

8.3.2

Submitted by
Chip Thoma,
#2 Marine Way
Juneau, 99801

for submission
to the habitat +
acquisition process
team — for
consideration after
governor's vetos

Request that
vetoed items
be voted on by
team and Council
for acquisition +
restoration projects
in 1992-93

5/28/92
Juneau Restoration
Team Meeting

Amendment No 1 to SB 483 (Capital Budget) Passed + Given to Governor 5/28/92
Appropriation of the State's restitutionary receipts to Exxon
Valdez Oil Spill

832

Section	Location of Habitat Acquisition	Amount
154	Eyak	\$4,350,000
155	Tatitlek	1,675,000
156	Chenega	1,675,000
157	Cape Suckling	8,000,000
158	Kachemak Bay plus interest of \$1 2-1 7 million	9,274,315
159	Kenai River	2,800,000
160	Kodiak weir sites	75,000
162	Afognak Island	7,000,000
163	Afognak Island	1,300,000
164	Kodiak weir sites	350,000
Habitat Acquisition Subtotal		\$38,000,000

Section	Fisheries Restoration	Amount
165	PWS Herring spawn study	\$175,000
166	Cook Inlet sockeye test netting	560,000
167	Cook Inlet sockeye stock id	100,000
168	Kenai River sockeye forecast ver	30,000
169	Kenai River sockeye genetic id	300,000
170	Resurrection Bay sockeye smolt growth	250,000
175	PWS salmon projects	1,140,000
176	Coghill sockeye restoration	65,000
177	PWS early marine salmon monitoring	30,000
178	Hatchery improvements (Big Lake, Fort Rich., Noatak, Gulkana, Nenana)	1,285,000
180	Seward Shellfish Hatchery	800,000
183	Main Bay Hatchery Improvements	1,000,000
184	PWS juvenile salmon migration study	130,000
185	PWS remote salmon fry release study	85,000
186	Alaska Fisheries Development Foundation (endowment)	4,000,000
187	Kodiak sockeye salmon dev	190,685
Fisheries restoration subtotal		\$10,140,685

Section	Misc Restoration Projects	Amount
160	PWS Science Center (ecosystem monitoring)	\$800,000
171	Killer whale monitoring study	60,000
172	Chenega area oil removal, beach grass revegetation	200,000
174	Fishery Technology Center design and planning	100,000
179	Chenega Bay herring saltery removal and cleanup	585,000
181	Alaska Sea Life Center dev	500,000
188	Bristol Bay Buy Back Coalition	100,000
173	Archaeological resource inventory	800,000
182	Valdez city storm drain oil/grease separators	215,000
Misc restoration subtotal		\$3,360,000

Totals

Habitat acquisition subtotal	\$38,000,000
Fisheries restoration subtotal	10,140,685
Misc restoration subtotal	3,360,000

GRAND TOTAL

\$51,500,685

John G. Grimes
Received in Anchorage, 5/16

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Title of Project Primary Election '92

Justification (Link to Injured Resource or Service)

Description of Project (e.g. goal(s), objectives, location, rationale, and technical approach)

Accept campaign issues about restoration from political ~~issues~~ raised by political leader advocates. This is a political year for representative democracy of, for and by the people. Follow particular ideas which become popular or were winners. → platform

Estimated Duration of Project _____

Estimated Cost per Year. _____

Other Comments

So far, except for the Citizens advisory group, the public can only comment to committees autocratically picked by the Executive Branch of Gov't or determined by Judicial decree.

Name, Address, Telephone

John Grimes
P.O. Box 100827
Anchorage, AK 99510
274-6348

Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.

Charles Totemoff, Chenega B.
received May 15, 1992

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
FORMAT FOR IDEAS FOR RESTORATION PROJECTS

TITLE OF PROJECT:

Chenega Bay Replacement Subsistence Resource Project.

JUSTIFICATION.

Due to oil spill, subsistence resources are either grossly polluted or populations are seriously reduced

DESCRIPTION OF PROJECT:

- A. Goals: To replace subsistence resources by permitting residents of Chenega Bay to travel to the Eastern Prince William Sound area for subsistence resources, to provide funding for such travel, to provide funding for other villages, e.g. Yakutat, to assist us in gathering, preserving, sending subsistence goods from other villages, until either the resources in areas we use are no longer polluted or are in sufficient quantities for our use.
- B. Objective: To preserve the health and welfare of residents of Chenega Bay and their subsistence way of life and to restore injured subsistence resources.
- C. Location: Southwestern Prince William Sound.
- D. Rationale: The NRDA studies have established the depletion of subsistence resources in our area.
- E. Technical Approach: None

ESTIMATED DURATION OF PROJECT

10-15 years in most areas; others, up to 25 years.

ESTIMATED COST PER YEAR.

\$50,000.

OTHER COMMENTS:

This approach was suggested to Exxon in 1989 and to the State, D.C.R.A. in 1990. Budgets are available.

NAME, ADDRESS, TELEPHONE:

Chenega Corporation
Charles W. Totemoff, President
P.O. Box 60
Chenega Bay, Alaska 99574
(907) 573-5118

CHENEGA CORPORATION

Post Office Box 8060
Chenega Bay, Alaska 99574-8060
(907) 573-5118

*Charles Totemoff, Chenega
received May 15, 1992*

March 13, 1992

Exxon Valdez Oil Spill Settlement Trustee Council
201 E. 9th Avenue, Suite 206
Anchorage, AK 99501

Dear Ladies and Gentlemen:

We would like to introduce you to our Village Corporation. In return, we request your consideration with regard to any program in which our unique and specialized knowledge of Prince William Sound, its environments, and the devastating effect of the oil spill, might be useful.

Chenega Corporation is the village corporation within the meaning of The Alaska Native Claims Settlement Act for the Native Village of Chenega Bay, formerly the Native Village of Chenega. We have been actively involved in oil spill related response since 1989. Our local response program received accolades from the Department of Environmental Conservation.

