

11-08-10

PUBLIC COMMENT RECEIVED FY 98 DRAFT WORK PLAN

98348: River Otter Response to Oil	Stacy Studebaker, Kodiak	Do not support	Written comment
	W.D. Burrows, Fort Detrick, MD	Questions	Written comment
	Cindy Lowry, Alaska Wildlife Alliance	Do not support	Written comment
	Linda Feiler, Anchor Point	Do not support	Telephone log
Herring program (in general)	Carol Jensen, Anchorage	Do not support	Written comment
Habitat acquisition	Carol Jensen, Anchorage	Do not support	Written comment
Spruce bark beetle remediation	Clarence Petty, Canton, New York	Support	Written comment
	Chad Converse, AK Society American Foresters	Support	Written comment
	Senator Loren Leman	Support	Written comment

ALSO ATTACHED -- PUBLIC ADVISORY GROUP MOTION ON THE FY 98 WORK PLAN:

Motion to adopt the Executive Director's recommendation was agreed to by all with the following exceptions: Torie Baker would like 98166 (Herring Spawn Deposition) funded, Stacy Studebaker would like more information on Project 98348 (River Otter Response to Oil), Chip Dennerlein would like Project 98339 (PWS Human Use Model) funded, and Pam Brodie would like Project 98314 (Homer Mariner Park) funded in August.

Carol Jensen
4800 East 112th Avenue
Anchorage, AK 99516-1612
(907) 346-3321

98007A, 98340,
98339, 98348,
herring

July 19, 1997

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

RECEIVED
JUL 23 1997

**EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL**

RE: Latest Round of Proposals for Spending the Money

I am opposed to the following projects being funded with money from this fund:

1. \$85,000 to UAF for Resurrection Bay buoys. If they haven't gotten sufficient data in the past 27 years on El Nino and other occurrences, they won't get anything enlightening by doing this with new buoys for the next 27 years. Research projects are supposed to be conducted in order to yield valuable, workable information to preserve or enhance wildlife and habitat. Since we can't do anything about how El Nino "may or may not" affect fisheries, further study is pointless. 98340

2. \$144,000 to the U. S. Forest Service to see what parts of Prince William Sound are most used by people. The tourist businesses and local residents will give you this information for free. Hunting and Fishing statistics are on file with the Fish & Game Dept. Of course, that information is based on the "honor system"; you can probably figure more killing of marine and land wildlife is occurring and not being reported. However, the "study" would only include information that is already known or can be obtained, as stated above, for free. 98339

3. My strongest opposition is against the capturing and feeding of oil contaminated food to river otters. The government and private enterprise has had countless opportunities to study oil's effect on otters and every other form of wildlife during and after the spill. The council has already funded studies that involved collecting healthy otters and other wildlife and subjecting them to cruel, unnecessary tests, resulting in the deaths of these animals. How many thousands of otters who ate oil contaminated food need to be studied and what different, suprising results do they expect to gain by wasting more money and causing more animals trauma and suffering? Enough is enough! What positive results will this study produce that will be of direct benefit to the otters? I would say absolutely none. 98348

4. \$145,000 to check archeological sites for damage. What would be the enhancement or improvements that would result from this waste of money? So you look at some sites and say "yes, they've been revisited" or "no, they haven't". How does that benefit the wildlife or habitat or even mankind? Nothing positive will be done with this knowledge. 98007A

July 19, 1997

5. \$2.6 million to do MORE studies on herring. Studies have been going on for years and have proven what we knew at the time of the spill....that herring populations were decimated and will take decades to recover, if ever. This in turn is adversely affecting all the other wildlife on up the food chain. This is logic...it doesn't take millions of dollars to figure it out. The question is, can man do anything to speed up the recovery? If so, money should be spent to DO that, not just STUDY more.

Herring

Overall, I believe that the spill funds have been wasted on repetitive research that only attempts to "justify" the salaries and positions of numerous biologists, scientists, consultants, research firms, and a myriad of other workers, just to keep them employed. Very little if any new knowledge comes from most of these repeated studies that translates into positive benefit for wildlife and marine life.

The money should be spent on actual habitat and species enhancement and protection.

Thank you for your attention.

Carol Jensen
Carol Jensen

98052A-B

TATITLEK VILLAGE IRA COUNCIL

P.O. Box 171
Tatitlek, AK 99677Ph. (907) 325-2311
FAX (907) 325-2298

July 14, 1997

Ms. Molly McCammon, Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 300
Anchorage, AK. 99503

RE: EVOS Project 98-052A/98-052B

Dear Ms. McCammon,

Greetings from "God's Country", I hope that this letter finds you well.

I am writing today with regard to Project Numbers 98052 A and B.

First I apologize for missing the Project Review Session that was held last Wednesday, July 9, 1997. My wife had surgery scheduled for that day and I felt that it was more important to be with her. I hope that you will understand and will accept my comments regarding the projects.

Project Number 98052 A provides for community involvement in the restoration process. Many times the general public does not have sufficient information to assess a specific project that has been funded through the restoration process. Project Number 98052A provides an avenue for the public to be educated on a specific project and provide input and become more involved. This is especially important in the Native community where a project might affect their lifestyles that are tied so directly to many of the resources that are being restored.

The Spill Area-Wide Coordinator position is key to the success of the project. This person is the tie between the Community Facilitators and the Restoration office. Unfortunately, this year we did not have a Coordinator full time. This affected the ability to do the job properly in the communities. The entities involved in the project (CRRC, ADFG) are working very hard to get the position filled. Once this is done, I am positive that the project will once again be on track and provide the much needed communication between the village and the Restoration Office. We hope that this project will be funded to the requested level.

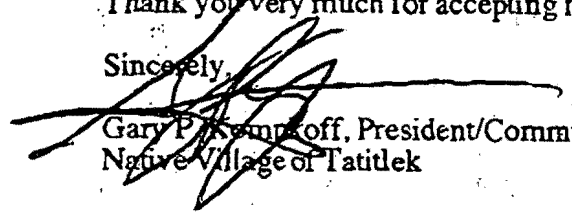
Project Number 98052B allows the Native Community and the Restoration Office to show what an important aspect that Traditional Knowledge can be to scientific research. As Native peoples, I believe that we have a wealth of information regarding our surroundings that could be very valuable to western science and ongoing restoration research. Leaders of the spill affected communities have worked hard with the Restoration Office to set this project up. There are many ways that we believe that the knowledge that has been passed from generation to generation can benefit everyone, not just the researchers, but also the people who have been the most directly affected by the ruins that the oil spill caused. The goals that we have are the same in many ways-lets work together to reach those goals. The entire system will be better for it.

