

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



AGENDA  
EXXON VALDEZ OIL SPILL SETTLEMENT  
TRUSTEE COUNCIL MEETING  
APRIL 25, 1997 @ 4 P.M.  
645 G STREET, ANCHORAGE

4/25/97  
10:17 am

DRAFT

Trustee Council Members:

BRUCE BOTELHO/CRAIG TILLERY  
Attorney General/Trustee  
State of Alaska/Representative

MICHELE BROWN  
Commissioner  
Alaska Department of Environmental  
Conservation

DEBORAH WILLIAMS  
Trustee Representative for Fish &  
Wildlife & Parks  
U.S. Department of the Interior

PHIL JANIK  
Regional Forester - Alaska Region  
U.S. Department of Agriculture  
Forest Service

STEVE PENNOYER  
Director, Alaska Region  
National Marine Fisheries Service

FRANK RUE  
Commissioner  
Alaska Department of Fish & Game

Steve Pennoyer, Chair  
Continuation Meeting

1. Call to Order 4 p.m.  
- Approval of Agenda
2. Continued Discussion of the Chenega Shoreline Cleanup Project
3. Public Comment

Adjourn - 5 p.m.

raw

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



## MEMORANDUM

**To:** Trustee Council Members  
**From:** Molly McCammon, Executive Director  
**Date:** April 25, 1997  
**Subject:** Chenega Oiling Project

On Wednesday afternoon, April 23, the Chief Scientist, Dr. Robert Spies, convened a three-hour meeting to discuss the Chenega beach restoration project. The meeting was organized by the U.S. Forest Service EVOS Liaison, Dr. Dave Gibbons, with support from the Restoration Office staff, as per your direction at the Trustee Council meeting on April 18. More than 25 people participated, including representatives from the Alaska departments of Environmental Conservation, Natural Resources, and Fish and Game, the U.S. departments of Agriculture and Interior, the National Marine Fisheries Service on behalf of the National Oceanic and Atmospheric Administration, and the Restoration Office. In addition, representatives of the Chenega Village Corporation were present as observers. Technical experts from the University of Alaska at Fairbanks and the University of California at Santa Cruz were on the telephone for part of the meeting.

I opened the meeting with a brief history of the project and the purpose of the meeting and was followed by Dianne Munson, who described how and why the Alaska Department of Environmental Conservation has selected PES-51 as the preferred cleaning agent for this project. Dr. Spies then led a discussion of data and opinions on the effectiveness and toxicity of PES-51 and on possible alternatives, such as use of hot-water injections. After an extended exchange on these issues, the discussion shifted to the monitoring protocol and the potential for an enhanced monitoring program to improve the acceptability of the use of PES-51. The meeting closed with a discussion of the steps which must be taken in order to proceed with the Chenega oiling project (see below).

### Major Findings

I will not review here all of what was said in this meeting. However, I drew five main conclusions from this meeting:

(1) Notwithstanding the extended discussion, there are still uncertainties and differences of opinion about the toxicity and effectiveness of PES-51. These uncertainties and differences arise out of concerns about human and ecosystem health, agency responsibilities and legal liabilities, potential precedents with use of PES-51, and the desire for additional data on effectiveness and toxicity that can guide future cleanup decisions. (See the attached memorandum from Dr. Spies in regard to toxicity issues.)

(2) Although the uncertainties and differing opinions cannot be dispelled easily, there was agreement that an enhanced monitoring program and other mitigating measures could substantially increase the "comfort level" of a decision to proceed with application of PES-51 on the eight Chenega-area beaches. While an enhanced monitoring program per se does not eliminate risks, it should enable all concerned to have more confidence that the work is appropriate while it is in progress and that there is a firm basis for evaluating its overall effects after implementation. (See below as well as the attached memorandum from Dr. Spies.)

(3) Chenega Bay representatives made very clear that they find the continued presence of oil on beaches near their homes not only offensive, but that they are not persuaded by any of the technical experts who assert that the presence of the oil is not harmful to people and subsistence resources. The Chenega representatives heard the extended discussion of the toxicity and effectiveness of PES-51 and continue to believe that the risks posed by its use are less than the risks of leaving oil on their beaches. (See attached letter from Chenega Village Corp.)

(4) Although not all parties may be satisfied with the protocols for determining whether PES-51 is safe and effective, the fact remains that this product has met both the standards set by the U.S. Environmental Protection Agency National Contingency Plan Product Schedule and the State of Alaska technology protocols, which are part of the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharge Releases (so-called "Unified Plan") as adopted by the Alaska Regional Response Team (ARRT). Agencies represented on the ARRT include the U.S. departments of Interior, Commerce (NOAA), Agriculture, Health and Human Services, Energy, Defense, Justice, Transportation and Labor, the Federal Emergency Management Agency, and the Alaska Department of Environmental Conservation.

(5) Some individuals have suggested that it would be desirable to test hot-water injections as an alternative to PES-51, but this possibility itself introduces a whole new series of questions and complications. Among these are concerns about lack of effectiveness, the added cost of setting up additional test and control situations, and the lethal effect of hot water on intertidal organisms. There also was strong concern that hot water would, in fact, introduce more toxic oil residues into the water column than would treatment with PES-51. Oil in the water column is much harder to contain than when brought to the surface, which is what PES-51 does.

### **Monitoring and Mitigation**

The following steps were proposed as reasonable (both worthwhile and cost effective) actions to improve the acceptability of the preferred alternative as described in the Environmental Assessment (EA):

(1) **Protective booms could be left in place beyond the minimum of 4 days following application**, which is the minimum specified in the EA. This would allow observations over multiple tide cycles and provide opportunity for case-by-case decisions to extend the times booms are left in place.

(2) Chenega residents are not now harvesting subsistence resources off the oiled beaches. **If so advised, they would not resume use of these beaches until such time as laboratory analyses confirmed that contaminant levels in mussels, chitons, and other intertidal resources are within acceptable levels.** The current protocol provides for sampling for chemical residues at one year after application. This sampling, which should include testing for both hydrocarbon and PES-51 residues, coupled with no harvesting of subsistence foods on these beaches for a minimum of one year (pending satisfactory results in the contaminants testing), should substantially alleviate concern about human health.

(3) As described in Dr. Spies' memorandum, **the overall monitoring program can be enhanced to improve the information obtained on the effectiveness, toxicity, and environmental effects of PES-51.** I want to be very clear that one could easily spend one million or more dollars on this endeavor and still not rigorously test every concern that has been raised. However, at some additional cost, perhaps \$150,000, it is possible to expand the scope and intensity of the current monitoring scheme to obtain better information for all concerned.

In addition, it is important to note that many mitigative measures are part of the preferred alternative as described in the EA. These include such steps as: applying PES-51 on rising tides, when water will aid collection of the contaminants; never working when the lower intertidal zone (which has the richer tide life) is exposed; use of double booms around treatment areas; and continuous application of low pressure washwater at ambient temperatures during and after application of PES-51.

### **Precedent**

There has been concern about the use of PES-51 setting a precedent, both in terms of the level of advance information needed for determining whether a particular product should be used and in terms of requests to use this agent in responding to future oil spills. If the Trustee Council elects to proceed, however, the use of PES-51 should not be construed as precedent setting for the following reasons:

(1) In regard to the product protocols in the Unified Plan (see item number 4 under Major Findings), the use of PES-51 on the eight Chenega-area beaches does not set a precedent, because this product already has met the standards established in the Unified Plan and by EPA. Moreover, if the protocols themselves are an issue, this is something for the ARRT to consider separately.

(2) In regard to application of PES-51 on Chenega beaches setting a precedent that will encourage use elsewhere in a response--as opposed to a restoration--context, the ARRT would need to make an affirmative decision to use PES-51 after careful consideration of the specific situation. In the case of Chenega, PES-51 was chosen after consideration of such factors as the heavily weathered character of the oil, the presence of natural impediments to cleanup by conventional methods (e.g., large boulders), the fact that intertidal life on the eight beaches is rather sparse, and the limited area to be treated (about 1



mile of beach to be treated within a total of about 2 linear miles). These same factors have little bearing in an immediate response situation.

Thus, for both of these reasons, use of PES-51 is not and should not be construed as precedent setting for any potential future actions.

### **Process and Motion**

Following a Council decision today to proceed with the Chenega project as recommended, including approval of up to \$150,000 for additional monitoring, the EA will be finalized and a Finding of No Significant Impact (FONSI) prepared by the U.S. Forest Service for signature by the three federal trustees with a letter of concurrence from the three state trustees. The detailed monitoring plan, now being prepared by NMFS staff at the Auke Bay Laboratory, will be assigned for scientific peer review by the Chief Scientist; copies of peer review comments will be provided to the agency liaisons for their review and comment. Expenditure of the additional funds will be contingent on final approval of the monitoring plan by the Chief Scientist. The goal is for the project to receive final authorization to proceed from the Executive Director by April 30. If authorization occurs as scheduled, pre-treatment sampling would begin during the low tides in the third week of May; beach treatment would begin June 15.

Here is a motion for your consideration:

**MOVE** that the Trustee Council (1) adopt the memoranda dated April 25, 1997 from Molly McCammon, Executive Director, and Dr. Robert Spies, Chief Scientist as findings on the record and (2) approve funding not to exceed \$150,000 for additional monitoring to be included in Project 97291.

attachment: Memorandum from Dr. Robert Spies (April 25, 1997)  
Letter from Mr. Chuck Totemoff (April 24, 1997)

cc: Restoration Liaisons and Work Force  
Mr. Mike Bennett, ADNR  
Ms. Leslie Pearson, ADEC  
Dr. Stanley Rice, NMFS-ABL  
Dr. Robert Spies, AMS  
Mr. Matt Stephl, Stephl Engineering  
Mr. Chuck Totemoff, Chenega Village Corporation

A P P L I E D

*marine*

S C I E N C E S

April 25, 1997

To: Molly McCammon, Executive Director  
Exxon Valdez Oil Spill Trustee Council

From: Robert Spies, Chief Scientist

Re: Cleanup of the Chenega-area Shoreline

The purpose of this memo is to summarize technical information on the use of PES-51 in cleanup of the Chenega area shoreline in order for you to make a recommendation to the Trustee Council in this matter. There are several technical issues that were addressed in the meeting that I was asked to conduct on April 23, 1997, including what is known about the toxicity of PES-51 and its active ingredient d-limonene, and measures that could be taken in the field to address questions of potential effects on marine resources. This memo summarizes what was available at the time of the meeting on toxicity of d-limonene, outlines approaches to environmental monitoring to assess the fate and ecological impact of the proposed action, and includes some observations on human health issues. I was able to consult most of the scientific literature available on aquatic toxicity and was also able to consult with some nationally known aquatic scientists on this issue. Key scientific personnel at the meeting included Dr. Stan Rice, an aquatic toxicologist at the NOAA Auke Bay Laboratory, and Dr. Ron Tjeerdema of University of California, Santa Cruz, also an aquatic toxicologist. I have also talked to Dr. Jacqueline Michel of Research Planning Institute, Dr. Alan Mearns of NOAA, Hazardous Materials Division, and Dr. James Felton of the Lawrence Livermore National Laboratory, an expert on genetic toxicity of natural molecules.

The active ingredient in PES-51, d-limonene, is a diterpane or alkylated cyclohexene. It is a surface-active agent, and so is effective in separating oil from rock surfaces. It is only sparingly soluble in sea water, apparently a saturated sea-water solution may only be in the range of 50 parts per million (ppm). PES-51 has been tested for its toxicity to marine animals and found to be toxic in the range of 13 to 50 ppm based on 96-h or longer exposure assays, near the upper limits of its solubility. It is less toxic than fresh oil, but one of the more acutely toxic of tested surfactants or dispersants. The toxicity of d-limonene may derive from its surface-active properties.

Based on the available literature for aquatic animals, it appears that PES-51 does not pose a long-term risk to the environment of Prince William Sound for the following reasons: 1. Toxicity of the compound measured by trout survival and growth was very similar after 96 hours and 7 days of exposure, indicating that very low-level chronic toxicity is probably not a problem; 2. Dilution will occur quickly as local applications of PES 51 will be



diluted within several hours due to water flushing and the next tidal cycle; and 3. Bacteria increase their activity in the presence of this compound, and it is likely broken down into water soluble and harmless byproducts in relatively short order. Previous concerns about breakdown products that might include toxaphene-type compounds have not been sustained with closer examination. Therefore, since this compound appears to be toxic only near concentrations approaching its solubility in water, does not appear to be toxic in dilute long-term exposures, and is subject to bacterial breakdown, in my judgment the ecological effects will likely be limited to areas within several meters of air-knife injections.

The intertidal community at risk in the proposed Chenega project is one typical of boulder-cobble beaches in Prince William Sound. This shifting, unstable substrate supports one of the most depauperate intertidal communities, both in terms of numbers of species and individuals, in the region. In my judgment, offshore risks to pelagic animals are low, as PES-51 will be skimmed from the sea surface resulting in only short exposures of animals inside the containment booms. Water-column exposures will be to very diluted solutions of the compound.

The issue of human risk was touched on in the meeting. We did not have human health experts in attendance, but consider the following. The compound d-limonene is a natural product, occurring in citrus and caraway seeds, so it is a component of the human diet. It can cause problems in very high concentrations, for example direct contact with the pure compound can cause skin rashes. Reportedly, it also causes kidney toxicity, apparently in high concentrations. There have been reports of carcinogenicity, but some scientists I have talked to question the basis for this conclusion.

PES-51 is one of the more toxic biosurfactant compounds that has been tested, so from this perspective it may appear to some as not the best choice. However, while the evidence is not extensive, none of the data nor the particular circumstances of use indicate that beyond some potentially very localized exposures of intertidal animals and plants around the immediate site of air-knife injection for short periods of time will this compound pose an ecological risk. It becomes a matter of judgment as to whether the likely ecological risks posed are acceptable in cleaning the beaches so that the confidence of the people of Chenega Bay is restored in use of subsistence resources. The people of Chenega are convinced that PES-51 is effective in oil cleanup. I am not certain of their willingness at this late date to accept alternative technological approaches, even if we were to be convinced that these may be worth investigating. For example, some have suggested the use of a hot-water flush of the beaches. I have detected considerable uncertainty among the experts as to what alternative approaches might actually work for removing oil from these beaches, but it is clear to most of us that PES-51 will remove a majority of the remaining oil.

Given the uncertainties, if the Trustee Council decides to go forward with beach cleaning using PES-51, it would seem prudent to increase the level of monitoring proposed to include more sampling of chitons, snails or other mollusks, use of fixed photoquadrats located in representative areas of PES-51 application to document any changes in the intertidal community, and limiting harvest of subsistence resources for one year or until d-limonene is no longer detectable in the local biota (whichever is longer). In addition, I will obtain full peer review of the monitoring plan by nationally prominent ecologists.

Some of the features of the preliminary expanded monitoring plan are:

- I. To estimate the reduction in gross oil, the visual estimation methods employed previously by geomorphologists will be used. This involves digging pits in the beaches to estimate amounts of subsurface oil.
- II. To evaluate the decrease in hydrocarbons in sediments by chemical methods with increased sampling per cleaned beach. This will involve the analysis of hydrocarbons and PES-51 before and after the cleanup.
- III. Measurement of fate and effect of PES-51 will be accomplished by:
  - A. Visual observations of any material escaping from the boom;
  - B. Measurement of hydrocarbons and PES-51 in mussels and chitons;
  - C. Measurement of hydrocarbons and PES-51 in water column via caged mussels at all 8 beaches;
  - D. Photoquadrats at representative treated and control sites before treatment, within 2 weeks after treatment, and subsequently to measure intertidal community changes.

CHENEGA CORPORATION



**Anchorage Office** ☒  
3333 Denali Street, Suite 260  
Anchorage, Alaska 99503

**Chenega Office** ☐  
Post Office Box 8060  
Chenega Bay, Alaska 99574

Phone (907) 277-5706  
Fax (907) 277-5700

Phone (907) 573-5118  
Fax (907) 573-5135

April 24, 1997

Molly McCammon  
EVOS Trustee Council  
645 G Street, Suite 401  
Anchorage, AK 99501-3451

**RECEIVED**  
APR 24 1997  
EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Re: Chenega Beach Restoration Project

Dear Molly:

We understand that tomorrow the Exxon Valdez Trustee Council will vote whether to kill the Chenega Beach Restoration Project. I am hopeful that prior to the vote you will share this letter with the Trustee Council members.

