleut  
14:31:04 23 people in their government-to-government relationship.  
14:31:07 24 We protested when you had put together the Two-Party  
14:31:08 25 Agreement. We said we should be a third party because

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14:31:11 1 we are a stakeholder and we are a government to  
14:31:13 2 government with you, and you left us out of the process.  
14:31:15 3 And to this date we're not part of the Two-Party  
14:31:16 4 Agreement because the issue with the State of Alaska in  
14:31:21 5 terms of the desire not to have the Native community  
14:31:24 6 recognized as a government. That's another side issue  
14:31:26 7 there.

14:31:26 8 But we've protested from the very beginning  
14:31:29 9 that we should be a key player in all the decisions.  
14:31:31 10 It's been ignored. It's being ignored to this date.  
14:31:35 11 Our congressman is trying to instill in your memory  
14:31:39 12 their directive that you have to fulfill the obligations  
14:31:40 13 to the Aleut people, and it's beyond cleanup. The

14:31:44 14 paragraph quoted in your letter is exactly what Don  
14:31:48 15 Young and Senator Stevens intended you to do, and I  
14:31:50 16 think we're violating the intent of Congress and barking  
14:31:55 17 up the wrong tree when you (inaudible) by the wishes of  
14:31:59 18 our congressman and senators.

14:32:00 19 CO-CHAIR MALAVANSKY: Sam?

14:32:02 20 CO-CHAIR HIGUCHI: I'd like to express a couple  
14:32:03 21 of things. One is, when this RAB was formed, one of the  
14:32:06 22 things we looked at was -- we were, first of all,  
14:32:10 23 meeting on an ad hoc basis to exchange information. And  
14:32:14 24 I appreciated that openness that the community has  
14:32:16 25 shared with us.

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14:32:18 1 The other thing that was available to the  
14:32:20 2 community was the Joint Management Board, which is  
14:32:24 3 allowed for under the Fur Seal Act. I realize that the  
14:32:30 4 RAB has probably more interest, is of more interest to  
14:32:36 5 the community, plus there is some resources there, as  
14:32:38 6 far as funding the cleanup, and so that this would  
14:32:42 7 probably be the stronger of the two groups.

14:32:45 8 But the things that remain after the cleanup,  
14:32:49 9 in my opinion, rightfully belong to the Joint Management  
14:32:53 10 Board, and you, as entities of the Joint Management  
14:32:58 11 Board, have got to express your interest in it and have  
14:33:03 12 got to see that that board continues to be a forum where  
14:33:09 13 you can air those issues.



14:33:10 14 This RAB is confined to the cleanup issues and  
14:33:13 15 the restoration issues. I want to stress that.

14:33:18 16 MR. LESTENKOF: Maybe we should adjourn this  
14:33:21 17 meeting and go into a Joint Management Board meeting.

14:33:26 18 CO-CHAIR HIGUCHI: You're lacking a few people  
14:33:28 19 here, specifically --

14:33:28 20 CO-CHAIR MALAVANSKY: Don't do that. I won't  
14:33:31 21 be chair.

14:33:33 22 CO-CHAIR HIGUCHI: Also Dr. Zimmerman I believe  
14:33:36 23 was a member of that. I am not a member of that.

14:33:39 24 MR. RON PHILEMONOFF: I think NOAA is a member.

25 CO-CHAIR HIGUCHI: Right.

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14:33:43 1 CO-CHAIR MALAVANSKY: I've got, you know, if I  
14:33:46 2 may, John. You know, community concerns. These are  
14:33:51 3 dealing with, you know, land issues and, I think, how  
14:33:56 4 clean is clean, with regards to St. George. And, you  
14:34:03 5 know, I think we need more -- there should be, you know,  
14:34:09 6 another way for you to come out to the island, come to a  
14:34:13 7 city council meeting and/or an island meeting, a  
14:34:17 8 subcommittee meeting, where the community has a chance  
14:34:21 9 to interact with you and your staff, or whatever, to  
14:34:24 10 give concerns that community members have of the  
14:34:30 11 cleanup.

14:34:32 12 And I think with respect to, you know, with  
14:34:35 13 risk-based assessment, you know, just hearing the first  
14:34:38 14 brush of it today, you know, there seems to be some

14:34:41 15 dynamics there, and there are concerns there. So I  
14:34:48 16 think the new regs, for what it's worth, I think the new  
14:34:51 17 regulations are not as stringent as the old regs, from  
14:34:56 18 what I understand, and whatnot. But from the  
14:34:59 19 community's perspective, we'd like to see things  
14:35:02 20 probably a lot cleaner than what the old regs say.

14:35:07 21 So, you know, those are some of the concerns I  
14:35:09 22 have, and there's got to be a way for the community to  
14:35:14 23 express, you know, more of their concerns. Jacob  
14:35:18 24 alluded earlier to we spend a lot of time in Anchorage  
14:35:22 25 meeting because of logistics and whatnot, and that's

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14:35:25 1 been an overriding concern of trying to save money, you  
14:35:29 2 know, because of logistics.

14:35:31 3 But prior to contracts being signed, et cetera,  
14:35:35 4 I think, you know, there should be a forum for community  
14:35:39 5 members and/or entities and/or the landowners that are  
14:35:43 6 going to inherit whatever lands that are being cleaned  
14:35:47 7 up, to understand if there are contingent liabilities  
14:35:51 8 they're going to walk into, et cetera.

14:35:53 9 John?

14:35:57 10 MR. LINDSAY: I agree wholeheartedly. I'm  
14:35:59 11 probably one of the few NOAA people with premier  
14:36:05 12 frequent flyer miles on three or more airlines. I don't  
14:36:12 13 mind getting on board and going and taking care of  
14:36:13 14 problems face to face, and I don't mind coming out to

14:36:16 15 the islands. But I mean, in all honesty, I wanted to  
14:36:19 16 come out in a couple weeks or so, and everybody here, I  
14:36:22 17 mean nicely, is saying, well, the environmental  
14:36:26 18 conditions are really not great this time of the year.  
14:36:28 19 But I'm not going there because I want to appreciate the  
14:36:32 20 better climate. I'm going there because I want to meet  
14:36:35 21 with you and understand what the situation is and  
14:36:38 22 understand what the problem is. And I think, to meet  
14:36:43 23 your demands, which I think are appropriate, we're going  
14:36:45 24 to have to come, you know, during the bad time of the  
14:36:49 25 year as well. And again, though, that's going to cost

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14:36:53 1 more money. Just so you know that.

14:36:56 2 And this is something that -- and I know you've  
14:37:00 3 expressed concern about how much money has been siphoned  
14:37:04 4 off in Seattle, and honestly I don't know, I have no  
14:37:10 5 understanding of the accounting. All I know is, you  
14:37:13 6 know, what people told me that we should be expecting to  
14:37:16 7 spend on administrative aspects of this project this  
14:37:21 8 coming fiscal year. Whether more has been spent or not  
14:37:25 9 in the past, I don't know. I have no idea.

14:37:26 10 But I have essentially informed my supervisor  
14:37:31 11 that it's going to cost us more to meet the demands of  
14:37:36 12 the 2PA, which is to be on site, you know.

14:37:39 13 And I see, and I mentioned this already, I see  
14:37:42 14 that us not having been on site as an agency in the past  
14:37:46 15 has contributed to a significant amount of problems, and

14:37:51 16 in part a failure to complete these projects in an  
14:37:56 17 expeditious manner.

14:37:57 18 Now, I'm not going to say that's the only  
14:38:00 19 reasons. It appears there are other reasons as well.  
14:38:01 20 But I'm just going to say that that is a significant  
14:38:05 21 contributing reason. Consequently, for me to make a  
14:38:11 22 commitment to send people up there -- and it would be on  
14:38:14 23 a rotational basis. I spoke to some members of this  
14:38:18 24 group yesterday and they advised me that, you know, it's  
14:38:21 25 probably best that somebody stay on that island only two

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14:38:25 1 weeks at a time and rotate. Here I was thinking three  
14:38:29 2 weeks at a time, but sanity is important to everybody.  
14:38:33 3 Maybe two weeks at a time would be the most effective  
14:38:36 4 measure for us. But again, that's going to cost more  
14:38:39 5 money. And if people are going to complain about the  
14:38:42 6 amount of money we're spending in order to live up to  
14:38:47 7 our responsibility to satisfy the islands' concerns,  
14:38:52 8 then I don't know what to do about it. But people are  
14:38:55 9 going to have to understand that, that aspect of it.

14:38:58 10 And so, Max, to answer your concern, I don't  
14:39:02 11 have all the answers now, I don't have a contractor yet.  
14:39:07 12 However this is going to fall out, regardless, I still  
14:39:10 13 don't have a contractor yet. I don't know what our most  
14:39:13 14 effective and efficient approach is going to be to  
14:39:16 15 dealing with each one of the sites. There are numerous

14:39:18 16 alternatives available to us to treat each one of the  
14:39:20 17 different problems. Each one of the different sites has  
14:39:23 18 to be looked at independently. They're not necessarily  
14:39:26 19 related to the others, because of environmental  
14:39:28 20 conditions, et cetera.

14:39:29 21 So we can come, we can get to meet you, we can  
14:39:32 22 get to hear some of your concerns. It's going to take  
14:39:36 23 time, you know, take some more time to do that, but I'm  
14:39:39 24 willing to do it just to stay in the premier frequent  
14:39:42 25 flyer mileage program.

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14:39:45 1 CO-CHAIR MALAVANSKY: Maybe you could get Dave  
14:39:48 2 and Tony to register to vote up there.

14:39:53 3 Martha?

14:39:54 4 MS. MALAVANSKY: John, maybe we can learn a  
14:39:58 5 lesson from the Coast Guard. They came across over  
14:40:03 6 40,000 gallons of diesel that was spilled on St. Paul,  
14:40:08 7 addressed the problem, and then are in the process of  
14:40:10 8 cleaning it up now. That is what I call efficiency.

14:40:14 9 MR. LINDSAY: I do, too.

14:40:17 10 CO-CHAIR MALAVANSKY: Jason?

14:40:18 11 MR. BOURDUKOFSKY: I still have a problem with  
14:40:22 12 the fact that, you know, we're, like you say,  
14:40:27 13 reinventing the wheel, because it's been two years that  
14:40:30 14 one contractor had been on line working with consultants  
14:40:34 15 and everything else, and incurred expenses for two  
14:40:40 16 years, and all of a sudden here a new contractor is

14:40:42 17 going to be brought in, or we're not sure, but maybe. I  
14:40:48 18 don't know.

14:40:49 19 But the fact is, money has been expended, you  
14:40:52 20 know, for the past two years with a false impression  
14:40:56 21 that you're going to get it, you're going to get it  
14:40:59 22 within the next month. You're going to get it in two  
14:41:02 23 weeks. It's been two years. There's been equipment  
14:41:07 24 sitting idle that's been leased, you know, and lease  
14:41:10 25 payments being paid on it and stuff like that. I mean,

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14:41:12 1 what's going to be done about this?

14:41:17 2 MR. LINDSAY: The only thing I'm in a position  
14:41:20 3 to tell you is the past is the past. And we can  
14:41:22 4 continue to talk about the past, and I can't say I blame  
14:41:24 5 you one bit for being frustrated. I would be  
14:41:28 6 frustrated. If this was my town, I would be as  
14:41:32 7 frustrated as all get out. But I'm not in a position to  
14:41:36 8 worry about the past. I'm in a position to worry about  
14:41:38 9 the future. And that's what I have to do and that's  
14:41:42 10 what my focus of attention is. We could sit here all  
14:41:46 11 day and if you want to talk about the past all day, then  
14:41:49 12 that's your right. But I can't deal with the past, I  
14:41:53 13 don't know about the past. And as I've said over and  
14:41:56 14 over again, every individual I talk to, and I mean every  
14:42:00 15 individual I talk to, I get a slightly different twist,  
14:42:03 16 a slightly different perspective, a slightly different

14:42:07 17 story, a new story. I can't be burdened, quite frankly,  
14:42:11 18 I cannot be burdened by history. I can take and learn  
14:42:15 19 lessons from history and apply them to the future, and  
14:42:17 20 we have to get on with it, and my charge is to get on  
14:42:19 21 with it. I'm being kicked in the rear by numerous  
14:42:23 22 people to get on with it, and that's what we intend to  
14:42:26 23 do.

14:42:26 24 CO-CHAIR MALAVANSKY: Ron, you had a question.

14:42:27 25 MR. RON PHILEMONOFF: Yeah. I want to say,

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14:42:29 1 John, we've always been in support, and still support,  
14:42:32 2 NOAA having a staff person out there full time during  
14:42:36 3 the cleanup. If you look at the files, talking about  
14:42:38 4 the past, but you will see we've asked numerous times  
14:42:42 5 that there should be a NOAA rep on the island during the  
14:42:45 6 cleanup at all times. It was never followed through on.  
14:42:47 7 So I encourage you, and don't feel that we're against  
14:42:50 8 that issue.

14:42:50 9 What we're opposed to in the administrative  
14:42:53 10 budget is sending someone to a master school to get her  
14:43:00 11 degree, what happened in the past, or buying a brand-new  
14:43:02 12 oak desk and a 586 computer and all that other stuff.  
14:43:05 13 There must be tons of surplus property up there and we  
14:43:08 14 don't want you firing up a whole new office. But we do  
14:43:12 15 want you to be on the island and be where the job is.  
14:43:14 16 We fully support you being out there, and your staff.

14:43:17 17 MR. LINDSAY: I'm trying to be honest so you

14:43:20 18 understand. My job is to be honest with you as best as  
14:43:25 19 I can. The people that are coming, the people that are  
14:43:29 20 being transferred over to us, are not bringing any  
14:43:33 21 equipment with them.

14:43:35 22 Was there anything you were bringing?

14:43:37 23 MR. WINANDY: We had one old laptop and that  
14:43:42 24 was it.

14:43:42 25 MR. LINDSAY: This is what we were told was

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14:43:44 1 purchased by the parties that were responsible for this  
14:43:47 2 budget prior to the transfer of this program. One old  
14:43:53 3 laptop. They're not bringing their old desks, they're  
14:43:56 4 not bringing their old file cabinets. We have to  
14:43:59 5 purchase cabinets. We found a used desk that we put  
14:44:01 6 into a room where we're having to put in new phone  
14:44:04 7 lines, new data lines.

14:44:09 8 I hear your concern about PCs and things like  
14:44:14 9 that, but in today's world you can't do your job without  
14:44:18 10 a computer. It's appalling to me, quite frankly, that  
14:44:21 11 people would go in the field today without a computer.  
14:44:25 12 These people, I've already purchased computers for these  
14:44:31 13 people. They're laptops. They're not getting a desktop  
14:44:33 14 and a laptop. They're getting a laptop. They need a  
14:44:36 15 laptop.

14:44:36 16 We're planning on using the Geographic  
14:44:39 17 Information System to help us manage this project.



14:44:42 18 We're hopeful that we can build upon this GIS,  
14:44:46 19 Geographic Information System, to include a lot of other  
14:44:50 20 island environmental conditions, such as the nature of  
14:44:54 21 the fisheries around the island. Not that we're going  
14:44:57 22 to collect it, but it's already been collected by our  
14:44:59 23 agency and we can put it on the GIS. We can put images  
14:45:02 24 on there, we can put video on there. We can give that  
14:45:06 25 to you to put on a Web page, ultimately, to help promote

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14:45:10 1 your island resource, and whatever. But things are  
14:45:17 2 driven today by computers. These people have got to  
14:45:19 3 have computers.

14:45:21 4 MR. RON PHILEMONOFF: I was just concerned that  
14:45:22 5 we've already paid the Seattle office to get them up to  
14:45:25 6 speed and up to par, and when you're moving over to a  
14:45:30 7 new office that raises a red flag. Are we using this  
14:45:34 8 money to fund another cause, killing two birds with one  
14:45:38 9 stone, with the money really set aside for the cleanup  
14:45:41 10 on St. Paul.

14:45:41 11 And I understand there's efficiency of doing  
14:45:44 12 two things with some money, but we've already paid the  
14:45:47 13 Seattle office to gear up to monitor the Pribilof  
14:45:50 14 project, and now I'm concerned that we're going to do it  
14:45:52 15 again in Washington, D.C. It seemed like you should be  
14:45:55 16 able to rob the Seattle office and take all the stuff  
14:45:58 17 with you.

14:45:59 18 MR. LINDSAY: Yeah, if we could rob the Seattle

14:46:02 19 office. But the point that I'm -- we're being told, all  
14:46:05 20 of us, and this includes Sue Kennedy, we're being told  
14:46:08 21 that nothing, other than that laptop, was purchased by  
14:46:12 22 the administrative group that handled this project.

14:46:18 23 With regards to money being funneled to D.C.,  
14:46:22 24 an estimated I think 30 percent of the salary of the  
14:46:27 25 program coordinator that's being hired under Sue

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14:46:30 1 Kennedy's job will come from this budget. As far as I  
14:46:36 2 know, that's the only money that was going to go to  
14:46:40 3 financing any activity in D.C.

14:46:45 4 MS. MALAVANSKY: Right now we've used up that,  
14:46:47 5 the depreciated value of the computer.

14:46:49 6 MR. LINDSAY: That's too much as far as I'm  
14:46:50 7 concerned, but I think 70 percent -- but it's 70 percent  
14:46:54 8 of my salary is being covered by this. It's going to be  
14:46:58 9 100 percent of Dave's salary, 100 percent of Tony's  
14:47:02 10 salary, 100 percent of the administrative -- Donna  
14:47:07 11 Kottke, you remember her. Her replacement. That  
14:47:09 12 administrative person, 100 percent of that person's  
14:47:10 13 salary. And room for 100 percent salary for an  
14:47:15 14 additional engineer, project engineer.

14:47:18 15 We're going to rotate people, I'm not sure how  
14:47:20 16 we're going to do that yet. But those salaries account  
14:47:26 17 for a significant portion of the administrative budget.  
14:47:31 18 Other significant portions, quite frankly, are related

14:47:33 19 to traveling and being on the islands. And there's  
14:47:37 20 going to be some additional expense for equipment to  
14:47:46 21 support the people on the islands. So you can expect  
14:47:50 22 some of that. That's a start-up charge. I don't expect  
14:47:54 23 that to carry, to be duplicated the following year.