From what I can understand, the original proposal for Project Number 98052B requested \$98,800.00. This was later reduced to \$60,356.56 and then revised to \$75,000 to allow for more direct involvement of the Alaska Department of Fish and Game (Subsistence Division). I understand that the recommended level of funding was reduced even more to \$41,500.00. I cannot see how this project will succeed with this level of funding. From what I can see, this will make it almost impossible to accomplish the work in the project proposal. I hope that funds will be restored at least to the \$75,000. level, this will allow for more meaningful participation by the entities that must be involved if this project is to succeed. We value the input and involvement of the Subsistence Division of ADF&G in this project, the expertise that they have is necessary in many areas of the project scope.

Again, my apologies for missing the recent meeting between the Restoration Office staff and the Community Involvement Facilitators and staff.

Thank you very much for accepting my comments. Take care.

Sincerely,


Gary P. Nemo, off, President/Community Facilitator
Native Village of Tatitlek

98052A

CHENEGA BAY IRA COUNCIL

P.O. BOX 8079 CHENEGA BAY, ALASKA 99574-8079 PHONE (907) 573-5132 FAX (907) 573-5120

July 18, 1997

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

Dear Molly: CHENEGA BAY IRA COUNCIL

I was pleased to have sat in on the review session, July 8 & 9, on Project 052B/Traditional Ecological Knowledge, and to hear the comments made by the Community Facilitators from villages in the Prince William Sound and Kodiak Regions. The project, by all indications, is working and successful! And we have the EVOS Trustee Council to thank. Seeding this project was an excellent move.

Members of the Chenega Bay IRA Council and students from the Chenega Bay Community School, I want to again share with you, have gained tremendous insight as to the value of having a facilitator in the TEK program here. We have collected, sampled, stored and reported on such things as seals, ducks, bottom fish, bears and chitons as participants for over a year now and the experience has been an eye-opener! Interviewing and data collecting is not enough though as we try to stay focused on the need to work with the researchers in the restoration process. Training, mapping and monitoring must continue in the Chenega Bay area. With the amount of residual oil remaining on our beaches, the jury is still out as to the lethal effects of oil in our ecosystem. There is a definite added value of having a facilitator living here. The position provides the scientists and researchers broader, more comprehensive sense of what is happening year round with our resources.

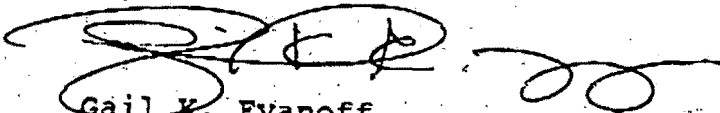
It is true what is said, that local, indigenous people have a special relationship with their environment, by virtue, of their long-term connection with the land and waters. It is to that end, Molly, that the Chenega Bay residents wish to continue working together in an atmosphere of mutual respect with researchers and scientists to ensure that we have a role in the restoration process.

Page 2 Molly McCammon

I urge you to give strong consideration for full funding support to the proposal which was submitted by CRRC on behalf of the Chugach villages. We feel that this project demonstrates a very positive result by working with villages hit hard by the Exxon Valdez Oil Spill. And, we are looking forward to continued growth and going forward with the project in the coming years.

Thank you very much.

Sincerely yours,



Gail K. Evanoff
President

CC: Chenega Bay IRA Council-members
CRRC

RECEIVED

JUL 14 1997

98/00

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

July 11, 1997

From: Rod O'Connor, Program Director, KMXT Kodiak
To: Molly McCammon, Exxon Valdez Oil Spill Trustee Council

Subj: ALASKA COASTAL CURRENTS

Dear Ms. McCammon:

For the past couple of years, since it's inception, KMXT Kodiak has been pleased to air ALASKA COASTAL CURRENTS, produced by Jody Sykes of Cordova.

I have been most impressed with the quality and information provided in these two-minute features. I have had several comments from our listeners over the past year who have conveyed a similar enthusiasm for the show.

I presume Ms. Sykes is planning on continuing the series, and I hope the shows continue for some time into the future. At the present time, KMXT only airs ALASKA COASTAL CURRENTS once a week; on Sunday afternoon, due to the limited number of episodes. Eventually, I would like to make the show a daily feature, provided there are an ample supply of shows.

The reason I have found the shows to be quite useful to our audience is the talent Ms. Sykes has for condensing as much information into a two-minute frame. The features take a middle-of-the-road approach to the spill, without resorting to whining, or blaming anybody for the spill. Instead, we get the facts, straight and simple, without a lot of self-serving commentary.

KMXT, as you may not be aware, serves not just the city of Kodiak but all of the villages on Kodiak Island through an elaborate system of translators and repeaters. So, ALASKA COASTAL CURRENTS can be heard by the hundreds of Native-Alaskans in the villages who were most effected by the spill, and to whom these features should be most directed.

Again, I believe that ALASKA COASTAL CURRENTS are a fine addition to our program line-up. I hope that the shows continue to be produced. I also strongly recommend them to other stations around the state.

If I can provide any further information or suggestions for these features, please feel free to contact me here at KMXT.

Sincerely,


Rod O'Connor, Program Director

907-486-3181
FAX 907-486-2733



Cordova District Fishermen United

P.O. Box 939
Cordova, Alaska 99574
(907) 424-3447 FAX (907) 424-3430

July 17, 1997

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

RECEIVED
JUL 21 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Sent via facsimile to (907) 276-7178

Dear Ms. McCammon:

Cordova District Fishermen United strongly urges the Exxon Valdez Oil Spill Trustee Council (EVOS TC) to fund Project 98166, Herring Natal Habitats, for the full \$189,700 requested by the Alaska Department of Fish & Game (ADF&G) project leader Mark Willette. These monies would be used to fund the herring spawn deposition survey, overhead costs and most costs of the project close-out of this multi-year study.

In a letter to Mr. Willette dated January 11, 1996, you wrote a proposed schedule for the project which would transit funding to non-Trustee sources by FY 99. In this letter you implied that the EVOS TC would fund the project during FY 98 at a level of \$150,000 if steps were taken by Mr. Willette to start the transition of funding expected by the Council. Mr. Willette did as requested only to find out that, now during fund allocation decisions for FY 98, the spawn deposition survey, an integral part of the project, is not being funded.

CDFU has been a player and strong supporter of the Herring Natal Habitat study and sees the project as an extremely important part of the restoration of herring stocks damaged by the EVOS disaster of 1989. The findings of the spawn deposition study are significant in determining the accuracy of population estimates due to problems encountered with the hydroacoustic surveys. Until these problems can be rectified or supplemental funding is found, support from the EVOS TC is vitally necessary.