I want to apologize in advance. Time conflicts may prevent me from attending Friday's meeting. If there is any possibility for me of attending, I will be there.

Concerns have been voiced about the toxicity of PES-51. Chenega Corporation appreciates the concerns about the safety of the residents of Chenega Bay and their environment. However, we believe that something important has been left out of the discussions about the clean-up project.

The refusal of the residents of Chenega Bay to use local subsistence resources gave rise to the beach restoration project in the first place. Chenega Corporation and the residents of Chenega Bay steadfastly have maintained that the beaches remain oiled and must be cleaned up before subsistence activities can continue. Doing nothing is the worst possible result.

The people of Chenega Bay have been involved in all aspects of oil spill clean-up. They assisted Exxon with its clean-up efforts. They have seen other chemicals used on the beaches, such as Corexit and Inipol. They also participated in the 1993 Sleepy Bay study where PES-51 was tested and studied.

Further, Chenega Corporation is a part owner of TCC which, as a contractor for Alyeska Pipeline Service Company, is responsible for first-line spill response at the Valdez pipeline terminal. This involvement with Alyeska provides additional corporate experience used in making decisions about cleanup efforts.

Molly McCammon

April 21, 1997

Page 2

Having been exposed to such a variety of non-chemical and chemical clean-up measures, the Chenega people *unanimously* (something which rarely happens) support the use of PES-51. Although the Chenega people are not scientists, they are linked to the beaches in a way no scientist can claim. The Chenega people live there. For generations, they have depended on the beaches. No one can accuse them of not caring for their environment.

The support of the Chenega people for PES-51 is not without discrimination. The Chenega people strongly oppose other chemical cleaners, such as Corexit because of the lethal consequences to the marine life. While it may be desirable to study and understand the effects of PES-51 better, PES-51 is the most effective and benign beach treatment the Chenega people have witnessed thus far, and as I have pointed out they have witnessed every type of clean-up method used in Prince William Sound.

The Chenega people do not favor more study at this time. We are eight years after the oil spill. The Chenega people have waited long enough. Their big concern is that more study will lead to more delay and ultimately no clean up. As has been noted in Trustee Council discussions, the Trustee Council has already earmarked most, if not all, of the remaining funds. The time appears to be now or never.


The bottom line for the Chenega people is that they view the remaining oil as a greater risk than the use of PES-51. Whatever risks there might be from using PES-51 (and these risks are merely conjectural), the risks are ephemeral. The risks from the oil are known and very persistent.

Accordingly, I beg and plead the Trustee Council to approve the beach clean-up project.

Thank you.

Very truly yours,

CHENEGA CORPORATION



Charles W. Totemoff  
President & CEO

cc: Chenega Corporation Board of Directors  
Pete Kompkoff, Administrator of Chenega Bay I.R.A. Council



# THE CITY OF WHITTIER

Gateway to the Western Prince William Sound

P.O. Box 608 • Whittier, Alaska 99693 • (907) 472-2327 • Fax (907) 472-2404

22 April 1997

Ms. Molly McCammon  
Executive Director, EVOS  
645 G. Street Suite 401  
Anchorage, Alaska 99501-3451

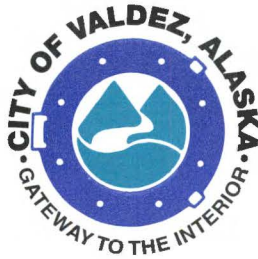
Dear Ms. McCammon,

On the behalf of the City of Whittier, I would like to express our strong support for the Chenega Residual Oiling Reduction Project. It is important to note that the beaches of the Chenega Villages are important as are the all beaches of the Prince William Sound. Good luck with your beach restoration project and Chenega has the support of the City of Whittier.

Most sincerely,

C.L. Williams  
Acting City Manager

cc: William Coumbe, Mayor of Whittier



OFFICE OF THE MAYOR  
April 17, 1997

RECEIVED  
APR 22 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Ms. Molly McCammon  
Executive Director, EVOS  
645 G Street, Suite 401  
Anchorage, Alaska 99501-3451

Sent by facsimile to 907-276-7178

Dear Ms. McCammon:

I would like to voice the strong support of the City of Valdez for the Chenega Residual Oiling Reduction Project. The cleaning of beaches near Chenega Village is important not only to the Village, but to all of Prince William Sound. Chenega has the support of the City of Valdez in their efforts to restore the beaches damaged by the 1989 spill.

I am concerned with the process that is currently underway to review this project. It appears that some of the state and federal agencies oppose the methodology being proposed or even oppose the project outright by continuing to request additional information.

I am further concerned with the potential that state agencies are considering to fund their operations for reviewing the project from the original grant funds given by the Trustees. This takes much needed funds away from the project.

Again, the City of Valdez supports the project and respectfully requests that the EVOS Trustee Council continue to fund the project and ask the state and federal agencies to work cooperatively with the Chenega Village and the Prince William Sound Economic Development Council.

Sincerely,

David C. Cobb  
Mayor





# The Eyak Corporation

P.O. Box 340 Cordova, Alaska 99574  
(907) 424-7161 Fax (907) 424-5161

April 16, 1997

RECEIVED  
APR 22 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Ms. Molly McCammon  
Executive Director, EVOS  
645 G Street, Suite 401  
Anchorage, AK 99501-3451  
Fax 907-276-7178

Dear Ms. McCammon:

I would like to voice the strong support of The Eyak Corporation for the Chenega Residual Oiling reduction Project. The cleaning of beaches near Chenega Village is important to not just the Village, but to all of Prince William Sound. Chenega has the support of The Eyak Corporation in their efforts to restore beaches damaged by the 1989 spill.

Thank you very much for your concern and assistance.

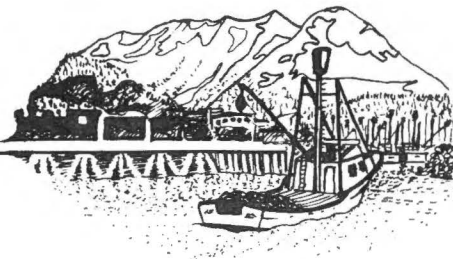
Sincerely,

THE EYAK CORPORATION

Brian J. Lettich  
General Manager

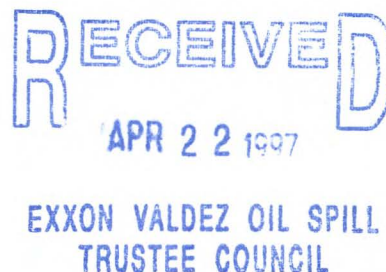
BJL:ala

# CITY OF CORDOVA



April 16, 1997

Ms. Molly McCammon, Executive Director  
EVOS Trustee Council  
645 G Street, Suite 401  
Anchorage, Alaska 99501



Dear Molly:

I am writing in support of the Village of Chenega's request to have EVOS fund the Chenega Residual Oiling Reduction project. As you are aware, the Village of Chenega was tremendously impacted by the Exxon Valdez oil spill.

This clean up project is important to the Village of Chenega, and to all communities in Prince William Sound. Please support funding for this project. If you have any questions you may contact me at (907) 424-6200.

Sincerely,

A handwritten signature in black ink, appearing to read "W. S. Janke".

Scott Janke  
City Manager

# THE TATITLEK CORPORATION

P.O. Box 650, Cordova, Alaska 99574 • Phone (907) 424-3777

RECEIVED  
APR 22 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

April 15, 1997

Ms. Molly McCammon  
Executive Director, EVOS  
645 G Street, Suite 401  
Anchorage, Alaska  
99501-3451

SENT VIA FAX #907-276-7178

Dear Ms. McCammon:

The Tatitlek Corporation strongly supports the Chenega Residual Oiling Reduction Project. The cleaning of these beaches near Chenega Village is extremely important to not just the Village itself but also to the whole Prince William Sound area.

Chenega has the support of The Tatitlek Corporation in their efforts to restore beaches damaged by the 1989 spill.

Thank you for your concern and your assistance.

Sincerely,

THE TATITLEK CORPORATION

*Carroll Kompkoff*

Carroll Kompkoff,  
President

REF 97-051  
CK/pkm

11.8.5

1113 W. Fireweed #702  
Anchorage, AK 99503  
907-272-2981/595-1762  
19 May 1997

**Members**

Exxon Valdez Oil Spill Trustee Council  
645 G Street, Suite 401  
Anchorage, AK 99503

Dear Council Members:

A few weeks ago we sent the Council a copy of our 6 April 1997 paper titled "Comments on the Russian River Angler Trail Project." We included a brief summary, but since it was a long paper, some of you may not have had a chance to read it through, and we may not have given some of the points adequate emphasis.

In rereading the paper, we think we may not have given proper emphasis to the road/trail USFS plans to build from the Red Salmon Campground down to the river. This road/trail would connect with the trail/boardwalk running along the river and would allow all-terrain vehicles to go a considerable distance up river, and would allow snow machines to go both up and down river. Making the Russian accessible to these vehicles inevitably would lead to their use on the river and that would be a further factor in erosion, in habitat damage, and in driving away wildlife

In general, this proposal is being presented under the guise of habitat protection and erosion control, but the bulk of its features have nothing to do with either. They include a mechanical tram, four-foot-wide gravel roads, excessive length of boardwalk, etc. If these features were removed and the project reduced to actual habitat protection and erosion control, USFS might be able to pay for it from their own funds and would not need Exxon Valdez Oil Spill money, which then would be available for other uses.

We'd like to reiterate our request that any funding be limited to habitat protection and essential erosion control repairs.

Sincerely,

  
Mr. and Mrs. Curtis D. Cornett

## **Eric Myers**

---

**From:** The Walsers  
**To:** Eric Myers  
**Subject:** Cape Chiniak  
**Date:** Wednesday, May 14, 1997 7:52AM

Sir,

I am writing in support of nominating the land purchase of the Cape Chiniak area by EVOS. As a founding member of the Friends of Cape Chiniak Park, I cannot stress the importance of retaining this unique ecological habitat. To see the marbled murrelets and eagles displaced by the logging industry is an incredible crime. Rather than see the murrelet join the endangered species as in the lower 48, I prefer to see the State of Alaska lead in the protection of old growth forests. The community of Chiniak helped to repair the damages done by the Exxon Valdez oil spill throughout the beaches of Cape Chiniak. My family especially values the preservation of this pristine area for many future generations. Please consider the purchase of this area.

Thank you.

Deborah J. Walser

David G. Pingree  
P.O. Box 5552  
Chiniak, AK 99615

RECEIVED

MAY 12 1997

Dear Mr. Myers,

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

I am writing in regard to the proposed purchase of Cape Chiniak with EVOS money. Mrs. Lucas is not the only resident of Chiniak. I have lived in Chiniak with my family for almost 8 years. I have traveled around this area for 18 years total. The logging is the least of the problems Chiniak has - starting in the WWII era up until the 1970's Chiniak became the toxic waste dump of the world. There are unknown amounts of waste oil, fuel, solvents and who knows what else, buried on the property these "Friends of Chiniak" want to see become a park. Then move on to "Little Navy" <sup>and</sup> on the tracking station areas... PCB's, asbestos, fuel oil. to name a few.

When we first moved out here, my wife and I found a pile of transformers marked "U.S. NAVY" - soon after we had spotted them (they were still intact then) they had been shot to pieces. How many gallons of PCB coolant per transformer?

How is that site ever to be "restored"? Who would be liable for the clean-up after this purchase? Who is liable for injury or poisoning from these places? Me, as a taxpayer?



Just because Mrs. Lucas has bad dreams about Chiniak trees being cut (I am a carpenter, by the way) means you're going to invest in one of the top 10 most contaminated places in our state? How is that supposed to be restored? The trees grow back.

Things will flourish in a couple of years.

Yet the trash, dilapidated buildings, rubble, and don't forget the toxins, will still remain.

I assume you have seen the area. We're not talking a couple of truckloads of stuff.

We are talking 10,000's of yards of soil to be removed. The U.S. Government in the Super clean-up fund can't even touch it.

Does the state want that kind of park?

How many years will it be fenced off before it is cleaned up for public use?

I'm sure Leisnoi is jumping up and down to have found a sucker to buy this mess.

With the purchase goes the liability.

Have you seen the ground water samples?

Never mind surface. In the newspaper article (Kodiak Daily Mirror), restoration is your key phrase. How many billions does this Evos fund have for restoration? You can't sweep this stuff under the rug.

I hope that the squeaky wheel gets the grease syndrome doesn't take <sup>the</sup> place of

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



May 13, 1997

David G. Pingree  
P.O. Box 5552  
Chiniak, Alaska 99615

Dear Mr. Pingree:

Thank you for your recent letter in regard to the recent Cape Chiniak parcel nominated by Lesnoi Corporation under the *Exxon Valdez* Oil Spill Trustee Council's habitat protection program.

The Cape Chiniak parcel is currently being evaluated from the perspective of how acquiring these lands could benefit the recovery and restoration of resources and services injured by the oil spill. Part of that evaluation will include determining whether there is a federal or state land management agency that would be able to assume responsibility for these lands. Your comments regarding the possibility of hazardous waste on the land have been noted and a copy will be included in the Cape Chiniak nomination file. After an initial evaluation of the Chiniak nomination is completed the information will then be made available to the Trustee Council as a whole to assist in deciding how best to proceed.

Please know that the Trustee Council is very interested in public comment on restoration program activities. I will be sure to forward a copy of your letter to the Council members.

Sincerely,

Molly McCammon  
Executive Director



sound judgement here. There is way more to Chiniak than meets the eye.

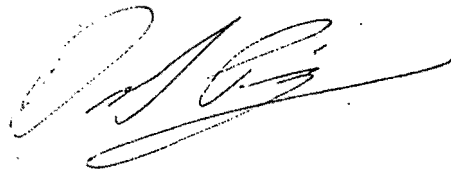
A friend of our family was the man at the tracking station who used to bury the waste, everything. Too bad he has passed on; I'm sure he could shed some light on things. There are a few men around that used to work there and I'm sure they'd be happy to answer questions.

As far as the oil spill goes, what washed up out here could be put in a pickup truck. Although yours and Exxon's clean up bills will be about the same.

Again, logging is the least of the problems with Cape Chiniak. Trees will re-grow. Toxic waste is another deal altogether.

The information is out there. Please take the time to look it up.

Thank You,

A stylized handwritten signature, possibly reading "D. B.", written in dark ink.

FAX  
p. 1 of 1

Friends Of Cape Chiniak Park  
P. B. 5630  
Chiniak, Alaska 99615

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Exxon Valdez Oil Spill Trustee Council  
645 G Street, Suite 401  
Anchorage, Ak. 99501-3451

To the Exxon Valdez Oil Spill Trustee Council:

In regard to the nominated lands by Leisnoi Corporation of the Cape Chiniak parcel, we would like to express our wholehearted approval and support. We hope it will become a State Park.

Kodiak Island is relatively small and the "civilized" area even much smaller. Kodiak Island does not have much easily accessible land set aside for the people. This parcel would be a treasure for the citizens because it is accessible. It would ensure protection of it and care of it, whereas it has had none.

We are a new group that has formed, calling ourselves Friends of Cape Chiniak Park. Our goals are: #1 to be a support group, working with the local Kodiak State Park, to help monitor and be a watch group for the proposed lands when they become a State Park; and #2 to help organize support and public comment for the parcel to the EVOS.

Please look favorably at the Cape Chiniak parcel.

Sincerely, *Judy Lucas*

Friends of Cape Chiniak Park  
Judy Lucas, spokesperson

# PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Judy Lucas	(resident of Chiniak)	486-6129	
Box 5630	Chiniak, AK	99615	

Add to mailing list? Yes ☐ No ☐ Newsletters only ☐ Technical Docs + ☐

Date of call: May 5, 1997 Talked to: Eric Myers

Subject of comments: Cape Chiniak habitat nomination

## Comments:

Called in support of the Chiniak nomination.

They have established a group called "Friends of Cape Chiniak Park" to support the purchase of Cape Chiniak.

Lots of people want the area protected. The local parks advisory board recently met to express support as well.

