

Prince William Sound Regional Citizens' Advisory Council
Special Board of Directors Meeting Minutes
November 26, 2024

Members Present: Robert Archibald, Amanda Bauer, Robert Beedle, Mike Bender, Ben Cutrell, Wayne Donaldson, Mako Haggerty, Jim Herbert, Dave Janka, Melvin Malchoff, Dorothy Moore, Bob Shavelson (1:36), Kirk Zinck

Members Absent: Mike Brittain, Nick Crump, Luke Hasenbank, Elijah Jackson, Angela Totemoff, Michael Vigil, Aimee Williams

Staff Present: Jennifer Fleming, John Guthrie, Ashlee Hamilton, Joe Lally, Hans Odegard, Jeremy Robida, Donna Schantz, Linda Swiss, Brooke Taylor, Nelli Vanderburg, Danielle Verna, Jaina Willahan

Others Present: Ytamar Rodriguez (ADEC), Ben Allison (Porter & Allison), Lisa Fox (DOI), Breck Tostevin (Nielsen Koch & Grannis PLLC)

Call to Order

President Archibald called the meeting to order at 1:31 p.m. A roll call was taken. The following 12 directors were present, representing a quorum for the conduct of business: Archibald, Bauer, Beedle, Bender, Cutrell, Donaldson, Haggerty, Herbert, Janka, Malchoff, Moore, and Zinck

Approve Agenda

Bauer added an agenda item to approve the Executive Director's annual holiday bonus that all other staff receive. This item was added after the Consent Agenda.

Janka moved to approve the agenda as amended. Herbert seconded. Archibald asked for objection; hearing none, the agenda was approved.

Public & Opening Comments (please limit as appropriate)

Archibald asked if there were any public or opening comments. There were none.

Approval of FY2024 Audit

Hamilton introduced Ben Allison, of Porter and Allison, the Council's new auditing firm. Allison explained that the Council's FY2024 financial audit was recently completed and provided a high level summary of the audit findings with the Board and welcomed questions during the presentation. Allison noted that there are required communications when issuing an audit report; communicating any issues they find with the audit to the governing body. Allison reported that there were no issues or findings, and the letter will state as much. Allison reviewed the year-end financial statements with the Board.

Herbert asked for the status of the IRS Form 990. Allison stated that draft 990 has been prepared by his firm and that a draft version is being reviewed by Porter & Allison management. Hamilton added that it is expected that the draft Form 990 will be presented to the Finance Committee at its next meeting, then brought to the Board in January for approval.

Herbert noted that the Finance Committee reviewed the draft audit at its most recent meeting in detail. The Finance Committee recommends approval.

Haggerty moved to accept the June 30, 2024 audited financial statements and audit report. Bauer seconded. Archibald asked for objection; hearing none, the action was approved.

Schantz recognized Hamilton for her work managing the financials and providing information for the audit, noting there were no audit findings or exceptions. Archibald, and other members of the Board, echoed sentiments of commendation to Hamilton.

Request for Informal Review on the VMT C-Plan

Robida introduced this agenda item explaining that he has been supporting Linda Swiss in the management of this task. Robida explained that on November 6, 2024, the Alaska Department of Environmental Conservation (ADEC) approved the renewal of the Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan (VMT C-Plan) and issued its Basis of Decision on the renewal. The 5-year renewal is effective as of November 6, 2024, and expires on November 5, 2029. Robida introduced contractor Breck Tostevin, who gave an overview of the informal review process.

Tostevin gave an overview of the history of the secondary containment liner explaining that the issue we are discussing today is a follow on from Condition of Approval (COA) #2 which required Alyeska to select a method for inspecting the secondary containment liner. Alyeska selected the electrical leak location method suggested by Council contractor Dr. Craig Benson, and conducted a pilot study in the West Tank Farm this past summer. Tostevin explained that in Alyeska's application for renewal, they do not outline what testing method they will ultimately use in the East Tank Farm to evaluate the integrity of the secondary containment liner. In ADEC's approval, COA #1 requires Alyeska to submit the final report of liner testing method by March 1, 2025, and to complete the liner testing in the East Tank Farm within this plan cycle, noting the plan renewal must be submitted in 2028.

With regards to requesting an informal review, Tostevin noted that doing so will afford the Council an opportunity to provide formal public comment on future decisions. Additionally, the Council is requesting a deadline on when the inspections would begin, as we are hopeful they would start in 2025. Tostevin added that Alyeska receives a 60% prevention credit for the liner containment system as a whole, which reduces the amount of response

equipment and personnel they are required to have listed in the plan for responding to a spill of the largest tank.

Beedle asked if ADEC was required to provide justification on how they came to their decision. Tostevin responded that ADEC outlined their reasoning for COA #1 in their findings document, specifically that the testing should go forward, but without specifying a timeline for completion.

Archibald thanked Tostevin for his work on this important issue.