14:48:00 24 CO-CHAIR MALAVANSKY: Bret?

14:48:03 25 MR. COBURN: I have a few comments, concerns,

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14:48:05 1 and these go more to the future.

14:48:06 2 I'm hearing what I believe is a false premise.  
14:48:15 3 I only have experience with St. George and St. George  
14:48:19 4 Tanaq Corporation. We've been working on St. George for  
14:48:20 5 20 years. What I'm hearing is NOAA, we have to  
14:48:24 6 obtain -- we have to find an outside contractor to come  
14:48:26 7 in so we can get this work done as quickly as possible.

14:48:29 8 But the truth is, in our experience, most  
14:48:33 9 outside contractors that have come to St. George Island  
14:48:36 10 have run over budget and many of them have gone  
14:48:40 11 bankrupt, actually some of them have gone bankrupt.  
14:48:44 12 We've had really bad experience with a number of outside  
14:48:48 13 contractors.

14:48:48 14 The truth of the matter is the people that have  
14:48:51 15 the experience, at least on St. George, is our firm.  
14:48:57 16 And you're out looking, hunting for an outside  
14:48:59 17 contractor, but this is the proposal that we've prepared  
14:49:02 18 for you. It's right here in my hand. And I know after  
14:49:05 19 talking to you that you haven't -- you weren't told

14:49:07 20 about it, you haven't seen it before yesterday. We've  
14:49:10 21 asked that you review it, and we hope that you will  
14:49:13 22 because we would like to work with you.

14:49:15 23 If you do want to get the job done, I think you  
14:49:19 24 need to come to the people that have been working on St.  
14:49:23 25 George, that know the people on St. George, that have

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14:49:25 1 the equipment on St. George, that have the  
14:49:28 2 accommodations on St. George, that own the land on St.  
14:49:29 3 George.

14:49:33 4 MR. LINDSAY: My comment to that, response to  
14:49:35 5 that is, first of all, just to clarify. If I gave you  
14:49:38 6 the impression that I had not been told about the  
14:49:41 7 proposal, that was in error. I have been told about it,  
14:49:45 8 by you.

14:49:47 9 MR. COBURN: Two days ago.

14:49:48 10 MR. LINDSAY: Or I think somebody had mentioned  
14:49:49 11 it during the countless deliberations about trying to  
14:49:52 12 get me up to speed on things. But I have not looked at  
14:49:57 13 it. I have not had an opportunity to look at it. I  
14:49:59 14 have not had an opportunity to read all the statements,  
14:50:01 15 the Alaska administrative codes that I'm supposed to be  
14:50:05 16 dealing with. There's plenty of things that I'm  
14:50:08 17 supposed to read that I have not.

14:50:09 18 MR. COBURN: Our company has spent a year and a  
14:50:11 19 half researching this job, trying to define -- there is

14:50:14 20 no definitive scope of work. And what Mr. O'Connor  
14:50:18 21 hopefully is gaining from this is that NOAA does not  
14:50:22 22 have a defined scope of work. They don't have a  
14:50:27 23 specified methodology of remediation. They don't know  
14:50:31 24 exactly which sites they're going to work on. They  
14:50:34 25 don't have the contractor identified.

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14:50:36 1 We've been doing this work all along, and then  
14:50:38 2 we have a new person coming up, which I understand that  
14:50:41 3 Mr. Lindsay wouldn't know this because he's just being  
14:50:44 4 brought on board. But I mean, perhaps we can learn from  
14:50:48 5 some of our experience. And by the way, we're doing --  
14:50:57 6 this is our third job for NOAA. We're a qualified  
14:51:00 7 government contractor. And all of a sudden you're  
14:51:04 8 looking for a firm out of Los Angeles, to bring them up  
14:51:06 9 to St. George Island to do work? There's an oxymoron  
14:51:08 10 there.

14:51:09 11 I mean, there's unique logistical problems,  
14:51:14 12 unique difficulties that you're going to encounter  
14:51:21 13 trying to do the work on the Pribilof Islands, which we  
14:51:23 14 have gone through over and over and over again. You  
14:51:25 15 bring an outside firm in and they get to learn. What  
14:51:28 16 happens is they come to us to learn. They come to us  
14:51:30 17 for help. They come to us for assistance when their  
14:51:33 18 equipment breaks down, they ask us to fix it for them.  
14:51:36 19 And when they want to try to figure out how to get  
14:51:38 20 things to St. George, they come and ask us. When they

14:51:40 21 want to figure out where to put their people, they come  
14:51:42 22 and ask us for lodging. I mean, the list goes on and on  
14:51:45 23 and on.

14:51:46 24 MR. LINDSAY: Once again -- and I sense there's  
14:51:52 25 just clearly a difference in perspective here. But once

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14:51:55 1 again, I'm not saying we don't want to use, and don't  
14:51:59 2 respect, the local entities. We expect them to be a  
14:52:04 3 part of this process. I guess it's just we're just  
14:52:08 4 differing -- at least it appears that way -- just  
14:52:10 5 differing on our determination and the rationale for us  
14:52:15 6 to seek a prime contractor that's not necessarily a  
14:52:20 7 local entity but someone off the island. Other than  
14:52:23 8 that, I mean, we're expecting the locals to be involved.

14:52:28 9 MR. COBURN: We would appreciate, at least for  
14:52:31 10 the St. George Tanaq Corporation, to have it explained  
14:52:34 11 to us why you would not consider us as a prime  
14:52:36 12 contractor, since we just previously worked as prime  
14:52:38 13 contractor, and there was made assertions that simply we  
14:52:42 14 were using subcontractors to do the work.

14:52:47 15 In our work, the St. George Tanaq Corporation,  
14:52:51 16 our foreman and our (inaudible), in our engineering  
14:52:57 17 firm. We had two engineers that were on rotation. They  
14:53:00 18 were the only outsiders that did work on the Phase I  
14:53:03 19 work. And we anticipated in our Phase II proposal to  
14:53:06 20 use the same. Yeah, we did have, Magone did the marine

14:53:12 21 transport, actually, for us. We had two minor  
14:53:15 22 subcontracts, they amount to about 10 percent of the  
14:53:18 23 work of Phase I of the south coast construction. But  
14:53:20 24 small compared to the size of the job that we did. Just  
14:53:23 25 for the record so that people know that.

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14:53:27 1 MR. AUSMANN: If I could add something just for  
14:53:28 2 a second. I would like to point out in the proposal,  
14:53:32 3 which I had an opportunity to assist St. George Tanaq  
14:53:35 4 on. The addition of subcontracts in that proposal was  
14:53:37 5 also something on the order of that small scale. There  
14:53:40 6 isn't hardly anything that is a major (inaudible) as was  
14:53:45 7 suggested in the letter to the representative's office.

14:53:48 8 CO-CHAIR MALAVANSKY: Ron?

14:53:49 9 MR. RON PHILEMONOFF: On the comment about  
14:53:52 10 hiring prime contractor and don't worry, we'll be  
14:53:56 11 somehow involved with the prime. It's not the same, I  
14:53:59 12 mean, being a subcontractor to the prime. I mean, just  
14:54:03 13 pass through and turn over the money, and the jobs that  
14:54:06 14 you get is really at the direction of the prime.

14:54:10 15 An example is the Coast Guard job, it went  
14:54:12 16 through an outside prime contractor and it was told to  
14:54:16 17 use as much as possible local organizations to do the  
14:54:19 18 job. I think it was like a \$3 million job, around  
14:54:23 19 there, and the local organizations were lucky to get  
14:54:25 20 \$200,000 worth of work out of this whole \$3 million job.

14:54:28 21 And you can see the same thing happening when

14:54:31 22 you hire a prime. You can say, don't forget to work  
14:54:33 23 with the local organizations, guys. And we'd be lucky  
14:54:36 24 to get 10 percent, 20 percent of the job. And while  
14:54:39 25 they will mark up the overhead, their indirect rate, and

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14:54:42 1 they make off with the cream of the crop and we get the  
14:54:46 2 garbage again. We've been dealing with the garbage from  
14:54:48 3 day one. And I think we're saying the prime  
14:54:51 4 contract/subcontract relationship is not the same as us  
14:54:55 5 being the prime or us being a grant recipient to manage  
14:54:58 6 this project for you. It's not the same level. I just  
14:55:00 7 wanted to make that point.

14:55:02 8 And the other question I wanted to ask is, what  
14:55:05 9 is the time line you think in terms of your decision  
14:55:06 10 making to hire a prime versus hiring one of the local  
14:55:09 11 organizations?

14:55:10 12 MR. LINDSAY: I've tried to be honest with the  
14:55:13 13 people that I've talked to so far that have called me  
14:55:16 14 up. We're moving as fast as we can to select the prime  
14:55:21 15 contractor. We wanted to have somebody by the end of  
14:55:25 16 this week or by the end of next week. I'm not promising  
14:55:29 17 that that's going to happen, just because things are  
14:55:32 18 really complicated. We're moving as fast as we can.  
14:55:37 19 That's all I have on the directions. That's the  
14:55:41 20 position that we're going to take.

14:55:44 21 MS. MUEHLLLEHNER: I'm Tessa of the Coast Guard.



14:55:46 22 I'm with the environmental branch down in Juneau. I'd  
14:55:49 23 like to kind of explain a little more about the project.  
14:55:53 24 We did use a different prime contractor. Went through  
14:55:58 25 the Corps of Engineers, and they used local hire on the

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14:56:01 1 project when we put in the HVE, high vacuum extraction  
14:56:07 2 system. And in support of NOAA's decision to use a  
14:56:11 3 prime contractor, one reason that I found it really  
14:56:14 4 beneficial is in our environmental office in Juneau  
14:56:16 5 there are three people, and I'm responsible for the St.  
14:56:19 6 Paul project. But there's no way that I, by myself, can  
14:56:23 7 be in charge of all the different subcontractors, or  
14:56:26 8 even just a prime contractor, to get the work done out  
14:56:29 9 there.

14:56:30 10 It was a \$1.3 million project. Our contracting  
14:56:35 11 staff in Juneau, we have three people. We have Becky,  
14:56:37 12 Eva and Joe. Those are the only three contracting staff  
14:56:40 13 we have, and they're responsible for all the Coast Guard  
14:56:42 14 projects across the state.

14:56:44 15 And so one reason we're using a prime is also  
14:56:48 16 to have other contracting staff available. So the Corps  
14:56:51 17 of Engineers, its large contracting staff to supplement  
14:56:55 18 mine, we can do things like interpret the FAR  
14:56:58 19 regulations and what do we need to do. Because I don't  
14:57:01 20 have that expertise and we don't have the in-house staff  
14:57:03 21 in the Coast Guard to be able to do that.

14:57:05 22 And we also -- we have that expertise down in

14:57:09 23 Seattle, but I didn't want to go through our Seattle  
14:57:11 24 office because they're not familiar with the logistics,  
14:57:15 25 which is exactly what you mentioned about knowing the

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14:57:19 1 logistics and how to work out in Alaska. So we needed  
14:57:21 2 somebody who had construction management experience,  
14:57:25 3 which I don't have. We needed somebody who had  
14:57:27 4 contracting staff available, and we needed somebody who  
14:57:31 5 is familiar with the logistics of working out in a  
14:57:33 6 remote site in Alaska. And that's why we had a prime  
14:57:38 7 contractor. To pick up those services. And we did  
14:57:41 8 definitely give them direction to use as much local hire  
14:57:44 9 as possible.

14:57:45 10 And by having that prime contractor to  
14:57:47 11 supplement, to help me out, we were able to -- from the  
14:57:51 12 time we talked to them, it took exactly a year, and we  
14:57:54 13 were able to put in that system which is now up and  
14:57:56 14 running. So I think it does serve the purpose in  
14:57:59 15 helping you get work accomplished quickly to have  
14:58:01 16 another layer in there help get things done.

17 CO-CHAIR MALAVANSKY: Bret?

14:58:07 18 MR. COBURN: How much money for the Coast Guard  
14:58:12 19 project?

14:58:13 20 MS. MUEHLLEHNER: It was a total \$1.3 million  
14:58:16 21 budget. That included also a whole year of operation  
14:58:18 22 and maintenance, and I'm not sure exactly how much went

14:58:23 23 to -- how it broke down. Some of that goes to the  
14:58:28 24 project management to helping work with DEC, and then  
14:58:31 25 there's the portion that goes to the subcontractors,

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14:58:34 1 like Bering Sea Ecotech, who is actually out there doing  
14:58:37 2 the work and using the people.

14:58:41 3 CO-CHAIR MALAVANSKY: Bill?

14:58:41 4 MR. ARTERBURN: Just to clarify. We did a  
14:58:44 5 subcontract on that and I think the total after changes  
14:58:48 6 was about \$360,000, so it was roughly a third or a  
14:58:53 7 little bit less than a third of the contract actually  
14:58:57 8 flowed through on a local basis. And not that the job  
14:58:59 9 was bad or anything else, but just as -- it seemed like  
14:59:04 10 there was about three supervisors and quality control  
14:59:07 11 persons for every individual who was actually working on  
14:59:11 12 the job. So I guess it was fail-safe, but it wasn't  
14:59:18 13 cost-effective.

14:59:19 14 CO-CHAIR MALAVANSKY: Mike Z.?

14:59:21 15 MR. ZACHAROF: Thanks. And John, when we bring  
14:59:26 16 in the outside contractors to the Pribilof Islands, in  
14:59:30 17 the example of the (inaudible) project, and the  
14:59:36 18 contractor had a tracked vehicle with a drill on the  
14:59:39 19 back of it and had total disregard for the rules and  
14:59:45 20 regulations of tundra, driving such equipment on tundra,  
14:59:49 21 climbing up the highest hill they could get with a big  
14:59:52 22 rig, it got stuck, tore up the tundra real bad, and had  
14:59:58 23 to have one of the other contractors with the breakwater

15:00:00 24 project rescue them. And they did a lot of damage to  
15:00:04 25 our pristine tundra.

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15:00:05 1 And those are things that happened to outside  
15:00:09 2 contractors when they come to the Pribilof Islands. I'm  
15:00:12 3 sure that happened with St. George. And it seems for  
15:00:15 4 some reason that the Pribilof Islands seem to attract a  
15:00:18 5 lot of boats that run aground, for example. And then  
15:00:24 6 the other thing is that the Pribilof Islands seem to  
15:00:28 7 attract the load bidder who always go bankrupt.

15:00:33 8 CO-CHAIR MALAVANSKY: Thank you, Mike.

9 Elary?

15:00:36 10 MR. GROMOFF: I'd like to, I guess just kind of  
15:00:40 11 going back to reminisce in my experience. I'm retired  
15:00:43 12 from the Corps of Engineers, and I know we've had, from  
15:00:47 13 my experience and the Coast Guard, and with NOAA, I was  
15:00:52 14 with the Seattle district, and we used to love to get  
15:00:55 15 jobs from other federal agencies because they paid us  
15:00:58 16 well. And I'll tell you, we were the most overexpensive  
15:01:01 17 engineers that you'll ever have to manage a project for  
15:01:04 18 quality control. And we used to fight for your  
15:01:07 19 projects. And I have to say you do pay them and you pay  
15:01:10 20 them a lot of money, compared to what you would pay a  
15:01:12 21 consultant or somebody else to help manage your  
15:01:15 22 projects. And I'll tell you, that's from my experience.  
15:01:16 23 And those dollars come from you and from the project

15:01:20 24 that is doing environmental cleanup. I love the Corps,  
15:01:24 25 I'll work with them. I'm on the other side of the

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15:01:27 1 fence, that's why I can talk this way. As long as they  
15:01:31 2 don't cut my retirement checks. Keep them coming in.  
15:01:35 3 But you need to look at that also because  
15:01:38 4 dollars are very important, and I know it's an easy way  
15:01:41 5 out for other federal agencies to use the Corps. We are  
15:01:44 6 mandated that time as being the federal engineer, and  
15:01:47 7 the only agency we used to have a hard time getting work  
15:01:50 8 from was the FAA, and he said you cost too much. And we  
15:01:53 9 said, yeah, we need three quality engineers, here's our  
15:01:55 10 staff and here's what you're going to pay. And I know  
15:01:58 11 it's hard to negotiate with the Corps if you're going to  
15:02:01 12 use them. But I'd like to say, if NOAA is considering  
15:02:06 13 that or any other federal agency, please negotiate hard,  
15:02:07 14 and if it comes down to it, look at another consultant  
15:02:10 15 to do that on the management side. You have to have  
15:02:12 16 somebody overview -- because I know you don't have the  
15:02:15 17 experience, and that's the main reason a lot of your  
15:02:17 18 agencies don't have. And I know that was the thing  
15:02:19 19 three years ago with NOAA, we were going through growing  
15:02:24 20 pains, it was the first time we were doing cooperative  
15:02:25 21 agreements, the first time we were doing this kind of  
15:02:27 22 environmental, and NOAA didn't have the expertise and  
15:02:30 23 Seattle did. And you have to use the Corps there, to  
15:02:33 24 get everybody up to speed. And I know what John is

15:02:35 25 going through now, so all I'm saying is --

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15:02:36 1 MR. LINDSAY: Thank you.

15:02:38 2 MR. GROMOFF: -- there's other agencies.

15:02:40 3 Please negotiate hard and don't let them take all our  
15:02:43 4 federal dollars for this project. That's all. Thank  
15:02:45 5 you.

15:02:45 6 I never got any part of that percentage of the  
15:02:48 7 contract.

15:02:49 8 CO-CHAIR MALAVANSKY: Thank you.

15:02:50 9 In the back.

15:02:54 10 MS. JAYEGER: Yeah, Clare Jayeger with the  
15:02:54 11 Corps. I have to answer to some of this prior about the  
15:02:57 12 Corps of Engineers. The Corps of Engineers used to be  
15:03:00 13 the federal engineer, and it's like a lot of agencies  
15:03:04 14 out there. You know, over time we've become aware of  
15:03:09 15 the competitive world throughout, and I like to think  
15:03:11 16 that we've entered into the new era of being  
15:03:15 17 competitive.

