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PUBLIC PARTICIPATION SCOPING MEETINGS

May 21, 1992 7:00 p.m.
Gruening Bldg., Room 310
Fairbanks, Alaska

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Attendees	Affiliation	Address
Jerome Montague	Restoration Team	
Carol Gorbics	RPWG	
Barbara Iseah	Restoration Team	
William Waters	Sea Scout	

Issues Addressed:

General Review

Jerome 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

Public Advisory Group

Nominations are being solicited for this advisory group. The nomination period deadline is June 8th. The Trustee Council would like input on the makeup of the group and whether there should be designated seats for interest groups. The Public Advisory Group's operating procedures were approved for public comment. The charter was submitted to the Department of Interior for finalization. At the end of June, the Trustees will make selections for the Public Advisory Group. By July 31st confirmation of appointments will be received. The first meeting for the Public Advisory Group is scheduled for the last of August.

1993 Work Plan

Ideas are solicited on what projects the public feels should go forward. The timeline process for the Work Plan was approved by the Trustee Council.

Release of Natural Resource Damage Assessment Information

Litigation sensitivity of damage assessment information was lifted by Attorney General Charlie Cole. The interim reports, any final reports, and restoration meeting notes will be available within the next month to the public through the Oil Spill Public Information

Center. One benefit of releasing the information is the public can provide more informed advice to the process. A symposium is scheduled for next spring to provide an opportunity for distribution of information at a single location.

Jerome briefly described 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

Carol walked through a brief description of each section contained in Volume I - Restoration Framework:

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
Chapter IV - contains the analysis of the injury information to date
Chapter V - proposes criteria for determining when the injury is sufficient to warrant any restoration action
Chapter VI - proposes criteria and procedures for evaluating restoration options
Chapter VII - contains the following six conceptual restoration alternatives:

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

Appendix A - provides information on injured resources and services
Appendix B - provides 35 restoration options for consideration and the 14 options rejected

The hierarchial and concurrent approaches to restoration were discussed. Attention was directed to flowcharts explaining these approaches. Public comment is solicited on the preferred approach. The information received from the public will be used for a draft Restoration Plan. The deadline for comments on the framework document is June 4th. The framework also acts as a scoping document in compliance with the National Environmental Policy Act.

Volume II - 1992 Draft Work Plan

The activities of the Trustee Council prior to settlement were geared towards litigation. Once the settlement was reached, the schedule for work during the field season had been set. The ability to maximize public input could not occur in time. The Trustee Council has tentatively approved the work schedule to allow projects to get underway. Although work has begun on projects, they are not cast in stone. Public input is solicited on the proposed projects.

The projects are in two categories damage assessment projects, which include mostly closeout projects, and restoration projects, which include monitoring and manipulation of human activities.

Questions:

Jerome and Carol answered the following questions posed by Mr. Waters:

Will there be concentration on estuaries? William Waters

Would a permit be needed to block or remove streams? William Waters

Is there anyone that coordinates volunteer efforts?

Oral Statements Presented:

William Waters

- worked on clean-up crews; some crews thought eel grasses would be transplanted; others thought groups would concentrate on estuaries; didn't agree with the steam cleaning which was killing some of the survivors
- will do some work on the technique of planting eggs to maintain wild stock
- a grass roots effort should be organized for volunteer efforts
- will get some of his advisors to come up with ideas

Jerome reiterated the deadlines for the comment periods. Mr. Waters was encouraged to take handouts for distribution to others interested in this process.

Meeting adjourned at 8:00.

**PUBLIC MEETING
FAIRBANKS, ALASKA
FEBRUARY 11, 1992**

Panel: Ernie Piper (ADEC), Mary McGee (OSPIC), M. Fraker (ADF&G)

Approximately 25 citizens attended - (sign-in sheets attached)

o **PANEL COMMENTS**

* **PUBLIC COMMENTS**

- o E. Piper introduced himself and explained the purpose of the meeting...we represented the "government" and the "government" was supposed to listen to the public. Explained the Memorandum of Agreement which stressed "meaningful public participation" and included requirements for a "public advisory group" (PAG). He explained all items on the table and had other members of the panel introduce themselves.
- o M. McGee introduced herself and what the Oil Spill Public Information Center was, what type of documents it contained, and how the public could access it.
- o E. Piper explained the 18 page damage assessment summary published in March of 1991.
- o M. Fraker introduced himself and gave a brief overview of the damage assessment and restoration activities. He discussed at what point the studies were at present and the shift to restoration and monitoring as a result of the settlement. He briefly discussed the oil in the benthos and that there was no way to clean it up. He mentioned the surprise that the Trustee Council (TC) expressed at the amount of money that had been spent on studies and the process that had gone in the last three months to pair down the previous studies to an acceptable number (acceptable to the TC). He further explained that it was up to the TC to decide which studies to continue, that it was now being decided which of the damage assessment studies to close out, which to continue if the extent or reason for damage had still not been determined.
- o E. Piper stated that the TC was scared of the "sticker price" of the studies.
- * Question from the crowd as to where to submit proposals for studies.
- o E. Piper stated that the framework document on the restoration plan was due out in March and that it would contain the guidelines.