In 1991, we contracted with Exxon to perform cleanup related activity in and about the southwest portion of Prince William Sound. Between 1989 and 1991, we were actively involved in local response program activities, and our shareholders, having lost their subsistence based economy, became skilled oil spill cleanup workers.

Within the past year, the village corporation formed a subsidiary, Chaaniqmuit Services Ltd., in order to specifically respond to oil spill related activities. Chaaniqmuit Services Ltd. is capable of offering support services, including housing, vessel support, and guide services. Chenega Corporation operates a three bedroom hotel complex at Chenega Bay. The complex includes sleeping quarters and we also have catering capabilities, an excellent chef, and experience in providing such services.

Our shareholders, because most are subsistence hunters, gatherers and fishermen, have a vast storehouse of knowledge concerning the flora and fauna of Prince William Sound, as well as the geography and cultural sites of our homelands. Most of our shareholders have received Hazwoper training.

We also have experience in managing complex logistics, including response activities.

We are also anxious to learn and to participate in your projects. , If training is necessary in order to provide services, our shareholders are anxious to be trained, and we are certainly willing to assist.

Because we live in Prince William Sound year round, our services would be ideal for site monitoring, species monitoring, tide and current monitoring, and practically any other aspect of the assessment and restoration activities which you are undertaking. We also have a keen interest in cultural site monitoring.

Although we have not been previously contacted by your agency with regard to what services we, as a wholly Alaska Native owned village corporation could offer you, perhaps some of the blame is ours in not contacting you with regard to our capabilities. We look forward to hearing from you.

If you have any questions or if you are considering requesting proposals, please write or call either Gail Evanoff or me

Very truly yours,

CHENEGA CORPORATION

By: Charles W. Totemoff
Charles W. Totemoff
President and CEO

CWT:cbs (A:ltrs214.doc)

Mark Donohue 5/5/92

Kodiak Area Native Association

Enhancement of the Pacific Herring in Uyak Bay

Lead Agencies: Alaska Department of Fish and Game
Kodiak Area Native Association

The Exxon Valdez oil spill impacted large areas of coastline containing spawning habitat for the Pacific Herring, *Clupea harengus pallasii*. In Uyak Bay, large amounts of oil mousse were present at the same time herring traditionally aggregate, spawn and during the three weeks the eggs develop and hatch. VECO workers removed approximately 70,000 bags of oiled marine macroalgae.

Oil in Uyak Bay influenced herring selection of spawning substrate, egg mortality and larval survival. ADF&G stock assessment has been limited by manpower and funding to aerial surveys of schooling stocks. The individual management units will provide a comparison of potentially impacted three year old herring from Uyak/ Spiridon Bays with unoiled herring spawning areas. If there exists damage to this year class the EVOS is the probable cause and we recommend the following restoration/enhancement effort.

The goal of this project is to enhance herring populations by providing additional substrate and tended in vivo incubation of the eggs.

In the USSR, spawning habitat enhancement has increased the biomass of one generation of herring 60,000 tons at age five. Their efforts include constructing artificial spawning grounds, the incubation of eggs deposited on trap nets, the collection of storm scattered eggs and the placement of macroalgae substrate in spawning areas.

Alaskan efforts are, thus far, limited to requiring that herring pound sites be left intact until the eggs have hatched. In Washington state some success has been described by the Klallam-Port Gamble tribe in a bay denuded of vegetation by sawmill operations. Longlines of *Macrocystis integrifolia* are cultured for use in the roe on kelp fishery. Additional longlines of the roe laden kelp are held until they hatch. In 1990, the Washington Department of Fish and Game increased the harvest allotment from five to 100 tons of herring for the tribe.

Enhancement will consist of the construction of a towable netpen, the culture of appropriate algal substrate, the capture and transfer of herring to the netpen, the towing of the netpen to a protected site, the installation of predator barriers, transfer of algae to the net pen, the spawning of herring on the substrate, the release of spawned herring, the protection of fertilized herring spawn through incubation and the release of substrate after incubation is complete

The macroalgae culture activities should begin June Year 1 Net pen construction should begin in September Year 1 with operations targeted for the April Year 2 spawning season

Preliminary initial cost estimate is \$120,000 and \$40,000 annually

Mark Donohue 5/5/74
Kodiak Area Native Association

Assessment and Quality Assurance of Shellfish Resources

Lead Agencies: Alaska Department of Environmental Conservation
Kodiak Area Native Association

During the Exxon Valdez oil spill Razor Clam, *Siliqua patula* habitat on the Alaskan Peninsula (Swikshak, Big River and Village beaches, Hallo, Kashvik, and Puale Bays) and other shellfish resources on Kodiak Island were impacted by oil

Oil buried in this sandy, surf swept habitat and was not removed by cleanup workers Buried oil has retained its toxicity and may be an ongoing source of damage to intertidal and subtidal populations of this economically important resource. While finfish have been shown to more rapidly metabolize the hydrocarbons, bivalves, such as the Razor Clam, have been shown to accumulate the compounds and only slowly release them in the absence of ongoing contamination

As the prey species of many mammals (brown bears, fox, otters), waterfowl and fish Razor Clams may be a continuing source of contamination or a diminished resource for these populations The Razor Clam is also a commercial, subsistence and recreational resource In 1974, 198,000 pounds of razor clams were harvested from the Kodiak Management Area

In cooperation with the Alaska Department of Environmental Conservation, The National Park Service, National Marine Fisheries Service, The University of Alaska, The U S Food and Drug Administration and the Alaska Department of Fish and Game, the Kodiak Area Native Association will

- 1 implement an assessment of the contamination and health of Razor Clam stocks based on a comparison of existing baseline data with surveys and local testing leading to FDA certification under guidelines established by the National Shellfish Sanitation Program and

- 2 institute a program of market quality assurance to include the site selection, purchase and construction of relay and shorebased facilities to hold and test shellfish

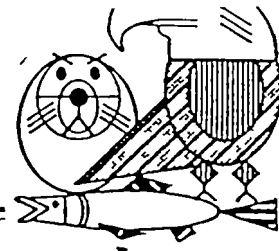
The site selection and development of shorebased facilities and laboratory capabilities begin in March (Year 1) The assessment of Razor Clam populations begin in May (Year 1) until October (Year 1) and from May (Year 2) until October (Year 2).

