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**PUBLIC PARTICIPATION SCOPING MEETINGS**  
**May 4, 1992 7:00 p.m.**  
**City Council Chambers**  
**Homer, Alaska**

**RECEIVED**  
**MAY 11 1992**

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL  
ADMINISTRATIVE RECORD

<b>Attendees</b>	<b>Affiliation</b>	<b>Address</b>
Marty Rutherford	Restoration Team	
John Strand	RPWG	
Barbara Iseah	Restoration Team	
LJ Evans	Restoration Team	
Larry Smith	Kachemak Resource Inst.	1520 Lakeshore
Ken Castner		P.O. Box 558
Ginger Tornes	Bristol Bay Driftnetters	Box 2497
Hal Spence	Homer News	3482 Landings
Harry Gregor	Mayor	P.O. Box 241
David Webster	KBBI	3913 Kachemak Way

**Issues Addressed:**

**General Review**

Marty 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 Asking for Ideas for 1993
- Proposed Expenditures for 1992 (Projects and Administration)
- Timeline for the Restoration Plan

Marty gave a brief description of each chapter contained in Volume I - Restoration Framework. Volume II - 1992 Draft Work Plan contains descriptions of projects proposed for this year. \$4.8 million dollars was allocated for damage assessment closeout. The restoration projects are aimed at the recovery or monitoring the recovery of an injured resource. The Trustee Council is very interested in hearing the public's comments and the deadline for both of these documents is June 4th. Comments will be synopsized and provided to the Trustee Council to aid in making their decision. The 1993 ideas form is due by June 15th. The public is strongly encouraged to review the framework document and then comment about projects that might be a good idea. The Trustee Council wants to be responsive to these ideas and wants to be responsible in doing things that work. The Public Advisory Group's deadline for comments is June 8th. Marty directed the public to avail themselves of the information and respond with any comments. The draft

Restoration Plan will begin once comments are received. This document will drive the expenditures for the entire process.

### **Public Advisory Group**

Beginning May 6th letters will go out to those on the mailing list stating that nominations for the Public Advisory Group have begun. The deadline for nominations is June 8th. This group will play a strong advisory role. There are 15 seats on the Public Advisory Group, with 12 principal interest groups. The Trustees are also looking for input on whether each principal interest and the public at large should have designated seats. Marty encouraged the public to examine the nomination form.

The letter soliciting comments is also an important document. The Trustees are very interested in whether the public feels these projects should go forward. In an effort to do better next year, the idea was developed of a letter to concerned citizens asking for ideas for restoration for next year.

### **Release of Natural Resource Damage Assessment (NRDA) Information**

The process for releasing this information is being developed. Within 3 weeks to one month the detailed study plans for 1989, 1990 and 1991, any final reports and the restoration planning reports shall be available through the Oil Spill Public Information Center. The planning reports are the meeting notes which resulted in these documents. By the end of June, all of the data should be available, which is about 400,000 pieces. A symposium is being proposed for late fall as another avenue of releasing data.

### **Other Handouts for Public Comment:**

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**

This document will set the stage and act as a guide for the Restoration Plan. Further, the Restoration Framework fulfills the requirements of the National Environmental Policy Act. John provided the following highlights of what is contained in each of the seven chapters of the restoration framework document:

Chapter I - provides the background of the legal settlement  
Chapter II - outlines the guidelines of the public participation program  
Chapter III - recounts restoration activities from 1989 to the present  
Chapter IV - contains the updated summary of the injury infor-

- mation to date
- Chapter V - contains proposed injury criteria, allowing what qualifies for further examination; there has to be substantial evidence of injury
- Chapter VI - goes into more detail about some of the ideas and concepts for restoration and how these are evaluated; some ideas come from scoping meetings and resource managers, as well as from literature; the criteria gives us a way to filter through these ideas; there must be reasonable opportunity for success; the idea has to be cost effective with reasonable benefit or gain
- Chapter VII - contains the following six conceptual alternatives or methods to organize the different restoration options:

- no action monitoring alternative
- management of human uses
- manipulation of resources, which entails working with the resource itself
- habitat protection and acquisition
- acquisition of equivalent resources; which entails moving afield of the resources and acquiring some area outside the spill zone
- combination of alternatives

Attention was directed to a chapter-by-chapter prompt of feedback requested. This document will aid in determining if the restoration plan is on track.

Appendix B contains 35 restoration options already gathered. Comment is solicited on this as well.

#### **Volume II - 1992 Draft Work Plan**

The Work Plan contains a project-by-project description of everything that is going forward along with its budget. The Trustees are prepared to make changes in these programs should public comment warrant. Most of these projects are for damage assessment closeout.

The deadline for submitting ideas for the 1993 Work Plan is June 15th. The deadline for Public Advisory Group nominations is June 8th.