15:03:15 18 I happened to manage the project for the Coast  
15:03:17 19 Guard out at St. Paul this past year, and I'd like to  
15:03:25 20 (inaudible), but some of those quality control people  
15:03:30 21 also worked to weld pipes. Quite efficiently. I think  
15:03:35 22 it was a very cooperative project, and I wouldn't want  
15:03:38 23 to bad-mouth the quality control people that worked with  
15:03:41 24 that project. I think they worked very hard out there.

15:03:43 25 There were some delays caused by assorted things,

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15:03:48 1 weather, subcontractors' materials not showing up. And  
15:03:53 2 the quality control people, I think, endured those  
15:03:56 3 hardships and continued to work, and made that project a  
15:03:59 4 success.

15:04:00 5 And so they're absent, but I wanted to defend  
15:04:04 6 them because they worked more than their eight hours a  
15:04:07 7 day, they stayed more than two weeks, they stayed to the  
15:04:10 8 very end of the project, and didn't leave until the  
15:04:13 9 thing was running.

15:04:14 10 And with quality control, you get certain kinds  
15:04:17 11 of services. You do get the assurance that the thing  
15:04:21 12 runs when it's all done, and we've certainly all had  
15:04:23 13 plenty of environmental projects that didn't work. So I  
15:04:25 14 don't think we want to do away with quality control.

15:04:28 15 There's a few other things. We have kind of a  
15:04:30 16 gap here now. We spent some money coordinating with  
15:04:33 17 DEC, and then we spent 360,000 with BSE building,  
15:04:38 18 installing the facility out there. There were a few  
15:04:40 19 other contractors in Anchorage that fabricated these  
15:04:45 20 units. And kind of an interesting thing about it was  
15:04:50 21 this particular project benefited from the project that  
15:04:53 22 was already designed under the FUDS program for Cold  
15:04:56 23 Bay, where we designed a high vacuum extraction system.  
15:05:03 24 And we were able for the Coast Guard to just go ahead  
15:05:05 25 and order up the second one of these units, fabricate

15:05:07 1 the unit in Anchorage, into Conex boxes, and then we  
15:05:13 2 coordinated logistics with other projects and get the  
15:05:16 3 units out on site.

15:05:17 4 Typically, to put in a high vacuum extraction  
15:05:22 5 system in the Lower 48 costs in excess of a million  
15:05:23 6 dollars. So if you can do one in St. Paul for a little  
15:05:26 7 over a million dollars, and operate it as well, at 1.3,  
15:05:31 8 that's fairly competitive. And you know, I'd like to  
15:05:34 9 say the Corps of Engineers -- and I might, you know,  
15:05:37 10 suggest they dock your -- no. You can save some money  
15:05:43 11 on retirement or something.

15:05:44 12 But we're still a pretty viable agency. But,  
15:05:52 13 you know, we do like to work with the other agencies and  
15:05:55 14 with the local communities, and under the FUDS program  
15:05:59 15 we've done a lot of work in Alaska, including the  
15:06:03 16 Pribilof Islands back in the mid '80s, and I think those  
15:06:07 17 projects -- I was involved in managing those as well. I  
15:06:08 18 think those projects were a roaring success, and I know  
15:06:10 19 the work was done almost exclusively with local hire  
15:06:13 20 people, and I know that inspectors who were on the sites  
15:06:16 21 were impressed with the quality of work.

15:06:18 22 So, you know, I guess I'm personally -- I was  
15:06:21 23 born and raised in Alaska, and I'm kind of -- you know,  
15:06:23 24 I don't like to see all that mudslinging going on, but I  
15:06:31 25 would like to think with the funding we get from our



15:06:32 1 congressional delegation, and if the Corps of Engineers  
15:06:32 2 can be part of moving forward with this project, I will  
15:06:35 3 say we would be happy to participate.

15:06:36 4 And I understand what NOAA's situation is, they  
15:06:38 5 have a limited amount of staff And it isn't a bad idea  
15:06:43 6 to get additional staff and resources to move the  
15:06:47 7 project forward. And you can check with, you know, Joe  
15:06:54 8 Bereskin and Richard Chagin and some other people, you  
15:06:55 9 know, projects that I've managed, and I get things done.  
15:06:59 10 I'll leave it at that.

15:07:01 11 CO-CHAIR MALAVANSKY: Ron?

15:07:01 12 MR. RON PHILEMONOFF: In the past, the Army  
15:07:08 13 Corps has a prearrangement through the TERC program,  
15:07:10 14 whatever you call it, and now you're talking about if we  
15:07:14 15 go through a prime like the Army Corps, there would be  
15:07:18 16 subcontractors. But is there some kind of  
15:07:22 17 prearrangement you have under the TERC program, or  
15:07:24 18 whatever you call it, that you would have to use the  
15:07:26 19 contractor you've preselected? How does that work?  
15:07:28 20 Elary knows more about it, but I know it's a problem on  
15:07:31 21 other jobs.

15:07:33 22 MS. JAYEGGER: That's actually the contract that  
15:07:35 23 I manage, is the TERC contract, and we don't have to use  
15:07:39 24 preselected contractors. When the contractor, which is  
15:07:43 25 Jacobs Engineering, was selected, they came to the Corps

15:07:45 1 and in their proposal they had listed approximately 16  
15:07:51 2 subcontractors, which included companies like Radian  
15:07:54 3 International, Shannon & Wilson, who had previous  
15:07:56 4 records with the government and were considered to be  
15:07:59 5 good resources.

15:08:01 6 It's Jacobs Engineering that was selected.  
15:08:05 7 They subcontract approximately 70 percent of the work  
15:08:08 8 that goes through the TERC contract. They have, if  
15:08:12 9 you're watching the paper, there's lots of individual  
15:08:15 10 delivery order type, ID/IQ contract requests for  
15:08:19 11 proposals out, trying to get as many contractors on  
15:08:23 12 board through the TERC system as possible.

15:08:27 13 The advantage of it is it's a cost reimbursable  
15:08:30 14 contract. And there's all kinds of things from the  
15:08:34 15 Federal Acquisition Regulations, which we call them  
15:08:38 16 FARs, that limit how NOAA, the Coast Guard, the Corps,  
15:08:42 17 anybody can do federal acquisition. And it requires  
15:08:46 18 advertising and lots of time constraints if you're  
15:08:50 19 starting exactly from scratch.

15:08:52 20 And in the environmental work, it became such a  
15:08:57 21 problem trying to get anything done, that the Corps went  
15:09:00 22 to the Department of Justice and requested special  
15:09:03 23 consideration to do long-term cost reimbursable  
15:09:07 24 contracts, to get out of the terrible problem of  
15:09:11 25 starting and stopping. And especially when you have

15:09:13 1 really short construction seasons constraints like you  
15:09:16 2 do in Alaska. You have a big problem with trying to get  
15:09:19 3 from season to season and phase to phase of  
15:09:22 4 environmental work.

15:09:23 5 Under a TERC contract, we're basically in  
15:09:26 6 business with Jacobs for up to ten years, and we can  
15:09:30 7 subcontract and do a lot of things to keep the work  
15:09:33 8 moving forward. We've done projects. We did one at  
15:09:38 9 Akutan where we cleaned up the project, the whaling  
15:09:41 10 station, concurrent with doing the study. And was  
15:09:43 11 recognized nationally with Secretary of Defense Award as  
15:09:49 12 well as an Al Gore Hammer Award, for doing a \$19 million  
15:09:54 13 project in less than a year, and doing it for \$6  
15:09:57 14 million. Because there's ways to do all the starting  
15:10:01 15 and stopping which eats up your whole budget.

15:10:06 16 MR. RON PHILEMONOFF: We have to go through the  
15:10:07 17 Army Corps and TERC and then the sub.

15:10:14 18 MR. TODD: The TERC is simply one contractor.  
15:10:16 19 They don't have to go through the TERC. Is that  
15:10:19 20 correct?

15:10:20 21 MS. JAYEGER: That's correct.

15:10:22 22 MR. TODD: I mean, they could go simply sole  
15:10:23 23 source to a small business and it would be a very quick  
15:10:26 24 acquisition also.

15:10:27 25 MR. RON PHILEMONOFF: That was my concern. Are

15:10:28 1 we going to be bound by having to work with (inaudible)?

15:10:32 2 It creates quite a few layers before we actually deal

15:10:35 3 with NOAA.

15:10:36 4 MS. JAYEGER: No. The Corps of Engineers has a

15:10:38 5 variety of contracting mechanisms, including

15:10:44 6 (inaudible), set-aside contracts, direct negotiations.

15:10:48 7 There's limitations on those, you know, on what the

15:10:52 8 dollar amounts are and how long it takes to act, you

15:10:54 9 know, the duration of how long the contract can operate.

15:11:00 10 CO-CHAIR MALAVANSKY: Flore?

15:11:02 11 MR. LEKANOF: Yeah, Mr. Chairman. I spent a

15:11:07 12 lot of time listening.

15:11:07 13 As Larry Gromoff knows, I also serve on the

15:11:13 14 Adak RAB, and on the Adak (inaudible) group, which is

15:11:18 15 higher and they make decisions about what's going to be

15:11:21 16 cleaned next on a priority basis. The thing I'm still

15:11:26 17 concerned about, and I think if Ron could hear me, I

15:11:30 18 sympathize with Ron's thoughts in that I think from what

15:11:37 19 I've heard from the NOAA people who are here, they're

15:11:42 20 listening very carefully and I think they're taking

15:11:43 21 whatever you call it, advice, and as we are an advisory

15:11:48 22 board, and perhaps there are some recommendations in

15:11:53 23 there that they will be taking very seriously.

15:11:55 24 The other is, in many years that I've worked

15:12:00 25 with, as we call them, the high muck muck in Washington,

15:12:04 1 D.C., I've found through personal experience that  
15:12:08 2 oftentimes we got a lot done by copying our  
15:12:17 3 recommendations or advisors to our congressional  
15:12:21 4 delegation. And I've found this in my own case in doing  
15:12:24 5 some work for myself as well, as I have recently done  
15:12:28 6 with Social Security people. You write to the high  
15:12:32 7 officials in the federal agencies, and then you copy it  
15:12:40 8 to the congressional delegation. And you get responses  
15:12:42 9 a lot more quicker that way.

15:12:47 10           You've probably already done this,  
15:12:47 11 Mr. Chairman. The copies of this meeting, the minutes  
15:12:51 12 of the meeting, are probably being sent to the  
15:12:54 13 congressional delegation for their review. If not, I  
15:12:58 14 would recommend that we do this so that they will be  
15:12:59 15 aware of what has been discussed here.

15:13:02 16           And especially as Ron had mentioned, same kind  
15:13:06 17 of feeling here, that we need to really emphasize the  
15:13:10 18 government-to-government relationship between the  
15:13:14 19 communities out there in the Pribilofs, which largely  
15:13:17 20 are made up of Native people, and the tribal governments  
15:13:21 21 out there have a lot to say. And as Elary Gromoff  
15:13:27 22 knows, the ANCSA laws certainly coincide with the Native  
15:13:36 23 Alaskan programs.

15:13:38 24           So I would feel comfortable if -- just making a  
15:13:43 25 suggestion that the copies of this meeting be made

15:13:48 1 available to our congressional delegations so that  
15:13:49 2 they'll be aware of what kind of advice and  
15:13:53 3 recommendations that have been made to their lead  
15:13:56 4 agency, which is NOAA.

15:13:57 5 CO-CHAIR MALAVANSKY: Thank you, Flore.

15:14:00 6 At this time, you know, I'd like to take a  
15:14:01 7 five-minute break. Let's R & R for five minutes here.

15:31:35 8 (Short recess taken.)

15:37:54 9 CO-CHAIR MALAVANSKY: We'll reconvene the  
15:37:58 10 Pribilof Restoration Advisory Board meeting at 3:42 p.m.  
15:38:09 11 We're taking any other community agenda items.

15:38:12 12 Ron?

15:38:12 13 MR. RON PHILEMONOFF: Yeah. Getting back to  
15:38:16 14 the letter to Don Young's office. There's mention in  
15:38:18 15 there about further testing for oil, petroleum  
15:38:22 16 contamination in sites around the islands, and it says  
15:38:25 17 something like this: Furthermore, should testing  
15:38:28 18 confirm that there is petroleum contamination on the  
15:38:31 19 sites.

15:38:33 20 We've already tested these sites and know  
15:38:36 21 they're contaminated. We did a preliminary test before  
15:38:38 22 we even started the cleanup. DEC and the (inaudible)  
15:38:44 23 office did a study that the sites are indeed  
15:38:48 24 contaminated. So I'm wondering, what is NOAA trying to  
15:38:51 25 tell us? That they don't know it's contaminated?

15:38:54 1 What's the basis for the comment in this letter?

15:39:01 2 MR. LINDSAY: I'm sorry. I was taking care of  
15:39:05 3 other business here. Does NOAA know about contaminant  
15:39:09 4 levels where?

15:39:10 5 MR. RON PHILEMONOFF: Well, in this letter you  
15:39:12 6 imply that you'll do more testing. Should testing  
15:39:15 7 confirm these sites, there's petroleum contamination on  
15:39:19 8 them. You're implying that the sites aren't known to be  
15:39:22 9 contaminated, when in fact there was preliminary testing  
15:39:27 10 before the cleanups. DEC did test as recently as  
15:39:31 11 December of last year. I'm wondering, what's the basis  
15:39:34 12 for you to make a comment that you're still testing and  
15:39:37 13 implying that you don't know that there's contamination  
15:39:39 14 there?

15:39:40 15 MR. LINDSAY: Without seeing that, I'm just --  
15:39:43 16 you're talking about all sites. Like debris sites?  
15:39:46 17 Once the debris is removed and we sample the soil  
15:39:50 18 underneath the debris, we'll know whether it's  
15:39:53 19 contaminated or not. That is --

15:39:59 20 MR. RON PHILEMONOFF: That's what that refers  
15:39:59 21 to?

15:39:59 22 MR. LINDSAY: Yes.

15:40:00 23 MR. WINANDY: Dave Winandy with NOAA.

15:40:04 24 Yes, there are some sites, vehicle boneyard and  
15:40:07 25 the three Scoria pits on St. Paul, where we need to have

15:40:13 1 actual confirmation sampling conducted so that we can  
15:40:17 2 then submit the requests for no further action to the  
15:40:21 3 State of Alaska. That's what that was addressing.

15:40:30 4 CO-CHAIR MALAVANSKY: Iliodor?

15:40:31 5 MR. ILIODOR PHILEMONOF: Yeah. I want to go  
15:40:35 6 back to the RAB, Flore was reading the deal on the RAB.

15:40:39 7 I think we, as RAB members, are not only here  
15:40:45 8 as RAB members and from different entities. Our, as in  
15:40:54 9 any community that there's any contamination, the  
15:40:59 10 citizens of that community has a say-so. And I believe  
15:41:04 11 we're, as I said, we're more than RAB members. We are  
15:41:08 12 representatives of that community. And as a result, we  
15:41:14 13 are bringing up all, you know, all the problems, as well  
15:41:19 14 as perhaps even solutions, to this body here. It  
15:41:28 15 doesn't seem like the way it's here that, you know,  
15:41:33 16 number 3, have to come to consensus on cleanup issues,  
15:41:37 17 and you kind of touched upon that, Mr. Chairman, Max.

15:41:40 18 As we're representing the community, too. I  
15:41:47 19 think as a community, the community has to say how clean  
15:41:52 20 is clean, and that should be left up to the community to  
15:41:56 21 say this is clean enough or not clean enough. So we're  
15:42:03 22 more than RAB members, is really what I'm trying to tell  
15:42:07 23 perhaps NOAA more than anybody else. That each of us  
15:42:13 24 that are here that are representing our different -- our  
15:42:16 25 communities or entities, you know, that's what we're



15:42:21 1 here for. Letting you know the fact why we're here and  
15:42:31 2 our concerns.

15:42:31 3 CO-CHAIR MALAVANSKY: Thank you.

15:42:33 4 Martha?

15:42:34 5 MS. MALAVANSKY: Getting back to the field work  
15:42:38 6 as outlined under the Two-Party Agreement sites, both on  
15:42:42 7 St. Paul and St. George, I don't know when we're going  
15:42:45 8 to be scheduling, or when the co-chairs are going to  
15:42:48 9 decide to schedule our next RAB meeting, but it would be  
15:42:51 10 very useful to see some time lines as to when these  
15:42:55 11 projects are going to get started. When you plan on  
15:43:01 12 doing the remediation.

15:43:06 13 Also, as responsible RAB members, I think  
15:43:07 14 either Bret or Iliodor or Ron, someone down there, had  
15:43:11 15 requested the technical reports pertaining to the sites  
15:43:17 16 that have been cleaned. I think Dave had indicated that  
15:43:25 17 these reports were sent to the different sites. Not the  
15:43:31 18 sites but the --

19 MR. WINANDY: Repositories.

15:43:35 20 MS. MALAVANSKY: Right, the repositories.

15:43:36 21 However, as RAB board members, I would  
15:43:39 22 appreciate a copy of these so that we can see what the  
15:43:43 23 outcome has been at these sites, for our own future  
15:43:48 24 reference. I mean, if they're voluminous, then we can,  
15:43:51 25 I suppose, just go to the repository. But at least

15:43:55 1 some, you know, a one-page or two-page oversight, just  
15:44:02 2 outlining its completion, when it was completed, and so  
15:44:07 3 forth and so on, for the next meeting. That, along with  
15:44:12 4 the budgetary items that we were requesting this  
15:44:16 5 morning, would be very helpful.

15:44:20 6 CO-CHAIR MALAVANSKY: Iliodor?

15:44:22 7 MR. ILIODOR PHILEMONOF: Yeah. Thank you,  
15:44:23 8 Mr. Chairman.

15:44:25 9 As Martha was saying, as far as what was  
15:44:33 10 brought up this morning, if NOAA does not want to  
15:44:36 11 present how the money was spent, particularly in  
15:44:40 12 Seattle, and if we see that 100 percent of Tony's, 100  
15:44:46 13 percent of Dave Winandy, or Minh or whoever else, are  
15:44:53 14 being paid out of this over the past two years and  
15:44:57 15 they're not dealing directly with our proposal, which is  
15:45:01 16 almost a year, this is absolutely mismanagement of  
15:45:07 17 federal funds. Absolutely. No work was really done to  
15:45:15 18 try to facilitate us, to help us, to let us know the  
15:45:23 19 questions that we've asked over and over again.