Preliminary cost estimate is \$500,000

Judy Jagawa, Valdez Public Participation Meeting
May 11, 1992



Exxon Valdez Oil Spill Restoration Team
645 "G" Street, Anchorage, AK 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



May 1992

Dear Concerned Citizen

The Exxon Valdez Trustee Council is soliciting ideas from the public on restoration projects that may be undertaken in 1993 and beyond. If you have suggestions for work that you believe should be considered in designing next years' work plan, please provide them to us on the form provided or on a separate page according to the format indicated. Your ideas will be considered along with other ideas received. Submit as many suggestions as you like. The Trustee Council will consider these suggestions to assist in drafting the 1993 and future work plans. Suggestions must be received by June 15, 1992.

Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege over them. Proprietary information should not be divulged unless you want it made public.

According to the definition in the Memorandum of Agreement and Consent Decree, filed August 29, 1991, "Restore" or "Restoration" means any action, in addition to response and cleanup activities required or authorized by state or federal law, which endeavors to restore to their prespill condition any natural resource injured, lost, or destroyed as a result of the Oil Spill and the services provided by that resource or which replaces or substitutes for the injured, lost or destroyed resource and affected services. Restoration includes all phases of injury assessment, restoration, replacement and enhancement of resources and acquisition of equivalent resources and services.

A handwritten signature in cursive script, appearing to read 'Dave R. Gibbons'.

Dave R. Gibbons, Ph D
Interim Administrative Director

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Title of Project

Oil Spill Water and Oil Solid Waste Treatment

Justification: (Link to Injured Resource or Service)

Chronic oiling of impacted areas

Description of Project (e.g. goal(s), objectives, location, rationale, and technical approach)

See attachment

Estimated Duration of Project. 1 season construction, in use forever

Estimated Cost per Year: Needs research

Other Comments: Please call me if you have any questions or need me to fill out more forms.

Name, Address, Telephone

see attachment

Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.

Submitted Restoration Framed Oil Workshop
Valdez, AK May 11, 1992

Judy Kitagawa
PO Box 1451
Valdez, AK 99686

907-835-2995 home
907-835-4698 office

Subject Proposal For Restoration Projects, Exxon Valdez Settlement

Please consider my suggestion to pursue funding of projects that would provide the infrastructure for pollution prevention at boat harbors that send boats into Exxon Valdez impacted waters. What I envision is a temporary docking point in each boat harbor where a boat could

- * Dump oily solid waste (booms, sorbent pads, etc) to be taken to a treatment facility, yet to be determined (perhaps a regional incinerator)
- * Pump oily bilge water into a treatment system, yet to be determined (some sort of oil/water separator)
- * Dump solid waste, which will go to a landfill
- * Fill up with fuel
- * Fill up with water
- * Pump sewage from holding tank

(The last four items are for convenience, to encourage use of the first two items)

The argument has been made that restoration money should be spent on "restoring" lands impacted by the Exxon Valdez Oil Spill, and that my suggestion would not be a restoration idea, but a means of prevention of oil contamination. I will argue that controlling the current level of continuous oil contamination of areas impacted by the Exxon spill, and other areas, would actually be a very first step in restoration of areas impacted by the famous spill. The damaged areas stand a better chance of restoration if we could provide boaters with a way to stop the continuous damage that the operation of their boats currently causes through the pumping of oily bilge water directly into the sound.

I do not have specific design criteria in mind for treating oily bilge water or oiled sorbent pads. I would encourage you to further discuss this idea with the Alaska Health Project for specific solutions and cost estimates. I would be willing to make the contact with the Alaska Health Project if you would like me to.

The reason I include oily solid waste in this proposal is that boaters now have the option of pumping their bilge water into open water, or trying to mop up the oil with sorbent pads prior to pumping. If they choose to use sorbent pads, they then end up with a waste that is not allowed in landfills. The oily solid waste usually does not end up being treated in an appropriate way.

Solving the chronic oily pollution problems of Exxon Valdez impacted waters will not only enhance restoration of damaged areas, but will encourage future development with an eye on "damage control". What good is restoration if we continue to damage the water and lands with chronic pollution over the several years? We now have the opportunity to use money from our "very big lesson on pollution" to find a new way of managing our resources in light of current levels of development. As a side note, tourism and fishing always seem to get good press as being "clean" industries. They are only clean if we give the boat operators the opportunity to run their businesses in a clean way. Please consider my ideas for developing oily solid waste and oily bilge water treatment facilities for use by boaters in Exxon Valdez impacted areas. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Judy S. Kitagawa".

Judy S. Kitagawa

STATE OF ALASKA
Dept. of Environmental Conservation

Prince William Sound District Office
PO Box 1709, Valdez, Alaska 99686

907-835-4698
FAX 907-835-2429

F A C S I M I L E T R A N S M I T T A L

To: Barbara Isaiah

FAX Number 276-7178

From: Judy Kitagawa

Date: 5/12/92 Time: 3:00

Number of pages including cover sheet 2

COMMENTS. _____

STATE OF LSK DEC

MEMORANDUM

To. Barbara Isalah

Date: May 12, 1992

From: Judy Kitagawa *JK*

Phone: 835-4698

RE: Correction to Proposal For Restoration Project for 1993, submitted 5/11/92.