#### **Questions:**

Marty and John provided answers to the following questions posed by members of the public:

Is the lead agency for the projects indicated? Hal Spence

How are the actual people doing the work hired? Is it by bid? Hal Spence

Is there anything precluding private enterprise people from getting some of these jobs? Hal Spence

Once the Restoration Plan is finished, do you foresee a public participation period every year? David Webster

Will there be turnover in the Public Advisory Group in the 10 year period? David Webster

What about a turnover in the Trustees themselves? David Webster

Does the settlement language indicate that the Trustees have to reach unanimous decision on spending and are the Trustees bound to what is in the Restoration Plan? David Webster

Do you foresee some change in the ruling which sets up the Trustee Council? Hal Spence

Who defends against a court challenge? David Webster

Once the Public Advisory Group is established, does that mean there will not be public participation meetings in the communities? Ginger Tornes

How often can you expect to get feedback from the communities? Ginger Tornes

Does the summary of injury contain the information from NRDA studies? Hal Spence

Was it an option to use these different criteria? Ken Castner

When you arrive at a final plan, how fluid will the plan be to address issues down the road and will it be adaptable? Hal Spence

Will the plan be adaptable enough to attack a problem you did not even know existed? Hal Spence

Is there a mechanism for providing compensation for user groups? David Webster

Have any comments been received on the Public Advisory Group? Hal Spence

Will the Trustees be governed by the Alaska Open Meetings Act? Hal Spence

## Oral Statements Presented:

Larry Smith

- none of the concerns seem to be reflected in the Public Advisory Group charter
- appears that the Public Advisory Group's power will rest with the Trustee Council
- the public will not rely on a group that is not empowered to do anything
- the Public Advisory Group will not attract much attention from the public and will be just another indication of the Trustees ignoring the public
- there appears to be reluctant acceptance of what Judge Holland said should be established
- the public will see the Public Advisory Group as not functional, which may cause more distrust
- suspects that the whole thing looks more like a federal and state agency pork barrel without even a shadow of a really effective Public Advisory Group

Ken Castner

- wrote extensive comments in response to last year's restoration projects
- felt he was asked for comments without being given scientific information
- he is a commercial seiner and there appears to be no recommendation for restoration in this area
- feels no one has pushed for projects
- somebody has made the decision that there is no restoration work to be done in the outer coast
- need some chum salmon work done on the outer coast but won't know until next year if they were drastically affected
- doesn't see putting one commercial fishermen on the Public Advisory Group as a good idea; one fisherman with all the provincial interests just will not be enough
- would like a different system to have direct access to the Trustees
- this process should be approached in a rational manner
- need to determine what the road map will be and schedule the money
- people want to put money directly back into restoration as quickly as possible
- appears to be a lot of willingness to put money into things which had a greater urgency
- one seat on the Public Advisory Group is not a rational way things should occur
- the Seinners Association did some very early work with absorbent materials two weeks after the spill; this project was abandoned because it was not an issue that oil

- had impacted the area
- scientific release of information will tell a) if anyone did the analysis and b) what the analysis said
  - the point is if no work is done, then there is no recommendation for this area, which is a Catch 22 situation
  - most people who shot down his arguments were agency types
  - one fear was that we would end up with 100 Phd's out there
  - must focus on the fact that the outer coast was heavily hit and there is a significant impact to the economy
  - thinks there is a huge hole in the restoration document

Ginger Tornes - Bristol Bay Driftnetters

- Bristol Bay's marketability of fish was affected; wants to know how this will be addressed as far as restoration
- funding is needed for ASME for marketing salmon as a whole
- the only way to salvage this situation is through marketing

Marty encouraged Ms. Tornes to put her comments in writing with more details to be presented to the Trustee Council.

Marty expressed appreciation to the public for attending and encouraged them to impress upon others the importance of public comment.

Meeting adjourned at 9:00.

PUBLIC MEETING  
HOMER, ALASKA  
FEBRUARY 3, 1992

Panel: Ernie Piper (ADEC), Marty Rutherford (RT)  
Carol Gorbics (USF&W), Moe McGee (OSPIC)

Approximately 22 citizens attended - (sign-in sheets attached)

o PANEL COMMENTS

\* PUBLIC COMMENTS

- o E. Piper introduced himself and let panel members introduce themselves. He explained in brief the intention of the meeting, stressed that the settlement agreement stated that the public be involved in the process, and explained handouts and publicly available material. He further explained that a framework for restoration and an updated summary of injuries would be available in mid-March and that there would be another round of public meetings at that time.
- o C. Gorbics gave an overview of the settlement as outlined in the handout for the public.
- o E. Piper briefly mentioned recently introduced HB411 and then asked for any prepared statements from the public.
- \* B. Seaman Kachemak Heritage Land Trust (see attached statement)
- o E. Piper responded that he appreciated comments that detailed how to acquire habitat such as trusts, and hoped that creative ideas would continue to be brought forth.
- \* M. O'Meara (see attached statement)
- \* N. Lord stated that she wanted a consensus from the people on spending funds and that she didn't want money being spent on buildings, ports and harbors, or agency budgets. She added that no money should be spent on spill prevention or clean-up. Money should be used for restoration and purchases of resources. Concerned about the term "enhancement" and questioned the meaning. Wants more information on the damages than what was available in the 18 page summary.
- \* D. Hildebrand, Kachemak Bay Citizen's Coalition, wanted to protect the habitat and acquire habitat. Interested in the buy back land for the state park.