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



May 15, 1997

Larry Amox  
727 Thorsheim  
Kodiak, Alaska 99615

Dear Mr. Amox:

Thank you for your letter in regard to the Cape Chiniak parcel nominated by Lesnoi Corporation under the *Exxon Valdez* Oil Spill Trustee Council's habitat protection program.

The next step in the process is to have the Cape Chiniak parcel evaluated from the perspective of how acquiring these lands could benefit the recovery and restoration of resources and services injured by the oil spill. Part of that evaluation will include determining whether there is a federal or state land management agency that would be able to assume responsibility for these lands. An initial evaluation is under way and will then be made available to the Trustee Council as a whole to assist in deciding how best to proceed.

Please know that the Trustee Council is very interested in public comment on restoration program activities. I will be sure to forward a copy of your letter to the Council members.

Sincerely,

Molly McCammon  
Executive Director

Larry Amos  
727 Thorstein  
Kodiak Alaska 99615  
5-3-87

RECEIVED

MAY 6 1987

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Mr. Eric Myer-EVOS

Dear Sir.

Please consider the purchase of all Leisner  
timber Holdings on Long Island and at Cape Chiniak.

All this Corporation and its shareholders are  
concerned about in money. If you get the chance  
please travel here and observe the beauty of the  
last virgin spruce forest that is being raped  
by a few people all for the sake of the  
almighty Dollar.

It is my understanding that Leisner still has  
not received Federal recognition as a certified  
Native Corporation yet they have claimed their  
land and are destroying it. Several species of  
Bird and plant life are being destroyed by the  
devastation caused by logging practices. There  
are woodpeckers that will not have a place to go -  
we have only a few Hairy Woodpeckers live there  
that will die due to loss of Habitat.

Sir, please consider this purchase and stop  
the Rape of Chiniak and Long Island.

Respectfully yours  
Larry Amos

Dear Trustee Council,  
My name is Jennifer Rose Smith.

May 3, 1997

I am an "8" year old Eyak Indian.

and I am writing you because I don't want you to  
Buy my land around Eyak Lake, Eyak River, and Power Creek.  
If you do, not only me but a whole bunch of other  
People will be Sad!  
Please don't take our land away from us!

Signed, Jennifer Rose Smith

RECEIVED  
MAY 6 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Po box 251  
Cordova, Alaska 99574



P. O. Box 3089  
Valdez, AK 99686

May 2, 1997

Eric F. Meyers  
EVOS Trustee Council  
645 G St., Suite 401  
Anchorage, AK 99501

RECEIVED  
MAY 7 1997  
EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Dear Eric:

Thanks for spending time with me on the phone today about the Trustees' and USFS' efforts to acquire additional property on the Duck Flats.

Somehow I neglected to mention the RCAC has just completed an Ecological Risk Assessment of the Port Valdez marine environment. The study, based on existing data and a "conceptual model" (in this case, a qualitative -- as opposed to quantitative -- computer model), finds that the area of the Port most at risk is the Duck Flats.

The model says the Duck Flats are more at risk than the area around the Alyeska terminal, and that some inputs and impacts (e.g., contaminated runoff, and construction and development) pose more risk to the environment than the effluent from Alyeska's Ballast Water Treatment Facility. These two findings have become controversial for those who believe that the BWTP discharge must be the most serious environmental risk here.

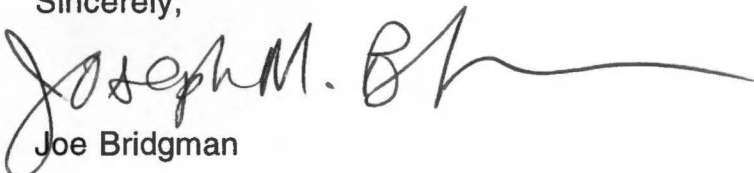
I have enclosed the report's Executive Summary, and marked the paragraph that refers to the Duck Flats. If you want a copy of the full report, please call.

The Risk Assessment's finding that the Duck Flats are most at risk is based both on the potential hazards to which they are exposed and on the richness and vulnerability of their habitat and biota.

I believe the Ecological Risk Assessment's emphasis on the importance of the Duck Flats further validates the Trustee Council and USFS efforts to acquire the remaining private land on the flats.

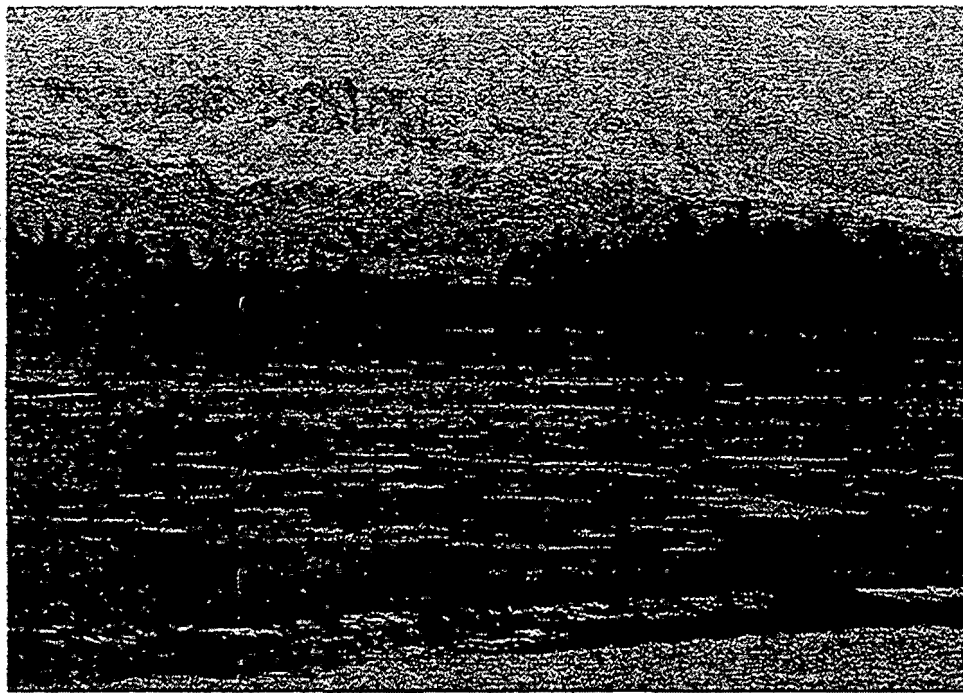
I hope those efforts are successful, and would like to express my appreciation to everyone involved.

Sincerely,

  
Joe Bridgman

CC: Dave Gibbons, USFS

# A Regional Multiple-Stressor Ecological Risk Assessment for Port Valdez, Alaska



Prepared by:

Janice K. Wieggers<sup>1</sup>, Howard M. Feder<sup>2</sup>, Wayne G. Landis<sup>1</sup>,  
Linda S. Mortensen<sup>1</sup>, David G. Shaw<sup>2</sup>, Valerie J. Wilson<sup>1</sup>

<sup>1</sup> Institute of Environmental Toxicology and Chemistry, Huxley College of Environmental Studies,  
Western Washington University, Bellingham, Washington

<sup>2</sup> Institute of Marine Science, University of Alaska, Fairbanks, Alaska

March 31, 1997

RCAC Contract #1033.102



## **Executive Summary**

We have conducted an ecological risk assessment of the marine environment of Port Valdez, Alaska. Concerns about the environmental consequences of present and proposed activities in Port Valdez and about potential conflicts and incompatibilities among those activities have grown with development of the Port. These concerns led to an awareness that environmental management of Port Valdez is a complex task which can best be approached in a unified way. The Prince William Sound Regional Citizens' Advisory Council (RCAC) and the Alyeska Pipeline Service Company (APSC) have sponsored this regional ecological risk assessment to provide a factual basis for comparing the various environmental risks which must be managed in the Port.

This risk assessment was not performed in response to any specific regulatory action or policy decision. Rather it was intended to improve environmental management of Port Valdez by analyzing and ranking the various kinds of ecological risks from human activity in the Port. The resulting assessment was broad in scope and required the extension of the risk analysis paradigm to allow comparative risk assessment on a regional basis. The assessment relied on input from stakeholders through public meetings in Valdez, comments on preliminary drafts of this report, meetings with the principal stakeholders (RCAC, APSC, and state and federal regulatory agencies), and individual conversations with stakeholders, environmental scientists, and other knowledgeable individuals.

Following an introduction and description of methods, this report contains a detailed description of the Port Valdez marine environment (Sec. 3) based on data and technical information available in 1996. Section 4 describes the chosen assessment endpoints, those environmental features to which the assessment estimates risk. The report presents a conceptual model and its results in Sec. 5 and 6. The conceptual model depicts the set of relationships and procedures by which relative risk has been ranked in Port Valdez. In Sec. 7 we present information about widely accepted measures of environmental risk for some chemicals in the Port. This information serves to associate some of the relative risks ranked by the conceptual model with "acceptable" levels of environmental risk. Sections 8 and 9 present possible scenarios for potential risks to Port Valdez. The final section of the body of the report discusses the types and degree of uncertainty thought to be associated with this risk assessment. The report also includes a set of appendices which give detailed data, methods, and other background material.

In assessing ecological risk to this area, we developed a conceptual model that can help with prioritization of future studies, interpretation, or decision making in the Port environment.

This model involves the division of the Port into sub-areas that contain specific ecological and anthropogenic structures and activities. The sub-areas used in this assessment can be thought of as units which are compared and analyzed to form a Port-wide perspective of ecological risk. Within each sub-area the sources of stressors are analyzed to estimate the extent to which they result in exposure of receptors within habitats which may lead to effects relevant to the chosen assessment endpoints. To evaluate these risks we developed a numerical analysis of the conceptual model: the relative risk model. This analysis leads to a ranking of individual risks which are then summed to estimate relative risks within each sub-area, from each source, and to each habitat.

Our application of the model indicates that the highest relative environmental risk is found in the sub-area containing the Duck Flats and Old Valdez. Other shoreline areas in the eastern Port including both the City of Valdez and the Alyeska Marine Terminal are at moderate relative risk while the relatively undeveloped western shoreline and deep water environments are at low relative risk. Using the model to rank risk from various sources present in the Port indicated that contaminated runoff, accidental spills, construction and development, and shoreline activity present high relative risk. Vessel traffic and treated discharges pose moderate relative risk; and seafood processing and fish wastes, and salmon released from the hatchery present low relative risk to Port Valdez.

In order to confirm our ranking of chemical risks by more conventional analyses, chemical concentrations were compared to reference values generally considered to be low risk. This comparison could only be made in areas with sufficient chemical data. In sediments collected from 1992 to 1995 near the Valdez Marine Terminal, polyaromatic hydrocarbon (PAH) concentrations exceeded these values in 4 of 819 measurements. For samples collected in 1995 at the Small Boat Harbor, PAH concentrations exceeded the reference values on 11 of 36 measurements. Benzo[a]pyrene concentrations in mussels collected from 1992 to 1995 at Shoup Bay, Gold Creek, Sawmill Creek, and the Alyeska marine terminal were all below the reference value. A model used to estimate the risk of PAHs to marine invertebrates indicated low risk, with the boat harbor having the highest estimate. Biomonitoring tests using sediment organisms also have failed to detect effects due to chemical contamination. These studies confirm our predictions based on the ranking techniques.

Some possible risks to Port Valdez could not be adequately treated using the conceptual model. These risks include rare but potentially catastrophic events such as large oil spills and introduction of non-native species. Risks in Port Valdez about which data are totally absent, such as the risk posed by organo-tins from anti-fouling paints, cannot be addressed until data become available. Such risks are discussed in general terms emphasizing the key information needed for adequate risk assessment.

Substantial uncertainty is associated with this ecological risk assessment. The sources of this uncertainty include missing information, ambiguities in the available information, errors in the conceptual model, and errors in the estimate of relative risk. Uncertainty is lower at well studied locations like Alyeska's Valdez Marine Terminal and higher at less studied areas.

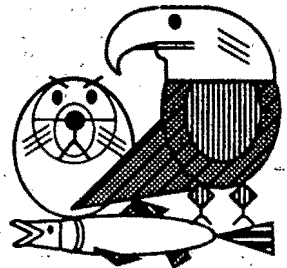
This risk assessment should serve as a working document such that any further data collected can be applied according to the conceptual model and ranked by the relative risk model. To encourage use of this model for the evaluation of comparative risks in the future, we have enclosed a diskette with this report that contains the model in Microsoft Excel® format.

# Exxon Valdez Oil Spill Trustee Council

## Restoration Office

645 G Street, Suite 401, Anchorage, Alaska 99501-3451

Phone: (907) 278-8012 Fax: (907) 276-7178



May 2, 1997

Mr. and Mrs. Curtis D. Cornett  
1113 W. Fireweed #702  
Anchorage, Alaska 99503

Dear Mr. and Mrs. Cornett:

Thank you for your April 15 letter regarding the U.S. Forest Service's Russian River Angler Trail Project. You may not be aware that the *Exxon Valdez* Oil Spill Trustee Council is only providing a portion of the funds the Forest Service anticipates using for this project. Our authority is only over that portion of the project using Trustee money. Other portions of the project are being funded by the Forest Service using other sources of funds. If you have questions regarding those aspects of the project, you should direct them to Mr. Duane Harp, the Forest Service District Ranger in Seward. He can be reached at (907) 224-3374.

The Trustee Council proposed to fund three phases of the Russian River Angler Trail construction. Phase I which is scheduled to be completed this summer, includes the installation of 265 feet of elevated, light penetrating boardwalk, access stairs and a bank fishing platform. This is intended to assist in natural restoration of the trampled banks and promote bank stabilization. Phase I has been reviewed by the Alaska Department of Fish and Game and the Alaska Department of Natural Resources as part of the Trustee Council-funded Kenai River Habitat Restoration and Recreation Enhancement Project. It's my understanding that the final design has not yet been completed.

Phases II and III of the project will be constructed in 1998. Project features to be funded by the Trustee Council include additional boardwalking, trail rerouting and fencing.

If you have any additional questions, please don't hesitate to contact me.

Sincerely,

Molly McCammon

cc: Claudia Slater, ADF&G  
Carol Fries, ADNRR  
Dave Gibbons, USFS

mm/raw

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### Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior



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APR 16 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

1113 W. Fireweed #702  
Anchorage, Alaska 99503  
907-272-2981  
15 April 1997

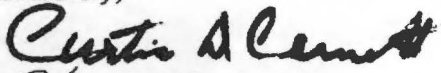

Exxon Valdez Oil Spill Trustee Council  
645 G Street, Suite 400  
Anchorage, AK 99501

We understand from the U.S. Forest Service that you are providing funds for the Russian River Angler Trail Project.

We are extremely concerned about that project and the negative effects it will have on the Russian River ecosystem. We do not object to erosion control and to repairing effects of overuse where they are needed, but large parts of this project have nothing to do with that. The electric tram, toilet, trail widening and much of the boardwalk will do nothing to control erosion and will actually exacerbate the overuse problem.

We are inclosing a one-page summary of those and other problems with this project, backed up with a more detailed description for reference. We ask that you reconsider your funding of the project. If you proceed at all, we request any funds be limited to essential erosion control repairs.

Sincerely,

  
  
Mr. and Mrs Curtis D. Cornett

P.S. We will be gone for two weeks. We plan to return to ANCHORAGE 28 MAY. If you HAVE questions, you CAN REACH US THEN.

1113 W. Fireweed #702  
Anchorage, Alaska 99503  
907-272-2981  
6 April 1997

### **Comments on the Russian River Angler Trail Project**

These comments are presented in two parts, a brief summary and a detailed explanation.

We object to the U.S. Forest Service Russian River Angler Trail Project and think its installation would cause irreversible deterioration to the whole Russian River ecosystem. The proposal is for 3935 feet of boardwalk, upgraded "tread" (changing the natural trail to a uniform, four-feet wide hardened road), an electric tramway from Grayling Parking to the river, a toilet on the river floodplain, and other obtrusive features.

The justification for the project is overstated (see the accompanying detail of concerns).