Please pen in the following correction on my proposal before making copies

After " * Fill up with water", write in one more starred item below to say

" * Pump sewage from holding tank "

Then, in the next line in parentheses, cross out the word "three" and write in "four"

Thanks Barbara

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 92-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, REGARDING THE EXPENDITURE OF FUNDS UNDER HOUSE BILL 411 FROM THE EXXON CRIMINAL PLEA AGREEMENT

WHEREAS, under the criminal plea agreement between the United States and Exxon Shipping Company and Exxon Corporation, the State of Alaska received \$50,000,000 "for restoration projects, within the State of Alaska, relating to the Exxon Valdez oil spill"; and

WHEREAS, restoration includes "replacement and enhancement of affected resources, acquisition of equivalent resources and services, and long-term environmental monitoring and research programs directed to prevention, containment, cleanup and amelioration of oil spills"; and

WHEREAS, legislation has been introduced in the Alaska House of Representatives in the form of House Bill 411; and

WHEREAS, the present form of House Bill 411 is CS for House Bill 411 (Resources) offered 3/20/92; and

WHEREAS, this bill allocates funds, in large part, for "the acquisition of land, development rights in land, including timber rights, or moratoria on timber harvesting" from many willing private sellers; and

WHEREAS, a great number of these land purchases are in areas that were not severely damaged or dramatically impacted by the release of oil from the Exxon Valdez; and

WHEREAS, the use of these funds to buy back private property runs counter to the public policy effort over the last twenty-five years to place more property into private ownership where it can be developed; and

WHEREAS, expenditures from the Exxon criminal plea agreement should bear a greater relationship to the areas, primarily in Prince William Sound, which were impacted by the release of oil from the Exxon Valdez and continue to be the area of highest risk for future oil spills from the Trans-Alaska Pipeline System trade.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

Section 1 Funding under HB 411 be allocated based on a relationship between the area of impact from the Exxon Valdez oil spill and the risk analysis for potential oil spills.

Section 2: More funding emphasis in HB 411 shall be placed on "long-term environmental monitoring and research programs directed to the prevention, containment, cleanup and amelioration of oil spills" in those areas identified as being in areas of highest risk for future oil spills.

Section 3: Restoration projects be scientifically based so that human intervention to restore areas affected by the Exxon Valdez oil spill provide overall benefit for the environment.


Section 4: Timber purchases should be clearly linked to environmental degradation directly caused by the Exxon Valdez oil spill and the price paid for timber rights shall be objectively determined. The total economic impact of taking developable land out of private ownership and restricting its use under public control should be given greater consideration. The overall scope of the timber buy backs shall not constitute the expenditure of more than one-third of the fine of the criminal plea agreement.

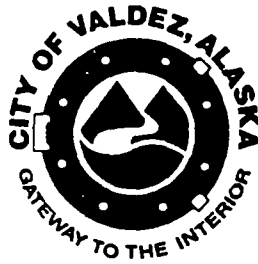
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 20th day of April, 1992.

CITY OF VALDEZ, ALASKA


John L. Harris, Mayor

ATTEST:


Jeanne D. Donald, City Clerk



CITY OF VALDEZ
TESTIMONY ON THE EXXON VALDEZ OIL SPILL TRUSTEES
RESTORATION FRAMEWORK

May 11, 1992, Valdez, Alaska

The City of Valdez appreciates the opportunity to formally comment on the April 1992 Restoration Framework prepared by the Exxon Valdez Oil Spill Trustee Council. The City of Valdez has followed, with great interest, the negotiation and settlement of the Exxon Valdez litigation and the establishment of the Trustee Council and the mechanism to distribute money from the Exxon Valdez Trust Account.

It is clear that the issues that the Council must address are complex and contentious. The creation of a process to simplify this complexity and frame the issues so that they may be addressed in an expeditious way is a laudable goal. However, the City of Valdez sees two things happening as this process marches forward that deviates from what it believes to be the original intent of the Exxon settlement.

First, there is both a focusing and spreading of issues that is taking place simultaneously. On the one hand, we see restoration being focused primarily in the areas of habitat replacement and near-shore restoration. But simultaneously, discussions are taking place regarding timber purchases and other types of "acquisition of equivalent resources" far from those areas

most severely affected within Prince William Sound. The City of Valdez believes, first and foremost, that the acquisition of equivalent resources be done judiciously and in areas most directly affected by the oil spill and its damaging effects. The City of Valdez sees the Trust Settlement monies being used as a grab-bag of funds to address logging versus conservation issues far away from the oil spill site. This must be contrary to the original intent of the settlement.

The Valdez City Council unanimously passed Resolution #92-45 at its April 20, 1992 meeting. This Resolution addressed the expenditure of funds under House Bill 411, which is before the Alaska State Legislature. House Bill 411 addressed the appropriation of funds from the Exxon Criminal Plea Agreement. Many of the concerns the City of Valdez expressed with regard to House Bill 411 can also be applied to the scoping work being done by the Exxon Valdez Oil Spill Trustee Council. The City believes that the definition of restoration, which includes "restoration, replacement, and enhancement of affected resources, acquisition of equivalent resources and services; and long-term environmental monitoring and research programs directed to the prevention, containment, clean-up, and amelioration of oil spills," is weighted almost entirely toward a very narrow definition of restoration and focuses on the replacement and acquisition of resources.

Based on the language from this Resolution, which I would like to provide to you for your record, the City of Valdez believes that funding from all Exxon Settlement funds should be based on a relationship between the area of greatest impact from the oil spill

and the risk analysis for potential oil spills. The City also believes that a great deal more emphasis must be placed on long-term environmental monitoring and research programs dedicated to the prevention, containment, clean-up, and amelioration of oil spills and the enhancement of Prince William Sound. The Restoration Framework document does not adequately address this portion of the restoration definition and the prevention, containment, and clean-up aspects are conspicuous by their absence from the work of Trustee staff. The City Council further believes that timber purchases should be directly and clearly linked to environmental degradation caused by the Exxon Valdez oil spill and that the prices paid for timber rights must be objectively determined to protect the public interest. The Trustee Council should also look at the total economic impact of taking developable land out of private ownership and restricting its use under public control. To provide guidance, the City Council directed that timber buy-backs shall not constitute the expenditure of more than one-third of the fine of the Criminal Plea Agreement. Similarly, the City Council believes only a fraction of the Trust Funds should be used for timber purchases. The City believes the rush to buy timber is in and of itself a short-circuiting of the research and public process that needs to take place as part of the expenditure of these public funds. A detailed analysis to decide which timber purchases most directly assist species affected by the oil spill, enhance fish habitat, and provide the most important aesthetic resources for tourism and recreation needs to be carefully conducted.