- o E. Piper stressed that each government (state and federal) will consider what each can do on their own as to buying equipment, land, etc., and recommended that no one jump the gun and spend the 50 million before considering how the joint fund should be used.
- o N. Hillstrand favored wildlife restoration, larger tracts of land for wildlife. Stressed the need for some mechanism so that the land is kept in perpetuity. Mentioned that in a recent OCS hearing, people were able to participate via teleconference at home.
- o A. Sows, Pacific Seabird Group, said at a recent annual meeting of the national organization, (57 Alaskan members), there was considerable interest in the restoration process. Purchase easements, private islands, seabird colonies...rid islands of predators such as fox, rats.... Demise of some species, Marbled Murrelet, directly related to the cutting of old growth timber. His organization would be interested in having a member on the Public Advisory Group.
- \* K. Castner, the interest in how to spend the money is not going to last, must decide soon and try to appease the majority of the people. Identify places to purchase but pay later. Pay now for upfront projects such as fisheries enhancement, purchase islands, identify the real restoration projects. Should have separate PAG for each interest area... one fisheries person for all the areas effected would not work because their interests are too diverse and they were effected differently by EVOS. Attack at the front-end and follow through for ten years.
- o E. Piper responded that when he first read the settlement document he wondered how PAG could represent all the interests effected by the spill.
- \* K. Castner stated that if the members of the PAG squabble among themselves, the Trustee Council will just go ahead and do what they want.
- o E. Piper stated that if the group (PAG) is so diverse that the Trustee Council hears only cacophony, it will confuse the issue.
- o M. Rutherford stated that the restoration framework document will have recommendations for restoration and enhancement.
- o E. Piper asked that ideas for criteria for the framework document and restoration process be sent to the Trustee Council.

- o M. Rutherford briefly discussed HB411 and stated that there was more flexibility in spending the 50 million than the 900 million and that perhaps the 50 million should not be spent until after the 900 million.
- \* Question from the crowd as to why not just spend the interest from the 900 million as the interest at average rates would amount to more than 45 million.
- o C. Gorbics/M. Rutherford explained that the money was not going to come all at one time.
- o E. Piper explained that Exxon could deduct the cleanup costs from the 900 million. Of the 90 million deposited, there was only about 40 million left. Governments may pay themselves back. There was about 700-750 million left from the 900 million.
- \* Question from the crowd as to why the money was deposited in Texas, not Alaska.
- o M. Rutherford stated that the courts were in control of the money and all monies of this nature are put in the same account in Texas.
- o E. Piper then asked if there were comments specific to the Public Participation Groups...
- \* C. Pulliam (Seldovia teleconference site) identified himself as a SOS team board member...was interested in how the money was to be spent. He felt that the money should not be encumbered "politically" as the 470 funds, they appear to be inaccessible...it appears that HB411 funds were being earmarked for use and the Public Participation Group and process was not in place yet. Thought that the "lion's share" of the money should be used for restoration, acquisition or rehabilitation of lands affected by the spill. The money did need to be spent in environmental monitoring to be more ready to respond in the next spill...need baseline data to use for comparison purposes. Don't become complacent that oil companies will respond adequately in the next spill. Spend money in communities for use in response...volunteer groups could be set up that could be funded by restoration money. He also agreed with the comments of Mike O'Meara (see attached testimony). Look at not just one advisory committee, split it up into several. As a final comment, let decisions be made by consensus rather than majority rule.

- \* N. Lord, in regards to the selection of members for the PAG, referred to problems on the Board of Forestry...several designated appointee seats have been vacant...Governor appoints people that do not represent the groups that they are supposed to represent. People do not want names submitted by Bush or Hickel. Recommend that members of PAG sit with the Trustee Council in a non-voting capacity, but participate in the discussion. PAG should be adequately funded and should control the hiring of staff. Encouraged people to get involved in HB411 to help determine how the state's 50 million will be spent...people need to be talking with their legislators.
- o M. Rutherford...purchases made now will set precedent for comparable acreage value...so be cautious in this regard.
- o C. Gorbics...non-voting member of the PAG to sit on the Trustee Council gaining support...keep it up.
- \* K. Castner...What about the federal governments 50 million?
- o C. Gorbics ...just don't know about how that will be spent...possibly on staff...on writing laws as to how to spend the money...
- \* Comment from the crowd...is money reimbursed to agencies going back to general funds?
- o C. Gorbics...Federal money goes to the Treasury, that's where the damage assessment money came from.
- o E. Piper stated that the Coast Guard did not reimburse all requests for money...the state spent 100 million that has not been reimbursed and has the option to ask for that money or it can choose not to ask for it.
- \* Comment from the crowd...How is the spent money being accounted for, on the state side? Saw much waste on such things as helicopter trips to remote sites.
- o M. Rutherford...let state legislators know that you do not want money spent to reimburse agency money spent.
- o E. Piper...Are there other comments on the PAG
- \* R. Tyler from the Center for Alaskan Coastal Studies. Where do the educational organizations fit in...not really appropriate under academic/scientific. Is there a time frame for spending money on lands that might be logged? Two years down the road may be too late.