The following is a brief summary of dangers:

- a. The obtrusive nature and size of this installation would destroy the wilderness quality of the river. It violates the Forest Services's own scenic objectives for the river.
- b. The boardwalk would block game trails, drive animals away, and likely cause injuries to and drowning of moose calves.
- c. Limited entry points and concentration of fishermen would jeopardize salmon and trout spawning.
- d. Construction of a hardened road/"trail" from Red Salmon campground to the boardwalk/"trail" on the river would provide entry and an easy trail for snow machines and all-terrain vehicles.
- e. Increased ease of access and travel would cause a tremendous increase in the fishing population and would funnel large numbers of fishermen upstream to undisturbed areas.
- f. The installation would cost \$50,000 a year to maintain. This money is not funded or promised. The current state of funding at federal, state, and local levels is very tight and will probably get tighter, leading to the possibility of a huge, unmaintained eyesore.
- g. The proposed toilet would have been underwater and a source of bacterial contamination had it been there during the 1995 flood
- h. USFS says on page 1 of the Environmental Assessment that one of the reasons for the damage they perceive was the building of the road and river bluff parking in 1969. They propose to correct it with more of the same. More of the same remedy leads to more of the same result.

**CONCERNS**  
**about the**  
**RUSSIAN RIVER ANGLER TRAIL PROJECT**

The Russian River Angler Trail Project, initiated by the Seward District of the U.S. Forest Service (USFS) and approved by the District Ranger on 5 September 1996, proposes major construction for more than a mile along the Russian River. It includes:

- an electric tram from the top of the bluff to the river
- a toilet on the river which will need emptying daily
- more than 3900 feet of five-foot-wide, railed boardwalk along the river
- widened, hardened "trails" along the river
- fencing of the river bank except at a limited number of river entry points

Taking these features one at a time:

a. Electric Tram: The inclusion of the electric tram is justified by the Americans With Disabilities Act, and will be used to haul toilet waste up the bluff and construction project materials down the bluff. However, the Americans With Disabilities Act specifically does not require a "Cadillac" solution (as the courts expressed it) for access for disabled. Disabled people have access currently via the ferry approximately half a mile downriver, and the project proposes another handicapped accessible trail about half a mile above the proposed tram, so handicapped access is well provided for without the tram.

b. Toilet on River: The toilet is justified by concern for levels of coliform bacteria in the river, but the USFS themselves state (USFS Environmental Assessment and 30 October 1996 letter) that the fecal coliform levels are admittedly low, and "are well within acceptable values for State Water Quality Standards for secondary water recreation and should not be considered a health risk." The toilet is intended to serve people who fish near the Kenai/Russian confluence, but the U.S. Fish and Wildlife Service already have pit toilets in the confluence area, and there are also toilets at the top of the bluff along the river. USFS says that they have found human waste in the woods in the area where they plan to install the toilet, but in light of the lack of coliform bacteria problems, some human waste is greatly preferable to construction of a river-flood-plain toilet and a tram to serve it. Toilets on the river flood plain would have been under water in the 1995 fall flood.

c. Railed boardwalk: The precise construction type for the boardwalk is something of a moving target, but the latest information we've elicited from USFS is that it will be five feet wide, will have a 32-inch railing on the river side, and will probably be floored with some sort of transparent grid material. The boardwalk will block several game trails along the river, may funnel moose and bears along the boardwalks in competition with humans, and will be very difficult for moose and moose calves to cross. We have been told that first-year moose calf mortality is 30 percent in normal conditions. Considerable danger exists that moose calves,

especially, may break necks or legs in attempting a boardwalk crossing. They may become sufficiently exhausted in trying to get across the boardwalks that when they give up and try to recross the river, they may be too tired to make it, especially early in the season when the river is higher and rougher. Furthermore, grids are used all over the west to pen cattle. Animals may not even attempt boardwalk crossings. They may simply leave the area.

d. Hardened "trails". These trails were first described to us by USFS as being surfaced with gravel, somewhat like the new trail to the Russian River Falls area. The new Falls "trail" is a six- or eight-foot wide road capable of accommodating motorized vehicles, which were used to haul construction material in its building. USFS now says they are not sure what surfacing material they will use for the riverside trails, but it seems clear that they will be using motorized vehicles in building them, which will mean they will be wide enough to accommodate all-terrain vehicles and snow machines. The handicapped trail they propose from the Red Salmon Campground down to the river trail will provide access from the top of the bluff for such vehicles. This trail/boardwalk combination is particularly worrying. Wherever motorized access exists, people will use it. Making the Russian valley accessible to snow machines and ATVs inevitably will lead to their use on the river, with attendant noise and pollution, and will be a further factor in driving away the wildlife. Roads, and "trails" that can serve as roads, are one of the most damaging additions to a wilderness area.

e. Fences and limited entry points: No one has studied the effects of funneling a large number of people into the river. Will human traffic on spawning gravels destroy the salmon and rainbow eggs? Or harm the fry and smolt? Certainly funneling fishermen and wildlife alike through a limited number of entry points into the river (or a limited number of escape routes from the river for fishermen when a bear appears on the far bank) will increase human/wildlife encounters, with immediate risk to the humans, and the inevitable longer term destruction of the moose and bears. The number of bears killed in defense of life and property is already growing alarmingly, and this can only worsen it.

Besides these specific concerns about individual features of the project, there are significant general concerns about the project and its justification. They include:

a. Impact on a wilderness area: The Forest Services' own Scenic Condition Objective for the Russian River area is "...Retention', meaning that changes in the characteristic landscape should not be noticed by the average visitor." (See April 1996 USFS Environmental Assessment, p. 43) The huge metal and wood stairways down the bluff which a few years ago replaced the log and dirt paths already violate this objective. The addition of a tram, toilet, boardwalks, trails, and fences will add to, and extend, intrusive construction along a large portion of the river's length.

b. Increase in human traffic: The kind of thoroughfares the USFS intends along the river will inevitably funnel more human traffic onto the river, because of increased ease of traversing the river. It will also likely spread the kind of congestion evident near the mouth on up the stream, intensifying and spreading the damage human traffic brings.



c. The "more of the same" syndrome. The Forest Service recognizes on page one of their environmental assessment that their building a road into and campgrounds along the Russian Bluff (along with the building of the Sterling Highway) has greatly increased human traffic to the Russian. (Our observation, from having frequented the Russian since 1962, is that the bluff road, parking lots, and campgrounds have had a much heavier impact than the existence of the Sterling Highway.) They propose to fix the problems they perceive traffic has caused by doing more construction and making access even easier. More of the same remedy usually leads to more of the same result, and is not an advisable way to solve a problem.

d. Overstatement/overkill danger: The environmental assessment overstates problems and proposes overkill solutions. The coliform bacteria "problem/toilet solution" is one. The erosion danger to the Russian banks from fishermen is another. Natural occurrences, like the 1995 fall flood, cause more change and erosion (a natural process) than decades of fishermen. Furthermore, unlike the Kenai, which has soft banks for most of its length, the Russian has bouldered banks and a boulder/gravel bottom for most of its length. The Forest Service itself says on page 36 of the environmental assessment that "The river bank is made up primarily of large rocks and boulders dropped by the receding glaciers. This material, combined with extensive vegetation root systems along the banks, and the current moderate flow levels on the Russian River make for a remarkably stable natural bank." Although in some areas Forest-Service-installed gabions have increased current flow and created problems, soft banks are a significant problem only on the lower part of the river, and fisherman damage only exists at very popular fishing spots. Yet the boardwalks and "hardened trails" will extend 6300 feet up the river. The tram and toilet are not related to the issue of human-caused erosion at all, so it is unclear why they should even be included in an erosion-reduction project.

e. Impetus for Project: This appears to be a project initiated wholly within the Forest Service, with no outside impetus. Insofar as we have been able to determine, no one has requested the project, and the District Ranger, Duane Harp, described present reactions by U.S. Fish and Wildlife that could only be characterized as lukewarm indifference. In fact, in appealing a previous project along the river, the appellant quoted a U.S. Fish and Wildlife Service letter of 22 May 1990 as saying "The problem of stream bank erosion is over stated and misleading to the public." The letter also said "Sanitary facilities should not be attempted if a service road is necessary," and "Localized foot wear should be treated by manipulating vegetation and controlling access rather than by constructing facilities."

f. Environmental Impact Statement: In light of the impact this project is likely to have on the character of the river, the amount of human traffic, fish spawning, game trails, and the long-term animal population, it appears that an environmental impact statement should have been done. Furthermore, the environmental assessment which was done is based more on supposition ("may have", "could") than on hard data, and inadequately supports the decision to proceed.

g. Speed of Process: The environmental assessment is dated April 1966, and the decision was made around the beginning of September. The comment period was closed before many people, including us, even knew of the proposal.

h. Progressive increase in boardwalk length: The environmental assessment on which the public had an opportunity to comment proposed 2560 feet of boardwalk, which included 525 feet of existing boardwalk. The decision notice announced that 3035 feet of *new* boardwalk would be built, an increase of 1000 feet. Current maps and documentation show that 3935 feet of boardwalk are now included in the project, an increase of more than 50 % from the alternative the public believed would be implemented. The Forest Service Project Manager states that part of the increase was driven by a request from Alaska Fish and Game that the proposed Forest Service trail be moved so that it would be 25 feet from the river bank. USFS elected to build more boardwalk rather than to move the trail as Fish and Game requested. The public had no opportunity to comment on the increase.

i. Maintenance: The project will cost \$50,000 to maintain. With the current funding crunch at federal, state, and local levels, it is extremely unlikely that the Forest Service will be able to obtain that money, which will result in a huge deteriorating eyesore along the Russian.

j. Cost: The project is expensive. The environmental assessment priced the original alternative 12 at \$848,177 (the most expensive alternative was \$866,081 and the least expensive was \$1000). Addition of another 1400 feet of boardwalk has increased the cost to \$996,000, making the adopted alternative the most expensive of the twelve proposed. The result, where not actually harmful, will not justify such an expense. Furthermore, CIRI, a private corporation, has filed a claim to the Russian River area. Undertaking a large tax-payer-funded project for land which may soon be turned over to a private corporation is unwise. Furthermore, it is unclear whether CIRI would want to commit to, or be able to fund, the annual operating cost mentioned above.

USFS has told us the first increment of financing for the project (\$85,000 in 1997) has been obtained from the Exxon Valdez Trustee Council, and will be used to install boardwalk, fencing and access points on the lower Russian. We would like, at a minimum, to see any further funding cut off and the project reopened to comment. Ideally, we would like to see the tramway, toilet, and widened, hardened trails deleted, the boardwalk substantially shortened, and erosion-control work limited to those areas where it is clearly needed. All repair should be done in such a way as to minimize river and ecosystem damage.

If the project proceeds as planned, the appearance of the Russian and the nature of the experience people have on the Russian will be very different in the future. A Fish and Game employee told us that their surveys indicate that 80% of the people who frequent the Russian want to share the river with bears. While we have no data, we surmise that a similar number would like to continue to see moose along the river. If this project is allowed to proceed, that will cease to be possible.

# PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Joe Bridgeman		907-835-2576	Valdez

Add to mailing list? Yes ☐ No ☐ Newsletters only ☐ Technical Docs + ☐

Date of call: 5/2/97 Talked to: Eric Myers

Subject of comments: Valdez Duck Flats - support for purchase

## Comments:

Joe Bridgeman called as a concerned interested member of the public to check on the status of the Valdez Duck Flats small parcel acquisition process. Eric Myers (after consulting with Dave Gibbons/USFS) informed Mr. Bridgeman that the USFS was still working on the acquisition and was hoping to be able to make an offer to the University of Alaska in the near future.

Mr. Bridgeman wished to express his strong support for the Valdez Duck Flats purchase to the Trustee Council

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



April 24, 1997

Daniel and Randy Busch  
Kodiak Island River Camps  
P.O. Box 1162  
Kodiak, Alaska 99615

Dear Mr. and Mrs. Busch:

Thank you for your recent correspondence regarding the Trustee Council's efforts to protect lands on Afognak Island.

As you know, the Trustee Council is continuing to work with the Afognak Joint Venture (AJV) to try and identify a habitat acquisition and protection package. There is no question that the Laura and Paul's Lake area has extremely high habitat values and the Council is aware of the strong public support for protection of this area. Negotiations are underway and we continue to hope to be able to reach an agreement with AJV concerning these lands.

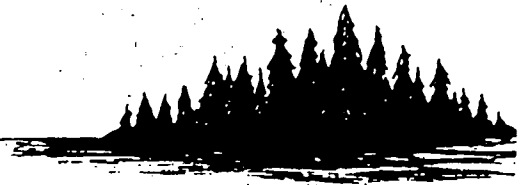
Your expression of support for this effort is appreciated. Please know that a copy of your comments will be provided directly to each of the Council members.

Sincerely,

Molly McCammon  
Executive Director

enclosure

# Kodiak Island RIVER CAMPS



Daniel Busch

P.O. Box 1162 Kodiak, Alaska 99615

(907) 486-5310

April 15, 1997

Exxon Valdez Settlement Trustee Council  
645 G Street  
Anchorage, Alaska 99501

RECEIVED  
APR 18 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Dear Council Members,

Once again we would like to voice our concern over the further development of Pauls and Laura Lakes on Afognak Island. It is our understanding that these areas may begin to be heavily clear cut beginning this year. Action of this sort would be an ecological tragedy.

Your files should contain previous letters from us regarding this matter. I also testified before the council last June in Kodiak. Both our letters and the testimony include detailed comments and references to our experiences with this area.

We continue to urge you to do everything you can to guarantee that these ecosystems on the north end of Afognak remain unlogged, protecting plants and wildlife, and providing people with the chance to experience this unique habitat.

Sincerely,

Two handwritten signatures in cursive script. The first signature is "Daniel Busch" and the second is "Randy R. Busch".

Daniel and Randy Busch



# ALASKA RAINFOREST CAMPAIGN

ALASKA CENTER FOR THE ENVIRONMENT • AMERICAN RIVERS • DEFENDERS OF WILDLIFE • NATURAL RESOURCES DEFENSE COUNCIL  
• SIERRA CLUB • SIERRA CLUB LEGAL DEFENSE FUND • SOUTHEAST ALASKA CONSERVATION COUNCIL • THE WILDERNESS SOCIETY

Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, AK 99501

April 23, 1997

Dear Trustee Council Members,

Thank you for your continuing efforts to negotiate an agreement with the Eyak Corporation to protect habitat in eastern Prince William Sound, for the benefit of fish and wildlife, and the people who depend on them. It has been a long and time consuming process so far, and we greatly appreciate the Trustee Council's patience and the corporation's willingness to be flexible and return to the table with a fresh approach.

Protection of the habitat belonging to the Eyak Corporation has always been and still remains a high priority for the members of the Alaska Rainforest Campaign. We strongly urge both parties to negotiate a comprehensive deal including protection of Eyak's land on the coast of Prince William Sound, as well as the Eyak Lake / Eyak River / Power Creek area and the Rude River drainage.

We urge you to persevere towards conclusion of a comprehensive agreement, as you have done so successfully now with nearly all of the willing sellers of large parcels from Prince William Sound to the Kodiak Archipelago. Protection of these lands will be a critically important addition to the Trustee Council's extraordinary legacy of restoration of the Exxon Valdez disaster.

Sincerely,

Greg Petrich  
Wildlife Conservation Director

Eric Jorgensen, Campaign Co-Chair  
Sierra Club Legal Defense Fund

Kevin Harun, Executive Director  
Alaska Center for the Environment

Nathaniel Lawrence, Counsel  
Natural Resources Defense Council

Sally Kabisch, Associate Alaska Representative  
Sierra Club

Buck Lindekugel, Conservation Director  
Southeast Alaska Conservation Council

Michael A. Francis, National Forest Program  
The Wilderness Society

Robert Dewey, Habitat Conservation Director  
Defenders of Wildlife

ALASKA OFFICE:  
419 WEST SIXTH AVENUE, #318 • JUNEAU, AK 99801  
FAX 907-463-6716 • PHONE 907-274-7246  
AKRAIN @ IGC.APC.ORG (INTERNET)

MAIN OFFICE: UNITED METHODIST BUILDING  
110 MARYLAND AVE. N.E., #203 • WASHINGTON, D.C. 20002  
FAX 202-544-6687 • PHONE 202-544-5396  
AKRAIN2 @ IGC.APC.ORG (INTERNET)

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



## FAX COVER SHEET

TO: TRUSTEE COUNCIL MEMBERS AND ALTERNATES:

Botelho, Bruce  
✓ Brown, Michele  
Bosworth, Rob  
Collinsworth, Don  
✓ Janik, Phil

✓ Pennoyer, Steve  
✓ Rue, Frank  
✓ Tillery, Craig  
✓ Williams, Deborah  
✓ Wolfe, Jim  
✓ Swiderski, Alex



FROM: Molly McCammon

DATE: 4/29/97 TOTAL PAGES: 2

Please forward to those  
marked above.