Second, the City would also like to strongly express its concern regarding the decision making and advisory processes being used by the Trustee Council. This concern primarily focuses on the public advisory group, but also speaks to the inter-governmental makeup of the Council itself.

The City of Valdez has already gone on record, through testimony presented by its attorney Mr. William Walker, as being concerned about the makeup of the public advisory group. The City believes that the representation reserved for local government is totally inadequate and does not recognize the broad based nature of local governments. Surely, the Exxon Valdez settlement worked out by the U.S. Government and the State of Alaska with Exxon was not intended to ignore other governments that represent their constituents just as legitimately as the parties to the agreement. In fact, it is an affront to government at all levels to consider municipal government as a special interest or constituency. City and Borough governments in Alaska represent all interests by elections legally held each year for its officials. No aquaculture association, commercial fishing group, tourism group, environmental or conservation association, forest products group, or Native organization can even start to lay claim to the fair, legally recognized, and multi-faceted representation that municipal governments provide. Placing local government representation at the same level as say an environmental group is patently unfair. Local governments should and, if this plan is to be a fair one, must be afforded a greater voice in decisions using public funds. Local governments represent all of the other interest groups

combined in close proximity to how those members vote in local elections. If the Exxon Trustee Council wants to have a fair and democratic process for the consideration of how Exxon trust funds should be spent, it must rely more, if not exclusively, on local government positions. Much of what the Exxon Trustee Council is trying to replicate, in terms of bringing together interest groups, is carried out on a daily basis by the local governments of Prince William Sound, the Kenai Peninsula, and Kodiak. If the Exxon Trustee Council wants to come to a consensus, or at least a fairly derived decision, on funding, governmental structures that are already in place and have been in place for 90 years or more should be used. Local government is here for the long haul.

And why haven't local governments been more involved? This, I believe, is an interesting dilemma. Speaking for Valdez, we have been inundated with new demands following the Exxon Valdez oil spill. The City is active in the Regional Citizens Advisory Council that was established for Prince William Sound. The City spends thousands of dollars each month to participate in this process. The City of Valdez follows, with interest, the proposals for advanced rule making under the Oil Pollution Act of 1990 being put out by the U.S. Coast Guard. The City spends time and dollars monitoring legislation, like House Bill 411. And finally, we seek, as best we can, to track the arcane process of establishing criteria for the use of Exxon settlement funds. State and Federal agencies have been reimbursed from settlement funds for work they have done, but the same cannot be said for local governments. But cities, because they are broad based constituents and provide

numerous services to a wide array of individuals, businesses, and interests, have other things to worry about. Snow needs to be plowed, sewage needs to be treated and disposed of, trash needs to be hauled, and a hundred and one other local government services must be provided. Because we represent a shot-gun approach and not a rifle shot, local governments have not been able to bore into the "Exxon Valdez process" like single-minded environmental, timber, Native land, and tourism groups or individuals.

If I were on the Trustee Council, or a staff to the Council, I might ask why this is the case. Believe me, it's not because local governments do not care; it is because we have been impacted by the Exxon Valdez spill and its bureaucratic aftermath and yet we must live within budgets that have been stretched or severely damaged because of incidents arising from the Exxon Valdez oil spill.

Local governments deserve to be heard. I believe they deserve to be fully considered for projects that will assist in restoration, replacement, enhancement, or rehabilitation of natural resources. Local governments will surely be affected by the expenditure of funding in the oil spill affected region and they will be impacted much more than special interest groups.

There is a saying among Old Town Valdez residents that they survived the 1964 earthquake, but they did not know if they were going to be able to survive the well intended, but "string attached" assistance from the Federal and State government that followed. Local governments rode out the largest oil spill in U.S. history, but now comes the assistance with more complexity and

strings than earthquake survivors would ever dare image and endure

This is not to say we do not want the assistance, but local governments are different and recognize both edges of the sword. The infusion of dollars during the oil spill, the expenditure of restoration and enhancement funds will represent the unnatural expenditure of funds, a false economic development, if you will, which may displace jobs and impact local economies in many unforeseen and unknown ways. As a government, we must address issues that special interests do not even think about. That alone makes us different enough to demand more recognition in the advisory process.

Local governments are a natural resource, as are the people that they represent. Local governments could and should be partners with the Trustees in representing their respective governments. Combining special interest groups into a public advisory group based on something less than elected representation seems very unusual. The process could be assisted a great deal by forming a broad-based group that already represents the special interests listed. Let local governments work among themselves, as representatives (and surely they are through the electoral process) with the issues which this group must address. The process seems complex enough without re-inventing a group that already exists in the form of the State's local governments; governments that have been afforded broad powers under the Alaska State Constitution and Title 29 of the Alaska Statutes. Tribal governments should be afforded the same recognition. A process relying on special interest groups, which are not elected and may not even represent

the best interests of the State of Alaska, much less Prince William Sound, is a process that is flawed from its very beginning. The City of Valdez will be happy to participate in the public advisory group process, but our voice, the voice of 4500 people, will be drowned out by organizations that represent far fewer because their aims are much narrower. That concludes my formal comments. The City is working on more specific comments, which it will pass on to you soon. I will be happy to answer any questions you may have.