- o E. Piper...no time limit, no cut off dates for this process.
- o M. Rutherford...very fast time frame to make these decisions.
- \* K. Castner...are there federal guidelines for land acquisitions. Will the trustee Council use this method?
- o E. Piper...state also has guidelines...keep in mind that the TC was an invention of a court order and that there is nothing cast in stone that states what this process will be...pick guidelines that will provide the best possible process that can be provided by the state and the feds.
- \* K. Castner...a new animal was created by the 470 funds and not a penny has been spent from it.
- o M. Rutherford...possible that the TC may instruct the Nature Conservancy to investigate and make the best possible deals for land acquisition. Ideas such as this will be investigated.
- \* K. Pulliam...essential that something new be created that avoids the pitfalls of the 470 fund issues...keep it unencumbered of bureaucracy and the political process. Do what the communities want, not what the government wants.
- \* Comment from the crowd concerning new technology and how it could be used for this process...satellite communication...additional comment from the crowd as to the definition of restoration, what and where and to what extent as to land and to species.
- o C. Gorbics read from "Settlement 101" and gave some examples such as ridding sea bird colonies from predators, land acquisition, environmental monitoring...no limit as to what the TC will consider.
- o M. Rutherford stated how important it was that the public be kept informed in the restoration process.
- \* Comment from the crowd that the land can never be restored to its pristine state, but can purchase untouched land rather than the land that was affected.
- o M. Rutherford responded to a question from the crowd that the TC will decide how the land will be managed as well as what the land is. The upfront planning and structure is what is most important.

- E. Piper stated that the people on the TC come and go and that the PAG could be the "institutional memory" for the process. When one has both state and federal government, both sides manage in different ways...the most difficult action is land acquisition...deciding who is in charge...fund is a joint process to lesson the chance for lawsuits.
- \* Question from Seldovia on how this particular teleconference was being funded...
- E. Piper responded that money was coming out of agency funds...ADEC was separating out these costs...he estimated that the total costs for the teleconferences would be about \$15,000. M. Rutherford added that budget figures would be available at the upcoming TC meeting. E. Piper continued that the TC members would try to come to some of these meetings and that there would be another round of meetings in the spring.
- Final comments...the PAG would be in place before the restoration framework would go out...question from the crowd on the perpetuity question concerning land acquisition...options exist to address that issue such as conservation easements...Congress and legislature may change over time as to some of these decisions.



Hello - my name is Barbara Seaman, and I'm the Pres. of the board of directors of the KHLT. KHLT is a non-profit organization established to preserve the natural heritage of the Kachemak Bay area for the benefit of the public, primarily working with private landowners to protect their land through easements, donations and acquisition. - We have 3 points we'd like to make -

① KHLT would like to suggest to the Trustee Council that the Exxon settlement money be used primarily to acquire and protect habitat forests and coastal areas. ~~It is primarily organized by individuals who become concerned when they hear about plans to take Kachemak Bay State Park. We still consider protection of Kachemak Bay State Park to be the highest priority, but it seems that legislative action is the best avenue to achieve protection.~~

② KHLT also suggests that all Public Advisory Group members be selected by the diverse interest groups they represent, and not by the government of Alaska, and that this group be fully funded in order to involve the public fully in the decision making process.

③ One of our areas of special interest is conservation easements. We urge the Trustees Council to consider providing a small portion of its funds to landowners to assist them in establishing conservation easements on their property within the areas affected by the →



oil spill. Conservation easements are another tool to protect wildlife and habitat, while still allowing for private ownership and use of the land.

Conservation easements can be held by qualified non-profit organizations, as well as governmental organizations, whomever the landowner chooses.

Thanks for this opportunity to make suggestions - and we look forward to keeping involved.

TESTIMONY NOTES OF MICHAEL S. O'MEARA

P.O. BOX 1125, HOMER, ALASKA 99603

BEFORE THE

EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

FEBRUARY 3, 1992



## INTRODUCTION

My name is Michael S. O'Meara. Since 1976 I've lived on my homestead about 14 miles northwest of Homer. Let me extend a warm welcome the members of the Trustee Council and others who have traveled here tonight.

I believe that most people in the Homer area feel that they were harmed by the Exxon Valdez oil spill. To some it was fouled waters and shorelines rendered unusable for accustomed commercial, subsistence, or recreational pursuits. To others it was months of anxiety -- the disruption of the community and personal routines. And for many it was the stink of so much unnecessary death and the painful futility of the whole response effort.