The Prince William Sound (PWS) herring stocks have yet to fully recover. Any reduction in management precision when the population is just over the productivity threshold could lead to inappropriate harvest levels, causing a delay in resource recovery. Mr. Willette has shown the difference in forecast between the spawn deposition biomass estimates and the model driven by age composition. This kind of specificity is crucial to intelligent decision-making based on full completion of the project.

The study of herring populations in the PWS is extremely sensitive at present and reduction of funding would be devastating to the herring management program. I would remind the Council of the original intent for funds: **RESTORATION OF IMPACTED AREAS!**

CDFU implores the EVOS TC to rethink their position on funding Project 98166, Herring
Natal Habitats and allocate the full \$189,700 to the study. If I can answer any questions or
be of help to the Council, please do not hesitate to contact me at the CDFU office. Thank
you for your consideration.

Sincerely,

CORDOVA DISTRICT FISHERMEN UNITED

Cheri Shaw

Cheri Shaw, Executive Director

cc: Mark Willette
Commissioner Frank Rue
John Hilsinger
Claudia Slater
Governor Tony Knowles
Lt. Governor Fran Ulmer



Cordova District Fishermen United

P.O. Box 939
Cordova, Alaska 99574
(907) 424-3447 FAX (907) 424-3430

June 24, 1997

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

Sent via facsimile to (907) 276-7178

Dear Ms. McCammon:

The Board of Directors of Cordova District Fishermen United (CDFU) wish to express our strong support for funding the otolith project at the requested \$141,100 level for fiscal year 1998. The early close-out of the code wire tag project will save the EVOS Trustee Council over \$150,000 in FY98. This means that the otolith project will be providing all the information for management of the Prince William Sound (PWS) pink salmon fishery after this summer. As you know, the pink salmon fishery provides the major source of income for the purse seine permit holders in PWS. These fish are *most valuable* when they are first entering PWS. It is critical that management be able to identify wild and hatchery stocks in order to allow our fishermen to begin harvesting as soon as the hatchery stocks can be targeted.

I understand that the original projected request for the otolith project was \$108,400. However, that budget projection was made prior to the decision to close-out the code wire tag project one year early. It seems to me that a \$32,700 increase in the otolith budget is not only justified, but is extremely economical for the Trustee Council considering the savings being made from the early close-out of the code wire tagging project. This is a small price to pay to insure that the oil damaged wild pink salmon stocks can be protected and allow the hatchery stocks to be targeted for the common property fishing fleet. It would not only benefit the economy of Cordova, but all the PWS communities.

As a final thought, let us remember the intent of the funds distributed by the Trustee Council - to study, rehabilitate and restore the oil impacted areas. This project falls directly into those categories and should seriously be considered for additional funding to complete it correctly.

CDFU urges you to consider the impact on our fishermen and PWS communities when you make decisions on projects that can have serious repercussions on our fishing fleet. If you have any questions, please do not hesitate to contact me at the numbers provided above. Thank you for the opportunity to comment on this important issue.

Sincerely,

CORDOVA DISTRICT FISHERMEN UNITED


Cheri Shaw, Executive Director

cc: Tim Joyce, Cordova ADF&G
Commissioner Frank Rue
Governor Tony Knowles

98183
RECEIVED
JUN 30 1997

**EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL**

98210

April 21, 1997
P.O. Box BSW,
Cordova, AK 99574

RECEIVED
APR 28 1997

Molly McCammon
Executive Director
Exxon Valdez Oil Spill Trustee Counsel
645 G Street,
Anchorage, AK 99501

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Ms. McCammon:

I am writing to thank the council for their continued support of the Youth Area Watch program.

I have participated in this program as a Chugach School District high school student for the last two years now. I wanted to tell you about my learning experiences in this program. This year, as a second year student in the program I attended herring collection training sessions both at the University of Alaska Fairbanks and aboard the *Pacific Star* near Chenega. I also am continuing the mussel collections at my home on Hinchinbrook Is. I have carried on for the last three years. No doubt though, the highlight of this year's YAW activities for me was presenting at the Restoration Workshop in January along with several other students in the program on our activities.

Personally, I know I have gained much insight into the scientific process and careers through these activities and I think this is a great way to bring school and science "to life" for we students around Prince William Sound.

Thank you for your continued support of these learning experiences.

Sincerely,

Even R. Evanson

Even R. Evanson

Exxon Valdez Oil Spill Trustee Council

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



May 23, 1997

Even R. Evanson
P. O. Box BSW
Cordova, AK 99574

Dear Even:

Thank you for the nice letter describing your learning experiences with the Youth Area Watch project.

I feel that the Youth Area Watch has been a successful means of involving local communities in the restoration process, as well as providing unique opportunities for students such as yourself to see firsthand the scientific process and scientists at work. I am recommending that the Trustee Council fund the project again in 1998. The Council's vote on which projects to fund for 1998 is scheduled for August 6, and I am quite confident that they will accept my recommendation and vote to continue the Youth Area Watch project.

By the way, I really enjoyed the presentations you and the other Youth Area Watch students made at our Annual Restoration Workshop!

Sincerely,

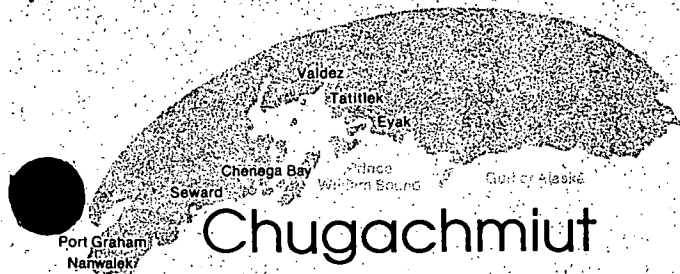
Molly McCammon
Executive Director

98324
98236

RECEIVED

JUN 17 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL



June 11, 1997

Exxon Valdez Trustee Council
645 G St. Ste. 401
Anchorage, Alaska 99501

Dear Council Members:

Chugachmiut, the non-profit service agency for Natives of the Chugach Region would like to offer this letter of support to the Alaska Native Harbor Seal Commission and their endeavors. The Community Based Harbor Seal Research Proposal #98324BAA and the Proposal #98236 for the Marine Resource Exhibit for the Alaska Sealife Center in Seward are prime examples of the type of ground level involvement needed to facilitate self sufficiency and self determination in our people.

Being part of the research team that will collect data on the Harbor Seal population will allow Native residents, both young and old, the opportunity to study the more technical areas of marine mammal management. Extensive research is needed to protect this important resource for all people of Alaska. The Marine Resource Exhibit is an excellent venue for increasing the understanding and knowledge of Alaska Natives, our heritage and continued lifestyle. Such an educational display could contribute greatly to the tourism industry in our state.

