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PUBLIC PARTICIPATION SCOPING MEETINGS
May 11, 1992 7:00 p.m.
City Council Chambers
Valdez, Alaska

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Attendees	Affiliation	Address
Ken Rice	Restoration Team	SEXTON VALDEZ OIL SPILL
John Strand	RPWG	TRUSTEE COUNCIL
Barbara Iseah	Restoration Team	ADMINISTRATIVE RECORD
LJ Evans	Restoration Team	
John Harris	City of Valdez	P.O. Box 1245
Doug Griffin	City of Valdez	P.O. Box 307
Nancy R. Lethcoe	AWRTA	P.O. Box 1353
Jim Lethcoe	AWSS	P.O. Box 1313
Vince Kelly	PWSCA	Box 2862
Judy Kitagawa		P.O. Box 1451
Katherine Bigger		
Pat Lynn	KVAK	

Issues Addressed:

General Review

The public participation staff introduced themselves. Ken directed attention to the handouts and summarized the following 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

Public Advisory Group

Nominations for the Public Advisory Group are being solicited. The following information is requested for nominations:

- biographical sketch
- demonstrated knowledge of the region and people
- identification of relationship to principal interests
- identification of groups recommending appointment
- statement of unique contributions
- additional relevant information

1993 Work Plan

Ideas are being solicited from the public of what additional or new projects they would like to see done in 1993.

Release of Natural Resource Damage Assessment Information

The Attorney General is no longer requesting that damage assessment information be held confidential. A process is being developed to get interim and final reports out to the public in a couple of weeks. This data will be available through OSPIC at a nominal reproduction cost.

Ken briefly discussed the following handouts:

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 framework will guide the expenditure of funds for the next ten years. It also serves as a scoping document to ensure compliance with the National Environmental Policy Act. Public comments are solicited on the framework document.

John gave the following brief description of the contents of the framework document:

Chapter I - provides the background of the legal settlement
Chapter II - outlines the goals of the public participation program
Chapter III - recounts restoration activities from 1989 to the present; describes the peer review process
Chapter IV - contains an updated summary of injuries
Chapter V - proposes criteria for determining when injury warrants any restoration action
Chapter VI - proposes criteria for evaluating restoration options; some criteria come from CERCLA
Chapter VII - shows how the options in Appendix B can be grouped; contains the following six conceptual restoration options:

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

The concurrent and hierarchical approaches to looking at options were discussed. Comments are solicited on how to get at the final mix of options.

Appendix B contains 35 restoration options. Comments and recommendations on any aspect of the framework document are solicited.

Attention was directed to a chapter-by-chapter prompt of questions to elicit comment.

The intent of the National Environmental Policy Act is to make good decisions.

Questions:

Ken answered the following questions posed by the public:

Is the environmental impact statement meant to address all problems? Nancy Lethcoe

Where are the guidelines and decisionmaking criteria for writing up proposals? Nancy Lethcoe

Regarding the Public Advisory Group, will local government and Native interests have seats? Nancy Lethcoe

Written Statements/Proposals Received:

Judy Kitagawa

-Oily Bilge Water and Oily Solid Waste Treatment

Doug Griffin - City of Valdez

-Resolution No. 92-45

-Testimony on the Exxon Valdez Oil Spill Trustees Restoration Framework

Oral Statements Presented:

Judy Kitagawa

-works at the DEC office but is here representing herself - has a proposal that would provide the infrastructure for pollution prevention at boat harbors that send boats into Exxon Valdez impacted waters; thinks dealing with the continuous oiling of these sites would be a good first step; there is an argument that we shouldn't be using the money for prevention but for restoration

Doug Griffin

-thought Judy's idea was good; there seems to be some buck passing because she was told prevention could not be dealt with under criminal funds

-here as a local government advocate; concerned about being put in the same category as an interest group

-trying to have a representative of local government would be very difficult because of the different interests of

different areas; local government is affected by decisions in ways that interest groups are not; local government has interests beyond themselves such as tourism; thinks there is a process by way of local governments that they have a legitimacy that goes beyond narrow focuses; because of its various interests, local government must do a balancing act; each local government should have a representative; no one person will be able to represent everyone; it is frustrating to try to be effective by its very nature

- need to look at broader representation
- there is a question of can we survive the process that comes in after the oil spill to try to help
- the oil spill was looked upon as a bonanza
- local government needs to be at the table because there are immense pressures which affect them; very concerned about House Bill 411

Jim Lethcoe

- doesn't know if Judy's project would have to be considered as a prevention proposal but maybe as a preservation proposal