15:45:28 20 It is absolutely, I think -- if we can't get  
15:45:31 21 it, we'll certainly get it through a FOIA or through our  
15:45:37 22 representative, congressman, or either our senator's  
15:45:41 23 office, and you'll be obligated to give that. So  
15:45:42 24 therefore, I want NOAA to know there is a possibility of  
15:45:47 25 mismanagement of funds, particularly in Seattle. Thank

15:45:50 1 you.

15:45:52 2 CO-CHAIR MALAVANSKY: Thank you.

15:45:56 3 John?

15:45:59 4 MR. LINDSAY: Point of clarification. When I

15:46:00 5 mentioned 100 percent salaries, Mr. Mercadante and

15:46:07 6 Mr. Winandy, I'm talking about from this point on. I

15:46:08 7 have no knowledge of what the percentage was

15:46:10 8 historically.

15:46:14 9 CO-CHAIR MALAVANSKY: Jason?

15:46:15 10 MR. BOURDUKOFISKY: I'd like to really recommend

15:46:19 11 to John here that he seriously consider the application

15:46:28 12 from Bering Sea Ecotech to do the work. After all,

15:46:34 13 they've been working on this project and doing proposals

15:46:36 14 and training and everything else for two years, and the

15:46:40 15 government, NOAA, has been leading him on with the

15:46:46 16 impression that they're going get the contract, you

15:46:47 17 know. And today you come to us and tell us you're going

15:46:50 18 to hire a different prime. I'm very outraged.

15:46:58 19 I feel that there should be some sort of an

15:47:04 20 obligation by NOAA to really consider them, you know,

15:47:08 21 for the position as prime contractor, and I want you to

15:47:12 22 really seriously consider it. I mean, after all, you

15:47:15 23 know, you've been misleading -- I don't really mean

15:47:21 24 misleading, but then kind of leading them on for two

15:47:26 25 years that they are going to get the contract.

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15:47:31 1 MR. LINDSAY: I probably don't need to respond

15:47:34 2 to that. Again, I'm going to mention the fact that what  
15:47:41 3 is historical is historical, and what is the present and  
15:47:43 4 the future is the present and the future. I have no,  
15:47:46 5 and I will not accept, responsibility.

15:47:50 6 Now, the agency will have to accept the  
15:47:52 7 responsibility for all of its historical acts. Under  
15:47:58 8 the present (inaudible) management and such, we are not  
15:48:02 9 accepting responsibility for all the past actions. We  
15:48:07 10 are accepting responsibility to move forward, to clean  
15:48:12 11 up these sites, and work with the communities in doing  
15:48:14 12 it, and that's it.

15:48:18 13 And the decision has been made to go forward  
15:48:22 14 with selection of a prime contractor, as I've already  
15:48:25 15 described. In all honesty, so we're not leaving this  
15:48:30 16 room with the idea that we're going to do it in any  
15:48:33 17 other fashion, we're going to do it as I have projected  
15:48:36 18 at the beginning of the day.

15:48:40 19 I will listen, and I will listen to new  
15:48:45 20 proposals with an effort to be open-minded. But again,  
15:48:51 21 my direction has been basically as set forth this  
15:48:56 22 morning. It's not that it can't change, but I just  
15:49:00 23 don't want people to misunderstand the position that  
15:49:04 24 I've set this morning has necessarily changed from  
15:49:09 25 anyplace that we are at the end of the day.

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15:49:14 1 CO-CHAIR MALAVANSKY: Thank you, John.

15:49:14 2

Ray?

15:49:14 3

MR. DRONENBURG: Yeah, I'd like to add

15:49:15 4

something to what Iliodor and the rest of you have been

15:49:17 5

asking about. Getting NOAA to come forward with some

15:49:23 6

kind of itemization of accounting. Most of you have a

15:49:27 7

copy of my letter to NOAA in which we indicate that

15:49:32 8

we're not happy with the work plan that NOAA presented

15:49:36 9

and advising them that we have invoked stipulated

15:49:42 10

penalties.

15:49:44 11

On the last page of that letter, it says, and I

15:49:45 12

quote: It's further required that the plan described

15:49:50 13

remediation technologies and methodologies anticipated

15:49:53 14

for the groundwater problems recognized to exist on

15:49:56 15

Tract 41, and that on a separate issue NOAA would

15:49:59 16

respond to January 6, 1999 letter requesting itemized

15:50:04 17

accounting for project funding.

15:50:06 18

Under the Two-Party Agreement, project managers

15:50:13 19

are allowed to have knowledge of project funding

15:50:21 20

availability, so that one of the parts of the Two-Party

15:50:26 21

Agreement is that NOAA can suggest to DEC, the State of

15:50:32 22

Alaska, that if monies are not available and have not

15:50:35 23

been allocated for a certain project, then they're

15:50:39 24

excused from doing it and not under stipulation of

15:50:43 25

penalties.

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15:50:44 1

And consequently, the State needs to know the

15:50:47 2

financial status of the funding so that we can then

15:50:52 3 suggest to NOAA that if adequate funding is not  
15:50:56 4 available, that we need to go to Congress and, through  
15:51:00 5 line item or whatever ways, get more money.

15:51:04 6           Again, I'll point out that I asked NOAA for  
15:51:06 7 that letter on January 6th. That letter has not been  
15:51:10 8 forthcoming. And it's one of the reasons that  
15:51:14 9 stipulated penalties are being invoked at this time.

15:51:16 10           So you can consider that until that letter, or  
15:51:20 11 until I get that information, stipulated penalties will  
15:51:24 12 continue to be invoked at \$3,000 a week. So I would  
15:51:29 13 anticipate that I should get an answer pretty soon.

15:51:33 14           CO-CHAIR MALAVANSKY: Ron?

15:51:34 15           MR. RON PHILEMONOFF: Yeah. I can understand  
15:51:39 16 John's comment that he has marching orders on doing what  
15:51:43 17 he has to do. I asked Craig point-blankly, was he  
15:51:49 18 involved in the review of the decision making not to use  
15:51:53 19 local entities, and he said he hadn't seen the Ecotech  
15:51:55 20 proposal. He implied that he wasn't involved in the  
15:51:58 21 decision process. So even though we've heard contrary  
15:52:02 22 from the people in Seattle that the general counsel has  
15:52:04 23 been involved directly.

15:52:06 24           So we're getting this crisscross messages here  
15:52:11 25 and one against the other guy. So who is it we should

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15:52:16 1 be talking to to determine how we can appeal this  
15:52:17 2 process to use these two outside organizations and go

15:52:19 3 back to the intent of 104-91 to use local organizations?  
15:52:23 4 Where can we go in the agency, which branch of the  
15:52:28 5 flowchart is the chief of all the chiefs down there that  
15:52:31 6 we can talk to and change their mind? And if it's not  
15:52:34 7 John, if it's not Craig, who is it?

15:52:38 8 MR. LINDSAY: NOAA's the responsible person and  
15:52:46 9 the responsible party for this. This is my  
15:52:48 10 interpretation of it, since Craig is not here.

15:52:51 11 As that party and person, working in the arena  
15:52:57 12 that I had worked in under the Superfund program,  
15:53:01 13 they're ultimately liable and responsible for all their  
15:53:04 14 actions and activities. Therefore, they have the sole  
15:53:06 15 discretionary authority to make the decisions that are  
15:53:09 16 necessary to deal with that responsibility. We don't  
15:53:14 17 believe, based on discussion I had earlier with counsel,  
15:53:17 18 we don't believe, as an agency, that there is an appeal  
15:53:21 19 process.

15:53:23 20 However, in part, listening to the way that  
15:53:26 21 you've raised your question, who else can you go to to  
15:53:32 22 make basically a presentation of your concern, the  
15:53:39 23 person in the line would be Sue Kennedy. Susan Kennedy.

15:53:45 24 CO-CHAIR MALAVANSKY: Bill?

15:53:47 25 MR. ARTERBURN: Yeah. Maybe a more specific

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15:53:49 1 question, John.

15:53:51 2 Even though you have the authority to go ahead  
15:53:55 3 and make procurement, unless I misunderstand this

15:54:00 4 process, you're still obligated to make the procurement  
15:54:03 5 under the Federal Acquisition Regulations. And we would  
15:54:07 6 like to be very specific about inquiring of you what and  
15:54:10 7 how -- what process will you use to do that, so that we  
15:54:14 8 may enter into that process ourselves?

15:54:18 9 MR. LINDSAY: I wish I had someone here who  
15:54:21 10 knows a little bit more about this than I do. Based on  
15:54:25 11 what I know, we have already gone through the  
15:54:30 12 procurement acquisition process. We have already, as an  
15:54:33 13 agency, determined that Tetra-Tech, for example, is a  
15:54:38 14 contractor which can fulfill the requirements that we  
15:54:42 15 have.

15:54:44 16 Our right or ability to access the Corps of  
15:54:47 17 Engineers or the U.S. Navy is something that's entitled  
15:54:51 18 to us as one federal agency to another. There's no  
15:54:55 19 bidding, there's no competition in that regard. I don't  
15:55:01 20 know, maybe Dave can add something.

15:55:03 21 MR. WINANDY: Bill, both for the TERC, the  
15:55:09 22 Navy, the Central Administration Support Center, or  
15:55:17 23 CASC, of NOAA, they've already gone through the entire  
15:55:18 24 FAR process where the request for proposals for a  
15:55:22 25 contract has gone out and been advertised, Commerce

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15:55:27 1 Business Daily, you know. The proposal's been submitted  
15:55:30 2 for the contract, been reviewed, and selection teams  
15:55:35 3 were made up. So you have these indefinite quantity



15:55:40 4 contracts which are then available for any federal  
15:55:43 5 agency that, you know, is willing to fund it. So the  
15:55:47 6 competitive process within these different areas has  
15:55:49 7 already occurred.

15:55:51 8 MR. ARTERBURN: I certainly understand ID/IQ  
15:55:56 9 contracts, but I guess basically what you're telling me  
15:55:58 10 is that in order for NOAA to do what it wants on this  
15:56:01 11 job, it basically must demonstrate that there are no  
15:56:06 12 qualified local entities to do this work. And, you  
15:56:10 13 know, the way I read Public Law 104-91, if there are  
15:56:15 14 qualified local entities to do this work, then your  
15:56:19 15 ID/IQ is out the door.

15:56:21 16 So I mean, you know, I've heard statements that  
15:56:25 17 we're not qualified, but it seems like there needs to be  
15:56:28 18 some sort of a technical decision made about that, that  
15:56:34 19 we should have access and have a right to. If we're  
15:56:38 20 deemed unqualified, then we should have a right to  
15:56:43 21 examine that determination and to challenge it.

15:56:46 22 MR. LINDSAY: The position I'm in, I don't deny  
15:56:50 23 that to you. But with regards to satisfying the Public  
15:56:55 24 Law 104-91, my understanding of the philosophy that's  
15:57:00 25 being applied, we're not denying local entities to be

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15:57:05 1 involved in this process by our selection of a prime  
15:57:10 2 contractor who may not be a local entity. We are  
15:57:15 3 tasking the prime contractor, whoever it turns out to  
15:57:20 4 be, to work with local entities and bring them into the

15:57:24 5 process. Therefore, we're complying with Public Law  
15:57:27 6 104-91.

15:57:30 7 It's my reading of Public Law 104 -- and I am  
15:57:33 8 not an attorney and I don't have counsel here, but  
15:57:36 9 essentially my reading is it doesn't prescribe how one  
15:57:42 10 uses local entities, how one prioritizes the use of  
15:57:49 11 local entities in any aspect. It basically calls for  
15:57:55 12 giving opportunity to local entities to perform the  
15:57:57 13 work. And that's what we intend to do.

15:58:01 14 MR. ARTERBURN: Yes, it's pretty specific. It  
15:58:04 15 says to the greatest extent feasible. And I suppose we  
15:58:09 16 could all argue about what that really involves. But  
15:58:12 17 given the fact that on both islands, local entities have  
15:58:17 18 in fact organized themselves to do this work and have  
15:58:24 19 over a period of three years not only performed the  
15:58:24 20 work, developed the local skills to do the work, for you  
15:58:28 21 to go to your outside ID/IQ and then make a statement to  
15:58:33 22 the effect that local entities are not qualified, takes  
15:58:37 23 it, you know, a step further than my understanding or  
15:58:45 24 reading of 104-91.

15:58:48 25 I guess going back to Ron's question is, what's

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15:58:50 1 the authority we go to to have this action examined?

15:58:56 2 MR. LINDSAY: Again, I don't have regional  
15:59:02 3 counsel here, and getting into a discussion on the  
15:59:05 4 qualifications or nonqualifications of a local entity is

15:59:08 5 really beyond my purview. I think that's something that  
15:59:12 6 you definitely would want to write and ask an attorney  
15:59:16 7 about. Again, not being an attorney, just having been  
15:59:20 8 in this business for a while, I would just suggest that  
15:59:22 9 you go to your legal counsel and ask them what recourse  
15:59:26 10 you have.

15:59:29 11 CO-CHAIR MALAVANSKY: Jacob, you had a  
15:59:29 12 question?

15:59:30 13 MR. JACOB MERCULIEF: I want to make a comment  
15:59:31 14 in regards to he said whatever is historical, whatever  
15:59:35 15 is past is past. It should be all the way across the  
15:59:39 16 board, and if one of the local entities is found  
15:59:42 17 qualified to bid in the process, I think, you know, we  
15:59:46 18 should take a look at that company and regard them as  
15:59:50 19 one of the qualified businesses.

15:59:53 20 CO-CHAIR MALAVANSKY: Erin?

15:59:55 21 MS. ROSE: Well, I am an attorney, as you know.  
15:59:57 22 I represent Tanadgusix Corporation, and certainly don't  
16:00:00 23 represent any of the other entities, but I can speak to  
16:00:04 24 that question, legally. One alternative for any of the  
16:00:07 25 Native entities would be to file a preliminary

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16:00:09 1 injunction in federal court, seeking to enjoin NOAA from  
16:00:12 2 the award of this prime contract, and have a federal  
16:00:16 3 judge look at the issue about whether NOAA has complied  
16:00:20 4 with PL 104-91.

16:00:22 5 The problem with that solution is that there

16:00:25 6 has already been so many delays in this project that if  
16:00:29 7 that was done, it would stop this -- we'd lose this  
16:00:33 8 whole work season. It's expensive, it's time consuming.  
16:00:37 9 It's not a very practical way to solve this problem.

16:00:42 10 What I think you're hearing here, sir, is a  
16:00:46 11 plea from the community to work through the negotiating  
16:00:49 12 process and the (inaudible) process as opposed to the  
16:00:53 13 litigation process. You will soon find out, if you  
16:00:56 14 already don't know, that the Aleuts are not above using  
16:01:00 15 litigation tactics if they must. But they prefer not  
16:01:03 16 to. Because it simply is not -- it just diverts funds  
16:01:07 17 that need to go to much better use in advancing the  
16:01:11 18 cleanup.

16:01:11 19 Please listen. Sam Higuchi started this  
16:01:14 20 meeting with a wonderful quote that he's here to listen.  
16:01:17 21 I would urge you to please listen and do all in your  
16:01:25 22 power to respond to the Native entities. It is good  
16:01:26 23 business sense. The entities own the land, the entities  
16:01:29 24 own the lodging facilities, the entities have the  
16:01:31 25 equipment. They want to work with you. It will make

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16:01:34 1 everything move forward much smoother and much better if  
16:01:39 2 we can negotiate or through the political process find a  
16:01:42 3 solution.

16:01:45 4 MR. LINDSAY: Mr. Chair, I will just defer to  
16:01:49 5 the comments I've been making all day in the record.

16:01:54 6 CO-CHAIR MALAVANSKY: Ron?  
16:01:55 7 MR. RON PHILEMONOFF: Yeah. Let me get back to  
16:01:59 8 the comment earlier about that NOAA can fulfill the  
16:02:02 9 intent of 104-91 by hiring a third party, outside  
16:02:07 10 contractor, and having them work with the local  
16:02:08 11 entities. I mean, by subcontracting or hiring the Aleut  
16:02:13 12 people. If you read 104-91 carefully, it says that the  
16:02:17 13 secretary shall, through grants and other means, work  
16:02:20 14 with local entities and residents.

16:02:23 15 So that means to me that means that NOAA must  
16:02:26 16 deal directly with the local organizations and entities.  
16:02:28 17 You can't delegate your authority to Tetra-Tech or Army  
16:02:32 18 Corps of Engineers. The Secretary of Commerce has to  
16:02:35 19 deal with us directly in terms of a grant or other  
16:02:38 20 agreement. That's where the rub is. You can't delegate  
16:02:40 21 that authority out, and somehow you need to bring it  
16:02:42 22 back into compliance with 104-91.

16:02:49 23 MR. LINDSAY: Just to respond. I'm really over  
16:02:54 24 my head in trying to interpret 104-91 from an historical  
16:02:59 25 perspective. That really should lie in the hands of my

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16:03:02 1 legal counsel.

16:03:03 2 MR. RON PHILEMONOFF: Where is he?

16:03:16 3 MR. BOURDUKOFSKY: I assure him we won't be  
16:03:19 4 done until he comes back.

16:03:21 5 MR. RON PHILEMONOFF: Can we ask for a  
16:03:23 6 ten-minute break and see if he shows up?