Sincerely,

A handwritten signature in dark ink, appearing to read "Larry Evanoff".

Larry Evanoff, Chairman

ds



98252

907-486-3910
Box 991



Kodiak, Alaska
99615

FAX 486-6292

June 6, 1997

RECEIVED
JUN 10 1997

Ms. Molly McCammon
Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, Alaska 99501-8012

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Ms. McCammon:


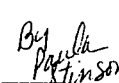
Alaska Dragger Association supports the research proposal recently submitted by ADF&G, project number 98252, to the Exxon Valdez Oil Spill Trustee Council.

We are especially interested in the Pollock portion of this project. We believe there is a general migration of Pollock larva from East to West. We feel for management decisions we need to know where the parent schools of Pollock occur. The data collected and lessons learned from this project will be very useful in the Bering Sea as we continue our negotiations with Russia in the Bering Sea Pollock fisheries.

If you should have any questions please feel free to call.

Sincerely,


Al Burch
Executive Director

 By 
Jay E. Stinson
President

c: Claudia Slater
Trustee Council Coordinator

Harvesting Alaskan Shrimp and Whitefish



98278

"The mission of the Council is to ensure the safe operation of the oil terminals, tankers, and facilities in Cook Inlet so that environmental impacts associated with the oil industry are minimized."

June 10, 1997

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

RECEIVED
JUN 19 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Ms. McCammon,

This letter is a recommendation by the Cook Inlet Regional Citizens Advisory Council (RCAC) to the *Exxon Valdez* Oil Spill Trustee Council to fund the proposal "Development of an Ecological Characterization and Long-Term Environmental Monitoring Program for Kachemak Bay." The ADF&G submitted this multi-year proposal for consideration in the FY 98 budget.

As you know, the Cook Inlet RCAC is a citizen's oversight council for oil industry operations in the Cook Inlet region, and was established according to Section 5002 of the Oil Pollution Act of 1990 (OPA '90). This act also established an Environmental Monitoring Committee (EMC) mandated to "...devise and manage a comprehensive program of monitoring environmental impacts of [oil industry] operations..." in the Cook Inlet region. In developing our monitoring program, we noted a lack of integrated ecological data from Cook Inlet and that "comprehensive" monitoring of the inlet can only occur with the coordination of researchers from agencies, industry, and universities.

We hope that the Trustee Council continues to fund valuable research, such as the APEX study, in all areas impacted by the Exxon Valdez oil spill. However, additional information and data synthesis are needed in most areas outside of Prince William Sound. The Kachemak Bay proposal has two main objectives; to develop an ecological characterization for assisting in the restoration efforts of this oil impacted area, and to design a long-term monitoring program. The compilation of information on the Kachemak Bay ecosystem, will provide essential information to all researchers and managers in the area. During this process, information gaps can be identified, providing direction for future research and monitoring needs.

Thank-you for this opportunity to encourage the Trustee Council to fund the above mentioned Kachemak Bay proposal.

Sincerely,

Al Hastings
President, Cook Inlet RCAC

CC: Glen Seaman, NERRS Coordinator, ADF&G
Bob Spies, Chief Scientist, EVOS Trustee Council

98278

Pratt Museum

Homer Society of Natural History, Inc.

3779 Bartlett Street, Homer, Alaska 99603

Via Facsimile to: 907-276-7178

From: 907-235-2764

Molly McCammon
Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 100
Anchorage, Alaska 99501-3451

July 15, 1997

2 Pages

Re: FY98 Project Proposal 98278, *Ecosystem Synthesis*

Dear Molly:

I'm writing to urge you to reconsider your recommendation to not fund the ADF&G Kachemak Bay Ecosystem Synthesis project. Having just received a copy of the new EVOS/ADNR/NOAA Research and Restoration CD-Rom, I was reminded how much something similar is needed for the state's premiere critical habitat area. There are at least 5 strong reasons to fund the project now:

1. The project has been downscaled from \$144,000 to \$50,000.
2. Criticisms cited in the Draft Work Plan have been addressed during the project's revision.
3. This project is an important priority for ADF&G.
4. There is significant public support for the project.
5. EVOS funding of this project will attract significant additional underwriting and in-kind contributions.

In June, Howard Hughes Medical Institute awarded the Pratt Museum \$175,000 in partial support of *Kachemak Bay Discovery*, a new collaborative marine science education program. ADF&G is a partner in the project along with local public schools and many other government and private organizations. Important elements of *Kachemak Bay Discovery* include involving students in a long-term monitoring program and in development of an ecological characterization of Kachemak Bay (not unlike the Youth Area Watch Program in PWS). The ADF&G proposal would supply a vital element of support for this regional collaboration, while benefiting from the support and resources of other partner organizations like the Pratt. Such a collaboration will make for efficient use of resources and will help avoid duplication of efforts, tying in nicely to the developing NERR site in Kachemak Bay.

-- more --

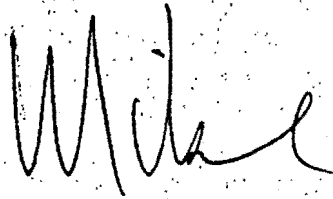
-- page 2, Mike O'Meara --

Programs like the NERRS and *Kachemak Bay Discovery* proposals enjoy great public support in the Kachemak Bay area because those most familiar with the region are convinced of the need for a more coordinated approach to scientific research and education. Many would agree that development of an ecological characterization of the Bay is a logical place to begin. Local people realize that for all its majesty and productivity, the Bay is showing many signs of stress and is increasingly at risk from a growing variety of human activities. While different than PWS, there were a variety of impacts from the Exxon Valdez oil spill still affecting the Bay. An ecological characterization would provide a useful tool in examining and responding to these things. For this reason, the ADF&G proposal seems to fit well within the mission of the EVOS Trustee Council and it would apply a similar standard to both Kachemak Bay and PWS.

While we believe along with other *Kachemak Bay Discovery* partners that long-term monitoring of the Bay is an appropriate element of the recovery and restoration process, we can still support the revised ADF&G proposal. Taking the initial steps required to develop an ecological characterization of Kachemak Bay is probably the greater priority from our point of view. There is a great deal of appreciation in the Kachemak Bay area for EVOS Trustee Council support of such projects as the purchase of "Overlook Park." However, it sometimes seems that the Bay is something of a poor stepchild, with the bulk of restoration and recovery effort directed to other parts of the spill area. We trust that you do not see this region in that light and hope you will consider recommending funding ADF&G project 98278 at the reduced level of \$50,000.