The passage of time has helped us take the first steps toward healing, but the road to restoration promises to be long and time alone will not suffice. The public meetings you are holding now can help us move farther along that road. Funds from the Exxon Valdez settlement must provide for everything from continuing scientific research to acquisition of replacement resources. Restoration can best be achieved if management of those funds reflects concerns of people damaged by the spill -- and only if it results in maximum recovery and long-term protection of the natural environment.

## DISCUSSION QUESTIONS AND ISSUES

I would suggest expanding the list of questions and issues under discussion to include the following:

1. Is the Trustee Council accountable to the public -- in what ways?
2. How will the Trustee Council keep the general public informed regarding its continuing activities. What opportunities will be provided for continuing, direct public input?
3. How will the Trustee Council interact with the public advisory group? To what degree is the Council obliged to accept the recommendations of the advisory group?
4. How will the public advisory group interact with the public -- disseminate information, receive input?
5. What powers and duties will the public advisory group have?
6. How will funding for the public advisory group be determined and assured.

Now let me express my opinion regarding the issues at hand.

#### INFORMATION & SERVICE

I would like to see the Trustee Council develop a continuing outreach program designed to fully inform the public and invite continuing input. This should include a regular schedule of public meetings at locations and times convenient for general public participation. More information regarding all aspects of the Spill, the response, damage assessment, and restoration decisions or projects should be made available.

In addition, the basis and methodology for making decisions about use of settlement funds should be made clear to the public. All decisions by the Trustee Council should be justified in clearly written "findings of fact" and made available for public review prior to initiation of any proposed action.

#### PUBLIC ADVISORY GROUP

The Trustee Council should consider all recommendations from the advisory group valid until demonstrable proof to the contrary. Any action by the Trustee Council which is contrary to the advisory group should be preceded by public review of a comprehensive "finding of fact."

The citizen advisory group should be a community-based organization representing those diverse interest groups affected by the Spill. Categories which may have numerous sub-groupings such as local government or corporate landowners should not be allowed to dominate the group. Such sub-groups should be limited to a single, common representative in order to assure balance.

The group should have whatever number of seats is required to accommodate all legitimate interest groups. Members should not be appointed by the governor or some other official, but rather should be selected directly by interest groups they represent.

This should not be a technical group. Rather, the advisory group should be able to form sub-committees for the purpose of dealing with technical matters or problems related to specific topics or regions. These sub-committees should include local people who are not members of the advisory group.

The group should have a secure budget and be able to hire staff or reimburse volunteer expenses.

The group should act as a forum for exchange of ideas and viewpoints, but should issue a consensus opinion with specific recommendations for the Trustee Council after considering any topic.

Since many state and federal lands were affected by the Spill and will be the subject of restoration actions, the public advisory group should represent statewide and national non-commercial recreation, education, and conservation interests.

All criteria for selection of public advisory group members should be subordinate to one -- does the member meet with the approval of the interest group represented? It should not be dominated by bureaucrats and technical hacks.

#### FUNDING

The great bulk of settlement money should be allocated for ecosystem recovery and protection, open scientific study, and public education. A small percentage should be devoted to administration of the process. None of the funds should be diverted to schemes designed to put contractors to work, such as building roads, marinas, or "Disney-type" theme parks.

While I would hope that administrative costs for both this Trustee Council and the citizen advisory group are kept to a minimum, public participation should be given the highest priority. The restoration process will enjoy success in direct proportion to the level of public involvement.

#### A MODEST PROPOSAL

Before I relinquish the floor, I would like to propose an idea regarding the specific use of settlement funds. Unlike other proposals, this one does not involve a multi-million dollar expenditure. In fact, I do not suggest any expenditure at all.

Rather, I propose that the Trustees consider setting up a \$1 million endowment in the name of non-profit land trusts operating in the spill area. A portion of the annual interest could be used to inflation-proof the endowment, and the rest made available as grants to qualified trusts to assist in acquisition and monitoring of conservation easements across, or title to, important habitat. The original \$1 million would remain intact.

Such a modest endowment would provide public benefits in perpetuity so long as it was properly designed and fairly administered. This could best be done in consultation with

such groups as the Nature Conservancy, of which our Governor is a board member, and our own local Kachemak Heritage Land Trust.

That concludes my comments for tonight, though I look forward to future participation in this process. Once again let me applaud your efforts so far to involve the public in settlement and restoration issues. I encourage you to continue and expand such opportunities. Thank you for being here tonight.

RECEIVED  
FEB 07 1992

DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION

1/26/92

Henry Kroll  
P.O. Box 181  
Seldovia, Alaska 99663

Mary McGee  
Public information Office  
4241 B. Street suite 304  
Anchorage, Alaska 99503

Dear Miss McGee,

I have recently returned from a disastrous tanner crab fishing trip, the first ever in my forty year fishing career. I set forty tanner crab pots in Nuka Bay, rocky bay, and a few in other strategic places where we commercial fishermen have historically found crab.