Bauer moved to direct staff to request an informal review to ADEC pertaining to Condition of Approval #1 related inspection of the secondary containment liners as outlined in the recently approved Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan. Janka seconded. Archibald asked for discussion/objection; hearing none, the action was approved.

Contract Approval: State Legislative Lobbyist

Lally introduced this agenda item explaining that staff is seeking Board approval to transition current legislative monitor Gene Therriault from a legislative monitor to a registered lobbyist. Lally outlined the reasoning behind this transition, adding that it was discussed at length with the Council's Legislative Affairs Committee (LAC) at their most recent meeting. Therriault has represented the Council as a monitor since 2021, and has expressed interest in registering as a lobbyist which would allow him the flexibility to represent the Council more than he can as a monitor, among other advantages. Lally noted that the more obvious disadvantage to this change is that both Therriault and PWSRCAC would be required to file quarterly reports to the Alaska Public Office Commission (APOC) on his work as a lobbyist. Lally added that LAC is in support of this transition.

Bauer asked why the Council hired monitors historically, rather than lobbyists. Lally believes this was done due to Alyeska's taking issue to the Council having a lobbyist represent the Council; however, Joe Levesque has provided his legal opinion stating there is no reason why PWSRCAC cannot have a lobbyist, as long as we abide by the APOC requirements.

Beedle spoke in favor of this change, as a monitor, Therriault can only work 10 hours per month, which is challenging for PWSRCAC. Being a lobbyist will bring more value to the organization in the long run. Moore echoed Beedle's sentiments, adding that LAC has discussed this change for several years. She is in support of this request.

Haggerty moved to approve a sole source contract with Gene Therriault as the Council's State Legislative Lobbyist for FY2025 in an amount not to exceed \$31,700. Beedle seconded. Archibald asked for objection; hearing none, the action was approved.

Consent Agenda

Herbert pulled item B from the consent agenda. Archibald pulled item A.

Beedle moved to approve the Board Policy Amendments on the consent agenda as presented. Bender seconded. Archibald asked for objection; hearing none, the consent agenda was approved as amended.

Tsunami Workshop Summary Report

Accepted: Report titled "Tsunami Hazards Guidance for Vessel Operators Workshop Summary" by Nuka Research and Planning Group, LLC, dated August 2024, as meeting the terms and conditions of contract number 8025.24.01C0, and for distribution to the public.

Board Policy Amendments

Approved: The set of proposed Board Policy Amendments (#s 304, 310, and 710.06) and the new policy (# 311) forwarded by the BGC.

Consideration of Consent Agenda Items

FY2026 Funds and Contract for Copper River Delta and Flats GRS

Herbert asked for a short explanation as to why this is being brought to the Board at this time. Robida explained that staff originally budgeted \$25,000 for this project. Upon further review, that amount was not sufficient to cover the costs, especially relating to travel and site visits. Additionally, it is anticipated that this project will be completed over two fiscal years (FY2025 and FY2026). Therefore, staff and the OSPR Committee request that the second phase of the project for FY2026 become protected to assure project completion. Herbert added that this was a high-ranking project for OSPR.

Schantz reiterated that if approved, this will authorize a two-year contract with Nuka Research and Planning Group, LLC and the project will be protected in the FY2026 Long Range Plan.

Bauer moved to approve the commitment of \$38,000 in the FY2026 budget for project 6540 Copper River Delta and Flats Geographic Response Strategies; and authorized the Executive Director to enter into a sole source contract with Nuka Research and Planning Group, LLC for project 6540 - Copper River Delta and Flats Geographic Response Strategies in an amount not to exceed \$45,000. Herbert seconded. Archibald asked for objection; hearing none, the action was approved.

Tsunami Workshop Summary Report

Archibald disclosed one edit to the report, noting that Jim Herbert gave the opening welcome, not Archibald who was unable to attend. This edit was made to the workshop agenda that was included in the report.

Moore moved to accept the report titled "Tsunami Hazards Guidance for Vessel Operators Workshop Summary" by Nuka Research and Planning Group, LLC dated August 2024, as meeting the terms and conditions of contract number 8025.24.01C0, and for distribution to the public. Janka seconded. Archibald asked for objection; hearing none, the report was accepted.

Executive Director Holiday Bonus

Bauer stated that the Executive Director has authority to issue a holiday bonus to all staff, with the exception of herself. Therefore, she is requesting approval to award a one-time holiday bonus in the amount of \$600.

Bauer moved to authorize a one-time 2024 holiday bonus for Executive Director Donna Schantz in the amount of \$600. Herbert seconded. Archibald asked for objections; hearing none, the action was approved.

Closing Comments

Beedle expressed his appreciation to the Director of Finance, the Finance Committee, and support staff for a successful audit.

Members wished each other a happy holiday season.

Adjourn

The meeting adjourned at 2:30 p.m.

Secretary