Fairbanks Public Meeting
February 11, 1992
Page 2

- o M. Fraker suggested that proposals could be submitted to Dave Gibbons and that the timeline handed out at the last TC meeting indicated that proposals would be due in September for the 1993 season. He indicated that the studies held up in the litigation process would soon be released in order to use that information for future proposals.
- * Comment from the crowd concerning the restoration process that was going on before the studies were released...how realistic was it in view of studies already funded...
- o M. Fraker explained that it was necessary for some of the restoration studies to go on in order to plan for future studies...there was room for other restoration studies.
- * T. Boyer knows that there are problems out there but is unable to comment because the studies have not been released.
- o E. Piper commented that it was a point well taken and that science studies were undertaken for litigation purposes, not necessarily for the good of science.
- * T. Boyer commented that the TC was being influenced by the "public" and that "public" did not have access to proper scientific study...implying that the public was making recommendations not based on correct information...comment on his development of a mechanism to study toxins but was unable to use it.
- * G. Juday commented that his work was not agency funded and was able to tell the public the results of his study. It was prudent to continue studies because they were on the brink of understanding and it was not a time to slack off. He had made a "pest" of himself and was concerned that people were saying "why fund more studies" and instead were advocating land acquisition. Could someone please explain the restraints holding up release of the studies.
- o E. Piper explained about the third party litigants and that the State Attorney General had an obligation to contact each litigant to avoid further lawsuits that release of the studies might incur.
- * G. Juday inquired what the projection for release of the studies was.
- o E. Piper stated that he hated to speculate...
- * Comment from the crowd as to why there was such a rush to begin the restoration process.

Fairbanks Public Meeting
February 11, 1992
Page 3

- o E. Piper stated that there was no rush and that the TC was questioning all studies.
- o M. Fraker stated that there were only a few studies that needed immediate action...a few concerning fish and one concerning the Harlequin ducks and decisions as to the opening of the season...
- o E. Piper commented that those wishing habitat acquisition were the most visible and the most vocal and that the issue needed more discussion. The TC had asked for a subgroup of the Restoration Team to discuss land issues and were concerned that acquisition be linked to damage.
- * T. Cooney ...concerned that land acquisition would be at the expense of science.
- * G. Juday explained his involvement in the study of Sitka Spruce in Southeast Alaska and the connection to habitat issues. There is no need to buy massive tracts and that there is information available right now what acquisition might make a difference...concern that if critical areas are about to be logged, they should be bought.
- * T. Boyer commented on how the oil didn't pay any attention to whether it was public or private land...consider the effects before deciding on purchase...old growth forest should be purchased...important to know the effects of the oil so as to know what to protect in the next oil spill.
- o E. Piper commented on how he had been involved in the Kachemak land valuation and sale process and how difficult that was. Buying land involved science issues as well as economic issues...suggested that those concerned talk with Ken Rice who is the chair of the habitat protection subgroup under the Restoration Team...asked for specific comment on a Public Advisory Group...what the scientists are interested in...the need for the group to be balanced...what would people like the group to do...there are several models such as the RCAC...should the group be regionally based...what kind of oversight...what role do scientists and academics play...concerned that a political institution not be created.
- * G. Juday...commented that "you folks can beat us at this game"...and that the more formal it is the more chance there is to be overwhelmed...more chance for the bureaucracy to prevail...the TC needs to come to the academic community, if they are seriously interested, if they need input on an issue.