PUBLIC PARTICIPATION SCOPING MEETINGS
May 28, 1992 7:00 p.m.
Centennial Hall
Juneau, Alaska

RECEIVED
JUN 04 1992

Attendees	Affiliation	Address	EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL ADMINISTRATIVE RECORD
Tim Steele	Restoration Team		
John Strand	RPWG		
Peg Kehrer	OSIAR		
Barbara Iseah	Restoration Team		
Chip Thoma		#2 Marine Way	
Tony Mecklenborg	Pt. Stephen Press	#2 Marine Way, Suite 222	
Marshall Kendziorek	Trans Pacific	340 Highland Drive	

Issues Addressed:

General Review

The purpose of these scoping meetings is to answer questions and solicit input on the green book series. These comments will guide the actions of the Trustee Council for the next ten years. Tim gave a brief introduction and proceeded to summarize the following handout documents:

- Settlement 101
- Draft Summary of Comments
- Nomination Process/Timeline
- Public Advisory Group Charter
- Letter to Agencies and Public Requesting Ideas for 1993
- Proposed Expenditures for 1992 (Projects and Administration)
- Timeline for the Restoration Plan

The most recent budget handout, which was presented at the last Trustee Council teleconference on May 20th, was also discussed.

Public Advisory Group

A series of meetings have been held on public involvement. Summaries of the public comments have been synthesized. The Public Advisory Group nomination process has begun with a request for nominations. The form contains the timeline for the process and the requirements for nominations. Nominations will be accepted through June 8th and will be submitted to the Trustee Council to make their selections, which will then be forwarded to the lead federal agency for appointment. The Trustee Council has decided that 15 is a good number for the Public Advisory Group. A list of 12 principal interests has been adopted for representation on the advisory group. The Trustee Council would like to have a balanced representation. The question is how to get this balance. Input is being solicited from the public on whether seats should be assigned in an attempt to balance the group.

Release of Natural Resource Damage Assessment Information

The Attorney General announced the release of the NRDA data at the last Trustee Council meeting. The state no longer had a need to withhold that information. All the previous 1989, 1990 and 1991 detailed study plans and interim reports will be released within the next month. Information is combined into sixty 4-inch binders and will be available through the Oil Spill Public Information Center. A number of libraries have expressed an interest in having copies which will be available for loan, reference and copying. Mechanisms have not been worked out for purchasing copies. Databases will also be available containing the damage assessment information. A symposium is also scheduled for further release of data.

Tim briefly discussed the following handouts and gave the costs associated with the budgets:

Proposed Budget Summary for 1992

Timeline for Completion of the Restoration Plan and Environmental Impact Statement

Habitat Protection and Acquisition Process

Volume I - Restoration Framework

The Restoration Framework outlines the process for the draft Restoration Plan and sets in motion compliance with the National Environmental Policy Act. The introduction lists the major issues that will be addressed in the environmental impact statement. John gave the following brief description of the chapters contained in the Restoration Framework:

- Chapter I - provides the background of the legal settlement
- Chapter II - deals with the public participation program and provides the goals and objectives of that program
- Chapter III - deals with restoration activities from 1989 to date; identifies issues and concerns addressed in the environmental impact statement
- Chapter IV - contains an updated version of the injury summary and covers some information on injury to services
- Chapter V - addresses the need for criteria for determining when injury warrants any restoration action
- Chapter VI - proposes criteria for evaluating restoration options
- Chapter VII - the following six conceptual restoration options were discussed and examples of each were given:

- no action
- management of human uses
- manipulation of resources
- habitat protection and acquisition
- acquisition of equivalent resources

-combination alternatives

Through a contract with The Nature Conservancy, a process for habitat acquisition was outlined.

Appendix A contains additional background information on the injured resources and services.

Appendix B contains 35 options used for preliminary screening and other restoration options suggested by the public, staff and scientists which were rejected.

Comments are solicited on whether the criteria or the processes in the framework document are appropriate. Applications were developed both for resources and services.

The hierarchial and concurrent approaches for making decisions were discussed. Public comment is solicited after review of both approaches in Figures 6 and 7 of the Restoration Framework. The public's input on habitat protection is solicited. Attention was directed to a chapter-by-chapter list of questions eliciting comments on the framework document.

Volume II - 1992 Draft Work Plan

Volume II contains a short description of each project that will go forward and its budget. Public comment is solicited on Volumes I and II utilizing the tear out sheets enclosed in the documents. The problem in the past has been getting projects in the field on an annual basis. In the past, there has been inadequate time for the planing process prior to work being done in the field. The public's input is solicited on ideas for work that should go forward.

The third volume contains responses to public comments on the 1991 Work Plan.

Questions:

Tim and John answered the following questions posed by the public:

Who counts as "public" in nominations to the Public Advisory Group? Marsal Kendziorek

Are there some legal guidelines being followed such as the Federal Advisory Committee Act in the nomination process for the Public Advisory Group? Peg Kehrer

Would the final 15 members of the Public Advisory Group need unanimous approval of the Trustee Council? Chip Thoma

Have the charter and the habitat acquisition documents been

approved to go forward? Chip Thoma

What is the difference between the Trustees and the Trustee Council? Chip Thoma

Has the Council made a policy decision to only acquire resources within the spill area? Chip Thoma

Has the Trustee Council defined the oil spill area? Peg Kehrer

Could you explain the hierarchial approach? Peg Kehrer

Oral Statements Presented:

Chip Thoma

- disagrees with having unanimous approval of the six Trustee Council for the final 15 members of the Public Advisory Group; a 4-member approval would be sufficient; getting different disciplines involved is necessary; assignment of seats may cause a lot of controversy which may become political; the decisions that need to be unanimous are the ones laid out in the settlement agreement
- has been very critical in the past of the public meeting notice; there were a couple of display ads in the Juneau Empire; would recommend having meeting notices in the calendar of the Juneau Empire to inform people about the teleconference; emphasis should be placed on noticing papers a week in advance
- it is very disturbing that through this entire process there have been no maps; DNR and the Forest Service are negligent in not providing maps for the meetings; a booklet of maps should accompany the handouts; the maps in the framework are totally inadequate; has yet to see a good set of maps come out of the entire process
- there was very little notice on the Public Advisory Group nominations
- the transcripts of these meetings should be made available to the public with a monthly update of meetings held, attendance and a general reflection of the meeting
- DNR and the Forest Service should be the source of more information
- has given a lot of comment on restoration activities but would like to reiterate overall that continued emphasis on scientific study and monitoring is unnecessary; any further study on wildlife and bird species is unnecessary; foxes should be eliminated; there should be continued emphasis on the acquisition and replacement of lands, which will be the thrust of the next five years
- the definition of oil spill area should not be a limiting factor of acquisition from willing sellers; the public attitude of Trustees has been to lobby long and hard against