The seven legal sized crab caught as a result of all this effort wouldn't feed two families. Mike Miller, owner of the eighty foot Independence, also fished these areas with similar results.

Their were a few under-sized crab in upper Nuka Bay but they were weak and didn't have any meat in them. They were starving to death.

We received reports that two boats from Seward tried to deliver some crab to Seward Fisheries but they were unacceptable because their was no meat in them.

Never before in my life have I had a fishing trip end in such utter failure. It's almost as if the outer coast between Seward and Homer has been sterilized. Has Hickle sold us out by settleing the state's oil claim to cheaply?

We fishermen are beginning to wonder if the massive oil spill that inundated this area in March and April two years ago has somehow depleted the spring plankton bloom that occurs each year between February and May, killing off the majority of the eggs, seeds, and larvae that perpetuate this vital source of food for all marine life.

The problem is we don't know for sure and we are not in a position to argue the point. We have no data to back up such an assertion.

We have no environmental monitoring or long term water sampling data to determine if the ever increasing amounts of hydrocarbons on the water's surface are having a detrimental affect on plankton growth and the survival of shellfish spat.

Why has fishery management refused to let us fish tanner crab on the west side of Cook Inlet ans Shelikoff Strait? Is it because these areas have been killed by the Exxon spill? Why did fish and game let the herring seiners take three thousand tons of herring from Kamashak Bay? Is it because the plankton was doomed and the herring would starve to death anyway?

As little as twelve years ago we had a three and a half

Sent to M. McGee via fax  
2/8/92

million pound king crab fishery and a four million pound tanner fishery in lower Cook Inlet. If this fishery existed today, the money calculated at today's price to fishermen living in the towns of Homer and Seldovia would be somewhere around \$24,000,000.00. The processors profit on this product would be another \$24,000,000.00. Most of this money would have been spent in these communities.

Kodiak has a similar situation only the monetary figures would be considerably higher; in the neighborhood of a hundred million dollars.

Currently in upper Cook Inlet we have twenty year-old, leaking, oil pipelines, mountains of oil-contaminated radioactive underwater drill tailings, oil wells that leak around the drill pipes. Occasionally there is a gas blow-out like the one that occurred back in 1987 where the natural gas erupted next to the drill pipe and shot nine hundred feet into the air for two weeks finally settled down to five hundred feet for another twenty days. Does natural gas have oil in it? How does it mix with sea water? We don't know.

I distinctly remember a rig fire where six people lost their lives and a considerable amount of oil was spilled in the winter with no clean-up due to pack ice. A few months later the Glacier Bay hit a rock in Cook Inlet coating fisherman's nets during the peak of the July salmon season.

For twenty years ballast water was dumped without treatment into Cook Inlet. Ever increasing amounts of tanker and shipping traffic, add ever increasing amounts of oil to the surface of the water in lower Cook Inlet.

Cook Inlet has a unique situation where the water table is turned over by thirty foot tides and glacier mud causes such turbidity that small amounts of oil are visually undetectable.

The environmental trade-off's of drilling and pumping oil in such a place seem at first glance to be acceptable because there is very little sea life in upper Cook Inlet however the oil doesn't stop there. It eventually floats to the surface five to twenty-five miles off from Anchor Point where the currents aren't swift enough to turn over the water-table.

Currents carry contaminated water from upper Cook Inlet down the West side into Kameshak Bay and Southwest into Shelikoff Strait where it eventually winds up on the beaches and bays affecting the ecosystems of the mainland and Kodiak Island.

It should be obvious even to the uninformed that even a small sheen of oil on the surface of the water is going to suffocate and poison all surface feeding microorganisms because oil severely depletes the water's ability to pick up life giving oxygen and carbon dioxide. If there is not enough carbon dioxide then plant or phytoplankton cannot grow in sufficient quantities to feed the rest of the microcosm. If there is not enough oxygen zooplankton will suffocate; hence the bottom of the food chain is killed.

When shrimp and crab spat hatch out of their eggs in March

they go immediately to the surface of the water to feed on plant plankton. If the plankton has absorbed traces of hydrocarbons and other complex molecules not normally found in the ocean, these complex molecules build up in their digestive tracts. They cannot be eliminated, eventually accumulating in quantities enough to kill. The spat die from several causes, starvation, poison, suffocation and cancer.

Shellfish spat hatch two times each year, at the beginning of the two plankton blooms. The biggest bloom starts at the end of February and ends in May. A smaller bloom that produces approximately two thirds of the amount of sea life begins in August and ends in October. If even small traces of oil are present during these critical times it disrupts the food chains affecting all of us who live by the sea!.

Has the state made a bad environmental trade-off in Cook Inlet? The amount of revenue going into the state coffers from Cook Inlet Oil development not counting the state oil carried by tankers from Valdez to refineries in Kenai is approximately sixty million dollars each year. If we still had a crab fishery the hundred million plus in revenues derived from fishing would be going directly into the private sector.