16:03:25 7 CO-CHAIR MALAVANSKY: We can break for five  
16:03:26 8 minutes and see if he shows up.  
16:03:30 9 MR. RON PHILEMONOFF: I hate to be picking on  
16:03:32 10 staff when it's really a legal decision.  
16:03:37 11 MR. LINDSAY: Who are we waiting for? He's  
16:03:40 12 gone.  
16:03:41 13 CO-CHAIR MALAVANSKY: Where did he go?  
16:03:43 14 MR. LINDSAY: He had a meeting with another  
16:03:45 15 company on a totally unrelated matter.  
16:03:49 16 CO-CHAIR MALAVANSKY: He's not coming back,  
16:03:50 17 they've indicated.  
16:03:51 18 Iliodor?  
16:03:51 19 MR. ILIODOR PHILEMONOF: Yeah, Mr. Chairman.  
16:03:53 20 I want to ask to John. You said there are  
16:03:55 21 certain requirements you have before you would hire the  
16:03:59 22 contractors, or the prime contractors. Can you  
16:04:04 23 succinctly give us some of the requirements that the  
16:04:06 24 government has as far as hiring them, prime contractors,  
16:04:13 25 and perhaps maybe if we don't have those requirements,

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16:04:18 1 or your requirements, that we don't have any, can you  
16:04:24 2 help us out on that?  
16:04:25 3 MR. LINDSAY: Well, maybe not as well as you'd  
16:04:32 4 like. The contractors that we're considering have  
16:04:35 5 already basically been screened, either have been  
16:04:38 6 screened by the government or are in business with the

16:04:44 7 government, to do environmental remediation or  
16:04:49 8 environmental restoration projects. They are not  
16:04:53 9 confined to having this experience in a singular  
16:04:58 10 locality, but can draw upon a wide range of experience  
16:05:05 11 internal to their mechanisms, to come to bear to deal  
16:05:10 12 with complex problems like the ones on the Pribilofs.

16:05:12 13           It is not to say, and I am not discounting the  
16:05:17 14 fact that the local entities are the most knowledgeable  
16:05:21 15 about the environment. That is not really the point.  
16:05:26 16 The point is, from our perspective, and I'm only giving  
16:05:31 17 you part of our perspective because, as I've said over  
16:05:34 18 and over again, I am under direction to take this course  
16:05:38 19 of action. So I don't have internal knowledge of all of  
16:05:43 20 the reasons for it.

16:05:44 21           But in part, it's as has been stated on our  
16:05:50 22 behalf by the Coast Guard representative and the Corps  
16:05:54 23 of Engineers representative, that we don't have all of  
16:05:57 24 that expert in-house. We are looking for somebody with  
16:06:03 25 a broad base of experience that can help us move this

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16:06:06 1 project expeditiously and aggressively to closure.

16:06:11 2           As you heard Mr. O'Connor state, we want to get  
16:06:14 3 out of there. We don't belong there. I don't know a  
16:06:18 4 responsible party in the entire country -- I shouldn't  
16:06:21 5 say that. There are some responsible parties in the  
16:06:23 6 country that like to prolong remedial action with the  
16:06:28 7 hope that the law is going to change and their liability

16:06:32 8 is going to go away. That they can make more money by  
16:06:38 9 investing their assets in money market accounts or in  
16:06:43 10 other means than they could by investing it in a  
16:06:48 11 cleanup.

16:06:49 12 Well, we're not in that position. We don't  
16:06:51 13 have any assets to invest. We just want to get out of  
16:06:56 14 this situation. And that's what we want to do, and we  
16:06:59 15 want some help to help us manage this to get out of  
16:07:03 16 there; to work with the local people, to understand it,  
16:07:06 17 to help us get out of there. And those are the reasons  
16:07:11 18 as I understand it. I can't speak to all of them  
16:07:15 19 because they're above me and I'm not privy to all of the  
16:07:18 20 conversations that go on back east, in D.C.

16:07:20 21 MR. ILIODOR PHILEMONOF: And NOAA doesn't  
16:07:22 22 believe that we can get the expertise, that we don't  
16:07:26 23 have it at this time that we can get to do the job?  
16:07:33 24 Like you're looking around the same way?

16:07:34 25 MR. LINDSAY: I don't know. I honestly, I just

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16:07:38 1 don't know how to answer it.

16:07:39 2 MR. ILIODOR PHILEMONOF: And I believe you.  
16:07:42 3 You do have assets out on the island. It's NOAA, not  
16:07:45 4 necessarily WASC or anything, but you do have the fur  
16:07:48 5 seal rookeries out there. So you do have, the seals are  
16:07:53 6 still out there.

16:07:55 7 MR. LINDSAY: We're trying separate ourselves



16:07:57 8 from those.

16:07:58 9 MR. RON PHILEMONOFF: We'll take the seals

16:08:01 10 back, too.

16:08:01 11 MR. LINDSAY: We have assets, but those aren't

16:08:04 12 assets that I'm talking about investing in.

16:08:07 13 MR. TODD: Just a question, John. I'm trying  
16:08:09 14 to make sure I understand when you say prime contractor.

16:08:12 15 Obviously, the Corps of Engineers does some work

16:08:14 16 in-house, but for the most part they're just a

16:08:17 17 contracting authority or agency.

16:08:18 18 MR. LINDSAY: Right.

16:08:19 19 MR. TODD: When you say prime contractor,  
16:08:21 20 you're not really talking about Corps of Engineers being

16:08:24 21 a prime contractor. You're talking about the Corps of

16:08:27 22 Engineers being a contracting agency, going to a

16:08:30 23 contractor that they currently have an existing ID/IQ

16:08:32 24 kind of contract?

16:08:34 25 MR. LINDSAY: A management agency that's very

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16:08:36 1 familiar with --

16:08:37 2 MR. TODD: Like TERC. So they would basically

16:08:40 3 manage the contracting of the project. Same way with

16:08:43 4 the Navy. I know the Navy has a couple fairly large

16:08:46 5 ID/IQ kind of contracts in the state of Alaska. So they

16:08:48 6 would be your -- if you go with the Navy, they would be

16:08:52 7 your contracting agency. They're not really your prime

16:08:54 8 contractor.

16:08:55 9 MR. LINDSAY: Not the Navy. The Navy is in a  
16:08:58 10 completely different situation. The Navy has  
16:09:00 11 environmental detachments that have capability to  
16:09:03 12 basically do the whole job.

16:09:06 13 MR. TODD: Okay. So with the Corps, the Corps  
16:09:10 14 would actually just be the contracting agency, that they  
16:09:12 15 would contract through an existing contract that's  
16:09:15 16 already doing federal work in the state of Alaska, like  
16:09:19 17 the TERC, for example?

16:09:20 18 With the Navy, the Navy wouldn't actually  
16:09:23 19 contract it out, so they would in fact be the prime,  
16:09:26 20 or --

16:09:27 21 MR. LINDSAY: We would expect them to contract  
16:09:29 22 some of it out, I don't know. We don't have an  
16:09:32 23 entity -- the people that we've approached so far, we've  
16:09:37 24 indicated that we want to know if they're interested.

16:09:40 25 MR. TODD: I guess my question really is, when

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16:09:42 1 you say we haven't a prime contractor but we're looking  
16:09:46 2 at the Corps of Engineers as a prime contractor, you're  
16:09:49 3 really not looking at them as a prime contractor.  
16:09:50 4 You're looking at them as a contracting agency, right?

16:09:54 5 MR. LINDSAY: The way you're saying it probably  
16:09:58 6 makes sense --

16:09:59 7 MR. TODD: And the prime contractor would be,  
16:10:01 8 for example, would be Jacobs.

16:10:02 9 MR. WINANDY: That would be one of the prime  
16:10:03 10 contractors, yes.

16:10:05 11 MR. TODD: Okay. I think, to me, I was a  
16:10:07 12 little bit confused on the definition or term of prime  
16:10:10 13 contractor, because it's not the Corps; it would be some  
16:10:14 14 company. Okay.

16:10:15 15 CO-CHAIR MALAVANSKY: Martha?

16:10:16 16 MS. MALAVANSKY: I know Craig's not here to  
16:10:18 17 answer this question, so maybe John or Dave can answer  
16:10:22 18 this to the best of your ability.

16:10:24 19 Craig had mentioned that this is not the forum  
16:10:28 20 to discuss the contracting issues that have been brought  
16:10:31 21 up continuously all day long. Who can Bering Sea  
16:10:41 22 Ecotech and Tanaq Corporation contact with regards to  
16:10:43 23 this issue? It's a straight question.

16:10:48 24 MR. LINDSAY: I guess --

16:10:56 25 MR. BOURDUKOFISKY: I attended a meeting in May

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16:10:59 1 last year with Congressman Young and Undersecretary  
16:11:07 2 Garcia, Craig O'Connor, and it's been -- it's going to  
16:11:12 3 be another year in May, I think -- I think (inaudible)  
16:11:20 4 for this entity to get together and knock on Young's  
16:11:23 5 door and say, maybe (inaudible) and rest of the crew in  
16:11:29 6 Congress and tell them, hey, nobody's listening to you,  
16:11:32 7 Mr. Congressman. It's been a year and nothing's  
16:11:35 8 happened. I think that's the only way we're going to  
16:11:38 9 get anything done.

16:11:42 10 CO-CHAIR MALAVANSKY: Thank you, Jason.  
16:11:43 11 Bret?  
16:11:45 12 MR. COBURN: Question directed for Mr. Lindsay.  
16:11:47 13 You haven't had the opportunity to perhaps give  
16:11:53 14 us your qualifications and your abilities. It dawns on  
16:11:58 15 me, listening to this, the simple way for you to get  
16:12:03 16 this work done is for you to work with us, you  
16:12:04 17 personally, directly. Do you not have the construction  
16:12:08 18 experience to do environmental remediation work, or in  
16:12:10 19 fact do you? Because you're trying to put another  
16:12:14 20 party, another prime contractor to do it. I guess my  
16:12:17 21 question is, what are your qualifications? And if you  
16:12:20 22 bring somebody else into management, what are you going  
16:12:23 23 to do?  
16:12:24 24 MR. LINDSAY: I'm going to represent NOAA's  
16:12:26 25 position on getting this work done as quickly as

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16:12:29 1 possible. Knowing our responsibilities, being familiar  
16:12:34 2 with the liability associated with cleaning up hazardous  
16:12:38 3 waste sites, and determining threats to human health and  
16:12:42 4 marine environment. I'm not coming to you as a  
16:12:45 5 construction engineer. I'm not coming to you as an  
16:12:48 6 engineer at all.  
16:12:49 7 My background in the last 11 years has been  
16:12:54 8 working with EPA, cleaning up hazardous waste sites, but  
16:12:59 9 not as an engineer. Primarily as a technical advisor,

16:13:03 10 evaluating, making sure that threats to the environment  
16:13:07 11 are evaluated sufficiently, and that cleanup  
16:13:12 12 alternatives are properly evaluated and considered that  
16:13:15 13 would lead to adequate protection of the environment,  
16:13:20 14 essentially natural resources. As well as developing  
16:13:26 15 liability cases against responsible parties that have  
16:13:31 16 been responsible for injuring natural resources, and  
16:13:34 17 seeing to it that restoration of those injured natural  
16:13:43 18 resources is accomplished.

16:13:44 19 So I'm not coming here as a construction person  
16:13:45 20 or an engineer. I am coming here to basically ramrod  
16:13:51 21 this project to closure, to find the people and the  
16:13:55 22 means to do it.

23 CO-CHAIR MALAVANSKY: Sam?

16:14:02 24 CO-CHAIR HIGUCHI: I'd just like to make a  
16:14:03 25 statement that, in my experience in working with other

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16:14:07 1 agencies, I don't believe that NOAA is doing something  
16:14:11 2 extraordinarily different than what another agency would  
16:14:13 3 do.

16:14:15 4 I used to work for the National Science  
16:14:17 5 Foundation. The National Science Foundation had a  
16:14:20 6 program manager -- myself -- to do the implementation  
16:14:23 7 work. I went through the Corps of Engineers, U.S.  
16:14:27 8 Public Health Service, and Department of Energy Labs, to  
16:14:31 9 get the cleanup work done that I needed to have done.  
16:14:36 10 Or I had the option to use a prime contractor who could

16:14:40 11 hire subcontractors to get the work done. Those are the  
16:14:46 12 options available to a federal agency; and dependent  
16:14:49 13 upon the risk and the experience involved, those are the  
16:14:56 14 things that a person in my position, when I worked for  
16:15:00 15 the National Science Foundation, evaluated.

16:15:03 16           The other thing I would like to make clear is  
16:15:06 17 that the prime contractor for doing a lot of NOAA's  
16:15:12 18 environmental compliance work is Tetra-Tech. The  
16:15:15 19 criteria on how Tetra-Tech was picked is publicly  
16:15:20 20 available and you can compare, I would suggest you might  
16:15:25 21 want to compare your proposals to what that prime  
16:15:28 22 contractor had to offer.

16:15:29 23           There were a lot of other consulting firms that  
16:15:33 24 wanted NOAA's business. They were all compared on a  
16:15:38 25 slate board with technically qualified people on that

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16:15:42 1 board to judge each of the qualifications and what gave  
16:15:45 2 the best value to the public, to the taxpayer. What  
16:15:52 3 firm had the best depth and qualifications to the  
16:15:58 4 program that NOAA has.

16:16:03 5           MR. COBURN: May I respond? The problem is  
16:16:06 6 we're not being treated equitably. Without putting out  
16:16:08 7 a scope of work, you can't evaluate us against any other  
16:16:11 8 contractors. There has been no rules or no guidelines  
16:16:15 9 set to judge us by. It's a fixed deal. You're  
16:16:22 10 comparing apples to oranges. In fact, you didn't even

16:16:26 11 compare our firm. You didn't even review the amended  
16:16:28 12 proposal we gave you.

16:16:31 13 CO-CHAIR MALAVANSKY: Bill?

16:16:32 14 MR. ARTERBURN: Yeah. Sam, based on, I mean,  
16:16:35 15 what you said, this whole process, the last two years of  
16:16:39 16 cooperative agreements and solicitations has basically  
16:16:48 17 just been a smoke screen. If you guys are going to do  
16:16:49 18 this, shouldn't you at least reimburse us for the damn  
16:16:51 19 several hundred thousand dollars that we got out on the  
16:16:53 20 table trying to follow what we thought was an absolute  
16:16:57 21 intent on the part of Congress to use the Aleut people  
16:17:00 22 to clean these islands? I just don't get it here.

16:17:10 23 CO-CHAIR MALAVANSKY: Jason?

16:17:12 24 MR. BOURDUKOFISKY: I want to make a point on  
16:17:16 25 the fact that we can't compare this Pribilof Island

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16:17:19 1 cleanup situation to other agencies' protocol because,  
16:17:24 2 you know, the cleanup is legislated, you know, that the  
16:17:27 3 Aleut people have to do, or should be the one to do the  
16:17:32 4 prime. It doesn't say in that order, but then, you  
16:17:35 5 know, it's a special legislation that's put in for the  
16:17:41 6 Pribilof Islands. And when you bring up your national  
16:17:44 7 foundation or something like that, fine, but I don't  
16:17:46 8 think we have to follow that protocol because there's  
16:17:49 9 special legislation.

16:17:54 10 CO-CHAIR HIGUCHI: I understand that, but on  
16:17:57 11 the other hand, I don't think it guarantees you the

16:17:59 12 work. What it allows for is us to take a look at the  
16:18:03 13 qualifications available within the islands and make an  
16:18:08 14 evaluation based on that, based on risk and technical --

16:18:15 15 MR. ILIODOR PHILEMONOF: Here it is.

16:18:18 16 CO-CHAIR HIGUCHI: I understand your  
16:18:19 17 qualifications are on the table.

16:18:23 18 CO-CHAIR MALAVANSKY: Ron?

16:18:24 19 MR. RON PHILEMONOFF: Yeah, I'm concerned about  
16:18:26 20 the budget again, administration budget cost that's  
16:18:30 21 going to be tacked onto the overall cleanup effort. I'd  
16:18:36 22 like to thank Tessa for the comments on how the Coast  
16:18:39 23 Guard did. And the fact that it was a good thing for  
16:18:44 24 them because it was a three- or four-man, or lady,  
16:18:46 25 office, and it was their best interest to hire the Corps

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16:18:50 1 because they had the manpower and expertise to do it.

16:18:53 2 My concern is if we use the Army Corps, which  
16:18:56 3 will bring in the expertise, monitoring, all the  
16:18:58 4 engineers and all the legal counsel to get this done,  
16:19:00 5 yet you propose in your organization chart almost ten to  
16:19:05 6 11 people to do the very same thing. So I think if we  
16:19:08 7 use one of the other agencies, that we are double  
16:19:11 8 charging this project for administration overhead that's  
16:19:14 9 not necessary.

16:19:14 10 If you want to beef up your administrative  
16:19:17 11 staff to do the job and monitor it and comply with all



16:19:20 12 the regulations, then you should do it. But if you want  
16:19:23 13 to do what the Coast Guard did and farm it out to the  
16:19:26 14 Army Corps, I think that's a great idea, too, but you  
16:19:29 15 can't have your cake and eat it. You have to have one  
16:19:31 16 or the other.

16:19:31 17 MR. LINDSAY: If I may respond to that. I've  
16:19:34 18 already explained what I know about the budget. None of  
16:19:39 19 the money is being siphoned off by any of those people  
16:19:49 20 on that organization chart except for the program  
16:19:51 21 coordinator who has not yet been hired, and myself and  
16:19:54 22 the people underneath. Nobody else. That's my  
16:19:57 23 understanding of the budget. And if you can prove me  
16:20:01 24 wrong, so be it, but that's my understanding of how that  
16:20:05 25 money was being spent, is being spent.

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16:20:09 1 MR. RON PHILEMONOFF: Thank you.

16:20:10 2 MR. LINDSAY: And we are in no -- I understood  
16:20:13 3 from the Coast Guard that they have other obligations  
16:20:19 4 throughout Alaska, and they are a three- to four-member  
16:20:23 5 staff. If you look on that thing, we're only a  
16:20:26 6 three-member staff right now. The number of sites that  
16:20:29 7 we have to deal with is more than the one site that the  
16:20:31 8 Coast Guard had to deal with. Each site has its own  
16:20:36 9 unique intrinsic problems associated with it, and we  
16:20:41 10 don't have the technical capability to deal with all of  
16:20:45 11 that ourselves. We're basically following the Coast  
16:20:50 12 Guard model.