- * E. Piper questioned if there would be a benefit to consensus and how would one achieve it in a PAG...why should loggers and fishermen agree...regional integrity...perhaps the TC could give particular groups tasks such as going to the science/academic community for input on science issues, Native groups for input on subsistence issues...
- o T. Cooney...another issue that needs attention is that there needs to be a mechanism to evaluate the "goodness" of science being done...need a peer review/quality review.
- o Crowd...there has been peer review...
- o T. Cooney...the public needs to be reassured that there has been proper review...the TC needs some objective analysis by other than special interest groups...the Restoration Team needs members that are not agency people...need more than Bob Spies to play the role of decision maker..."the fox is guarding the hen house"...
- o R. Highsmith...need review of the proposals...distrust of review by strictly agency people...NOAA's eagerness to increase its role makes him nervous...the "sticker shock" has the potential for harm...there are too many levels of review...have spent 17 million on studies, need 3 million more to finish and that the cutting of the studies has been too extensive, harms the science...there seems to be a management problem in that they might waste the 17 million in order to cut some money now...citizens have the right to know what is going on...projects do involve large amounts of money but consider all the money already spent...need to complete the studies and publicize them...the reputation of many of the scientists are dependent on this study and they know there is still damage...has data on the sites and need to keep track of the sites to insure the validity of the study...what if there is another spill and no will know what was the damage created by the spill and what was there before from the EVOS spill...
- * M. Fraker...part of the problem is how the clean water act was written in the first place... there are flaws in it which need to be corrected...discussed his work in BC and commented on how there needs to be a multi-disciplinary approach to the research...with independent study there is no integration of the work...people were not able to share methods and there is a need to take stock and look at all the studies as a unit.
- o T. Cooney...need assessment that includes synthesis and integration...EVOS gave everyone the chance to integrate all the independent studies going on in the Sound...it is a natural laboratory...we should be looking forward, not back,

and take advantage of this situation.

- * E. Piper...the State Trustees are looking at an endowment or modified endowment with the intent to look at more research activities over a long period of time.
- o G. Juday...supports R. Highsmith's views...CERCLA is part of the problem, but mainly it was looking at studies with litigation as the object...public interest is at a high point now with the greatest award ever having been given in court...public also wants to know what happened...all being sacrificed to secrecy in order to win an award...it was unnecessary to restrict access to the process...lawyers do not understand the systems (natural system) to evaluate and assess the situation...the whole system must be assessed for a proper context to make informed decisions.
- o T. Cooney...lawyers not open or sympathetic to science...need to impress upon them the importance to the public of access to information for policy formation.
- o G. Juday...lawyers don't look at "facts" the same way as scientists do...there are two world views and they clash...
- o R. Highsmith...there are many misconceptions out in the public about the studies...but the only studies that would have held up in court were those that looked at true science...mink should have been studied as an indicator species in the intertidal zone...legal issues got involved in what studies were pursued.
- o T. Cooney...perhaps they (academics/scientists) needed to write the TC to indicate that funds should be used over a long period of time...
- o G. Juday...good rationale for extended use of money...there is much value in long term studies and need an endowment for a stable source of funding...we need to understand the systems there and not put further stress on them, but it is appropriate to understand the spill as a whole.
- o T. Cooney...will the studies be conducted in the public domain?...free of litigation issues?...will the 1992 studies be available?
- * E. Piper...unequivocally yes...by the time the studies are completed, they will be in the public domain.
- o Unidentified...need more shoreline studies...there is so much already done, really need the long term studies...problems of

skipping a season in terms of teams assembled (will have to retrain groups...) will loose track of sites because markers will be lost...the Sound is a huge geographic area...need to fight the "sticker price".

- o M. Fraker..concerned persons must let the TC know of their opinions...need to write and speak up as often as possible...
- * Unidentified...scientists are often reluctant to speak...but maybe this is the time to band together for the common purpose and speak out...not specific to own studies, but in general for the good of science.
- * E. Piper...need to make these points known, not from the standpoint of a specific study, but from a professional standpoint.
- o G. Juday...described a study involved in long term ecological sites and the benefit of long term study...whole class of problems that need to be solved...need continuity...scientists are not greedy people after a gravy train...the studies need to be made public because the means and the opportunity to implement good projects is there...there is precedence in money available for studies and then having it dry up before projects are completed (NSF money available after the 1964 earthquake for study in PWS...but not completed)
- o Unidentified...crucial to note that this is a once in a lifetime shot...if not acted upon, the opportunity will be lost forever...this year is the pinnacle...studies need to be completed to use for planning for the next 20 years...can't go back and redo and can't recreate the field situations.
- o G. Juday...data collection can't be done next year for this year...
- o Unidentified...it will be a shame if the TC decides further down the road that they should have completed certain studies...
- o E. Saulitis...are the proposals for the timber buybacks to come from the civil or the criminal fund...
- * E. Piper...HB 411 addresses the timber purchase...a variety of acquisition proposals will come up to the TC as well...(some discussion of the logistics of spending the 50 million...)
- * M. Fraker...read from the MOA as to how to spend the money
- * E. Piper...have been suggestions to use the \$ for clean up,

equipment and training...more comfortable spending \$ for such activities from response \$.

- o G. Juday...question on studies on Yellow Billed Loon...would like to nominate it as an especially sensitive species.
- * L. Landry...USFWS may be doing some of those studies.

Following the formal meeting, several people stayed and discussed specific issue with E. Piper and M. Fraker.

Restoration Public Participation Meeting, Fairbanks, Tuesday, February 11, 1992

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