Thanks

HARD COPY TO FOLLOW no



\*\*\*\*\*  
\*\*\* MULTI TRANSACTION REPORT \*\*\*  
\*\*\*\*\*

TX/RX NO.

3845

INCOMPLETE TX/RX

TRANSACTION OK

[ 09] 19075867589

JUNEAU OFFICE

[ 10] 19075867555

WOLFE-GIBBONS

[ 25] 19075867840

P. JANIK

[ 26] 19074652075

B. BOTELHO

[ 28] 19075867249

S. PENNOYER

[ 29] 19074652332

FRANK RUE

[ 31] 19074655070

BROWN-FAY

[ 36] 2787022

ALEX-CRAIG

[ 37] 2714102

D. WILLIAMS

ERROR

Molly McCammon, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
645 G Street, Suite 401  
Anchorage, AK 99501-3451



April 23, 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Dear Molly,

I am writing this letter as a Cordova resident who is concerned about the pace, price, and potential outcome of the pending EVOS Trustee Council negotiations with Eyak Corporation over lands in eastern Prince William Sound. I think it is important to state the obvious: that perspectives differ and while the Trustee Council is negotiating on behalf of habitat protection and restoration, Eyak Corporation is weighing benefits and consequences that will surely accrue, whether now or in the future, from loss of its land base.

Eyak Corporation has asked my support for successful conclusion of the ongoing negotiations between the Trustee Council and the corporation over the comprehensive habitat protection package involving its lands in eastern Prince William Sound.

For the past two years I have been involved with a citizen initiative to diversify the local and regional economy of the Copper River watershed while protecting the cultural heritage and the environment. I must make it clear that this letter is my own, however my past work has influenced my present philosophy of land management and ownership. I find that what is missing in many of Alaska's citizens is a land ethic, a sense of caring and stewardship, a balance of economic and environmental concerns, instead of raw environmental exploitation. I can only conclude at this point that this missing ethic in part stems from the dominant land ownership by the federal government. Therefore, I support retention of land by private owners, particularly for Alaska's Native people whose culture is so intimately tied to the land.

I reviewed the discussion draft map and observed that the bulk of the negotiation (55,000 acres) is for fee simple title, while the remainder is for conservation easements (6,400 acres) and timber conservation easements (17,500 acres).

I strongly encourage the Trustee Council to get creative and purchase for less than fee title, especially in areas of cultural importance to the Eyak people. It is my understanding that the area around Power Creek, Eyak Lake, and Eyak River is of particular cultural sensitivity. It is an area meriting special attention, because the City of Cordova has also annexed the bulk of these lands. I believe it is in the best interests of everyone, present and future, if these lands were to be included as super restrictive conservation easements, rather than as fee title.

There is an opportunity, through these negotiations, to create a sustainable future for this region by integrating comprehensive conservation for critical fish and wildlife habitat, and protections for subsistence and recreational resources, with development opportunities for Eyak Corporation and long-term benefits for its shareholders. I believe this opportunity would be best seized through more conservation easements and less fee title purchases.

Nonetheless, I encourage the Trustee Council to complete its negotiations with Eyak Corporation over these land parcels. Whatever the result, the future of the region will be determined by your decisions. *Carpe diem!* Seize the day.

Best wishes for successful closure,

A handwritten signature in dark ink that reads "Riki Ott".

Riki Ott

marilyn - 9749

# Kodiak Island

## RIVER CAMPS



Daniel Busch

P.O. Box 1162 Kodiak, Alaska 99615

(907) 486-5310

April 15, 1997

Governor Tony Knowles  
State Capitol, 3rd Floor  
P.O. Box 110001  
Juneau, Alaska 99811-0001

RECEIVED

APR 22 1997

OFFICE OF THE GOVERNOR

Dear Governor Knowles,

We would like to voice our concern over the further development of Pauls and Laura Lakes on Afognak Island. It is our understanding that these areas may begin to be heavily clear cut beginning this year. Action of this sort would be an ecological tragedy.

We are owners and operators of Kodiak Island River Camps. Since the summer of 1989, with the permission and cooperation of Afognak Native Corporation, we have had a remote fly fishing camp on an island in Pauls Lake on Afognak Island. We have spent time both on our own and with clients in this area. Our guests only fly fish and are primarily interested in catch and release fishing. They come from all over the United States and are generally there in August and September. These people love their visit and think that it is one of the most beautiful places they have ever been. They desire an experience that does not harm the ecology of the area, appreciate the opportunity to be there, and are grateful that a relatively untouched and pristine environment such as Pauls Lake and its environs exist.

Because of the amount of time we have spent around Pauls and Laura Lakes, we feel we are in a unique position to appreciate the special qualities of the area. There are large varieties of wild flowers and plants on the island, on the shore of the lakes and the ocean, and along the rivers of this system. We understand that some of these plants and flowers are unique only to Afognak Island. Eagles, loons, and an abundance of ducks and other birds inhabit the area. It is a nesting area for thousands of birds. We have seen elk, deer, bear, fox, land otter, beaver, pine marten and other wildlife. Aside from many resident species of fish, weir counts show that there are a great many salmon that return to the Pauls, Laura and Gretchen Lakes system. We are still there after the weir has been pulled in the fall, and know that salmon continue to enter the system past the time for which there are records. In addition, there are also obvious archeological sites in the area.

We urge you to continue to do everything you can to guarantee that these areas on the north end of Afognak remain unlogged, protecting plants and wildlife and providing people with the chance to experience this unique habitat.

Sincerely,

Daniel and Randy Busch

COPY

FLYFISHING ADVENTURES ON KODIAK AND AFOGNAK ISLAND



## LAW OFFICES

**BIRCH, HORTON, BITTNER AND CHEROT**

A PROFESSIONAL CORPORATION

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 RONALD G. BIRCH\*\*  
 WILLIAM M. BITTNER  
 KATHRYN A. BLACK  
 PHILIP BLUMSTEIN  
 CORY R. BORGESON  
 DOUGLAS S. BURDIN\*  
 JOHN J. BURNS  
 SUZANNE CHEROT  
 JOHN J. CONNORS  
 ALLAN E. CUNLEE  
 KIM DUNN

RALPH V. ERTZ  
 JOSEPH W. EVANS\*\*  
 LEIF E. FOMMESBECK  
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 ROY S. JONES, JR.\*  
 MARA E. KIMMEL  
 THOMAS F. KLINKNER  
 KAREN T. KNUTSON\*

KAREN T. KOVACS\*  
 HARVEY A. LEVIN\*\*  
 STANLEY T. LEWIS  
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\* U.C. BAR  
 \*\* D.C. AND ALASKA BAR  
 \* MARYLAND BAR  
 \* VIRGINIA BAR  
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 (907) 452-1066  
 FACSIMILE (907) 456-5056

April 15, 1997

**VIA FACSIMILE AND MAIL**

Ms. Molly McCammon  
 Executive Director  
 Exxon Valdez Oil Spill Trustee Council  
 645 G Street, Suite 401  
 Anchorage, Alaska 99501-3451

Dear Molly:

As you know, the grounding of the Exxon Valdez had a devastating effect on the City of Cordova and its residents. Fishing -- commercial, sport and subsistence -- long the mainstay of the City's economy, and the defining aspect of living in Cordova, has yet to fully recover from the spill. Because of the enormous dislocations resulting from the oil spill, even if the fisheries were to fully recover, it is certain that Cordova will be a community permanently affected by the grounding of the Exxon Valdez. The resources on which the community has been so dependent have also not recovered.

Of all the boaters who fished Prince William Sound, approximately 65% have lived in or berthed their boats in Cordova. The biggest fish processing plants in Cordova, also the biggest employers, the largest taxpayers and the largest utility customers, were forced to close during the spill. Most went bankrupt and remain idle to this day.

The oil spill, and that portion of the clean-up effort staged from Cordova, placed an almost unbearable strain on the financial and human resources of this fishing community. The community continues to struggle toward recovery. The stress created in the lives of the people and their families was enormous. At times in the past, the acuteness of this suffering was communicated to the Council in the outrage that was sometimes expressed by certain members of the community. Other than the village of Chenega, Cordova was unquestionably the community most severely impacted from the economic and social devastation wrought by the spill.

BIRCH, HORTON, BITTNER AND CHEROT  
A PROFESSIONAL CORPORATION

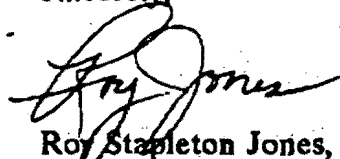
Ms. Molly McCammon  
April 15, 1997  
Page 2

The community would like to pick up the pieces of their lives and put them back together. To accomplish this in a way that will provide a lasting benefit to the community, the region as well as the spill zone, however, will necessitate some outside assistance, a portion of which could hopefully come from the Settlement Trust and related resources. In helping to represent the City, I would like to let you know that the City will submit to the Council within the next 90 days a request for its support of a comprehensive, community-based project linked to and aimed at furthering restoration goals of the Council while contributing to the recovery of the City, its residents and the resources on which the people are dependent. This project will include a significant contribution from the community itself, and is of paramount importance to the future of Cordova.

Although it is our understanding that this project request does not need to be submitted by April 15, 1997, to be considered for possible support during the coming fiscal year, the City Commission has requested that I inform the Trustee Council at this time that work is underway currently on the development of the project.

We look forward to working with you, other Council representatives, and the Council itself in the days ahead on this project which holds such promise to further restoration under the Consent Decree of the Court, while assisting the recovery of this community in the oil spill zone which was so profoundly and adversely affected by the spill.

Sincerely,



Roy Stapleton Jones, Jr.  
Representing the City of Cordova, Alaska

cc: Hon. Margie Johnson, Mayor  
Scott Janke, City Manager  
City of Cordova, Alaska

WAYCKYCK0397

LAW OFFICES  
**BIRCH, HORTON, BITTNER AND CHEROT**  
1155 Connecticut Avenue, N.W., Suite #1200  
Washington, D.C. 20036

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**TELECOPY TRANSMITTAL COVER SHEET**

TO: Molly McCammon

FAX NO.: 907 276-7178

(Fax No. Verified ☐)FROM: Roy Jones NO. OF PAGES: \_\_\_\_\_  
(including this page)

DATE: April 15, 1997

**REMARKS:** Please see attached.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL AS SOON AS POSSIBLE AT  
(202) 659-5800.

File No.: 401,777.97

Telecopy Operator: Menya Bowie

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



## FAX COVER SHEET

To: Dave Gibbons Number: \_\_\_\_\_  
From: Eric Myers Date: 4/9/97  
Comments: \_\_\_\_\_ Total Pages: (6) w/cover

**FAX COMPLETE**

Dave - This is what we got from J. Harmering re:  
the Rudy James letter. As you can see John  
indicated "No action indicated."

Hence, the Restoration Office has not  
responded. Also, it's not addressed to the TC or  
the Rest. Ofc. — Eric

HARD COPY TO FOLLOW

No

Document Sent By: \_\_\_\_\_

*[Signature]*



United States  
Department of  
Agriculture

Forest Service

Alaska Region



# Alaska Region

DRAWING TO SCALE



*Chenequa*

*Rudy*

*James  
Hr*

USDA Forest Service, Regional Office, P.O. Box 21628, Juneau, AK 99802

## Cover Page

To: Molly McCammon Fax No.: 276-7178

Unit: EXXON/Executive Director Verification No.: \_\_\_\_\_

From: J. Harmaning Fax No.: 586-7871

Unit: RID Lands Verification No.: \_\_\_\_\_

### Remarks:

Filled with half the world last week -

For your Info - No action indicated

John Harmaning

Total number of pages (excluding cover): \_\_\_\_\_

Date Sent: \_\_\_\_\_ Time: \_\_\_\_\_

Kuyedi Thlingit Nation of Alaska  
Legal Research Office  
PO Box 1546  
Woodinville, WA 98072  
Ph/Fax: (206) 483-9251 Ph/Fax: (206) 362-7725  
email: wolfhouse@earthlink.net  
Alaska Tribal Office 2 POB 5531 2 Ketchikan, AK 99901

February 7, 1997

-oo0oo-  
Protest and Request for Stay of Land Sale  
-oo0oo-

Re: Purchase of 60,000 plus or minus acres of land from the Chenega Corp. by the US Dept. of Agriculture.

Publish: Release No. 0033.97 dated Feb. 5, 1997, Washington DC

To be Filed With Individuals and Agencies involved in the above published transaction:

US Dept. of State Secretary Madeleine Albright  
US Dept. of Interior Secretary Bruce Babbitt  
Chenega Corporation President Chuck Totenoff  
US Dept. of Agriculture Secretary Dan Glickman  
Under Secretary Jim Lyons  
State of Alaska Governor Tony Knowles  
US Forest Service Chief Mike Dombeck  
IHRAAM, UN Ngo, Roster Status Dr. Y.N. Kly, Director  
UNPO Dr. Michael Van Walt

Notice

You are hereby put on notice that the Thlinadi and the Kuyedi (the Kuiu Kwaan), and certain other Indigenous Nations of Alaska have chosen to exercise their Suzerain Sovereign Trust Responsibilities to protect the Traditional Indigenous Peoples of the Region of Chenega in their just and legitimate rights under Traditional Tribal Law. This Protest and Request for Stay of Land Sale is filed to stop and reverse all action regarding the above named sale of lands, waters and resources which are owned by the Indigenous Chenega Peoples, the Original Indigenous Holders of Allodial Title. The interests and welfare of the Chenega descendants unto the next seven generations and beyond must be protected.

Cause of Protest

The Indigenous Nations Allodial Title predates the Declaration of Independence of the United States from Great Britain, and predates the establishment of any encampments in the Region of Alaska by any European nations or Russia. The title referred to by the Kuyedi and the Thlinadi is not "aboriginal title," as referred to as being extinguished by AMCSA. To be precise, the title held by the lineal descendants of the Indigenous Peoples of Alaska is "Allodial Title" or Absolute Title," to the soil, the same kind of title generally assumed by the European descendants to be held by the United States.

The basis of these statements lies in the fact that the Indigenous Peoples of Alaska have had dominion and possession of their lands and waters from time immemorial. The assumption that the United States has any valid title in Alaska, and had the legal right to cut a deal with certain members of Alaskan Indigenous People, utilizing AMCSA is erroneous. The Kuyedi Tribal Council and other Indigenous Nations issued a challenge for the United States and/or the state of Alaska to produce a valid title to Alaska lands, waters and resources. None has been produced because none exists. No persons, corporate entities, nor any state can sell or broker what it does not own or have clear undisputed title to. This includes the United States of America, Imperial Russia and the various AMCSA corporations who are not Traditional Tribal Governments.

Legal investigations into federal archives in Washington DC, concerning the rights of the Kuyedi and other Southeast Alaska Tribes, led to the discovery of what has become known as The Smoking Gun. Documents found prove that the United States never perfected absolute title. Allodial Title to Kuiu Island and the Thlinadi Traditional lands and waters is still held by the Traditional Tribal Peoples of that region. This discovery has direct applications for all the Indigenous Peoples, Tribes and Nations of the Region of Alaska.

The Chenega Corporation does not have the jurisdiction to make binding legal decisions regarding the Traditional lands, waters and resources of the Traditional Indigenous Peoples of the Chenega region. The Chenega Corporation is attempting to intrude into areas of Sovereign Jurisdiction of Indigenous Nations - areas that are clearly beyond its limited powers as a corporation which owes its existence to the United States. The Chenega Corporation cannot legally broker nor sell any Indigenous lands, waters or resources.

3  
907.276 7178: #3  
5867843-  
SENT BY: Xerox Telecopier 7020 ; 3-11-97 ; 7:29AM ;  
An International Tribunal of Original Nations convened in Seattle, Washington on January 8-10, 1997; which Tribunal thoroughly examined the question of Who Owns Alaska? The published decision is that the US does not have title to Alaska.  
In addition to these findings, there is a body of proclamations, documents and statutes designed to govern non-Native and federal agency conduct with regards to Indigenous Peoples, Tribes and Nations.