16:20:52 13 MR. RON PHILEMONOFF: (Inaudible)  
14 MR. LINDSAY: Yeah, there's more than one  
15 project. They have one project.  
16:20:58 16 MR. RON PHILEMONOFF: No; I'm talking about our  
16:20:59 17 project. The Pribilof cleanup, it's six people on one  
16:21:05 18 project. You said 100 percent of the time will be  
16:21:08 19 billed to the NOAA cleanup job on St. Paul.  
16:21:11 20 MR. LINDSAY: When I say project, I'm talking  
16:21:14 21 about there's the Pribilof Island project, and then  
16:21:17 22 there's, each site can be construed as a project. If  
16:21:21 23 I'm going to equate myself with the Coast Guard, their  
16:21:24 24 one project is that one 1,000-gallon release into the  
16:21:30 25 groundwater. That's one project. The diesel tank farm

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16:21:34 1 is our equivalent, I think, to that. And then we  
16:21:40 2 multiply that by 23 times, and we've got a lot of work.  
16:21:45 3 And we don't do it all ourselves.  
16:21:48 4 We're going to be busy, we're already overly  
16:21:52 5 busy, just trying to meet the demands of trying to get  
16:21:55 6 the thing organized. So I have to disagree if you think  
16:22:00 7 that we're doing something different than the Coast  
16:22:04 8 Guard is doing. But we're not.  
16:22:06 9 MR. RON PHILEMONOFF: I think you are. I don't  
16:22:08 10 think she has a Department of Health specialist and  
16:22:13 11 environmental engineer and environmental engineer and  
16:22:15 12 program coordinator. She may have all those, but --

16:22:19 13 maybe she can speak to it, but I don't think she has as  
16:22:22 14 many people in those critical fields that can be done by  
16:22:25 15 the Army Corps.

16:22:26 16 MS. MUEHLLEHNER: Chair, if I could just  
16:22:27 17 address it.

16:22:28 18 Right, I am responsible for just the one place  
16:22:32 19 at St. Paul, that one release. And, right, I can  
16:22:35 20 only -- if I had as many sites as NOAA had, I would  
16:22:40 21 need -- I mean, they have, what, how many people is it,  
16:22:44 22 that are funded by this project, between four and six  
16:22:53 23 people, but they have more than four to six times the  
16:22:54 24 amount of individual contaminated sites than I have to  
16:22:54 25 do it.

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16:22:54 1 So for me, just by myself, you know, I can  
16:22:57 2 manage -- with the Corps' help, I can do that one  
16:23:01 3 cleanup. But if I had that many sites, you know, I  
16:23:05 4 would definitely -- I couldn't do it at as one person.  
16:23:08 5 I would need my whole branch, which is three people. We  
16:23:10 6 would all three of us need to work together to do that.

16:23:14 7 And I think it might almost be easier for you,  
16:23:17 8 if you had somebody who had good construction  
16:23:23 9 experience, if you could work with that party. NOAA  
16:23:26 10 has, in the past you've had problems getting the  
16:23:30 11 construction up and running. And so you might actually  
16:23:32 12 have a better experience if you were working with  
16:23:34 13 another party who knows about working out at St. Paul

16:23:39 14 and St. George, has the construction experience. It  
16:23:41 15 might be a better experience for you working through the  
16:23:46 16 prime contractor rather than NOAA directly.

16:23:48 17 MR. RON PHILEMONOFF: Yeah, I agree with that.  
16:23:49 18 I'm just saying that we justified the new administrative  
16:23:53 19 budget, beefed up their staff, saying they realized that  
16:23:56 20 they need to beef up their staff and create a whole new  
16:23:59 21 division specifically for the Pribilofs, but yet they  
16:24:01 22 want to delegate a lot of authority to the Army Corps.  
16:24:03 23 To me it sounds like we were overkilling the  
16:24:07 24 administrative need of the Pribilof cleanup project.

25 MR. TODD: Jim Todd with Ogden.

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16:24:16 1 I spent 23 years in the Air Force, up to '97, I  
16:24:20 2 was commissioned officer, chief of maintenance  
16:24:24 3 engineering, had engineers who worked for me. So we  
16:24:29 4 executed lots of work, and obviously we used -- we had  
16:24:34 5 several contracting agencies. The Corps of Engineers  
16:24:36 6 was one of them. And (inaudible) was another one, that  
16:24:43 7 works down in San Antonio, Texas. And then of course  
16:24:46 8 here at Elmendorf, it was Third Contracting Squadron.

16:24:48 9 I agree with what everybody's saying. John, I  
16:24:51 10 think, said it exactly. He's doing the right thing. I  
16:24:54 11 think to have, on the part of the government to have six  
16:24:57 12 people as an oversight -- and, Ron, just from my  
16:25:01 13 perspective from the Air Force, six people from the

16:25:03 14 government, from the actual person that's responsible,  
16:25:09 15 because from his perspective there is a staff that has  
16:25:14 16 to review the plans, has to make the final approval and  
16:25:16 17 so forth and so on, and I think six people is very  
16:25:20 18 reasonable, even if they do use the Corps.

16:25:23 19           The difference, I think, John, between what  
16:25:25 20 you're doing and what the Coast Guard did -- I don't  
16:25:28 21 know how the Coast Guard directed the Corps of  
16:25:31 22 Engineers, but from what I understood her to say, she  
16:25:35 23 contracted with Bering Sea Ecotech. She wasn't mandated  
16:25:39 24 to use the TERC.

16:25:39 25           What I'm hearing, if it goes to the Alaska

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16:25:42 1 District Corps of Engineers, that you're pretty much  
16:25:44 2 with the understanding that they're going to go to TERC.  
16:25:48 3 So you are, even though you're going to them, you're  
16:25:56 4 going to them with the understanding who the prime is  
16:25:56 5 already going to be.

16:25:57 6           If you used them as a contracting authority,  
16:25:58 7 and you can direct them to actually go sole source back  
16:26:01 8 to Bering Sea or St. George, and they can do that just  
16:26:05 9 as quickly, virtually just as quickly as they can go to  
16:26:09 10 the TERC, and go through the ID/IQ contract. I think  
16:26:12 11 that's where the difference is between what you look  
16:26:15 12 like you're doing and what the Coast Guard is doing.  
16:26:19 13 They're different.

16:26:23 14           CO-CHAIR MALAVANSKY: Iliodor?

16:26:24 15 MR. ILIODOR PHILEMONOF: Yeah. I would like to  
16:26:25 16 ask John, what is the Pribilof program coordinator going  
16:26:31 17 to do, and I'm not sure we necessarily need a public  
16:26:36 18 health specialist in this either. So, you know, we've  
16:26:39 19 got, I think four or five people -- four, five people  
16:26:43 20 will do.

16:26:45 21 MR. LINDSAY: I'm going to have to defer.  
16:26:48 22 Maybe Sam knows what the program coordinator is. I'm  
16:26:52 23 reporting to Dave Kennedy and to Sue Kennedy. You  
16:26:55 24 notice on that organization chart, there's the office of  
16:27:00 25 safety compliance or environmental compliance. I mean,

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16:27:04 1 I could give you what I think my understanding of what  
16:27:07 2 the program coordinator is going to do. I don't work in  
16:27:11 3 that group. They have -- Sam, can you explain what that  
16:27:18 4 role is in the Pribilof project?

16:27:22 5 CO-CHAIR HIGUCHI: We're talking about this  
16:27:27 6 position, or talking about --

16:27:28 7 MR. ILIODOR PHILEMONOF: Yes.

16:27:31 8 CO-CHAIR HIGUCHI: Or 30 percent of the time?

16:27:34 9 MR. LINDSAY: My understanding is 30 percent of  
16:27:35 10 the time, is what I was told.

16:27:37 11 CO-CHAIR HIGUCHI: Thirty percent of the time.

16:27:39 12 MR. ILIODOR PHILEMONOF: Will that be from  
16:27:42 13 D.C.?

16:27:42 14 CO-CHAIR HIGUCHI: From D.C. It's to

16:27:46 15 coordinate those efforts that need to be coordinated  
16:27:46 16 from the field to address the Pribilof situation.  
16:27:50 17 CO-CHAIR MALAVANSKY: I think I'd qualify.  
16:27:53 18 MR. LINDSAY: Apply for the job.  
16:27:56 19 MR. DRONENBURG: Are there any benefits?  
16:27:57 20 CO-CHAIR HIGUCHI: I want to state, it is my  
16:27:59 21 impression that this person would be coordinating  
16:28:06 22 overseeing the budget, coordinating the RAB meetings,  
16:28:14 23 coordinating the quarterly meetings that take place back  
16:28:17 24 in D.C., preparing agendas for that. Looking into  
16:28:22 25 matters that need to be investigated relating to those

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16:28:24 1 quarterly meetings at a headquarters level.  
16:28:30 2 Coordinating with the State when that occasion needs to  
16:28:35 3 happen, when it's outside the day-to-day activities as  
16:28:39 4 far as policies and those issues go.  
16:28:42 5 MR. TODD: They're simply a support role.  
16:28:43 6 CO-CHAIR HIGUCHI: Right.  
16:28:47 7 MR. TODD: Staff supporting the project  
16:28:49 8 manager.  
16:28:49 9 CO-CHAIR HIGUCHI: For only 30 percent of that  
16:28:50 10 person's time.  
16:28:51 11 MR. ILIODOR PHILEMONOF: May I make a  
16:28:59 12 recommendation that we have Sam Higuchi be the Pribilof  
16:28:59 13 program coordinator. Thank you.  
16:29:00 14 MR. LINDSAY: Is he willing to move to  
16:29:02 15 Washington, D.C.?

16:29:04 16 MR. ILIODOR PHILEMONOF: That's my  
16:29:05 17 recommendation.  
16:29:08 18 CO-CHAIR HIGUCHI: Are you saying that you  
16:29:10 19 trust me?  
16:29:12 20 MR. ILIODOR PHILEMONOF: Yes, I do.  
16:29:14 21 CO-CHAIR HIGUCHI: I appreciate the vote of  
16:29:15 22 confidence from you.  
16:29:17 23 CO-CHAIR MALAVANSKY: Jason?  
16:29:17 24 MR. BOURDUKOFSKY: I have a question. Why is  
16:29:19 25 it so important that Washington, D.C. has to be involved

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16:29:25 1 on a daily day-to-day operation? You know, I don't  
16:29:29 2 understand that.  
16:29:36 3 CO-CHAIR HIGUCHI: Not with the day-to-day  
16:29:37 4 activities. It's with the overarching activities. As  
16:29:42 5 an example, a person who is more familiar with what  
16:29:47 6 happens on the Pribilof Islands on a quarterly basis  
16:29:53 7 gets informed about what happens so that they can  
16:29:57 8 ghostwrite, if you will, an informed letter responding  
16:30:06 9 to requests up on the Hill. To coordinate things, if  
16:30:09 10 need be, and to give advice to the legislative affairs  
16:30:12 11 person, Mr. Legatski. To provide that technical backup  
16:30:19 12 in Washington, D.C. A person that's qualified to know  
16:30:23 13 about restoration, in D.C., that can take information  
16:30:27 14 from the day-to-day perspective of John.  
16:30:30 15 That's what you're getting there. So that you



16:30:34 16 don't get somebody who doesn't know anything about  
16:30:39 17 restoration and you get a strange letter back, or a  
16:30:44 18 strange letter going to the Hill. NOAA does not need  
16:30:47 19 that kind of embarrassment. And you, as a taxpayer, I  
16:30:52 20 think, wouldn't want that. This person is devoted, 30  
16:30:56 21 percent of his or her time, to the Pribilof Island  
16:31:01 22 issues.

16:31:03 23 CO-CHAIR MALAVANSKY: Erin?

16:31:06 24 MS. ROSE: Would this person be someone writing  
16:31:08 25 letters for Paul Roberts to sign?

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16:31:12 1 CO-CHAIR HIGUCHI: One of the functions would  
16:31:13 2 be to gather information for a letter, let's put that  
16:31:16 3 way.

16:31:17 4 MS. ROSE: (Inaudible.)

16:31:19 5 CO-CHAIR HIGUCHI: I'm sorry?

16:31:22 6 MS. ROSE: A little humor there.

7 CO-CHAIR MALAVANSKY: Jason?

16:31:26 8 MR. BOURDUKOFFSKY: In other words, we would  
16:31:28 9 probably, in the future we won't be seeing any kind of  
16:31:30 10 letters like this.

16:31:34 11 CO-CHAIR HIGUCHI: I'm glad that's your  
16:31:36 12 statement and not mine.

16:31:38 13 CO-CHAIR MALAVANSKY: General?

16:31:40 14 MR. GROMOFF: I guess the only thing, from my  
16:31:42 15 experience with the RABs and co-chair, community  
16:31:46 16 co-chair, some of them, it was always good to have a

16:31:49 17 good communication between both co-chairs. And the  
16:31:54 18 distance between St. George and D.C., it really makes it  
16:31:56 19 a very difficult time to communicate a lot of the issues  
16:32:04 20 that need to be done. I would highly -- and to respond  
16:32:06 21 back to the community co-chair what's going on in the  
16:32:08 22 RAB and to advise us as members what's happening.

16:32:11 23 I see this break in communication, because I  
16:32:14 24 come back here, speaking of the RAB here, I'm totally  
16:32:17 25 lost. And I see that last meeting you had was a year

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16:32:20 1 ago and a lot of that information you have in the  
16:32:23 2 minutes are outdated. And I would like to encourage  
16:32:27 3 that we make sure that these communications continue to  
16:32:29 4 come through, and I think we'd have a lot easier meeting  
16:32:33 5 and more productive meeting than hearing the same things  
16:32:35 6 over and over here again, I keep hearing, for the last  
16:32:39 7 two hours. You know, I would like to see that opened up  
16:32:41 8 and continue to happen, what we had two years ago. So  
16:32:46 9 I'm sure we're informed on what's going on on the  
16:32:52 10 Pribilofs on cleanup and restoration.

16:32:53 11 That guy in D.C., 30 percent of his time. I  
16:32:55 12 mean, I could see 70 percent of his time not answering  
16:32:59 13 Max's calls. Now, I would prefer that communication, if  
16:33:02 14 it's going to work, that individual is dedicated to us  
16:33:05 15 and dedicated to the co-chair, community co-chair, on  
16:33:09 16 getting things done.

16:33:13 17 MS. MALAVANSKY: Elary, were you at the last  
16:33:15 18 meeting in October?

16:33:18 19 MR. GROMOFF: No; I had another representative  
16:33:22 20 there. A year ago in October. That's the last minutes  
16:33:25 21 I've seen.

16:33:27 22 MS. MALAVANSKY: October of '98.

16:33:28 23 CO-CHAIR MALAVANSKY: Anyway, thank you for  
16:33:30 24 your comments.  
16:33:32 25 Jacob?

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16:33:33 1 MR. JACOB MERCULIEF: I was looking at the  
16:33:35 2 minutes of the last October meeting and, talking about  
16:33:38 3 embarrassing letters, I notice that there was a letter  
16:33:42 4 in there about the city dumping illegal soils in the pit  
16:33:50 5 up by Polovina, which has since then proved to be not  
16:33:53 6 true. I was going to ask if they could do a verbal  
16:33:57 7 retraction or written retraction and/or an apology to  
16:34:02 8 the city, because it was proven to be not true.

16:34:07 9 CO-CHAIR MALAVANSKY: We'll take up the minutes  
16:34:09 10 at the next RAB meeting, and if you will make note of  
16:34:14 11 that to have your concerns addressed then, Jacob.

16:34:20 12 I thank everybody for attending. I'm trying to  
16:34:28 13 wind this up here. It's Ray Dronenburg's last meeting  
16:34:33 14 with us.

16:34:34 15 MR. DRONENBURG: Goodbye.

16:34:35 16 CO-CHAIR MALAVANSKY: Has DEC selected an  
16:34:39 17 individual? Maybe you can fill us in.

16:34:43 18 MR. DRONENBURG: Within the next two weeks,  
16:34:46 19 NOAA will be receiving a letter from the DEC that  
16:34:49 20 indicates that I'll be stepping aside, and Ron Klein  
16:34:52 21 will be signing most of the letters. Until the first of  
16:34:56 22 June, I'll be continuing to review documents and perform  
16:35:00 23 all the functions I've performed in the past.

16:35:09 24 No project manager has been identified yet, but  
16:35:11 25 we have hopes that we'll find some knothead willing to

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16:35:15 1 take this thing on. It's been a lot of fun working  
16:35:20 2 here. It's been, what, almost six, seven years. We  
16:35:25 3 started out, we helped put this thing together, and I  
16:35:29 4 would have liked to have retired thinking it was done,  
16:35:31 5 but it's not, so hang in there, guys, and hopefully  
16:35:36 6 we'll get it done. Thanks for everything.

16:35:38 7 CO-CHAIR MALAVANSKY: Thank you, Ray.

16:35:45 8 His last day at work is May 28th, I believe it  
16:35:50 9 is.

16:35:51 10 MR. DRONENBURG: Yeah, there's a big green mast  
16:35:54 11 on a sailboat down in Seward that will be headed out of  
16:35:55 12 the harbor just about that day.

16:35:57 13 CO-CHAIR MALAVANSKY: Okay.

16:35:58 14 Jason?

16:35:59 15 MR. BOURDUKOFSKY: I see Mr. O'Connor is back.

16:36:08 16 CO-CHAIR MALAVANSKY: Does somebody have a  
16:36:09 17 question of Mr. O'Connor?

16:36:13 18 MR. BOURDUKOFFSKY: Do you have a question you  
16:36:14 19 wanted answered by Mr. O'Connor?  
16:36:17 20 MR. RON PHILEMONOFF: Yeah, I did.  
16:36:23 21 CO-CHAIR MALAVANSKY: He's back.  
16:36:29 22 MR. O'CONNOR: And I came back early. I  
16:36:32 23 apologize for being gone if you had something for me.  
16:36:36 24 If you have a question, I'm happy to --  
16:36:40 25 CO-CHAIR MALAVANSKY: General?

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16:36:41 1 MR. GROMOFF: Yeah, maybe this is something  
16:36:44 2 that we've talked to the past, and that's why I brought  
16:36:47 3 up in the RAB earlier, was closures on those remediation  
16:36:51 4 actions that are being done. With the understanding  
16:36:55 5 that the land transfer actions have not been completed  
16:36:57 6 specifically on St. Paul where NOAA still owns the  
16:37:01 7 property and the land.

16:37:04 8 And the question is, you know, is we discussed  
16:37:07 9 this before, we have not come to a solution on how the  
16:37:11 10 transfer is actually going to happen once the  
16:37:13 11 remediation is done. The stakeholders or landowners,  
16:37:18 12 it's for them to sign and say we agree.