Thanks for your consideration.

Sincerely,



Mike O'Meara
Special Projects Coordinator

cc: Frank Rue
Stan Senner
Glenn Seaman



The Alaska Wildlife Alliance

98294

98327

98348

July 15, 1997

Ms. Molly McCammon, Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G St., Suite 401
Anchorage, AK 99501

Re: Draft Fiscal Year 1998 Work Plan

Dear Molly

On behalf of our 1600 members, I appreciate this opportunity to provide comments on the Exxon Valdez Oil Spill Trustee Council's Draft Work Plan for Fiscal Year 1998.

The Alaska Wildlife Alliance has been involved with marine and terrestrial wildlife issues for fifteen years and continues to advocate for healthy, naturally diverse wildlife populations and habitats in Alaska. We certainly appreciate the amount of effort that has gone into the development of the proposed funding projects and your overall mission to fund activities to restore the natural resources injured by the 1989 Exxon Valdez oil spill.

It was my understanding that the Trustee Council had formulated a policy that said there should be no lethal take or harmful disturbance of animals in the restoration process. I would like to see a copy of this policy or if this assumption is a misunderstanding on my part, would then request the Trustee Council to establish such a policy.

With that in mind, I was surprised to see some of the proposed research projects entail intrusive and potentially lethal research methods which include capturing and subjecting wildlife to various exposure levels of oil contamination. Specifically, projects #98348 and #98327 associated with the Alaska SeaLife Center cause us great concern not only for the questionable validity of the proposed research but for the inherent risks to the wildlife impacted by the proposed methodologies.

We oppose project #98348 which would require the capturing of fifteen river otters, held captive, and injected with "sub-lethal" doses of oil. I assume eventually releasing these otters is also part of the plan, however, that aspect is not discussed. We are not convinced that this project would tell us anything that we don't already know, namely, that oil does have a detrimental impact on river otters. In addition, there is no way to determine what a sub-lethal dose of oil would be nor the harmful effects it could bring to any future offspring of these animals.

Likewise, we oppose project #98327 which would create nesting sites for pigeon guillemots below the SeaLife Center and inject their eggs with oil to study the effects. Again, this research is unwarranted for the same reasons as described in the above mentioned project.

Bonafide research projects should be determined by their utility and relevance. It is our hope that the Trustee Council would agree and fund only projects that seek to provide information that allows for effective wildlife management decisions or protective measures that facilitate the maintenance of wildlife populations or hopefully their growth.

While project #98294-BAA pertaining to pinniped response to diet is for the most part not recommended for funding, some of the references to captive harbor seals and sealions is cause for alarm. As I'm sure you are aware, both of these species are experiencing serious declines in their populations and it would be outrageous to subject these species to capturing for either research purposes or public display. In this case, there is a very thin line between gratuitous science and the SeaLife Center's economic need for captive marine mammals for display.

We thank you for this opportunity to comment on the draft work plan and encourage the Trustee Council to not fund research projects that are contrary to your mission at hand. Wildlife should not be harmed or lethally taken in the name of restoration.

Sincerely,


Cindy Lowry
Executive Director

RESOLUTION 97-16**RESOLUTION IN SUPPORT OF THE COMMUNITY BASED HARBOR SEAL RESEARCH PROPOSAL SUBMITTED BY THE ALASKA NATIVE HARBOR SEAL COMMISSION TO THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL APRIL 15, 1997**

WHEREAS, The Alaska Native Harbor Seal Commission (ANHSC) was formed by Federally Recognized Coastal Alaska Native Tribes to protect and conserve the harbor seal (*phoca vitulina*) as an important subsistence resource.

WHEREAS, The Alaska Native Tribes have a continuous relationship and dependence on the marine resources within the customary and traditional territory of the tribes from time immemorial.

WHEREAS, The Exxon Valdez Oil Spill (EVOS) caused extensive damage to the marine ecosystem and caused an interruption of the subsistence lifestyle of Alaska Natives.

WHEREAS, The harbor seal as a subsistence resource, was injured and has not recovered.

WHEREAS, The EVOS Trustee Council has been charged to administer \$900 million to restore the resources injured by the spill, and the reduced or lost services (human uses) they provide.

WHEREAS, During the January 1997 Restoration Workshop held in Anchorage, the keynote speaker addressed the need to shift the "burden of responsibility...the stewardship back to the people of Prince William Sound-the folks who did that job, largely unassisted, until march 24, 1989".

WHEREAS, The hunters of Prince William Sound have developed and designed a research project that utilizes their generations of knowledge, common sense, trained expertise of observance, skilled seamanship, as well as their historical geographical knowledge of area and weather conditions in an effort to aid in the recovery of the harbor seal. This proposal will; 1) Document seasonal distribution of harbor seals using traditional and local knowledge and scientific data. 2) Initiate a survey program to investigate seasonal habitat use. 3) Initiate a community observation program to document local marine occurrences.

NOW THEREFORE BE IT RESOLVED THAT Chugachmiut fully supports and endorses the efforts by the ANHSC in the "Community Based Harbor Seal Research" Proposal submitted to the Exxon Valdez Oil Spill Trustee Council dated April 15, 1997.

Dated this 6th Day of June, 1997, at the Board of Directors Quarterly Meeting where a quorum was present.

Signed: _____

Chairman

Doreen Schenkenberger
Secretary/Treasurer

**KODIAK AREA NATIVE ASSOCIATION
BOARD OF DIRECTORS**

RESOLUTION NO. 97-05

RESOLUTION IN SUPPORT OF THE COMMUNITY-BASED HARBOR SEAL RESEARCH PROPOSAL #98324BAA SUBMITTED BY THE ALASKA NATIVE HARBOR SEAL COMMISSION TO THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL APRIL 15, 1997.

We, Denise May and Connie Chya, the Chairperson and Secretary, respectively, of the KODIAK AREA NATIVE ASSOCIATION, a corporation, do hereby certify that we are the duly elected, qualified and acting Chairperson and Secretary of said Corporation and that the following is a true and correct copy of certain resolutions duly and legally adopted at a meeting of the Board of Directors thereof convened and held in accordance with the law and By-Laws of said Corporation on the 30th day of May, 1997 at which a quorum was present and that such resolutions are now in full force and effect and duly recorded in the Minutes of said Board of Directors Meeting.

WHEREAS, The Alaska native Harbor Seal Commission (ANHSC) was formed by Federally Recognized Coastal Alaska Native Tribes to protect and conserve the harbor seal (*phoca vitulina*) as an important subsistence resource.

WHEREAS, The Alaska Native Tribes have a continuous relationship and dependence on the marine resources within the customary and traditional territory of the tribes from time immemorial.