- SB 483; Mr. Cole and Mr. Sandor do not have a proper conservation ethic
- will submit to this group the list of projects in amendment 1 of SB 483; this bill has been passed and sent to the Governor; is also submitting this bill to the habitat and process team for inclusion in the 1992 and 1993 projects
 - wants the US house energy bill passed
 - there are some valuable fisheries projects that could occur
 - the Restoration Team and replacement team should concentrate on acquiring land from willing sellers throughout the Gulf of Alaska; the Trustees should not hold out the argument that timber harvest is some kind of benefit to the region
 - personal interest is to see that Chugach Forest be put in willing seller status

Marshal Kendziorek

- agrees that the mapping products have not been distributed through this process, which is a subject close to his heart; DEC did most of the mapping; a number of mapping documents are available to the public; some books of those maps have been done, one of which is The Recreational Users Guide to PWS; there is also a three volume set of maps of the beaches showing the degree of oiling and oil concentration; these documents have not been kicked out through this process
- one method of distributing the damage assessment information would be to have copies left at major copy centers and advising the public

Written Proposals Received:

Chip Thoma

Amendment No. 1 to SB 483 (Capital Budget)

Tim encouraged the public to take advantage of the numerous handouts available and again requested input on the documents and the nomination process. Every opportunity to make this process better is encouraged.

Meeting adjourned at 8:25.

DRAFT

Public Meeting
Juneau, Alaska
January 22, 1992 - 7:00 p.m.

Panel: Ernie Piper (ADEC), Byron Morris (NOAA/NMFS), Peg Kehrer (ADF&G),
L.J. Evans (ADEC)

- approximately 25 citizens attended (sign in sheets attached).

- **Panel Comments**

- * **Public Questions &/or comments (speaker identified wherever possible)**

- E. Piper explained the purpose of the meeting. He asked if anyone had prepared statements they'd like to present before we began; there were none. He noted the handouts that were available, and read some questions he had written on chart paper, saying that these were some of the topics up for discussion:

- Public Advisory Group**

- All public or just some?
 - How many members?
 - "Reserved" seats? (entitled or have some special claim? or just have a variety of seats)
 - Public "filter?"
 - Source of advice/info?
 - Selection - how chosen, who nominates
 - What type of decisions?
Consensus?
Majority?
No decisions at all?

- Interaction with Trustees**

- Discussion
 - Reports
 - RCAC model for replies
 - Verification

Other Facets:

Do we need:

PIO

Library

FACA

Cost

- P. Kehrer: The Memorandum of Agreement says that what applies to the Public Advisory Group (PAG) also applies to general public input. The MOA says there is to be meaningful public involvement and that there is to be a public advisory group.
- B. Morris asked about timing - E. Piper said the process needs to be well underway by at least the first week of March.
- * Rep. Gruenberg: What is FACA?
- E. Piper: The Federal Advisory Committee Act was passed at the end of the Carter administration to make advisory groups justify their existence, and to ensure if you're setting up an advisory committee it will be consistent from agency to agency as relates to public notice, charter, etc. As discussions of this group proceeded it appears to apply. At first Piper thought it would slow the process down, but he believes now that the group can comply with FACA and still move along in a timely manner.
- * Mark Handley, Rep. Gruenberg's office: How are you going to arrange for employees, and which state and federal meeting laws apply.
- E. Piper - The Alaska state open meetings law applies. We are following FACA also to help avoid any chance of future litigation. We are choosing the laws and regulations to follow which are the most stringent and provide the higher level of accountability.

Employees are being funded on an interim basis through each of the agencies. ADEC staff are currently being funded out of the 470 Fund. It hasn't yet been resolved who the employees will be.
- B. Morris: The simplest way to do it is for the agency to provide the staff to do the work and then be reimbursed.
- * J. Winchester, KCHU, Valdez: How will it be decided how the PAG will affect policy.

- E. Piper: We will take information from these meetings, speak to the trustees, write a proposal, come out with a draft, which will then go out for comment.
- * J. Winchester: Asked about the cost of the PAG. Are there any models that could be applied to see what it would take to fund this group?
- E. Piper: The state has parks committees, Fish and Game and the federal agencies also have similar groups to look at. Frequently these groups provide a PAG with travel and per diem only.
- * J. Winchester: Any indication at this time of how much money it will be?
- E. Piper: We looked at options from \$200K to \$800K. The eventual cost will largely be a function of how many meetings and how much travel is involved. The group will also probably incur the highest costs in the first two years. We will reassess the program after that time.
- * J. Nelson, Rep. Davidson's office: Regarding your earlier comments about public meetings and the public records, I've been to all of the trustee meetings, and the working documents are very hard to get.
- E. Piper: The final documents will be available as soon as possible. Remember the state has not settled all the third party litigation. Attorney General Cole is starting to be more liberal in allowing things out to the public. We can't say just when everything will be released, but it will be as soon as possible.
- P. Kehrer to J. Nelson: What documents do you need?
- * J. Nelson: I've been to the meetings, they are hard to follow. Wants the material the meeting participants are referring to.
- E. Piper: We're starting to work things out, this hasn't been done by design. We'll get them out as soon as possible. Craig Tillery of the AK AG's office is working on settling the third party litigation.
- * Alex Viteri: Is the PAG to inform the Restoration Trustee Council of the public's wishes, or is it to make sure the Trustee Council follows the guidelines. What's the PAG's main function?
- E. Piper: We need to turn that question back to you: Do you feel the PAG's time is better spent as a watchdog or to provide a two-sided flow of information?