16:37:22 13 I would like to ask, knowing that, what is the  
16:37:24 14 procedures, or have you guys discussed the mechanism of  
16:37:28 15 the land transfer once remediation is done? And if the  
16:37:32 16 landowner, the potential landowner, does not want to  
16:37:36 17 accept the property because it's not cleaned up to the  
16:37:38 18 level that's acceptable to him, what is NOAA's position?

16:37:41 19 CO-CHAIR MALAVANSKY: Craig?

16:37:41 20 MR. O'CONNOR: Well, we can't force you to take  
16:37:47 21 it, so we would just retain it until such time until  
16:37:53 22 some resolution has been reached that the landowner was  
16:37:57 23 prepared to accept the property. I know we just signed  
16:38:02 24 off on deed transfers, quitclaim deeds, working our way  
16:38:11 25 through the -- I can't remember the metes and bounds on

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16:38:16 1 the particular parcel, but I'm assuming that those have  
16:38:16 2 been worked out to satisfaction.

16:38:18 3 We have certain legal obligations, and those  
16:38:21 4 legal obligations are to reach the point of cleaning it  
16:38:26 5 up satisfactorily (inaudible). At that point, I guess  
16:38:37 6 we would just retain it. What else would we do? We  
16:38:41 7 could, theoretically, I suppose we could put it into a  
16:38:45 8 court proceeding and ask the judge to determine whether  
16:38:47 9 or not the property should convey. Some sort of  
16:38:50 10 declaratory action. But beyond that, I would suspect --

11 CO-CHAIR MALAVANSKY: Erin?

16:38:57 12 MS. ROSE: I think because the lands are tied  
16:39:00 13 up in federal litigation right now, the issue of the  
16:39:03 14 conveyance of those lands and at what point they should  
16:39:04 15 be conveyed is an issue in that lawsuit, that it is  
16:39:07 16 probably NOAA's litigation counsel's place to be  
16:39:10 17 speaking on that point. I'm not involved in litigation  
16:39:13 18 either, so I can't address it.

16:39:15 19 MR. GROMOFF: I'm not talking about litigation.  
16:39:17 20 This is besides that. That's something different.  
16:39:19 21 You know, property transfer from the federal  
16:39:22 22 government to, like I say, the ANCSA corporations, is a  
16:39:25 23 requirement like it's got to be cleaned. It's  
16:39:29 24 contaminated. I mean, when the testing is acceptable by  
16:39:33 25 the parties, the lands will be transferred. That's what

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16:39:35 1 I'm talking about. Litigation does not impact the  
16:39:37 2 environmental. I'm just talking about the land.  
16:39:41 3 MS. ROSE: My understanding from talking to the  
16:39:42 4 attorneys that are working on the litigation is that is  
16:39:45 5 an issue in the litigation.  
16:39:47 6 CO-CHAIR MALAVANSKY: Ray?  
16:39:48 7 MR. DRONENBURG: I think I can shed a little  
16:39:51 8 light on that. First of all is that part of the, as we  
16:39:52 9 talked about, the new Contaminated Site regulations,  
16:39:55 10 there's two places in those where we would come to after  
16:39:57 11 we've done an investigation, where we would come to the  
16:40:00 12 parties, that would include NOAA and the State of Alaska  
16:40:02 13 and the landowner or the proposed landowner, and suggest  
16:40:06 14 that this is the cleanup level that's acceptable, and  
16:40:09 15 we're calling that a decision document.  
16:40:12 16 At that time, we would put our signature on  
16:40:14 17 there, landowner, proposed landowner, would put their  
16:40:18 18 signature on it, NOAA would put their signature on it,  
16:40:20 19 and then the cleanup contractor has a number that he can

16:40:22 20 go to and everybody's happy.

16:40:24 21           The other thing that you need to think about,  
16:40:28 22 though, is that in some of these decision documents  
16:40:31 23 where there might be alternative cleanup standards or  
16:40:34 24 looking at a risk-based approach, there could be a  
16:40:36 25 requirement for institutional control. And the State

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16:40:39 1 has suggested that in the past where institutional  
16:40:43 2 control is required, we look at some sort of a deed  
16:40:48 3 restriction.

16:40:49 4           In the past I think I closed a site on St.  
16:40:51 5 George Island, the old coal site or something. We had a  
16:40:57 6 single hit of PAHs that exceeded our MCL, maximum  
16:41:02 7 contamination level, but it was at a significant depth.  
16:41:05 8 There was a cement slab. And we closed it, recognizing  
16:41:09 9 that there was a significant -- one particular hit, and  
16:41:18 10 suggested to NOAA that that piece of property would be  
16:41:18 11 required to have an institutional control on it. And I  
16:41:20 12 don't know how you do that. I mean, that's a -- I don't  
16:41:24 13 know how that happens.

16:41:26 14           MR. GROMOFF: That's where my concern is, that  
16:41:27 15 other federal property involved in the transfer. We're  
16:41:31 16 running into the same problems, what the regulatory  
16:41:34 17 agencies put on institutional controls, and you go into  
16:41:38 18 the liability issues; and if the institutional control  
16:41:41 19 is bridged, who is responsible? I mean, we're running



16:41:44 20 into this in all federal agencies throughout the nation.

16:41:47 21 EPA is working on this.

16:41:49 22 And that's why I'm saying here, on the

16:41:51 23 Pribilofs, we discussed this about two, three years ago,

16:41:55 24 and we tried to put it on the back burner; and now we're

16:41:58 25 talking a work plan as to what level is acceptable to be

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16:42:02 1 clean. Those plans should have that one consideration

16:42:04 2 is to look at the final closure and the land transfer.

16:42:07 3 You know, that's one of the things that (inaudible) have

16:42:13 4 to come back and do another cleanup job. That's where

16:42:16 5 my concern is. I think the RAB members should look at

16:42:18 6 this, and also the potential stakeholders that are

16:42:21 7 looking at the property.

16:42:22 8 And what is the future use of that property?

16:42:25 9 That's where institutional controls come in. And if you

16:42:28 10 can't dig, all you can use is the top and you have

16:42:33 11 contaminated soil, what do you do with it later? And

16:42:36 12 that restriction is you have a dig permit required,

16:42:37 13 then, you know, you're putting a lot of covenants and

16:42:40 14 requirements and ordinances in deed restrictions. We

16:42:43 15 need to know that. Because it might be to our best

16:42:46 16 interest that we don't want this property. Who knows?

16:42:50 17 And we'll probably have to look at the federal

16:42:52 18 government to ask to provide us property in lieu of this

16:42:57 19 contaminated land that we can't clean to the level that

16:43:01 20 we thought we could use it for.

16:43:02 21 MR. O'CONNOR: We ought to look at that earlier  
16:43:05 22 rather than later, because if we're going to clean up  
16:43:08 23 something for our own benefit, you're not going to want  
16:43:10 24 the property, we may not want to bother to clean it up.  
16:43:14 25 We may want to put a fence around it or whatever. So if

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16:43:21 1 there are any areas out there that you believe that  
16:43:25 2 ultimately, regardless of whether or not we've cleaned  
16:43:29 3 it up to the State standards, you're not going to be  
16:43:32 4 accepting the conveyance, let us know now. Save lot of  
16:43:38 5 money and spend it someplace else, possibly. You bring  
16:43:41 6 up a very, very good point.

16:43:45 7 MR. GROMOFF: And the other thing is we could  
16:43:47 8 work and negotiate with NOAA to give us, we'll take the  
16:43:51 9 land dirty if you pay us up front and you pay us the  
16:43:56 10 money and we'll do our own cleanup. I've offered that  
16:43:58 11 many times and it's under consideration, too.

16:44:01 12 MR. O'CONNOR: Yeah, if anybody wants to --

16:44:02 13 MR. GROMOFF: We'll take it up front and you  
16:44:05 14 pay us up front for dirty property. We'll meet the  
16:44:07 15 regulatory requirements on liability. That's also up  
16:44:10 16 for discussion. I don't know if anybody would consider  
16:44:13 17 that. That's the stakeholders to look at that.

16:44:15 18 MR. O'CONNOR: How about if we reduce the price  
16:44:25 19 of the property we charge by the amount of the  
16:44:25 20 environmental liability?

16:44:27 21 CO-CHAIR MALAVANSKY: Let's get back in order  
16:44:30 22 here. Start slapping wrists, taking names and send you  
16:44:34 23 home with notes to your parents.  
16:44:37 24 Okay. Any further comments. Ron?  
16:44:42 25 MR. RON PHILEMONOFF: Yeah. I'd have to

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16:44:45 1 question Craig, when Craig was out of the meeting.  
16:44:48 2 MR. O'CONNOR: Yeah.  
16:44:49 3 MR. RON PHILEMONOFF: Anyway, I was asking you  
16:44:50 4 earlier about if you were involved in the review of the  
16:44:56 5 Tetra-Tech proposal and the decision in Seattle and why  
16:44:58 6 we weren't getting the job, and how we can appeal the  
16:45:08 7 decision to go to the outside contractors, Army Corps or  
8 Tetra-Tech.  
16:45:16 9 It seemed like John was saying it was out of  
16:45:18 10 his jurisdiction and you were not involved. I was  
16:45:19 11 asking who in this organizational chart is the proper  
16:45:25 12 place to appeal the decision coming down?  
16:45:27 13 MR. O'CONNOR: The decision in that context was  
16:45:31 14 made -- it was a cooperative agreement, wasn't it?  
16:45:40 15 MR. WINANDY: Yes.  
16:45:41 16 MR. O'CONNOR: The technical review was done by  
16:45:47 17 the technical people in Seattle, and the balance was by  
16:45:56 18 the department's general counsel that deals with  
16:45:59 19 cooperative agreements. That's not something that us  
16:46:03 20 lawyers deal with within NOAA. That's all the  
16:46:07 21 department's general counsel. That was (inaudible),

16:46:10 22 McLennan, which you guys may be familiar with. They were  
16:46:13 23 the ones that made the decision, of the adequacy and  
16:46:18 24 that sort of thing. And I guess could you talk to John.  
16:46:30 25 MR. LINDSAY: I wish you weren't here.

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16:46:34 1 MR. O'CONNOR: I don't have the answer right  
16:46:38 2 off the top of my head. Let me find out what the  
16:46:40 3 mechanism is. Fair question.

16:46:43 4 MR. RON PHILEMONOFF: Another question I wanted  
16:46:44 5 to ask, this is probably a legal thing.

16:46:48 6 MR. O'CONNOR: Don't ask me that.

16:46:49 7 MR. RON PHILEMONOFF: I asked John earlier.  
16:46:55 8 Something to do with the fact that John had mentioned  
16:47:13 9 that directing or talking to the three contractors that  
16:47:16 10 they must work the local entities to fulfill 104-91.  
16:47:25 11 And I made the comment that if you read 104-91, it says  
16:47:28 12 that the Secretary of Commerce must deal with the local  
16:47:30 13 organizations, and I think that NOAA delegating that  
16:47:35 14 responsibility (inaudible) to the Army Corps facilities  
15 (inaudible).

16:47:54 16 MR. O'CONNOR: Let me think about that. The  
16:47:56 17 last person in the world you want out here is Secretary  
16:47:59 18 of Commerce, I'll tell you. Nothing against him, but if  
16:48:03 19 you want to bog down a process, go to that level. Let  
16:48:07 20 me think about that. Go ahead with whatever the next --

16:48:11 21 CO-CHAIR MALAVANSKY: Ed?

16:48:11 22 MR. ILIODOR PHILEMONOF: Mr. Chairman, I got a  
16:48:13 23 question. This would probably go to Craig, perhaps  
16:48:19 24 John. Who from Seattle would give the technical advice  
16:48:34 25 to select the contractor? Who in Seattle did the work,

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16:48:39 1 technical work?

16:48:40 2 MR. O'CONNOR: The group, Dave, Tony, Minh.  
16:48:48 3 Who else did you guys have working -- who provided a  
16:49:00 4 technical overview? We went to an outside source for  
16:49:12 5 technical review, which is pretty standard.

16:49:16 6 CO-CHAIR MALAVANSKY: Bret?

16:49:17 7 MR. COBURN: Is there a written review of our  
16:49:19 8 company's performance and our qualifications prepared by  
16:49:24 9 NOAA?

16:49:25 10 MR. O'CONNOR: I don't know. Do you guys have  
16:49:26 11 an answer to that?

16:49:27 12 MR. WINANDY: We have a draft of what CSI had  
16:49:34 13 written, together with they were awaiting our comments  
16:49:37 14 before they could finalize their review of the  
16:49:40 15 cooperative agreement.

16:49:44 16 MR. O'CONNOR: I don't know if that's something  
16:49:48 17 we share.

16:49:50 18 MR. ILIODOR PHILEMONOF: We can get that  
16:49:52 19 through the Freedom of Information Act.

16:49:53 20 MR. O'CONNOR: That may be, I'm not sure.

16:49:57 21 CO-CHAIR MALAVANSKY: General?

16:49:59 22 MR. GROMOFF: Just for -- I know, co-chair,

16:50:02 23 you're looking for the time. I would like to know where  
16:50:05 24 we're going from here. Is NOAA still planning on  
16:50:08 25 funding the RAB and, you know, how many meetings are we

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16:50:11 1 talking about and budgeting for us to get a chance to  
16:50:13 2 continue these efforts that are going on on the islands?  
16:50:18 3 That's my question to ask.

16:50:19 4 CO-CHAIR MALAVANSKY: Yeah, that would be  
16:50:21 5 probably more appropriate for John and Sam to answer  
16:50:30 6 that. I get invited to the dance every so often.

16:50:32 7 MR. O'CONNOR: Do you really think we'd pass up  
16:50:34 8 an opportunity to do this again?

16:50:37 9 MR. GROMOFF: This is not bad.

16:50:40 10 MR. O'CONNOR: This has been easy.

16:50:44 11 CO-CHAIR MALAVANSKY: In terms of, you know,  
16:50:46 12 the time and place of the next meeting, I know we had  
16:50:49 13 suggested St. Paul as, you know, as a place to meet.  
16:50:56 14 And I don't know what schedules are like or things of  
16:50:59 15 that nature, and when the next meeting.

16:51:06 16 Sam? John?

16:51:08 17 CO-CHAIR HIGUCHI: Just to sort of throw out a  
16:51:12 18 brainstorming idea, and I haven't consulted with John,  
16:51:14 19 to be fair with him, about that. I understand that you  
16:51:16 20 want to review some of the things that are going to take  
16:51:20 21 place in the near future on the islands. I would  
16:51:23 22 suggest that you might want to coordinate that meeting

16:51:24 23 with John, and a possible RAB meeting at that particular  
16:51:29 24 time, to save what I would call logistical expenses of  
16:51:35 25 him flying out and his staff flying out.

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16:51:39 1 Since everybody's concerned about money, I  
16:51:42 2 would suggest that would be an opportunity. And then  
16:51:44 3 bring the other islanders on board at that time. I  
16:51:49 4 think that would be an appropriate use of funds. I'll  
16:51:56 5 leave that to John to decide. That's only, again, as I  
16:52:01 6 said, a brainstorming idea. I know that he's interested  
16:52:02 7 in holding it relatively as soon as possible,  
16:52:06 8 considering it's been a long time since we've met.

16:52:10 9 MR. LINDSAY: Just, I guess there's two things.  
16:52:14 10 I think the bylaws, but I'm not certain, allow for  
16:52:18 11 convening the RAB more frequently than quarterly. I'm  
16:52:21 12 not sure it met -- my understanding is the RABs haven't  
16:52:27 13 met quarterly anyway. Maybe three times a year.

16:52:33 14 But getting back to the request that was made  
16:52:35 15 of us to basically have some deliberations with the  
16:52:41 16 community regarding work plans. However you think is  
16:52:48 17 right, convenient to do that. We can either consider it  
16:52:53 18 in a St. George RAB, a St. Paul RAB, independently, to  
16:52:57 19 talk about the appropriate work plans in there, or you  
16:53:01 20 can -- and I think I heard somebody say possibly we  
16:53:04 21 could select a subcommittee of the RAB to sit down with  
16:53:08 22 us and go over that, and if you wanted to invite the  
16:53:11 23 public into that to hear that, I'll leave that up to

16:53:15 24 you.

16:53:19 25 But I guess from my perspective, I want to get

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16:53:22 1 moving on this as quickly as possible. If things go  
16:53:28 2 well, I mean I'm talking about maybe wanting to come out  
16:53:37 3 in three weeks or four weeks and start talking about  
16:53:38 4 these things. Even if I don't have the work plan in  
16:53:38 5 hand, I really feel like I need to see this place.

16:53:41 6 And maybe you at that time can convey certain  
16:53:44 7 kinds of concerns that you have about this, that or the  
16:53:48 8 other thing that I can use to dialogue with our  
16:53:52 9 contractors, whoever they are, to make sure that those  
16:53:54 10 are incorporated in the work plan.

16:53:56 11 As soon as we get going on those work plans,  
16:54:01 12 come back out again and, you know, let you hear what our  
16:54:05 13 ideas are on how to deal with what our options are. How  
16:54:09 14 we might want to direct which type of -- or select which  
16:54:15 15 type of alternative and direct our contractor to  
16:54:17 16 actually develop a more sophisticated work plan.

16:54:22 17 So this is kind of like on the fly here, but  
16:54:25 18 what I'm telling you is I'm willing to come out as much  
16:54:29 19 as it takes, essentially, with the same idea of trying  
16:54:33 20 to get the job done.

16:54:34 21 CO-CHAIR MALAVANSKY: Sam?

16:54:34 22 CO-CHAIR HIGUCHI: Could I suggest, John has  
16:54:37 23 offered a window of, let's say, three weeks. The other



16:54:41 24 thing is that I would suggest that the community RAB  
16:54:46 25 co-chair meet with the island co-chairs and decide

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16:54:50 1 within that window what would be an appropriate time to  
16:54:54 2 meet. And then the community RAB co-chair could convey  
16:54:59 3 that information to John for convening the next RAB  
16:55:03 4 meeting, hopefully within a window of three weeks or  
16:55:06 5 thereabout.

16:55:10 6 CO-CHAIR MALAVANSKY: That's fine.