Nancy Lethcoe

- not all resources studied are listed in the summary of injury
- concerned that they got left off in 1989 because of lack of knowledge regarding making a case for what has to be studied
- dalls porpoise is not being studied on a regular basis those who have a charter business have noticed some porpoise are missing; from a tourism and recreation point of view, a picture of the porpoise is worth money; feels left out on this resource
- understands from the Trustees that they were not doing any more damage assessment
- The Nature Conservancy study talks about various ways of evaluating the land and use and trying to come up with some solution; this information is almost non-existent
- there were no economic studies done after the Exxon Valdez spill in regard to tourism; she did a survey of disbursed recreation and the tourism businesses in Prince William Sound; none of them were contacted for any economic survey
- some people are very concerned about enhancement to recreation; concerned that the level of recreation will be changed in the name of enhancement
- wants public input into EIS's; not quite sure how to feed this into the comment process
- option 12 deals with creation of recreational services; concerned about creating new recreation sites
- wanted some guidance on whether advocacy types should be on

- the Public Advisory Group; concerned because she has been caught in some difficult situations where she was representing several resources as an advocate; doesn't see much of a budget for the Public Advisory Group if the nominees represent several constituencies
- what is expected of the Public Advisory Group is as important as who should be on it
 - has tried to get out flyers on how to prevent oil spills on a boat
 - has drafted a Prince William Sound conservation act but hasn't had time to finish it
 - put out a proposal for a brochure to go to charter boat operators for minimizing the disturbance to wildlife, which would not cost much
 - Glacier Bay has a study to look at impacts on harbor seals from disturbance
 - has put together a committee to work on proposals for a Prince William Sound marine sanctuary

Jim Lethcoe

- asked for clarification of what is meant by enhancement as it applies to services

Vince Kelly

- some kind of coordinated management is needed

Ken provided time after the meeting for any further questions.

Meeting adjourned at 9:10.

Public Meeting
Valdez, Alaska
February 4, 1992 - 7:00 p.m.

Panel: Marty Rutherford (ADNR), John Strand (NOAA), L.J. Evans (ADEC)

- 12 citizens signed in (sign in sheets attached).

- **Panel Comments**

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

- M.Rutherford: Introduced the meeting and explained that we are interested in receiving feedback from the public. She noted that there are Trustee Council meetings scheduled tomorrow (Tuesday) and Wednesday, and invited all who are interested to attend the teleconference sessions at the end of each day.
- J. Strand: Went over the various aspects of the criminal and civil settlements, and explained the differences between the moneies paid for the fine and for restitution.
- * Jim Lethcoe: How do you explain "enhancement?" This is mentioned in the criminal settlement. I have some real concerns about how agencies interpret that.
- M.Rutherford: Part of the process for these meetings is to find out how you define these things. Some of these terms are contained in both the criminal and civil settlement. Though part of the process will be deciding what all these things mean, use of the criminal funds will be more broad.
- J. Strand: There are going to be a couple of volumes of restoration planning framework documents released in March which may help shed some light on agency thinking on that and other issues.
- * Dave Janka (Prince William Sound Conservation Alliance): The term enhancement is in both the civil and criminal settlements. Are you saying they're different?
- M.Rutherford: I'm not sure how they're going to be defined. Cliff Davidson has submitted HB411 which deals with how the criminal funds could be spent.

- J. Strand: The framework document will try to set up some definitions that may help. As far as the civil recovery plan, in 1991 \$90M was paid on 12/9/91. Of that, \$35M will be available for completion of planning and commencement of restoration work. Approximately \$36M will be paid to reimburse state agencies for expenses incurred in response work last year.
- M.Rutherford: We are aware that the \$50M of the criminal settlement will be spent with different guidelines. There are reasons why the public should pay attention to this. One reason is because this bill proposes buying some private land, which could have an effect on land values.
- * D. Janka: What are the chances of money being available for habitat buyout after all this other money is taken out, will there be any left over?
- M.Rutherford: The Trustees designated a sub-group on habitat acquisition to look at these issues. We are putting together a process for the Trustee Council to review. If they say yes we will investigate. One of the possibilities suggested by the Nature Conservancy is conservation easements.
- * Bob Schmalfeldt (KCHU, public radio Valdez): What exactly do you mean here talking about close out of studies?
- M.Rutherford: We want to complete the process of analysis and produce the final reports on studies which have already been underway since the spill occurred.
- J. Strand: Some of these programs are also recommended to continue if additional data needs to be collected.
- * D. Janka: That's part of the reason it seems sensible to me to go slow.
- * J. Lethcoe: Do you get a general feeling on spending money for research? It seems to me we have little baseline information to compare with and we need that so we can have good information for the next spill.
- J. Strand: In the framework documents one of the proposals is a database of wildlife in the area. Some species we don't know much about. Some, yes, such as commercial fish species. We need to decide which of several options would be best. We do need more data.
- M.Rutherford: I don't think it's possible to say at this time what we will end up with. There's going to be some discussion of this at the meetings tomorrow.
- * D. Janka: Do you think we've ever see some of the study results?