Think of the millions of people that would have benefited from eating all that seafood.

We are twenty-five years overdue for long term hydrocarbon monitoring stations in Kodiak, Shelikoff, Cook Inlet, Tuxedni Bay and Seldovia Bay. Think of the benefits that such long term statistics would be to your Exxon litigation or environmental monitoring in general. Even just one data base such as the amount of hydrocarbons in the water would allow us to ascertain the magnitude and approximate location of a spill enabling us to help direct clean-up crews toward the center of a spill.

Studies are currently under way to determine if Alaska's salmon contain harmful levels of PCB's. We all need to know rather or not we should eat the food harvested from the sea. Chances are increasing that some time during our lives we will eat something that will kill us. It probably won't kill us quickly but if nothing is done many people will die slow and agonizing deaths. Humans on this planet will die out from ignorance and apathy more than any other cause. We will have to be ever more conscience of what we eat or we will cease to exist.

The cost of a monitoring program is small compared to what is at stake. The approximate cost of one monitoring station handling six water samples a week is \$250,000.00 per year. The cost to process one sample is \$200. A boat should be sent out at low tide approximately fifteen miles from Anchor Point for the lower Cook Inlet samples. The samples taken in Tuxedni Bay could be taken from the cannery dock at high tide. In Seldovia the samples should be taken in the middle of the entrance of the bay using a skiff at or near high tide to eliminate chances of local contamination from the bay. The samples would be taken in sterilized jars at weekly intervals on the surface and one



meter deep. The jars could be sent to the University of Alaska or any independent laboratory for spectral analysis of hydrocarbons and other contaminants. We will keep and correlate all data on our computers. Printouts in graph and other form will be made available to the public.

Dr. Jere Murray and myself would be available to take the samples in Seldovia bay and lower Cook Inlet. We can form the independent environmental monitoring corporation or use my New Wave Seafood Corporation. If we decide to go non-profit, I have a non-profit corporation set up for educational purposes.

Seldovia is an ideal location for a permanent educational, environmental research and monitoring facility. In the future we envision purchasing an existing facility where the samples can be processed and the records stored. A two to five million-dollar grant would enable us to set up and operate this facility permanently by investing the principal and using a portion of the interest to operate the facility. Picture a marine institute with ocean science classes teaching people of all ages, fifty P.H.D.'s doing independent research for various firms leasing lab facilities, plankton biomass sampling to keep tabs on the recovery of Cook Inlet and Kodiak Island waters. Picture new and more efficient aquaculture and mariculture food production.

My phone number is (907) 234-7496. Dr. Jere Murray's phone is (907) 234-7646.

What better purpose could a small amount of the money received from the state of Alaska's nine hundred million dollar Exxon settlement be used for other than an independent environmental monitoring program?

We urge you to help secure the funding for this program out of the state Exxon settlement. We are also seeking funding from congress and other sorces.

How would it look If the State of Alaska refused to fund this simple monitoring program out of the Exxon settlement and some other organization did so?

Sincerely,

  
Henry Kroll

P.S. Please help me by giving a copy to your local representative and endorcing my position on this.

CC Ted Stevens, Frank Murkowski, Larry Slone, Gail Phillips, Mike S. Navarre, Homer News, Alaska Commercial Fisherman



Dear Mary, Why kill this vital food producing area? Drill for oil in ANWAR OR THE DESERT. NOT HERE! Carl Rosier and a Corrupt State Government are responsible for the environmental kill that is taking place.

AGE 10

HOMER NEWS

Thursday, January 9, 1992

# Feds may expand Cook Inlet lease sale area

by Hal Spence  
Staff Writer

Oil drillers may be shuttling platforms around a much bigger Monopoly board if a proposal to expand a Cook Inlet lease sale area is OK'd by the Department of the Interior.

The U. S. Mineral Management Service, a division of the interior department, recently issued a request for comments on new alternatives to the proposed five-year comprehensive Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program for 1992-1997. That is the same plan it sought comments on late last summer.

The alternative plan proposes to expand two areas in Cook Inlet collectively known as Oil and Gas Lease Sale 149. Currently, sale 149 covers 429,000 acres extending from just south of Kalgin Island to just below Anchor Point, plus another 738,000 acres northwest of Kodiak Island in the Shelikof Strait.

The oil industry apparently wants more space from which to choose.

According to the service, responses to calls for comments on the proposed five-year plan included "several industry commentators" who requested that the proposed Cook Inlet lease area be enlarged, based on new geological and geophysical information.

The management service said it is considering the industry request and may enlarge Sale 149 to include approximately 61 blocks, consisting of 3.7 million acres. At the same time, it proposes keeping the original limit on the total number of leases in the area to no more than 250. (See map).

Asked what new information prompted the oil industry to request an expanded search area, John Schindler, chief of the service's Environmental Assessment Section in Anchorage, said he could not say for sure but believes it may have to do

with a new method of assessing oil and gas potential from geological data.