#### US Guarantees to Indigenous Peoples

#### Statutes Applicable to the taking or selling of Indigenous Lands

The following statutes were designed to govern non-Native and federal agency conduct with regards to Indigenous Peoples, Tribes, and Nations:

1. Northwest Ordinance of 1787, Enacted Aug. 7th, 1789 (1 Stat. 50), Article 3: (1 quote)... "The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken without their consent: and, in their property, Rights and Liberty, they shall never be invaded or disturbed...."

2. Address to Indian Leaders by George Washington, first US President (shortly following the passage of the NW Ordinance) outlining the obligation of the United States to protect Tribes from alienation of Tribal lands. President Washington speaking for and about the USA: "...will never consent to your being defrauded, but will protect you in all your just rights... But your great object seems to be, the security of your remaining lands: And I have, therefore upon this point, meant to be sufficiently strong and clear, that, in future, you cannot be defrauded of your lands: That you possess the right to sell, and the right of refusing to sell, your lands: That, therefore the sale of your lands, in the future will depend entirely upon yourselves. But that, when you may find it for your interest to sell any part of your lands, the United States must be present, by their agent, and will be your security that you shall not be defrauded in the bargain you may make..."

3. The US Constitution, A. Commerce Clause Sec. 8--Powers of Congress, Item 3.

4. Senate Congressional Resolution 76, Sept. 16th, 1987, 100th Congress

5. Genocide Act Codified under Public Law 100-606, Nov. 4th, 1988

6. The Indian Trade and Intercourse Act R.S. 2116 was from ACT June 30th, 1834 (25 US C. ss 177.) 177. Purchase or grants of lands from Indians. "No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution."

#### Genocide and Human Rights Violations

The governments of the United States and the state of Alaska have inflicted serious injury upon Indigenous Peoples of Alaska and North America, and continue to do so. Federal and Alaska state officials have embarked upon a course of action designed to eliminate Traditional Indigenous subsistence uses. Alaska state officials have stated in the press and media that they intend to pursue this course with vigor. Referenced injuries include but are not limited to:

Continuous erosion and destruction of Indigenous Peoples land, water and resource base;

Denial and obstruction of the Indigenous time-honored way of making a living in the "Traditional and Customary Way;" therefore forcing the Indigenous Peoples to seek employment in alien trades, in different geographical areas and environments;

Denial of access to Indigenous Traditional and Customary Foods and medicines;

Denial and hindrance of access to Indigenous Sacred Sites and Sacred Environmental Sanctuaries; Defacement and physical alteration of said sites;

Forced assimilation through dispersal of Indigenous Peoples and the removal of their children from their traditional lands, waters, and resources; therefore compelling the Indigenous Peoples and Nations to forsake their Cultural Heritages and Native Languages and forcing them to adopt an alien language and culture and religion;

Indigenous Peoples are arrested, jailed and prosecuted for harvesting traditional foods;

Imposition of conditions of life that will result in the destruction of the Indigenous Peoples of Alaska in whole or in part;

Elimination of Tribes and Peoples through the US federal recognition process.

In attempts at solving the Indian problem, the US Government ignored traditional Indigenous Governments and Tribal Courts and engineered "federally recognized Indian entities" that are overseen by the Bureau of Indian Affairs. The "federally recognized Indian entities" (or the US version of a "recognized tribe") are social engineering at its worst, puppet organizations created to do the bidding of the US government.

4 The creation of "federally recognized entities," wrote off Indigenous nations as extinct, and lumped other nations together who historically had been separate. This is constructive fraud as well as an ancient ploy of "divide and conquer." (Ref: The constructive fraud was exposed via federal Judge Zillys 1996 decision in the Samish Nation Case. Judge Zilly issued a scathing indictment of the bureaucrat who falsified records and stood in the way of the Samish efforts to gain recognition.)

By utilizing their "federally recognized Indian entities," the US claims to the world community that the US has abandoned it's genocidal actions of the past and is now dealing honorably with the present day Indigenous Peoples and Nations. The puppet organizations that receive funding and do the bidding of the BIA are caught by their programs and in most cases have nothing to do with Traditional Tribal Governments.

Traditional Tribal Governments, like the KUIU THLING-GIT NATION, who truly represent their Peoples, would require a face to face meeting on a "Nation to Nation" basis to discuss and settle differences. We know our lineage, we know our history. We know who we are and where we come from. We don't need non-Natives to socially engineer us.

#### Proper Course of Action

1. Pay the \$34 million to the Indigenous Peoples of Chenega for the oil spill which destroyed much of their water resources and adversely affected their lands and lives.

2. Leave the 60,000 acres under their control so that their People can live like they always have. The funds should be paid to them as partial compensation and restitution for environmental degradation due to the Exxon Valdez oil spill. (It appears that the US is attempting to pay the Chenega Corporation with restoration monies that should have gone to the Traditional Peoples of Chenega in the first place without the sale of their lands, which are their heritage and birthright. What will the seventh generation of Peoples Indigenous to the region have left when their lands and the monies are both gone?

The Peoples Indigenous to lands in question should have been allowed to explore all available options and opportunities for their lands, in an unbiased and unprejudiced manner. They should have been informed that under the SARA Amendments to the Clean Water Act, the Indigenous Peoples are in line to receive restoration monies. They do not have to sell their lands, waters and resources to receive a just compensation.

The \$34 million dollars is not adequate compensation for the losses suffered. It most assuredly is not just compensation for the lands, waters and resources in question. Indigenous land should never be sold. However, to establish fair market value, several independent appraisers of land, water, and resources would have to be employed to establish a true certified value of the lands and properties in question. After all the pertinent data has been gathered and established the Indigenous Chenega Peoples would set a base price. A call would then be made for sealed bids from interested parties, which would include representatives from the International Community. The Indigenous Peoples of Chenega would then be in a position to receive many times the paltry \$34,000,000.00 that is being proffered by the US.

#### Special Notice

Because of the extensive damages to the eco-systems and natural habitat in the Region of Alaska, the Traditional Indigenous Leaders are laying plans to form an "Investigative Committee" under the terms as outlined in: CERCLA COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980 43 CFR Part 11 vol 51--148, Natural Resource Damage Assessments: Final Rule, SARA AMENDMENTS Superfund Amendments and Reauthorization Act, October 17, 1988, vol. 53 No. 34, Commonly known as: THE CLEAN WATER ACT WITH THE SARA AMENDMENTS. The committee will look specifically at the damages caused by the Exxon Valdez oil spill, set a damage amount, which then will qualify for "Rebuttable Presumption."

#### Conclusion

1. A title search shows that the US never perfected title to Kuiu Island and Thlinadi Lands and Waters in Southeast Alaska and most likely the rest of the region of Alaska.

2. Title remains vested in the Traditional Indigenous Peoples of the Region of Alaska.

3. ANCSA which purported to extinguish aboriginal claims was not a settlement with the Traditional Tribes. It was a deal cut to get at the oil resources of Alaska. The title the Indigenous Peoples have is allodial title, title in fee simple absolute.

Jerry Mander put it well in his book, In the Absence of the Sacred. But just like the Allotment Act, the Indian Reorganization Act, and the Indian Claims Commission Act, ANCSA was a fraud in concept and in execution. It was created by a congress that was essentially acting as a surrogate for US oil, mineral, and fishing companies. In terms of effective, efficient robbery and scale of deception, ANCSA makes the Allotment Act look like a dinestore burglary.

4. The past 500 years have been fraught with intrusions by European immigrants which resulted in continual diminishment of the Indigenous land and water base. The result has been, in far too many cases, the suffering and annihilation of Indigenous Peoples -- many having been completely destroyed and removed from the land of the living... The taking of Traditional Indigenous Lands and Waters, by whatever means, equates annihilation and genocide. Stolen land is stolen land and cannot be sold. Flawed title never improves with the passage of time.

5. The so-called purchase of nearly 60,000 acres of land from the Native Peoples of Chenega in the region of Alaska by the US Government is but another example of the process of genocide being perpetrated on the Indigenous Peoples of Alaska. It is a taking which exemplifies the slick and underhanded dealings of the US

SENT BY:Xerox Telecopier 7020 : 3-11-97 : 7:30AM :

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and its agencies with the Indigenous Peoples and Nations. Without an adequate land and water base the Indigenous Peoples and Tribes cannot survive and be able to practice and utilize their Traditional Spiritual, Cultural and Tribal Heritage. We urge the Traditional Tribal Peoples of the Chenega Region to call this land transaction for what it is: a land scam. This attempted robbing denies a Traditional Peoples their right to continue as a People, and exercise their Traditional and Cultural Heritage. WITHOUT A SUFFICIENT AND PROPER LAND, WATER AND RESOURCE BASE NO INDIGENOUS PEOPLES OR TRADITIONAL TRIBES CAN SURVIVE.

As a champion and staunch friend of the environment, we are surprised by the participation of Bruce Babbitt, of the Department of Interior in this land deal. The cost required of the Indigenous Peoples is unreasonable and much to high. It cannot be denied that statutes are in place to govern non-Native actions. The law abiding decent Peoples of the World Community are tired of double standards. They are well aware of how we Traditional Indigenous Peoples and Nations have been and are being treated by the USA Federal and state agencies. Let us clear the decks and start anew with a higher standard of conduct.

We request you stay and reverse this land sale immediately. Respectfully Submitted this \_\_\_\_ day of February, 1997.

Thlau Goo Yailth Thlee, Rudy JamesKoo Ghaith, Charles M. James, Sr.  
Spokesman for the Tribal Council Tribal Council Second Chair

What Staw, George Suckinaw James, Jr.  
Tribal Council Third Chair

Appd#0)-----7058418F3412--

April 8, 1997

Frank Rue, Commissioner  
Alaska Department of Fish and Game  
P.O. Box 25526  
Juneau, Alaska 99811-5526

John Shively, Commissioner  
Alaska Department of Natural Resources  
400 Willoughby Avenue  
Juneau, Alaska 99801-1724

*2 - mailed  
to Frank Rue  
to have him take  
the lead  
5/11*

COMMISSIONER'S OFFICE  
JUNEAU

APR 30 1997

DEPARTMENT OF  
NATURAL RESOURCES

Dear Commissioners:

On March 17, the board of the Alaska Fly Fishers, and members of the boards of the Alaska Sportfishing Association and Trout Unlimited, met with Mr. Mike Thompson, of the Alaska Department of Fish & Game, Habitat Division, Mr. Ed Fogel of the Alaska Department of Natural Resources, Division of Lands, and Ms. Laura Bottger of the Alaska Department of Law, Natural Resources Section, to discuss issues arising from the private ownership of most of the lands along the South Fork of the Anchor River, Ninilchik River and Deep Creek on the southern Kenai Peninsula.

Except for the fishing on the lowest reaches of those streams -- which is primarily for salmon and occurs substantially within three small state recreation areas at the mouths of each river -- the fisheries for steelhead, dolly varden, rainbow trout, and some of the salmon fishing, are upstream of those state recreation areas. There, private ownership creates a variety of concerns -- for conservation of fish and wildlife, for public access and for the quality of the fisheries.

We are now asking you to designate staff to participate in further discussions to see if an inter-agency process and program can be devised to address those concerns.

To give an idea of what transpired at the March 17th meeting, the participants discussed the land ownership patterns, navigability law, and options for addressing the above concerns.

Although the land patterns differ along the streams, generally there is almost no public land upstream of the three small recreation areas. Upstream of those areas, the land is generally in small, contiguous, private tracts. In most instances, the owners built on the bluffs and own the bottom lands. The number of tracts is not overwhelming. But some subdividing is occurring, including some bottom land development. And some assertions of trespass apparently have occurred. Most deeds probably rest upon pre-statehood federal patents. On the South Fork Anchor River, small private parcels comprise nearly all land from the vicinity of the confluence of the North and South Forks at about MP 157 on the Sterling Highway upstream to about MP 164. Upstream of there is the Anchor River/Fritz Creek CHA. Ninilchik and Deep Creek are

bounded similarly by small private parcels where those streams parallel Oil Well Road. Upstream, the land is substantially owned by Native village and regional corporations. The local tax assessment maps of the Anchor indicate some surveys go to the middle of the river. That may indicate patents which utilized the pre-Gulkana navigability test, and the deeds may be partially voidable if the Gulkana test were applied. Similar issues may exist on the ANCSA patents if they, too, rest upon pre-Gulkana navigability determinations, but we did not look into that matter.

However, we are not writing to encourage litigation or any adversarial approach.

We encourage quiet, low-key, friendly approaches other than litigation. Although litigation to apply the Gulkana test and thereby to amend many deeds could be worthwhile in some context, such litigation likely would have disadvantages at this point. It would aggravate owners of the deeds and would likely precipitate posting of land, thereby restricting access which currently exists with the generous or tacit consent of nearly every long-term owner. Litigation would be expensive and would be of limited utility. The nature of these fisheries is that the participants utilize trails and engage in a mobile, "hike, walk and wade" fishery, rather than a stationary fishery. The activities are not confined to submerged lands between the ordinary high water marks. Furthermore, such litigation would address neither the habitat issues that arise out of concerns for the riparian corridors or the issues that arise out of a need to maintain the character and quality of these fisheries.

We hope that your agency will participate in further discussions to address other options. We came up with four.

First, we suggest that ADF&G and DNR develop a program to allow and encourage donors of conservation and access easements or fee simple to obtain tax benefits through reductions in appraised values, through the deductibility of charitable contributions from income taxes, through the estate tax system, and through similar devices. We assume DOL might help in designing such a program.

*benefit issue*

Second, we suggest that the agencies consider whether Exxon Valdez monies under the Trustee Council could address some of the habitat and access issues. We encourage agency staff to consider these lands in terms of restoration/replacement for injuries to resources and active and passive uses. For reasons we can discuss, we suspect these lands merit a high priority, if a goal were to achieve conservation corridors to benefit a variety of resources and active and passive uses. We could support funding by the Council of ADF&G-supported proposals to assess cumulative impacts of timber harvest, timber roads and subdivisions on resources and use values in the Ninilchik and Deep Creek drainages, if such studies can underpin agency actions on timber or decisions by the Council to seek restoration/replacement corridors in the drainages.



Third, we suggest that DNR use the Kenai Area Plan planning process to identify a pool of "trading stock", composed of state land or timber rights where habitat and public use values are low, and that such trading stock be offerable to owners of riparian and adjacent corridor land in exchange for conservation and access.

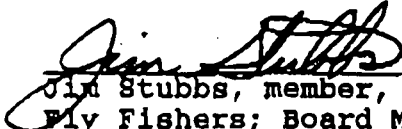
Fourth, we suggest that the Administration prepare legislation to add a surcharge to sport fish licenses to fund acquisition of access and conservation on riparian and corridor lands and that such a fund be a separate account within the Fish and Game Fund.

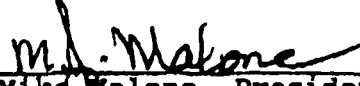
That summarizes our discussions of March 17.


We hope that you see such inter-agency discussions with the public as useful. We hope you will assign a staff person, so that discussions can proceed further. If a program develops, it might be useful to seek broader public support, from entities such as Fish and Game Advisory Committees and the local chambers of commerce, which have been helpful in the past on such matters.

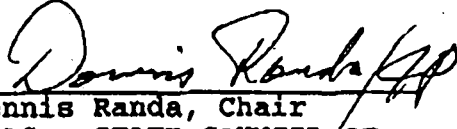
We would appreciate your thoughts. Thank you.