- M.Rutherford: We're hopeful that the lawyers working on settlements with the third party litigants and Alyeska will make it possible that all the scientists can talk to one another.

Another important point to note in our discussion is that the PAG will not be the only access to trustees. At this point I'll ask if anyone has prepared statements to present tonight. (There being none, we went on with the open discussion).

Remember that the Trustees are very committed to having a lot of public input from a variety of sources. Some possible PAG representatives are in a handout we have provided. What would you like to see on the PAG?

- * J. Lethcoe: One thing that bothers me is that you're encouraging the PAG to break into special interests. I think that is a potential problem. I would hate to see it deteriorate into various groups advocating their particular agendas.
- * Bob Kellar (Valdez Fisheries Development Association): We talked about that at our meeting last night. It might end up town against town, user against user.
- M.Rutherford: What if the PAG had to reach consensus?
- * J. Lethcoe: I think if the guidelines were given to the individual members it would work ok. You may have given a lot already in these discussion questions, but whether you can chose these kind of people is going to depend on getting the right kind of people with the spirit that can work things out. Having seen this kind of representative group before, I think each person is going to want to get a piece of this money for their group.
- * B. Kellar: I don't think I'd be so worried about special interests. After the group gets more cohesive and starts working together the rough edges will smooth off.
- * J. Lethcoe: But I think you need initial stages to encourage that happening.
- * B. Kellar: We had a work session last night and we looked at the stakeholder list. We talked about all the possible effects.
- J. Harris (Mayor of Valdez): The only groups which are elected by the public and truly represent the public are the local governments. I foresee this whole thing to get these six people (the Trustee Council) to agree on how to spend the money can have a changeover with different administrations.
- * J. Lethcoe: But you can have guidelines to define the restoration projects.

- M.Rutherford: In Homer they suggested the historical memory might reside in the PAG. What do you think of that?
- * D. Janka: I think the person on the PAG should be chosen by the organization. Perhaps instead of a chairperson you could have a facilitator to keep the group on track. You might also have a non-voting representative from subgroups on the PAG.

As regards the PAG achieving consensus, I think that's OK, but at some defined point it has to go to a vote. You need to have some way to have a minority voice as well as a majority voice.

- M.Rutherford: Do you have any recommendations on how the Trustees should deal with that?
- * D. Janka: There should be a formal written response both up and down, to and from the Trustee Council.
- * J. Harris: Will there be PAG's from each community?
- M.Rutherford: It's up to you. What do you see as most useful?
- * B. Kellar: We should have one for Prince William Sound. Maybe there should also be one for Kodiak and Kenai, but definitely one for Prince William Sound.
- M.Rutherford: We don't see the PAG as somehow imposing itself between the public and the Trustees.
- * B. Kellar: It might work like the House and the Senate. If the Prince William Sound PAG decided to pass something on to the Trustees, they would also pass it along to the other groups. This of course requires coordination.
- * D. Janka: I think three groups would cost too much and be too cumbersome. Look at RCAC; there's the start of a system but it got bloated and big so fast it has interfered with its effectiveness.
- * J. Lethcoe: We need to coordinate with RCAC, ask them what's worked, how the budget has worked, learn from their pitfalls. RCAC is kind of a parallel thing.
- M.Rutherford: Do you think the PAG should have fixed members? Fixed time of service?

- * B. Kellar: With the Coastal Zone Management program we learned that the more ain't the merrier!
- * B. Schmalfeldt: Just don't require unanimous decisions; that won't work.
- * D. Janka: I also think you should set a time limit to the seat.
- * B. Kellar: I don't think the Trustees should set the limit.
- M. Rutherford: My conversations with the state trustees tells me they're very conservative and take the "trust" idea very seriously. They want to proceed cautiously.
- * Doug Griffin (Valdez City Manager): Local government should be in there somewhere. By definition they have to represent broad coalitions of people. They have to look at various interests at every meeting and come to a decision which satisfies those interests.
- * B. Schmalfeldt: I think there has to be a local government presence, but it doesn't necessarily have to be the majority presence.
- * J. Harris: But it's the only body listed here that is an elected body.
- * J. Lethcoe: What if there is no one from your constituency that is an expert on Prince William Sound? Could a university professor who is an expert serve as the representative of the municipality? If the goal is to get the best people, the most qualified people on there, that might be a way to go.
- M. Rutherford: The only limitation to that which I'm fairly sure of is that it probably has to be an Alaskan.
- * D. Janka: I'd be worried if any of the special interests have too much control. I think the governments should have a seat but no one group should have too much control.
- * B. Schmalfeldt: I would add the media to this list because they were clobbered by the spill.
- * D. Janka: But that's not a natural resource.
- * B. Schmalfeldt: If fixing the animals destroys the town, keep the money. No matter what you do with your muscles out there it's not going to bring the animals back.
- M. Rutherford: Both of the settlements allow for restoration of services.