WHEREAS, The Exxon Valdez Oil Spill (EVOS) caused extensive damage to the marine ecosystem and caused an interruption of the subsistence lifestyle of Alaska Natives.

WHEREAS, during the January 1997 Restoration Workshop held in Anchorage, the keynote speaker addressed the need to shift the "burden of responsibility -the stewardship back to the people of Prince William Sound- the folks who did that job, largely unassisted, until March 24, 1989".

WHEREAS, the hunters of Prince William Sound have developed and designed a research project that utilizes their generations of knowledge, common sense, trained expertise if observance, skilled seamanship as well as their historical geographical knowledge of area and weather conditions in an effort to aid in the recovery of the harbor seal. This proposal will: 1) Document seasonal

distribution of harbor seals using traditional and local knowledge and scientific data, 2) Initiate a survey program to investigate seasonal habitat use, 3) Initiate a community observation program to document local marine occurrences.

NOW THEREFORE BE IT RESOLVED, that the KODIAK AREA NATIVE ASSOCIATION fully supports and endorses the efforts by the ANHSC in the "Community-Based Harbor Seal Research" Proposal submitted to the Exxon Valdez Oil Spill Trustee Council dated April 15, 1997.

IN WITNESS WHEREOF, we have signed this instrument and caused the corporation seal of said Corporation to be hereunto fixed this 30th day of May, 1997.


PERSON


SECRETARY

ATTESTED TO BY: 

TOTAL P.02

E.U.O.S. Trustee Council
Restoration Office
645 B. Street, Suite 401
Anchorage, Ak. 99501-3451

April 28, 97

98324

RECEIVED
MAY 14 1997

Dear Council Members,

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

I am writing in support of project #
98324 BAA community based harbor seal research.

I am a lifelong hunter and fisherman
from Prince William Sound. I was raised in
the village of Chenega and later moved to Cordova.

I was a founding member of the Alaska
Native Harbor Seal Commission. I have kept up
with the issues and research of harbor seals
through the workshops and efforts of the ANHSC.

I am a trained biosampler for the ANHSC,
for the Cordova area. I have also taught
traditional skills in the processing of seals to
the youth and other biosampling trainees.

It was my idea to survey the sound to
document data and count seals. It is the next
step for further involvement of hunters in
developing a restoration program. This project will
involve the traditional knowledge and expertise
of subsistence users and other community
members. Through years of traveling the Sound
I can provide historical perspective on events
related to the local environment.

This proposal will hire about 16 tribal members
through the spill region and it will contract

with 3 local boats. It will be a good step to train local natives to take part in the stewardship of the resources on which we depend for our cultural well-being. It is in our best interest to start up a community based research so that we can be part of any management decisions regarding harbor seals.

With the help of other hunters from Tatitleh and Valdez, we designed the routes and methods for the surveys. I believe that I am highly qualified for this type of research because I am out on the sound anyway as part of my subsistence hunting. I feel that I am qualified to collect and record data accurately and in a timely manner. With the help of biologist Ann Hoover-Miller the hunters can be very effective in this project.

As one who depends on seals as part of my diet, I am very interested in finding the causes of their decline and I am willing to help in their recovery.

Sincerely,
Jim Totomoff

98348

STACY STUDEBAKER
P.O. BOX 907
KODIAK, AK 99615
Phone: (907) 486-6498
e-mail: tidepool@ptialaska.net

TO: Dr. Robert Spies
Molly McCammon
Stan Senner

RE: Preliminary Draft of Executive Director's Recommendation-FY 98 Work Plan
Presentation at May 28th PAG meeting

Dear People,

6/8/97

Thanks again for the opportunity to be a member of the EVOS PAG. I have learned a great deal in my first few meetings and appreciate the complicated task you have. Being new to the group, I am struggling to get a pulse on the backgrounds, personalities, and agendas of the people involved and decide how I can contribute to the positive outcomes of the EVOS mission. As you know, I am a big supporter of public lands for habitat protection and future human recreation. Naturally, I support the habitat acquisition program and commend you on the hard work you have all done in orchestrating these land buy-backs and transfers.

There were a few things, however, that came up in the last meeting that did not sit well with me, so I feel that I need to express them in this way. Please know that I offer these observations and opinions in the spirit of constructive feedback.

First of all, in regard to Dr. Spies' presentation on the research proposals/recommendations for FY 98, I was amazed at how few questions were asked. I felt that the questions or comments I made were not answered seriously, especially concerning project #98348 Response of River Otters to Oil Contamination to be conducted at the new SeaLife Center in Seward. I asked Dr. Spies where these otters would be captured in the wild and I felt that his quip answer of "Kodiak" was rather insulting. He never did answer that question nor did he answer Eleanor's question about "Who knows what sublethal doses are?" Neither Eleanor nor I were given detailed, respectful answers.

I believe that this project should NOT be funded with EVOS money for the following reasons:

1. It is inhumane. I can't understand how you can justify killing more animals with EVOS money. It is rather hypocritical and contrary to the Trustee Council mission.
2. Specifically what scientific information could be gained from this that we

don't already know? Would any new information gained be worth the price of sacrificing more injured species? This kind of cold-hearted, antiquated science should NOT be associated with the Trustee's effort. We need to keep the science on a higher level, with the ecosystem work emphasis, showing the rest of the world that we are truly gathering knowledge in the spirit of restoration and setting a higher value on life than in the good old days when nobody thought twice about popping off great numbers of birds and mammals "all in the name of science."

3. The new SeaLife Center can't afford to have the negative publicity that could result from this project. Consider what the Humane Society did to the Iditarod!

4. Personally, I was planning to bring some of my biology students over to Seward on the ferry for a couple of days at the SeaLife Center but would not if that kind of research was going on there. I, as an educator, do not believe that young people should get that kind of impression of marine biological research. Perhaps it is a bit more realistic given the past than Orca Whales jumping through blazing hoops, but it just seems to me that EVOS has the opportunity to set a better example for 21st century biological science. I would be much happier to tell my students that you had the choice to conduct such research there and turned it down because it was inhumane and we can't afford to gain knowledge in that manner in this day and age.

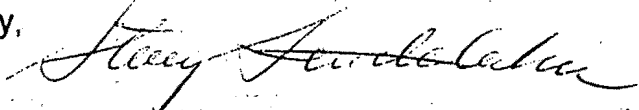
5. This is the sort of "science" the public would expect EXXON to do, not the EVOS Trustee Council.

Likewise, for the same reasons, I also feel that you should NOT fund #98327 the Pigeon Guillemot Research project, also to be conducted at the Seward SeaLife Center.