16:55:12 7 MR. BOURDUKOFISKY: I have a question. Are you  
16:55:13 8 officially now the RAB co-chair, or is John, or --

16:55:28 9 CO-CHAIR HIGUCHI: Going back to the, what a  
16:55:32 10 friend of mine calls the wiring diagram, that position  
16:55:35 11 is vacant right now. I have been asked to, in the  
16:55:40 12 interim, fill in on that position. My understanding is  
16:55:43 13 that that position is being filled at a government level  
16:55:48 14 of a GS-13. I am a government level GS-14.

16:55:53 15 The other thing is, I do not have the technical  
16:55:58 16 background that is being sought for that particular  
16:56:02 17 vacancy that would be able to communicate from a  
16:56:06 18 technical point of view with John. Sue Kennedy is very  
16:56:11 19 well versed in cleanups. She worked for the Air Force  
16:56:15 20 in this particular area. I don't think that I qualify  
16:56:20 21 as a long-term, if you will, person involved in this  
16:56:26 22 type of an area.

16:56:28 23 I have a personal interest in strategic  
16:56:32 24 planning and organization development; and from a

16:56:35 25 personal viewpoint, I am very interested in how RABs

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16:56:44 1 work. But I do not see myself in a long-term position  
16:56:45 2 as fulfilling this vacancy. So I want to make that  
16:56:47 3 clear to you.

16:56:49 4 I appreciate Iliodor's confidence in me. I've  
16:56:53 5 tried to stay clear of caucuses and tried to maintain at  
16:57:00 6 least some semblance of being what I would call a good  
16:57:09 7 co-chair. I appreciate that vote of confidence from  
16:57:14 8 Iliodor.

16:57:17 9 CO-CHAIR MALAVANSKY: Thank you, Sam.

16:57:20 10 In any event, I know Iliodor and Bret had  
16:57:24 11 planned to be on the island the first week of May or  
16:57:26 12 thereabouts.

16:57:28 13 MR. ILIODOR PHILEMONOF: Yeah, I plan to be  
16:57:29 14 there, and we're having a board meeting on the 11th or  
16:57:32 15 12th. So I think within that time frame we can do that.

16:57:38 16 MR. LINDSAY: First week of May?

16:57:40 17 MR. ILIODOR PHILEMONOF: Yeah, after the 12th  
16:57:42 18 of May.

16:57:43 19 MR. LINDSAY: After the 12th of May?

16:57:46 20 MR. ILIODOR PHILEMONOF: Would that work for  
16:57:47 21 you?

16:57:47 22 MR. LINDSAY: Right now it does because I don't  
16:57:50 23 know where we're going to be. But if things are moving  
16:57:52 24 faster, then tell me who I should relay our status, our

16:58:00 25 progress to, and I will relay that to one or two

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16:58:04 1 individuals, one for each island, if you want, and just  
16:58:07 2 to Max, and, Max, you can deal with it. And then we can  
16:58:09 3 make another decision as to whether the timing should be  
16:58:13 4 moved forward.

16:58:18 5 MR. ILIODOR PHILEMONOF: I will be on St.  
16:58:20 6 George on the 3rd.

16:58:23 7 MR. LINDSAY: Of May?

16:58:25 8 MR. ILIODOR PHILEMONOF: Yes.

16:58:27 9 MR. LINDSAY: Is there somebody that I can  
16:58:30 10 communicate with?

16:58:30 11 CO-CHAIR MALAVANSKY: Yes, just talk to me and  
16:58:32 12 I'll get the word out.

16:58:34 13 MR. LINDSAY: So Max will coordinate for both  
16:58:36 14 islands and see when everybody's down there.

16:58:40 15 Is there a problem? I mean, I've indicated,  
16:58:43 16 but let's just confirm this. I've indicated that we  
16:58:47 17 could hold separate meetings on each island so as not to  
16:58:51 18 confuse one over the other in sharing time, discussions  
16:58:56 19 on particular sites on each island. It just seems more  
16:58:58 20 expedient to do that.

16:58:59 21 CO-CHAIR MALAVANSKY: Yeah, I've got no  
16:59:01 22 problems with that.

16:59:02 23 MR. LINDSAY: At least for this work plan  
16:59:07 24 development maybe. As things are progressing, we can  
16:59:12 25 have a gathering like this with both islands.

16:59:21 1 CO-CHAIR MALAVANSKY: All righty. Thank you,  
16:59:25 2 John.  
16:59:27 3 Sam has few closing remarks here.  
16:59:34 4 MR. GROMOFF: I would like to propose some  
16:59:45 5 agenda items for the next time we meet as a full RAB.  
16:59:46 6 We brought up some issues here. I would like to have  
16:59:47 7 some answers on the closures, if possible, from a legal  
16:59:47 8 standpoint, viewpoint, of transfer of property, what  
16:59:50 9 options are there.  
16:59:51 10 Second, I would like to, if we can, discuss a  
16:59:57 11 little more -- and I think once the subcommittees come  
17:00:00 12 up with the work plans on the milestone schedule, when  
17:00:04 13 they think the start date would be and completion dates,  
17:00:06 14 et cetera.  
17:00:08 15 And we had before, you know, we used to have  
17:00:11 16 that chart that showed the different work, what was  
17:00:14 17 done, what was completed, et cetera. I mean, that was a  
17:00:17 18 good work chart to go by because it kept us up to speed  
17:00:20 19 on the site projects and what was being done. And if  
17:00:24 20 there's going to be any -- and the results of the test  
17:00:27 21 that was done on St. Paul referenced the saltwater  
17:00:30 22 wells, et cetera, and we'd like to have -- you know, if  
17:00:35 23 we have technical people out on the island doing these  
17:00:37 24 type of tests, we should be briefed on the results of  
17:00:40 25 those tests. If there's any that are done between now

17:00:44 1 and the next RAB meeting, I would sure like to have  
17:00:46 2 those presentations by those technical people. Or if  
17:00:49 3 John's capable to provide that information, we'd like to  
17:00:52 4 have those type of briefings. Those are the type of  
17:00:54 5 items I'd like to see considered.

6 CO-CHAIR MALAVANSKY: Erin?

17:01:01 7 MS. ROSE: There have been a number of requests  
17:01:02 8 for budget issues.

17:01:03 9 CO-CHAIR MALAVANSKY: Right, budget info also.  
17:01:05 10 Ron?

17:01:07 11 MR. RON PHILEMONOFF: I had time to think over  
17:01:11 12 the question.

17:01:11 13 MR. O'CONNOR: All right.

17:01:18 14 If what you're driving at, Ron, is do we really  
17:01:20 15 have the authority under 104-91 to (inaudible) the  
17:01:28 16 Department of Commerce, NOAA, and the locals. Is that  
17:01:30 17 basically what you're asking?

17:01:32 18 MR. RON PHILEMONOFF: I was wondering if you  
17:01:34 19 did do it, it was implied that it meets the intent of  
17:01:38 20 104-91, and the language says it must be directly for  
17:01:44 21 the grant (inaudible).

17:01:52 22 MR. O'CONNOR: We believe that we are doing it  
17:02:01 23 the way is reasonable under 104-91. We can't do  
17:02:14 24 everything. We have to hire other people to do things.  
17:02:20 25 We've put the Corps of Engineers in the middle. That's

17:02:24 1 the United States government who is there. And I can't  
17:02:28 2 imagine that Congress wouldn't approve of that kind of  
17:02:31 3 approach.

17:02:31 4 I don't read the statute as requiring us to  
17:02:37 5 deal directly and utilize local entities to do  
17:02:44 6 everything, including contract oversight of whatever we  
17:02:53 7 might need to hire a third party to do.

17:02:54 8 MR. RON PHILEMONOFF: It was implied by John  
17:02:54 9 that if we hired Tetra-Tech and they subcontracted to us  
17:02:59 10 to clean the job, we've fulfilled the intent of 104.

17:03:04 11 MR. O'CONNOR: Oh, I think we have. That's  
17:03:06 12 what I'm trying to tell you. We can make those kinds of  
17:03:10 13 decisions. We have that authority to administer the  
17:03:13 14 federal monies that have been dedicated, allocated to  
17:03:15 15 this project, and we have certain responsibilities that  
17:03:18 16 we have to fulfill, and it's certainly within our  
17:03:23 17 discretion as to how best we can accomplish that. And I  
17:03:25 18 don't think 104-91 says we can't hire a third-party  
17:03:33 19 contractor.

17:03:33 20 MR. RON PHILEMONOFF: It says you have --

17:03:36 21 MR. O'CONNOR: To the maximum extent practical,  
17:03:40 22 to use local entities. I think we're disagreeing on it.  
17:03:49 23 I think I understand, but I feel very comfortable that  
17:03:54 24 we are consistent with the law in what we're doing.

17:03:59 25 CO-CHAIR MALAVANSKY: Elary?

17:04:00 1 MR. GROMOFF: And also for an agenda item, I'd  
17:04:04 2 like to have NOAA to look at the executive order that  
17:04:12 3 was presented on working with tribal entities, ANCSA  
17:04:14 4 corporations, et cetera, on utilizing environmental  
17:04:17 5 cleanup. I'd like you to review the Department of  
17:04:21 6 Defense policy, and it highlights what they just put  
17:04:24 7 together.

17:04:26 8 The majority of the federal agencies are  
17:04:28 9 adopting this on how to work on the environmental  
17:04:30 10 cleanup and working with specifically tribal entities  
17:04:33 11 and ANCSA corporations on transfer of environmental  
17:04:36 12 property, cleanup on lands, and I'd highly look at NOAA  
17:04:39 13 to see what you think and your interpretation of this  
17:04:44 14 process. If the Corps of Engineers does become the  
17:04:48 15 prime and do the management, they would have to follow  
17:04:51 16 this policy. And I'd highly recommend the rest of the  
17:04:54 17 RAB members, I'll make sure you get a good copy of this.  
17:04:58 18 I think this is a very good policy.

17:05:00 19 MR. O'CONNOR: Are you familiar with that?

17:05:14 20 CO-CHAIR MALAVANSKY: Yeah, we can get that  
17:05:15 21 into the minutes.

17:05:19 22 MR. GROMOFF: I think this is the only one I  
17:05:21 23 stole.

17:05:22 24 CO-CHAIR MALAVANSKY: Okay. Sam, your closing  
17:05:28 25 remarks, please.

17:05:30 1 CO-CHAIR HIGUCHI: As you can tell, my service  
17:05:34 2 to this RAB is limited. Your bylaws allow for a  
17:05:39 3 facilitator to come in during difficult and complex  
17:05:43 4 issues. I would, if asked, I would come in and assist,  
17:05:50 5 with the facilitator, to assist John or the co-chair RAB  
17:05:59 6 person that's finally picked, should that be the case,  
17:06:00 7 but in an advisory capacity. And so I would not be  
17:06:03 8 sitting at this table. So as Ray says goodbye, I will  
17:06:09 9 also say goodbye. I've gotten to know you over the  
17:06:15 10 years on a personal basis and I have a great respect for  
17:06:20 11 you as individuals and the entities that you represent.

17:06:23 12 I have made it clear in my mind that this --  
17:06:27 13 and John has made it clear in a way also, that he is  
17:06:31 14 trying to put this process on a fast track. That is,  
17:06:34 15 the cleanup of the Pribilof Islands. This RAB is not a  
17:06:40 16 lasting entity. You have available to you the Joint  
17:06:47 17 Management Board. I strongly urge that some of these  
17:06:51 18 issues that have drifted into this RAB be properly  
17:06:57 19 placed in the Joint Management Board agendas.

17:07:02 20 The other thing that I would -- there are two  
17:07:07 21 more things I'd like to talk about. One is, I've  
17:07:09 22 carried along with me since one of the first projects  
17:07:13 23 that -- and I'm glad that Elary is here. The partnering  
17:07:16 24 agreement for the oil seep on St. Paul Island. And it  
17:07:24 25 reads -- and I'm proud to carry this in my wallet. The



17:07:27 1 partnering agreement reads: Working with a positive  
17:07:31 2 attitude in the spirit of trust, cooperation, and  
17:07:36 3 openness. Committed to the concept of partnering, we  
17:07:40 4 agree to adhere to the following principles: One, deal  
17:07:48 5 with problems as they arise, address them at the lowest  
17:07:53 6 possible level.

17:07:54 7 That is, I would hope that you would use this  
17:07:57 8 as a mechanism, one of the mechanisms, to communicate  
17:07:59 9 those problem issues and to talk about them, but also  
17:08:04 10 indirectly with John.

17:08:07 11 To work together in a calm and respectful  
17:08:11 12 manner, which I appreciate that you've all done today.

17:08:18 13 Three, to communicate frequently, face to face  
17:08:22 14 when possible, and to acknowledge good work.

17:08:29 15 Four, to complete the project on time, within  
17:08:32 16 budget, and without compromising the health and safety  
17:08:36 17 of all those involved, and the environment.

17:08:42 18 Five, maintain good relations with local  
17:08:44 19 entities and residents.

17:08:46 20 I would all hope that -- you represent  
17:08:49 21 different entities from the islands. I would hope that  
17:08:51 22 you would maintain those good relationships that you've  
17:08:54 23 developed here, and also take it back to the residents  
17:09:03 24 of the islands. That's one of the purposes of this RAB,  
17:09:03 25 is to communicate with those people on the islands.

17:09:04 1                   Six, obtain regulatory acceptance without legal  
17:09:11 2 entanglements, and avoiding litigation.

17:09:15 3                   I think by expressing what we feel and  
17:09:16 4 addressing those problems, although we cannot make  
17:09:23 5 decisions, at least we know where each other is coming  
17:09:26 6 from so that there isn't anything hidden, and we can  
17:09:30 7 avoid those entanglements and those legal litigation  
17:09:34 8 processes.

17:09:35 9                   This is a process that I firmly believe in. I  
17:09:39 10 would not like it seen that you would become  
17:09:47 11 adversarial. I've really enjoyed working with you all  
17:09:51 12 over the past years, and I would hope that you would  
17:09:54 13 give your support to John. And when his people come on  
17:09:58 14 island to manage the projects for a longer period of  
17:10:01 15 time, and they say they are going to some islands out in  
17:10:06 16 the Pacific that has black sand beaches, that you all  
17:10:11 17 realize that they are not headed for the Hawaiian  
17:10:15 18 Islands, but they are headed for your communities, and  
17:10:18 19 they deserve the respect and trust that they will do a  
17:10:24 20 good job. And I would hope that you would treat them  
17:10:27 21 with that respect.

17:10:28 22                   I thank you again for the privilege of serving  
17:10:32 23 on this RAB and the privilege of meeting all of you as  
17:10:38 24 individuals. Thank you.

17:10:40 25                   CO-CHAIR MALAVANSKY: Thank you, Sam.

17:10:41 1                   Okay. In the back.

17:10:47 2                   MS. JAYEGER: Max, I'd like to add a little  
17:10:48 3 something. I've kind of just been watching this from  
17:10:52 4 the back here. Both of these islands have a lot of  
17:10:54 5 complicated environmental problems, and one thing that  
17:10:56 6 each half of the RAB could do is like work at  
17:11:00 7 prioritizing the sites that are most important to each  
17:11:04 8 community and maybe feed that back to NOAA. Because,  
17:11:06 9 you know, the bottom line is you can't start everything  
17:11:10 10 at once. If you're talking about work plans in early  
17:11:13 11 May, there's going to have to be some priority. So I  
17:11:19 12 would suggest that maybe the RAB help set some  
17:11:22 13 priorities on the sites.

17:11:25 14                   CO-CHAIR MALAVANSKY: I know in St. George we  
17:11:26 15 have and, you know, we've gone through public hearings  
17:11:32 16 through a Planning & Zoning Commission process, et  
17:11:35 17 cetera, and our process and whatnot, and we've conveyed  
17:11:40 18 those concerns, and at times, you know, hey, what can I  
17:11:43 19 say? I think there's probably, unfortunately, you know,  
17:11:49 20 the trust, mistrust, and has broken down, the system has  
17:11:54 21 broken down somewhere. We heard some venting today,  
17:11:59 22 probably legitimate and whatnot.

17:12:09 23                   And John is walking into this, and I really  
17:12:09 24 don't envy John's task, but I respect him in what he's  
17:12:11 25 doing and I'll give him the benefit of the doubt here

17:12:15 1 and do everything I can to assist to try to get the  
17:12:19 2 process moving forward again. Because ultimately we  
17:12:24 3 want it cleaned up.

17:12:36 4 I think we have to rebuild the trust somewhat  
17:12:38 5 here, and unfortunately it's been damaged. And how we  
17:12:42 6 do that and where we go is probably going to tell a lot  
17:12:46 7 about us as a people, individuals and organizations,  
17:12:50 8 within the next two, three months.

17:12:53 9 And so having said that, I'd like to thank  
17:12:58 10 everybody for attending here today. I know, like Sam  
17:13:02 11 lost his luggage, and I think it came in -- his luggage  
17:13:05 12 was out partying and came home at 3:00 this morning.  
17:13:09 13 And, you know, everybody that traveled from back east, I  
17:13:13 14 know how gruesome that trip can be and whatnot, but  
17:13:19 15 thank you, everyone, for attending and taking time out  
17:13:23 16 of your holidays. This is Holy Week for us, and Good  
17:13:28 17 Friday is upcoming and whatnot, and so we want to go on  
17:13:33 18 home for Easter, and so thanks.

17:13:38 19 MR. GROMOFF: For the chairs, John, I do have  
17:13:42 20 my own other copy, I'll give that to you, on the policy  
17:13:44 21 stuff. And any board members, RAB members, that would  
17:13:48 22 like to have a copy, I'll send them out to you. Just  
17:13:51 23 let me know, Max, and I'll provide it.

17:13:54 24 CO-CHAIR MALAVANSKY: Thank you, Elary.

17:13:56 25 Motion on the floor to adjourn?

17:13:58 1 MR. ALVIN MERCULIEF: So moved.  
17:13:59 2 CO-CHAIR MALAVANSKY: Moved by Alvin. Could I  
17:14:00 3 have a second to the motion.  
4 MR. GROMOFF: Yes.  
17:14:02 5 CO-CHAIR MALAVANSKY: Second by the general.  
17:14:04 6 All in favor of the motion, signify by saying "aye."  
7 BOARD MEMBERS: Aye.  
17:14:08 8 CO-CHAIR MALAVANSKY: All opposed, same sign.  
17:14:09 9 Thank you very much.

10 (Meeting adjourned at 5:15 p.m.)

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