- * Paula Terrel, Sen. J. Kerttula's office: Isn't it the same thing?
- E. Piper: Not really. A watchdog group might audit the Natural Resource Damage Assessment budgets, audit expenses of other parts of the process. This would take time and money from the PAG's total budget. How the funds are spent is a function of what their function is.
- * A. Viteri: Would PAG members attend the Trustee Council meetings?
- E. Piper: Anyone can attend the Trustee meetings, they're open. But the PAG might have a director or a chairperson present to present testimony or a paper.
- * Barnaby Dowe, Rep. Fran Ulmer's office: If there are lawyers on the advisory council I think the PAG should be consulted as regularly as a legal review.
- P. Kehrer: Some PAG functions might be from a problem-solving, consensus-building model.
- E. Piper: If the PAG has designated seats, say for example a timber industry seat. What does it profit them to form an alliance to build consensus? If the PAG serves a watchdog function, you might want three accountants to serve, some other combination of people and skills.

We're assuming the Trustees will appoint the PAG members.

- * M. Handley: What is the timeline for this group's charter.
- E. Piper: The simpler the document the better, it just provides for the logistics of the group's operation. Operating procedures are being developed for all aspects of the Trustee Council operations. They are already complete for the Trustees and are being developed for the Restoration Team.
- B. Morris: As time goes by procedures for the PAG will be developed.
- * P. Terrel: When is the first part of the \$900 million delivered.
- Jerome Montague, ADF&G: Do you mean when is the PAG to be functional? There are a number of projects that are ongoing. They will be discussed at Trustee Council meetings on February 5 and 6.

- E. Piper: The PAG doesn't have any effect on whether the public has access; that's assured by the settlement.
- * P. Terrel: This public participation is involved so money can be spent before the PAG is in place?
- J. Montague: \$54 million already went to repay the agencies for unreimbursed cleanup costs.
- * P. Terrel: At what point do you expect the PAG to be on line?
- E. Piper: We're aiming for the end of March. Remember, this is going on for a long time, the money will be coming in over a long period.
- * J. Nelson: Who's accounting for the money?
- E. Piper: It hasn't been decided when and how the repayment will take place.
- M. Broderon: The Trustees have about \$35 million left to be spent this year. This year's money will not be committed until the public has had a whack at it. The particulars are yet to be decided.
- * J. Nelson: In regards to the federal money, who can spend that?
- M. Broderon: It is in a fund in the Department of the Interior.
- J. Montague: There will be about a year's worth of expenses coming out of it when it becomes available.
- * J. Winchester: Asked a question about the \$100 million extra for unknown purposes. Will the study information ever be available?
- J. Montague: The court's discovery phase ends in September. In the meantime we are working on a new summary of the injuries to release to the public.
- E. Piper: If you're reviewing a study plan you can decide if it is a good or bad plan without looking at all the data. It's not as if there is a secret key - some very important decisions can be made without having access to all the data.
- * J. Winchester: What constitutes harm? What constitutes injury?

- M. Broderson: Most of these questions will be addressed with the ongoing plan.
- P. Kehrer: Members of the public should look for criteria which will be available in the framework plan to be distributed for comment later this spring. In developing the criteria the state and federal agencies have tried to stick very closely to the natural resource damage assessment regulations in CERCLA so there are some proven grounds to connect with.

Restoration proposals have been submitted by state and federal agencies and members of the public. They are being evaluated against the draft criteria.

- E. Piper: Asks if members of the audience are concerned restoration proposals will move forward without public review. P. Terrel says yes. E. Piper assures the audience that the whole plan will be out for review in mid March.
- M. Broderson: Most of the information will be in the restoration framework and in the 35 pages of the newly revised summary of injury.
- E. Piper: The questions which must be resolved are whether 20 percent of the damage is worth X amount of restoration dollars. In other words, to determine which damaged resources are the most important to restore. The intent is to get all of the information out to the public as soon as possible.
- M. Broderson: A lot of the data is still only in electronic form. Final reports are in preparation but in many cases are not complete yet.
- P. Kehrer: Quite a few of the final reports are scheduled to be released this year.
- * A. Viteri: Will there be a follow up hearing on the PAG?
- E. Piper: A summary of these meetings will be mailed to all attendees. The restoration framework proposal will go to the Trustees and will also be out for comment.
- * A. Viteri: Once there's a proposal out there to consider, members of the public will have something tangible to comment on.
- * Theresa Svencara: Who wrote the first summary of injuries?

- M. Broderson: About six state and federal agency staff put it together and it was published in the federal register.

There being no further comments or questions, E. Piper closed the meeting at about 8: 20 p.m.

Restoration Public Participation Meeting, Juneau, Wednesday, January 22, 1992

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Name (please print)	Affiliation	Address	Telephone
L. J. Evans	ADEC	_____	
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Bernard Dow	Rep. Frank Uecker	STATE CAPITOL 99811	465-4947
David Bruce	ADEC		
John Bitney	Rep. Ron Larson	PO Box V Juneau	465-3727
Jay Nelson	Rep. Davidson	State Capitol Juneau 99801	465-2487
James Winchester	Radio KC140, Valdez	Box 462, Valdez	535 4665
Alex Vitari	SELF & DEC	PO Box 240276 Douglas AK 99824	965 5346 40 364 2175 4
Max Gruenberg	State Representative	State Capitol Juneau 99801	465-4969
Karl Ohls	Sen. Zharoff	State Capitol Juneau 99801	465-3473
Terry Otneis	Sen. Jones	State Capitol Juneau 99801	465-4907

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Restoration Public Participation Meeting, Juneau, Wednesday, January 22, 1992

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Alex Viteri	self & DEC	PO Box 240276 Douglas AK 99824	465 534640 36421754
Max Gruenberg	State Representative	State Capitol Juneau 99801	465 4968
Karl Oils	Sen. Zharoff	State Capitol Juneau 99801	465-3473
Terry Otness	Sen. Jones	State Capitol Juneau 99801	465-4907

Restoration Public Participation Meeting, Juneau, Wednesday, January 22, 1992

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