Instead of funding these two projects, you could re-direct these funds to working with the scientists who proposed # 98358 Tree Rings in the Exxon Valdez Spill Area: Ecosystem Implications for Injured Resources. The comments on the draft and in the PAG meeting were that you had problems with the scientific design of the project but recognize the importance of such a study. Why not work with these scientists to get the project you want? This could provide valuable historical climate data which could be available to all of the primary researchers trying to grasp for the "big picture". I would really like to see these data used by someone like John Anderson or Ted Cooney as another piece to the puzzles of population swings of fish species and oceanographic changes. This could offer more cutting edge science for your overall endeavor that I believe would get good, strong, positive public recognition.

Please feel free to call if you need any clarification on any of my comments.

Sincerely,



Stacy Studebaker

don't already know? Would any new information gained be worth the price of sacrificing more injured species? This kind of cold-hearted, antiquated science should NOT be associated with the Trustee's effort. We need to keep the science on a higher level, with the ecosystem work emphasis, showing the rest of the world that we are truly gathering knowledge in the spirit of restoration and setting a higher value on life than in the good old days when nobody thought twice about popping off great numbers of birds and mammals "all in the name of science."

3. The new SeaLife Center can't afford to have the negative publicity that could result from this project. Consider what the Humane Society did to the Iditarod!

4. Personally, I was planning to bring some of my biology students over to Seward on the ferry for a couple of days at the SeaLife Center but would not if that kind of research was going on there. I, as an educator, do not believe that young people should get that kind of impression of marine biological research. Perhaps it is a bit more realistic given the past than Orca Whales jumping through blazing hoops, but it just seems to me that EVOS has the opportunity to set a better example for 21st century biological science. I would be much happier to tell my students that you had the choice to conduct such research there and turned it down because it was inhumane and we can't afford to gain knowledge in that manner in this day and age.

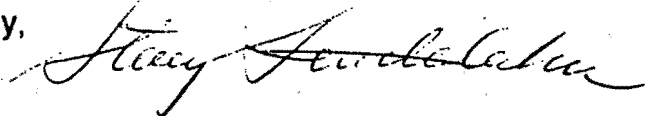
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Please feel free to call if you need any clarification on any of my comments.

Sincerely,



Stacy Studebaker

Exxon Valdez Oil Spill Trustee Council

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



June 27, 1997

Ms. Stacy Studebaker
P.O. Box 907
Kodiak, Alaska 99615

Dear Stacy:

Thank you for your letter of June 8, 1997 in regard to the recent Public Advisory Group (PAG) session on the FY 98 work plan. I am pleased to have you as a member of the PAG and look forward to your full participation as you grow more familiar with the work plan and process.

In regard to the presentation on the work plan, the level of comment and discussion on projects varies widely among meetings. There was not a lot of discussion at the May 28 meeting, and there may be several reasons why this was the case. Many of the PAG members have been through the work plan several times in some detail. To the extent that each year's plan builds on the prior year plan, these PAG members may have felt that they have raised their questions in the past and are generally comfortable with the plan's evolving content.

In regard to Project 98348, Response of River Otters to Oil Contamination, I am sorry that you think that your questions were not addressed nor taken seriously. Dr. Spies' comment about obtaining the otters in Kodiak was intended to be humorous, but I recall that someone then clarified that the otters were to come from unoiled populations in western Prince William Sound, which is the plan described in the Detailed Project Description.

My preliminary recommendation is to fund project 98348. This recommendation is in the *Fiscal Year 1998 Draft Work Plan*, which is now out for public comment. Following receipt of public comment and further discussions with the PAG, Restoration Work Force, Chief Scientist, and others, I will make a final recommendation to the Trustee Council, which is scheduled to take final action on August 6. Thus, there is much more thought that will go into these recommendations before the Trustees make a final decision. Comments like yours will be given serious consideration and shared with each of the Trustees.

Based on my current thinking, here are responses to your specific comments and questions:

(1) Project 98348 involves feeding oil-dosed food to river otters and testing their blood chemistry to calibrate the biomarkers that indicate oil exposure in wild otters. Most of the 15 test otters (all males) will be released unharmed back into the wild. Based on responses of mink to ingestion of oil, little, if any, physical injury is expected. It is possible that a few otters may stay permanently at the SeaLife Center. If any animal develops a debilitating injury, which the investigators think is unlikely to happen, it would be euthanized. If this project is carried out, all of the methods employed must be humane and approved by an independent Animal Care and Use Committee at the University of Alaska Fairbanks in compliance with policies recommended by the National Institutes of Health, the National Science Foundation, and the Scientists Center for Animal Welfare.

In regard to the justification for killing animals with EVOS money, it is Trustee Council policy to weigh the negative effects of any given project on injured resources and services. In some cases projects that involve the possibility of injury (e.g., surgical implants of radio transmitters; biopsies on killer whales; coded-wire tags on salmon) or mortality (e.g., lethal collecting of fish, invertebrates, and birds) have been authorized. The Trustee Council has policy guidelines specifically for evaluating requests to "collect" birds and mammals, and a copy is enclosed for your information. We do not think it is either hypocritical or contrary to the Trustee Council mission to occasionally sponsor work that involves mortality or possible injury to fish and wildlife, provided that the need is clear, the methods are as humane as possible, the affected population will not be compromised by removal of the sample individuals, and the restoration benefit is significant.

(2) The Nearshore Vertebrate Predator project (NVP\025), one of the Trustee Council's three ecosystem-scale initiatives, is exploring hypotheses of whether oil contamination, food supplies, or population structure continue to limit the recovery of four vertebrate predators, including the river otter. Based on biomarkers in blood samples of wild river otters, there is some indication of continuing exposure to oil. Unfortunately, there has never been any "dose-response" work in a controlled setting that enables the investigators to fully interpret the biomarkers found in the blood of wild otters. If indeed there is continuing oil exposure and if such exposure is affecting otter physiology (and therefore health and survival), this is an extremely important finding. If, on the other hand, the biomarkers found in the wild river otters are unrelated to oil, this too would be an important (and encouraging) result. The point is, the answer won't be known with certainty until we can give a small sample of otters a known quantity of oil and analyze

their blood chemistry. The same rationale applies for the pigeon guillemot work (98327), although oil is only a small part of that project and the experiment would be performed on nestlings from eggs hatched in captivity. The same work could be performed on chickens or white rats, but the relevance to wild otters and guillemots in the EVOS area would be nil.