- * J. Lethcoe: Look at the definitions and if it applies, ok.
- M.Rutherford: Education is another category that has been suggested.
- J. Strand: The restoration planning document will provide a chain of logic that you would use to develop a final mix of proposed restoration of injured habitat, species or services. This document will be put out for your comments. The second volume will be a summary of studies to continue and 1992 restoration projects.
- M.Rutherford: The Trustees are also looking for public projects but they recognize the difficulty when the public doesn't have all the information already gathered but not released. In this process there will have to be a call made on how to tie all this together. You can be sure it will be discussed with care. People will come and go but once the process and planning documents are out there it will direct the future of the restoration process.
- * B. Schmalfeldt: Has anything like this ever been done anywhere else?
- J. Strand: Nothing on this scale, but there are precedents for the process, and how to work to restore the different species and habitats.
- * B. Schmalfeldt: Are you learning from these different models?
- J. Strand: Certainly we looked to other spills for long-term monitoring programs, particularly one in place in South Carolina.
- * B. Schmalfeldt: Are the people working with the Trustee Council just feeling their way along?
- M.Rutherford: Art Weiner with DNR is working with the Restoration team, he has experience working with an endowment in the Florida Keys. However there is no blueprint, in a sense people are indeed feeling their way. We want to make sure the public is involved. I think that none of us are experts in this particular kind of program, but there are no experts to be had. We are trying to draw on all the relevant experience we have available.
- J. Strand: The whole idea of restoration is a fairly new concept. But there is a basis building here of a new science that we are helping to establish.
- M.Rutherford: There are many questions that people in the affected areas will have to consider. The framework planning document will raise a lot of the questions that you will need to address. We will be back in the spring to hear your ideas and discuss it further.

- * J. Harris: Has there been any input from the other communities on the PAG?
- M.Rutherford: Ernie Piper indicated to me there's been a lot of interest in regional PAG's, a required response by Trustees to PAG questions, and in the group achieving consensus. There's been a lot of interest in sub committees focused on different issues, with their own staff.
- * D. Janka: We'd like to see the PAG be involved in more than just the advisory process. RCAC can put out a Request For Proposals, maybe the PAG could do that through the Restoration Team. This would make them very effective.
- * Tim Lopez (Valdez Fisheries Development Association): We've lost a lot of funding in the hatcheries and we don't know the study results. Knowing what they've learned from the studies would help us a lot.
- M.Rutherford: Once the third party litigants settle and the end of year reports are done, the public may come back with requests for more science work.
- * J. Lethcoe: In this whole process, where does science and technical advice feed into the whole thing?
- M.Rutherford: That will be part of the framework planning document.
- * J. Lethcoe: I think you should have a scientific review board make the decisions.
- J. Strand: We have a peer review panel from mostly the academic community around the country to evaluate each of the projects for scientific feasibility and validity. We had a rigorous external consideration.
- * J. Lethcoe: Will that panel be listened to?
- J. Strand: The framework document explains how the evaluation by scientists and technical peers will be valued and how to decide which is appropriate. It will come down to professional judgment. The document will articulate these criteria.
- * D. Janka: As the studies finish and the information is available for the public, how are they going to get the information out? Is there going to be a central location for the information?
- M.Rutherford: We are recommending that the Trustees continue with a structure similar to the Oil Spill Public Information Center for that purpose,

just perhaps somewhat smaller in scope. The recommendation we've developed would kick out the information that is not directly related to the Exxon Valdez oil spill. We are reading the trustees as being very conservative. You need t tell them if you think this is important.

- * D. Janka: I have a problem with forest products being represented on the PAG.
- M.Rutherford: Should large scale timber buybacks occur, this would definitely have an affect on the forest product industry, don't you think?
- * J. Lethcoe: We have to keep focused on what this is all about -- is it people, jobs, or resources?
- M.Rutherford: The settlement says it shall be directed towards restoration of the resources.
- * T. Lopez: I think you're' on the right track by going out and doing these meetings.
- * J. Lethcoe: You have to have a strong science component, so that everything has to pass rigorous scientific scrutiny. That's the only way to be focused enough to get anything done.
- M.Rutherford: That's a valid point. Everything will be tied to the framework document, which will define those criteria.
- * B. Kellar: If that's what they want, then this discussion is not necessary.
- * J. Lethcoe: For any restoration project to be approved, it should be based on not only political realities but on its merit and scientific validity. Scientists should have an important say in whether any project is appropriate or not.
- * B. Kellar: You need consistent criteria across the communities.
- M.Rutherford: Again we get back to is there enough information to make an intelligent decision, and it is our job to make sure the public gets that information.

The meeting closed about 8:30 pm.

Restoration Public Participation Meeting, Valdez, Tuesday, February 4, 1992

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