Sincerely yours,

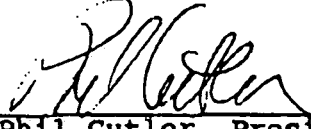
  
Jim Stubbs, member, Alaska  
Fly Fishers; Board Member, Alaska  
Wild Trout Chapter, Trout Unlimited  
3311 Starboard Lane  
Anchorage, Alaska 99516  
(907) 345-6676

  
Mike Malone, President  
ALASKA FLY FISHERS  
P.O. Box 871701  
Wasilla, Alaska 99687  
(907) 746-3474

  
Jeff Barker, V.Chair, Alaska  
State Council of Trout Unlimited;  
Board Member, Alaska Sportfishing  
Assoc.; member, Alaska Fly Fishers  
500 L Street, Suite 502  
Anchorage, Alaska 99501  
(907) 272-6696

  
Dennis Randa, Chair  
ALASKA STATE COUNCIL OF  
TROUT UNLIMITED  
P.O. Box 3055  
Soldotna, Alaska 99669  
(907) 262-5454

  
Fred Klouda, Board Member, Alaska  
Sportfishing Association; member,  
Alaska Fly Fishers  
6324 Air Guard Road  
Anchorage, Alaska 99512  
(907) 243-3216

  
Phil Cutler, President  
ALASKA SPORTFISHING ASSOC.  
P.O. Box 24-1847  
Anchorage, Alaska 99524  
(907) 243-4667

JP

c: Mike Thompson, ADF&G/Habitat  
Ed Fogel, ADNR/Lands  
Laura Bottger, ADOL

cc: Governor Tony Knowles  
Janet Kowalski, Director, ADF&G/Habitat Div.  
Kevin Delaney, Director, ADF&G/Sport Fish Div.  
Jane Angvik, Director, ADNR, Lands  
Molly McCammon, Executive Director, EVOS Trustee Council  
Lance Trasky, Regional Supervisor, ADF&G/Habitat  
Mark Kuwada, ADF&G/Habitat  
Bruce Talbot, ADNR/Lands  
Doug Vincent-Lang, ADF&G/Sport Fish

RECEIVED  
APR 14 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

VINCENT McCLELLAND  
P.O. BOX 791  
KEENE VALLEY, NEW YORK 12943

518 576 2281

4/5/97

Dear Exxon Trustee Council

I have read in the various materials you have sent that you are in the process of buying land from Taitlet Corporation.

I own land in Landlocked Bay and have built a cabin there. I am very interested in finding out what is going on and how it will impact my ownership in Landlocked Bay.

1. Please send a map showing what is being purchased, and how (fee, easement, etc)
2. What price has been established for this land? Can I see the appraisal?
3. Who will own the easement/ or fee in this land?
4. Are you interested in purchasing my land?
5. Will the land be surveyed?

Please send as much information as you can. Thank you  
Sincerely, Vincent McClelland



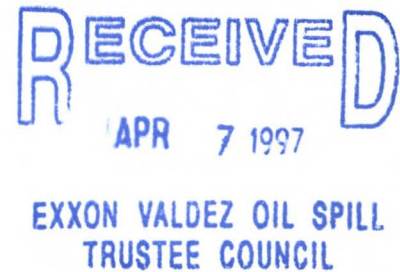


**REPRESENTATIVE ALAN AUSTERMAN** Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2487

April 2, 1997

Exxon Valdez Oil Spill  
Trustee Council  
645 "G" Street, Suite 401  
Anchorage, Alaska 99501-3451



**Council Members:**

Recently I received a copy of a petition from a broad spectrum of Kodiak voters generating concern and demonstrating support regarding the recent nomination for purchase of Long Island from Leisnoi Corporation.

I understand that this parcel is currently ranked as "moderate" in the Small Parcel Habitat Protection Process. According to the sponsoring agency, Department of Natural Resources, those parcels ranked as high and moderate in the comprehensive habitat protection process, are more likely to be purchased. I understand that the Trustee Council when meeting several weeks ago, authorized the department to conduct an appraisal of the Long Island parcel. The community support for this purchase, as witnessed by the 300 signatures on the petition, is very strong.

I would like to add my voice in support of this proposal. Long Island has long been a favorite recreational spot for Kodiak residents, and it is a valuable wildlife habitat. Purchase by the Exxon Valdez Oil Spill Trustee Council will ensure the protection of this area from logging and other commercial uses and allow for continued recreational uses by the residents of the community.

Thank you for your consideration and attention to this opportunity for Kodiak and the Trustee Council.

Sincerely,

A handwritten signature in blue ink that appears to read "Alan".

Alan Austerman  
Representative District 6

cc: Dave Kubiak



**Exxon Valdez Oil Spill Trustee Council  
645 G St. Suite 401  
Anchorage AK 99501-3451**

**RECEIVED**

**MAR 24 1997**

3/19/97

**EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL**

**Dear Council,**

**Congratulations on concluding the deal to add lands to Kenai Fjords National Park! Acquiring these parcels for Kenai will make the park and its resident wildlife much more secure in the coming years.**

**Please negotiate similar agreements with Port Graham and other corporations that own critical parcels within the spill damage zone!!!**

**ALASKA LANDS NEED TO BE SAVED FOR FUTURE GENERATIONS OF PEOPLE AND WILDLIFE!!!!!!!!!!!!!!**

**THANK YOU**

*William Nichols*

**WILLIAM NICHOLS**

**14 TISBURY CT.**

**BALTIMORE, MARYLAND 21236**

By Facsimile

25 March 1997

Estom Valley Oil Spill Trustee Council

645 2 Street, Suite 401

Anchorage, AK 99501-3451

Dear Trustees,

I congratulate you on concluding the agreement to purchase 30,000 acres on the Kenai Fjords coastline held by EBC. Acquiring these parcels will make the park and its resident wildlife much more secure in the coming years.

Attention should now be directed to the Port Graham portion with a similar agreement. Restoration of the resources so horribly damaged has always been one of the goals of the settlement fund. Extending the park to its "desired" boundary, so that it remains free from development, would be an ideal way to meet this goal.

Thank you for the opportunity to share my thoughts on this matter.

Sincerely,  
Robert E. Rutkowski

252 7 Faxon Court

Topeka, Kansas 66605-208627

EXXON VALDEZ OIL SPILL  
oil TRUSTEE COUNCIL

[illegible]



# PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Judy Lucas	Chiniak	486-6129	

Add to mailing list? Yes ☐ No ☐ Newsletters only ☐ Technical Docs + ☐

Date of call: 3/19/97 Comment taker: Eric Myers

Subject of comments: Possible nomination of lands, owned by Lesnoi, near Chiniak

Comments:

Judy Lucas called and expressed her desire to see lands in the vicinity of Chiniak (near Fodriak) protected through the Trustee Council habitat protection process. Mr. Lucas has been working with staff at the Lesnoi Corporation who have informed her that Lesnoi has several thousand acres of land that could possibly be sold to the state or federal government pending approval to proceed with a nomination of these lands when the Lesnoi Board of Directors next meets.

2985

**Nanwalek I.R.A.  
P.O.8028  
Nanwalek, AK 99603-6628**

Frank Rue, Commissioner  
Alaska Department of Fish & Game  
1255 West 8th Street  
Juneau, Alaska

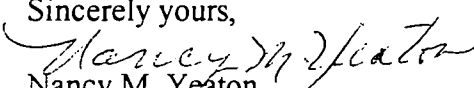
Dear Trustee Council,

I as a: council member, resident, community facilitator, and P.A.G. member feel ever so strongly that each community has a repository. These repositories would: benefit, possibly create some employment, grant researching, community ownership, cultural building and self esteem. I am supportive of scenario one.

We as the P.A.G. and the Trustee should support the seven communities that want the repositories. If we are purchasing land it only seems fair we help the oil-spill impacted Communities.

The artifacts that belong to the communities have a way of reviving the past to many of our people. As I sat at the last P.A.G. meeting there was reference made about how many artifacts each community had, which mostly consisted of "flakes." My thoughts reminisced of bidarkas paddling to the shore as one of our past elder stepped out with his grandfather to hunt, gather, collect firewood, if needed, made tools and slept in a barabara. One of those "flakes" could have been theirs, or any of our ancestors. These memories and artifacts are what we have left of our past. We need to pass on what we can to our children and future generations, so please help us.

Sincerely yours,

  
Nancy M. Yeaton

Natural Resource\EVOS C.F.

cc: Steven Pennoyer  
Deborah Williams  
Bruce M. Botelho  
Frank Rue  
Michele Brown  
Phil Janik

RECEIVED

MAR 16 1997

ALASKA DEPARTMENT OF FISH & GAME  
JUNEAU OFFICE

March 18, 1997

Exxon Valdez Oil Spill Trustee Council  
645 G.St. Suite 401  
Anchorage, AK 99501-3451

RECEIVED  
MAR 24 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

I just wanted to take a moment to congratulate the trustees on concluding the agreement to add the crucial areas around Kenai Fjords to the National Park Service. Acquiring these parcels for Kenai Fjords will make the park and its resident wildlife much more secure in the coming years.

I still urge the council to negotiate similar agreements with Port Graham and other corporations that own critical parcels within the spill damage zone. In this way it can remain free from further developers and its resources can be restored.

Thank you,  
Denise Erickson  
1376 Airport Rd.  
Muskegon, MI 49444

Qutekcak Native Tribe

*Changing with the tides, in harmony with our people, land and heritage.*

P.O. Box 1467 Seward, AK 99664 (907)224-3118 Fax 224-5874

Resolution NO. 97-02

Requesting

Funding in support of the Comprehensive Community Plan for the Restoration of Archaeological Resources in Prince William Sound and Lower Cook Inlet

WHEREAS, A \$900 Million Fund was set up as a result of the 1989 *Exxon Valdez* Oil Spill to address the problems of injured and diminished natural resources and to institute a restoration program to aide in this process; and

WHEREAS, the Alaska Native Villages in the oil spill impacted region have suffered a tremendous loss in subsistence resources, cultural ties with the land, increased social ills due to the devastation of the oil spill, and loss of archeological resources due to vandalism and looting in various archaeological sites; and

WHEREAS, the *Exxon Valdez* Oil Spill Board of Trustees was established to address these and other issues directly related to the restoration of the resources and is comprised of federal and state government representatives that have these recovered artifacts; and

WHEREAS, the return of *Exxon Valdez* Oil Spill artifacts to the local communities is important both to Natives living in the region as well as Natives who trace their ancestry to the region; and

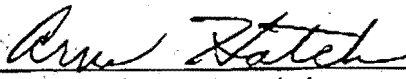
WHEREAS, the *Exxon Valdez* Trustee Council members have recognized the need to support long term curation for the archeological collections in the spill area and also have recognized the desirability of keeping collections near their origin.

WHEREAS, at present, none of the Native archaeological collections obtained during the spill response, damage assessment, or restoration are stored within the project area.; and

WHEREAS, the communities have all voiced an opinion that they support *scenario one*, listed in the Comprehensive Community Plan in question; now, therefore be it

RESOLVED that the Qutekcak Native Tribe support *scenario one* listed in the Comprehensive Community Plan for the Restoration of Archaeological Resources in Prince William Sound and Lower Cook Inlet.

Adopted by the Qutekcak Native Tribal Council this day of March 11, 1997.

  
Arne Hatch, Vice Chair  
for Kenneth Blatchford, Chair

QUTEKCAK NATIVE TRIBE

Ch... with the tides, in harmony with our people, land, and heritage  
PO Box 1467 Seward, Alaska 99664 Phone 907-224-3118 Fax 907-224-5874

FAX COVER SHEET

TO: Cherie

DATE: 3/12/97 NUMBER OF PAGES 1

MESSAGE:

Please forward to Molly McLannan  
P.A.G. Eros Justice Council  
Anyone else that should have it.

Thank you.

Molly, I kept a copy of this.  
Do you want to hold it for their  
(PAG's) next mtg pkt or go out  
w/ 3-5 mtg summary?

✓  
mm

Copy to Rebecca

# PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Ken Kedzior	public		RR1 Box 146A Smithfield, IL. 61477

Add to mailing list? Yes ☐ No ☐ Newsletters only ☐ Technical Docs + ☐

Date of call: 3/18/97. Comment taker: Tami

Subject of comments: purchase of 49,000 acres in Kenai  
Fjords Park

Comments: He supports the purchase. Important to him to preserve the additional park lands. He's been to the park before & travels to Alaska quite a bit for recreation. Wants to see the money put to good use. It's important to him to have access to the lands to view wildlife & for recreation.



### PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Paul Ginner		486-4656	1211 E Regan Dr Kodiak

Add to mailing list? Yes ☒ No ☐ Newsletters only ☒ Technical Docs + ☐

Date of call: Mar 10, 1997 Comment taker: Cheri

Subject of comments: Kodiak land acquisition

Comments:

We support the Trustee Council's proposed acquisition of Long Island and Termination Point.

They need more public access land near the City of Kodiak.

Valdez Trails Association  
P.O. Box 1540  
Valdez, AK 99686

RECEIVED  
MAR 10 1997

The Exxon Valdez Trustees  
645 G Street  
Anchorage, AK 99501

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Re: Purchase of the Blondeau property in Valdez

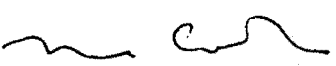
Dear Trustees:

At the January 14, 1997 meeting of the Valdez Trails Association, the membership voted unanimously to support the acquisition of the Blondeau property at the mouth of Mineral Creek by the Exxon Valdez Trustees Council.


Besides providing important winter and summer habitat for waterfowl, shorebirds, river otters, sea otters, and harbor seals, the area would provide local residents and tourists with undeveloped beach access to Port Valdez. In the past, Mr. Blondeau at times has granted permission to kayakers and other local recreationists to use his property. They testified at the meeting to its value as a picnic area, wildlife watching area, and kayak launching and haul-out area.

We encourage you to pursue this offer.

Sincerely,

  
Frank Cook  
President

THANK YOU FOR YOUR CONSIDERATION  
OF THIS AREA. IT IS A VERY NATURAL  
LAUNCH SITE WHICH OFFERS A SAFE  
BYPASS OF A DANGEROUS RIP CLOSER  
TO TOWN.

PLEASE CALL ME WITH ANY QUESTIONS  
YOU MAY HAVE.  835-2551

8 March 1996

RECEIVED

MAR 11 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Exxon Valdez Oil Spill Trustee Council  
645 G Street, Suite 401  
Anchorage, Alaska 99501-3451

Dear Trustees,

We have just become aware of the effort to preserve the unique natural resources of Long Island which is located near Kodiak. My wife and I lived in Alaska in the late 80's and have just returned upon my retirement from the US Army Corps of Engineers.

We reluctantly left Alaska just after the Valdez oil spill and followed the events that subsequently occurred from our vantage point in the "lower forty eight". We had intended to return to the "Great Land" but were sadden and concerned with the events as depicted in the national press and felt that many of the reasons for our return were no longer valid.

We visited Kodiak in the summer of 1995 and were pleasantly surprised that much had been done to repaire the damage from the Oil Spill and made immediate plans to return to the State. We have lived here since August of 1995 and expect to live here many more years.

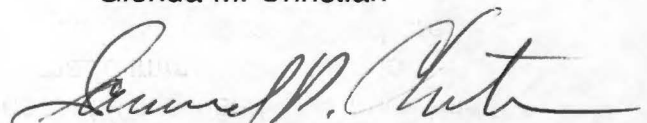
The attributes of Long Island are the attributes that brought us back to Alaska and their preservation is essential to their enjoyment of future generations. We have observed the impacts of development and exploitation that have occurred where protection was not provided. It would be criminal for that to occur to Long Island and with out purchase and protection it is certain to occur.

We urged you to purchase Long Island, not just for the residents of Kodiak, but for all citizens of Alaska and all people who are moved by Alaska's unmatched beauty.

Sincerely,



Glenda M. Christian



Samuel P. Christian

March 6 1997  
1352 Inlet Place  
Anchorage Alaska  
99501

Dear Tony,

I take my family to Homer  
for the Shore Birds ~~was~~ festival  
where we all enjoy. One  
of our favorite bird watching  
and playing areas is along  
the Homer Spit.

Please protect this area  
by using Exxon Valdez settlement  
money to purchase tidelands  
along the spit and Beluga Slough  
Sincerely  
Martin DeBoer David & Mark Hansen



**CHENEGA IRA COUNCIL  
P.O. BOX 8070  
CHENEGA, ALASKA 99574  
TEL-907-573-5132-FAX-907-573-5120**

March 5, 1997

Public Advisory Group  
EVOS Trustees Council  
Anchorage, Alaska

**Public Advisory Group Members**

Chenega Village IRA Council and the residents support scenario number one, local repository facilities in each of the seven Chugach villages. The repositories would be used for curation and display.

The EVOS Trustees should reserve \$500,00-\$1,00,000 per community. We feel this is a small price to pay to preserve the Native Culture and Heritage in the Oil Spill Region..

The Tribes should decide among themselves, where the artifacts should be returned.

EVOS and the State and Federal Agencies should fund the final planning stages to assist the communities in preparing their local facility plans.

The Restoration Reserve should not be given to any group and should be held in reserve for future restoration.