"There's a lot of hearsay," he said, "but the rumor is that the two wells recently discovered near Kalgin Island in Cook Inlet were the result of applying a new method of looking at the seismic work."

Schindler said it is hard to predict whether the area will be expanded or not, but that public reaction is likely to have an effect on the decision.

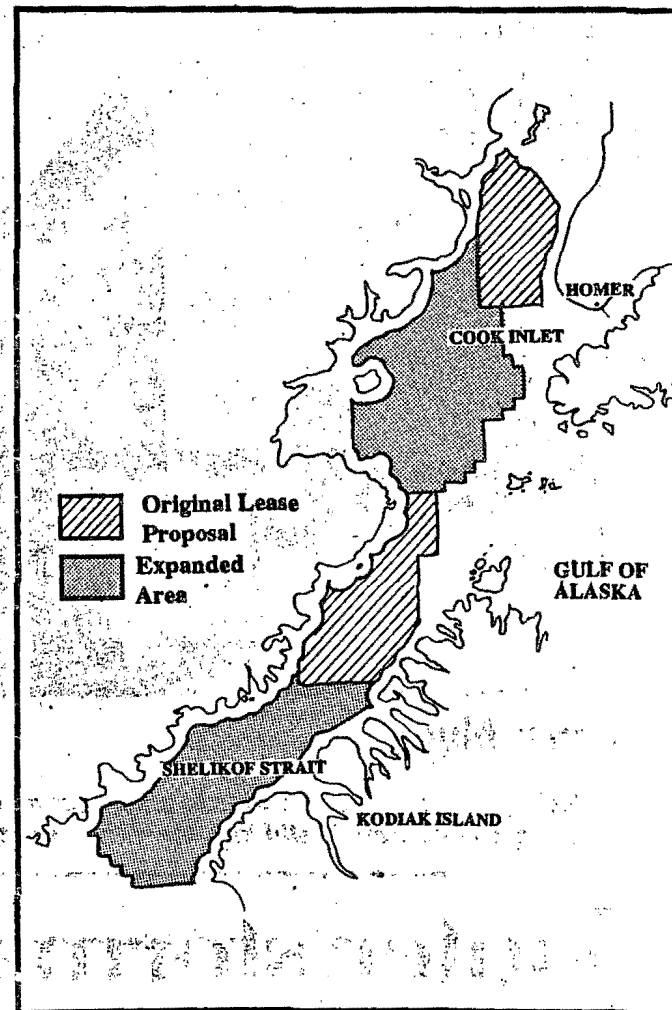
"If comment is heavily against it, I'm sure the secretary (Sec. of the Interior Manuel Lujan) won't do it," he said.

The management service said it is also considering a request by Cook Inlet area residents that Lease Sale 149 be renamed the Cook Inlet/Shelikof Strait lease sale to make it clear that Shelikof Strait is part of the planning area.

While it is considering expanding the Cook Inlet leasing region, the service said comments on the OCS comprehensive plan have led planners to consider reducing the size of proposed leasing areas elsewhere in Alaska. Five so-called "lower potential" planning areas — including Norton Basin, Navarin Basin, St. Matthew-Hall, Hope Basin and St. George Basin — would be reduced to two: Hope Basin and St. George Basin.

Comments are due by Jan. 31. They may be sent to Director, Minerals Management Service (MS-4230), 1849 C Street N.W., Washington, D.C. 20240. Envelopes or packages should be marked "Comments on Proposed five-year Comprehensive Program—Cook Inlet, Hope Basin, St. George Basin Planning Areas."

For further information contact: Paul Stang or Jan Arbogast, Branch of Program Development and Planning at 202-208-3072, or Robert Brock, Regional Supervisor, Leasing and Environment, Alaska OCS Region at 271-6045.



You will be hearing from the Chamber of Commerce of Seldovia & Soldotna regarding an oil <sup>water</sup> sampling program as outlined in this letter.

**Restoration Public Participation Meeting, Homer, February 3, 1992**

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✓ Nancy Lord	self	Box 558 Homer	235- 8252
✓ Jay Post	Self	Box 1075 Homer	11 235- 6351
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✓ <del>Carlene Hillstrand</del>	<del>Kachemak Bay Conservation Society</del>	<del>3939 Lake Street Homer</del>	<del>235-2829</del>
✓ Barbara Seaman	Kachemak Heritage Land Trust	P.O. Box Homer AK 99603-8999	235- 2986
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✓ Jim Matthews	ADEC	MAI B'ST STE 304 Anch 99503	5631126
✓ ANTHONY J Bess	ASGA-KSMA	Box 1140 Homer <sup>99603</sup>	235-7133
✓ Nancy J. Hillstrand	ALASKA WILD ANIMAL RECOVERY EFFORT	P.O. Box 674-Homer	235-2572
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Restoration Public Participation Meeting, Homer, February 3, 1992

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