Sincerely yours  
Donald P. Kompkoff Sr  
President IRA Council.

cc: Patty Schallenburg, CRRC  
Dr. Lora Johnson, Chugachmiut  
Chugach Village Councils

# **NATIVE VILLAGE OF EYAK**

**P.O. BOX 1388, CORDOVA, ALASKA 99574  
TEL 907-424-7738/FAX 907-424-7739**

March 4, 1997

Public Advisory Group  
Exxon Valdez Oil Spill Trustees Council  
645 G Street, Suite 401  
Anchorage, Alaska 99501-3451

PAG Members

**Concerning the EVOS Archaeological Restoration planning for  
PWS and Lower Cook Inlet.**

Our Tribe supports Scenario number one, Local repository facilities in each of the seven Chugach Communities and possibly one in Seldovia. These repositories would be used for curation and display.

We think the Trustees should reserve or set aside \$500,00- \$1,000,000 per community. With the hundreds of millions EVOS Trustees Council is spending to buy Native Corporation lands, we feel this is a small price to pay to help preserve Native Culture in the oil spill region.

The Tribes would decide among themselves, where the artifacts should be returned.

EVOS and the State and Federal Agencies should fund the final planning stages to assist the communities in preparing their local facility plans.

**Concerning the Restoration Reserve.**

We feel this money should be held in reserve, until the damages from the Exxon Valdez oil spill are restored. This money should not be given to the University of Alaska or any other group.

Sincerely yours  
Bob Henrichs  
President, Traditional Council



# PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Elliot Murry			Peoria, Ill.

Add to mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_ Newsletters only \_\_\_\_\_ Technical Docs + \_\_\_\_\_

Date of call: 3/4/97 Comment taker: Rebecca

Subject of comments: English Bay

Comments: Please buy the 49,000 acres within the Kenai Fjord National Park.

**Rebecca Williams**

**From:** Catrina L Ciccone

**Sent:** Monday, March 03, 1997 9:59 AM

**To:** Rebecca Williams

**Subject:** Land Purchase

I support the purchase of inholdings in the Kenai Fjords National Park - this purchase is imperative to maintain the health of the park and its inhabitants. Although I have never visited your beautiful state of Alaska, it has been my dream to do so ever since I was little - please ensure it will still be beautiful when I get the chance to come!

Thank you!

Catrina Ciccone

**Rebecca Williams**

**From:** 'TRawson@aol.com'

**Sent:** Saturday, March 01, 1997 1:58 PM

**To:** Rebecca Williams

**Subject:** Alaska's Kenai Fjords National Park

Dear EVOS Trustee Council,

I write to express my great concern that the 49,000 acres of inholdings within Alaska's Kenai Fjords National Park owned by the English Bay Corporation are purchased and incorporated into the national park. I want access to the coast and all wildlife protected.

This acquisition is critical to the integrity of this pristine and rugged national park. The remote coast of Kenai Fjords National Park is a wild country of glacier-carved valleys filled with ocean water, mountain goats, thousands of seabirds and marine mammals, waterfalls, and hanging glaciers.

This presents an opportunity to preserve precious rare pristine land for future generations. I trust you will do the right thing and protect this land!

Respectfully,  
Troy Rawson

trawson@aol.com  
3328 E. 13th Ave. #9  
Denver, CO 80206

## **Eric Myers**

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**From:** Oil Spill Public Info Ctr  
**To:** Eric Myers  
**Subject:** Acquisition of Long Island (fwd)  
**Date:** Wednesday, February 26, 1997 9:29AM

Date: Wed, 26 Feb 1997 07:25:57 -0900  
From: David Kubiak <mythosdk@ptialaska.net>  
To: ospic@muskox.alaska.edu  
Subject: Acquisition of Long Island

Dear EVOS Trustee Council,

I have undertake to gather signatures on a petition to encourage the purchase of Long Island, Kodiak. Thus far I have something over 330 signatures. The local paper is going to publish an article regarding this possible purchase, and I hope that this will increase the number of petition signatures. So far this has been a very low key petition drive, which is not part of any organized movement, though this could change.

This is intended as a heads up to you, and if you have any concerns or suggestions, they would be appreciated.

Dave Kubiak

### PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Mark Withrow		486-6065	Kodiak, Ak

Add to mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_ Newsletters only \_\_\_\_\_ Technical Docs + \_\_\_\_\_

Date of call: 2/25/77 Comment taker: Rebecca

Subject of comments: land purchases

Comments:

Thank you for buying land on Shuyak Island. Supports the Termination Point land deal and if nothing else, wants funds held into escrow until Lesnoi and Mr. Stratman work out their differences. He also totally supports the purchase of Long Island.



# PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Mary Bodell			Washington, IL.

Add to mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_ Newsletters only \_\_\_\_\_ Technical Docs + \_\_\_\_\_

Date of call: 2/21/97 Comment taker: Rebecca

Subject of comments: English Bay.

Comments: Supports the purchase of the unholding acres. She'd like to visit one day. Wants the shoreline and animals protected.



### PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Loretta Loan			Chamberg, Il.

Add to mailing list? Yes \_\_\_\_\_ No \_\_\_\_\_ Newsletters only \_\_\_\_\_ Technical Docs + \_\_\_\_\_

Date of call: 2/21/97 Comment taker: Rebecca

Subject of comments: English Bay

Comments:

Supports the land purchase from the English Bay Corporation. She wants to see the animals and shoreline protected. Please buy the land within the Kenai Fjörð National Park.

# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



## Media Advisory

May 13, 1997

### Agreement signed to protect habitat along the Kenai River and its drainage area

Attached is a press release put out today by the office of Interior Secretary Bruce Babbitt who signed an agreement this morning with Kenai Natives Association to protect 3,254 acres along the Kenai and Moose rivers.

The agreement is part of a package approved by Congress and signed by the president that 1) protects the Kenai and Moose river parcels; 2) changes the boundary of the Kenai National Wildlife Refuge to exclude some land owned by the Kenai Natives Association; and 3) transfers a 5-acre refuge headquarters site in Old Town Kenai to KNA.

The Exxon Valdez Oil Spill Trustee Council provided \$4 million to protect the riverfront property, which includes several miles of habitat vital for rearing red and king salmon. The package included 803 acres near the mouth of Skilak Lake on the Kenai River and 2,451 acres along the Moose River.

This is the latest in a series of habitat protection and restoration efforts focused on the Kenai River. In addition to the KNA property, the Trustee Council has protected or made offers to protect another 1,800 acres along the Kenai River.

In February, the Council agreed to purchase a popular fishing site under the Sterling Highway bridge in Soldotna to protect fishing opportunities and repair damaged habitat. The site includes a 178-foot fishing platform. It creates a nearly continuous stretch of publicly owned river front from the bridge to Soldotna's Centennial Park.

Collectively, these acquisitions provide a cornerstone for a larger comprehensive Kenai

-more-

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#### Federal Trustees

U.S. Department of the Interior  
U.S. Department of Agriculture  
National Oceanic and Atmospheric Administration

#### State Trustees

Alaska Department of Fish and Game  
Alaska Department of Environmental Conservation  
Alaska Department of Law

River restoration effort that also includes bank stabilization and revegetation efforts; scientific research and monitoring to enhance the ability of resource managers to protect fishery resources; and improved management of human uses to reduce adverse impacts.

The Kenai River supports all five species of Pacific salmon and provides habitat for 23 other fish species. It's estimated that sport and commercial fish harvests of Kenai River salmon provide as much as \$78 million annually to the state's economy. The river is accessible to over 70 percent of the state population and accounts for 19 percent of the total statewide sport fishing interest.

Although the Kenai River appears to have recovered from the effects of the oil spill, habitat protection and enhancement is considered essential for the long term health of the system and the resources.

- 30 -

**Contact: Molly McCammon or Joe Hunt at 907/278-8012**

General information concerning the oil spill and restoration efforts can be obtained from the Oil Spill Public Information Center at 645 G St., Suite 100, Anchorage, Alaska 99501, ph: 278-8008 toll-free within Alaska at 1-800-478-7745.



# NEWS

U.S. DEPARTMENT OF THE INTERIOR

## OFFICE OF THE SECRETARY

FOR IMMEDIATE RELEASE  
May 13, 1997

Stephanie Hanna (O) 202/208-6416  
Dan Sakura (O) 202/208-4678

### **SECRETARY BABBITT SIGNS AGREEMENT TO PROMOTE ECONOMIC DEVELOPMENT FOR ALASKA NATIVES AND PROTECT THE KENAI RIVER**

Interior Secretary Bruce Babbitt today announced the successful implementation of bipartisan legislation to benefit the Kenai Natives Association, Inc., an Alaska Native urban corporation, and to protect the Kenai River through the use of settlement funds from the *Exxon Valdez* oil spill.

Upon signing an agreement with the Kenai Natives Association (KNA) to implement the legislation, Secretary Babbitt said, "This agreement will both protect fish and wildlife habitat on the Kenai River and provide Alaska Natives with significant new opportunities for economic development on the Kenai Peninsula."

"This is a great day for Alaska Natives, wildlife, the Kenai River and the Bureau of Land Management. I commend Chairman Don Young and Congressman George Miller for their successful work to pass this important bipartisan legislation," he continued.

As part of the Omnibus Parks and Public Lands Management Act of 1996, Congress passed the 'Kenai Natives Association Equity Act Amendments of 1996,' which authorized the KNA land exchange. KNA is an Alaska Native urban corporation based in Kenai, Alaska, established in accordance with the Alaska Natives Claim Settlement Act of 1971.

In addition to resolving a long-standing land management issue involving the Kenai National Wildlife Refuge, the legislation authorizes the creation of the Lake Totodoten Special Management Area to protect fish and wildlife habitat and subsistence activities on lands administered by the Bureau of Land Management (BLM). In accordance with the legislation, Secretary Babbitt today directed the BLM to begin planning to establish the 37,000 acre Special Management Area, immediately adjacent to the Kanuti National Wildlife Refuge, in the interior of Alaska, northwest of Fairbanks.

In 1980, Congress established the 1.4 million acre Kanuti Refuge to conserve fish and wildlife populations and to provide habitat for white-fronted geese, other waterfowl, migratory birds, moose, caribou and other species.

According to Diana Zirul, President of KNA, "the legislation will allow KNA greater flexibility to use our lands and will provide additional lands, including the Fish and Wildlife Service headquarters site in old town Kenai, important subsurface interests, and the necessary funding to promote the economic development of KNA's resources, while still respecting and preserving our heritage."

(more)

The agreement was reached in full partnership with the State of Alaska, with the support of Governor Tony Knowles. "Protecting the Kenai River is important to all Alaskans," Knowles said. "This is one of a series of gains to protect the Kenai River. A partnership of federal, state and local governments, along with the Kenai Natives Association, sport fishing groups, commercial fishing groups, businesses and private landowners has come together and, by putting the river first, we all benefit."

The agreement marks the conclusion of almost twenty years of discussions and negotiations between KNA and the U.S. Fish and Wildlife Service (FWS), the federal agency responsible for managing the Kenai National Wildlife Refuge. President Franklin D. Roosevelt set aside 1.7 million acres of land on the Kenai Peninsula to establish the Kenai National Moose Range in 1941. In 1980, Congress expanded the Moose Range to nearly 2 million acres and renamed it the Kenai National Wildlife Refuge.

In Alaska, the BLM manages 89 million acres of federal public land, including the White Mountains National Recreation Area and the Steese National Conservation Area, as well as 952 river miles protected under the National Wild and Scenic Rivers Act.

Congress passed bi-partisan legislation in 1992 directing Secretary of the Interior to enter into expedited negotiations with KNA to reach an agreement to provide for the exchange or acquisition of lands. Negotiations conducted in accordance with the 1992 legislation led to the agreement that was codified in the 1996 legislation.

Under the terms of the 1996 legislation:

- o The U.S. Fish and Wildlife Service would acquire 3,254 acres of land on the Kenai River and the Moose River, for inclusion in the Kenai National Wildlife Refuge, for \$4.4 million. As part of the EVOS small parcel habitat protection process, the *Exxon Valdez* Oil Spill Trustee Council has agreed to provide \$4.0 million from the civil settlement fund. The three federal trustee agencies provided the balance of funding from the federal restitution fund.
- o The land acquisition package includes the Stephanka Tract, an 803 acre tract which was ranked among the highest value small parcels for the benefit of species injured by the 1989 *Exxon Valdez* Oil Spill. To protect the important archeological and cultural values of the Stephanka Tract, the legislation directs the Interior Department to nominate the tract to the National Register of Historic Places.
- o To provide KNA with additional opportunities for economic development, Congress authorized the federal government to convey to KNA a five acre refuge headquarters site from the FWS in old town Kenai as well as important subsurface rights, with the exception of coal, oil and gas rights, beneath KNA's retained lands. The legislation also authorizes the Secretary of the Interior to amend the Kenai Refuge boundary to exclude privately-owned KNA lands from the Refuge and to lift development restrictions, which were imposed by the Alaska Natives Claims Settlement Act, from KNA's lands. KNA will retain a significant land base of approximately 20,000 acres following the implementation of the agreement.
- o To compensate for the removal of restrictions on the private land currently in the refuge, Secretary Babbitt today directed the BLM to begin the initial planning for the new Lake Totatonten Special Management area and to establish an eleven-member committee. The committee will include individuals from the villages of Alatna, Allakaket, Hughes and Tanana, as well as representatives from the Doyon Corporation, the Tanana Chiefs Conference and the State of Alaska.

RECEIVED

MAR 19 1997



WOLF TRAP HILL FARM  
22 WINTER STREET  
MIDDLEBOROUGH, MA 02346

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Honorable Tony Knowles  
Governor  
P.O. Box 11001  
Juneau, AK 99811

12 March 1997

Wolf Trap Hill Farm

Dear Governor Knowles:

Both my father and his eldest brother traveled to Alaska in the last decade of the 1800s, attracted by your beautiful wilderness and the diversity and abundance of wildlife. My father was unable to stay but my uncle remained in the Ketchikan area until he was an old man.

I, too, have visited Alaska, timing my travels to coincide with the concentrations and migrations of wildlife, particularly birds. One of my favorite memories is of time spent on the Kenai Peninsula, searching for shorebirds on the Homer Spit and taking boats from there to find seabirds we never see here on the East coast. The area is well-known to increasing numbers of ardent birdwatchers who travel world-wide seeking bird concentrations such as are found in Homer.

Need I point out that birds have become BIG BUSINESS? Birders generate billions of dollars of economic activity wherever birds are found in predictable numbers. And they are a renewable resource as long as their needed habitats are preserved. Increased bird populations ensure a variety of recreational opportunities and economic benefits to nearby communities, as long as the birds continue to come at traditional times.

I understand that the Trust for Public Land, the City of Homer and the Lachemak Heritage Land Trust are working to obtain some key pieces of private land from willing sellers in the Beluga Slough and along the Spit. Funds obtained through the Exxon Valdez Oil Spill Trustee Council have been used already for several valuable land acquisitions in other places, but the opportunity to protect the Beluga Slough and the Homer Spit has arisen only recently and must be acted upon quickly.

Intertidal resources suffered badly as a result of the oil spill. This opportunity to preserve tidelands along the spit and slough must not be allowed to slip away for this habitat and the flora and fauna it supports will, if preserved, support high-quality recreation indefinitely for as long as local communities can provide accommodations for the thousands of Alaskan residents and visitors who will seek such beauty. Renewable resources provide for much more stable economies than do the traditional boom-and-bust cycles that accompany resource extraction.

On behalf of all who love Alaska, both residents and non-residents, please do what you can to encourage and accomplish this opportunity to restore intertidal resources through habitat acquisition and thus make something of permanent benefit result from the tragedy of the infamous Exxon Valdez oil spill.

Very truly yours,

*Kathleen S. Anderson*  
Kathleen S. Anderson

cc: Exxon Valdez Oil Spill Trustee Council



Dear Trustee Council,

May 3, 1997

My name is Jennifer Rose Smith.

I am an "8" year old Eyak Indian.

and I am writing you because I don't want you to

Buy my land around Eyak Lake, Eyak River, and Power Creek.

If you do, not only me but a whole bunch of other  
People will be Sad!

Please don't take our land away from us!

Signed, Jennifer Rose Smith

RECEIVED  
MAY 6 1997

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Po box 251

Cordova, Alaska 99574