There is nothing "antiquated" about the science proposed in these projects. The investigators are top-notch biologists and physiological ecologists, and their work is as contemporary and advanced as anyone's in the field. We all can agree that the Trustee Council-sponsored ecosystem studies are very important, but what you may not appreciate is that both the river otter and guillemot projects relate directly to and support two of these ecosystem studies, NVP and the Alaska Predator Ecosystem Experiment (APEX\163). In fact, without the proposed laboratory work, the ability to draw firm conclusions from some aspects of the NVP and APEX field work will be compromised. One should never be cavalier about scientific collecting nor experimentation, but there continues to be an appropriate role for this type of work in modern science.

(3) The Alaska SeaLife Center will have to decide for itself what types of research are appropriately carried out in this facility. However, much of what will be done there involves physiology and physiological ecology, which in some cases involves experimentation with and sampling of live animals. In fact, the main rationale for the Trustee Council investment in the SeaLife Center is the need for a facility in a northern marine setting where such work can be carried out. The SeaLife Center will be a unique facility that will complement and go beyond what can be done with field studies. In anticipation of having this facility available, the Trustee Council's *Invitation to Submit Restoration Proposals for Federal Fiscal Year 1998* specifically invites proposals on "the effects of nutrition or oil on the blood chemistry, physiology, behavior, and productivity of nearshore vertebrate predators."

(4) I hope that you will bring your students to the SeaLife Center, because I think it will be a remarkable institution that will showcase both the marine environment and marine research that is on the cutting edge in such areas as genetics, nutrition, health and disease, physiology, and energetics for fish, seabirds, and marine mammals. The research conducted at the SeaLife Center will be of many types, but in all cases we are confident that the researchers will be of high caliber, the work will be conducted with sensitivity and humanely, and the results will benefit the long-term conservation and management of northern marine ecosystems.

Page 4
Stacy Studebaker
June 27, 1997

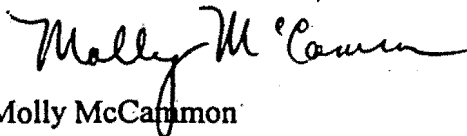
(5) I don't know how to respond to your comment that this is the sort of science the public would expect from Exxon. As far as I know, Exxon has done very little of this work, nor would one expect them to. They did some dose-response work immediately following the spill (e.g., feeding oil to tame mallards), but none of their work addressed key injured species, such as river otters and pigeon guillemots.

Specifically in regard to pigeon guillemots (98327), this project has several facets, only one of which is the effect of oil on nestling blood chemistry and growth rates. The oil facet of this work is important for the same reasons as the river otter work and should provide data that are very important in the interpretation of field data from the NVP and APEX (including Paul Anderson's work) projects. Based on prior oil dose-response work on nestling guillemots (not funded by the Trustee Council), the investigator for project 98327 is confident that he can experiment with oil doses that will cause no more physical harm to the young guillemots than reduced growth rates. One of the other facets of this project involves testing techniques to establish a new wild guillemot colony adjacent to the SeaLife Center, and I expect that this work will be especially popular with visitors and students.

As we discussed at the PAG meeting, there was positive interest in project 98358, Tree Rings in the *Exxon Valdez* Spill Area: Ecosystem Implications for Injured Resources. However, technical concerns about the project were significant and there is no urgency to initiating such work in FY 98. The principal investigator is welcome to try again by submitting another proposal in FY 99.

Thank you again for your comments. We will have another opportunity to discuss these at the PAG meeting scheduled for July 16. We look forward to seeing you then.

Sincerely,



Molly McCammon
Executive Director

MM/kh

cc: Dr. Robert Spies

98348

8 July 1997

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

The projects selected for funding in the Fiscal Year 1997 Draft Work Plan represent, for the most part, a sound commitment of resources, which should substantially promote the remediation of the contaminated area in particular and advance the science in general.

There is one project for which I would council reconsideration, namely Proj. No. 98348, "Responses of River Otters to Oil Contamination: A Controlled Study of Biological Stress Markers and Foraging Success." The widespread and increasing opposition to use of non-rodent mammals in laboratory studies should prompt caution in selecting river otters as research animals without the strongest justification. I have not, of course, been privileged to review the protocol for the study, but I wonder if the proposed research has been approved by the appropriate institutional animal care and use committee and if it otherwise meets the requirements of the 1985 Animal Welfare Act. I also wonder what useful information could be developed from assessment of toxic reactions of otters artificially exposed to different levels of oil, where the route of exposure may be inappropriate. If I were seeking biomarkers of exposure and investigating immunotoxic effects, I would start with a less controversial animal, such as a fish with a large toxicity data base or, if grooming is considered the major exposure route, I would use rodents. There is no real advantage in using otters if behavioral studies such as foraging success are not included. If resource recovery is the principal concern of this research, one would do better studying effects on animals exposed in the wild.

Thank you for the opportunity to comment on the Exxon Valdez Oil Spill program.

W.D. Burrows
USACEHR
Bldg 568
Fort Detrick, MD 21702-5010

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 1

To <i>Exxon Trustee Council</i>	From <i>W.D. BURROWS</i>
Dept./Agency	Phone # <i>(301) 619-2428</i>
Fax <i>(907) 276-7178</i>	Fax <i>(301) 619-2569</i>

NSN 7540-01-317-7388 5099-101 GENERAL SERVICES ADMINISTRATION

Restoration Office Response to Public Comment

PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Dr. W. D. Burrows	USACHER	(301) 619-2428	Bldg 568 Fort Dietrich, MD 21702-5010

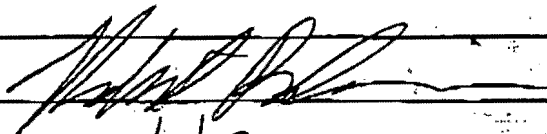
Add to mailing list? Yes ☒ No ☐ Newsletters only ☐ Technical Docs + ☐

Date of call: 7/10/97 Comment taker: DR. Robert Spies

Subject of comments: His comments on "Responses of River Otters to Oil Contamination: ... " (98348)

Comments:

Dr. Burrows was concerned with use of river otters and basically thought that perhaps a "less controversial" animal, such as a fish could be substituted. I explained that 1.) our primary reason for using river otters was to evaluate previous field work results with biomarkers, 2.) we thought there was little chance that the oil would be lethal to the otters. After hearing the context of the work in more detail he professed to understand the need for the project. I invited him to visit the Sealife Center and told him there will be an Animal Care Committee affiliated with the University of Alaska.


7/11/97

PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Linda Feiler			
Box 148,	Anchor Point	99556	

Add to mailing list? Yes ☐ No ☐ Newsletters only ☐ Technical Docs + ☐Date of call: 7-21-987 Comment taker: Sandra SchubertSubject of comments: Proposed Project # 98348 - River Otter
Response to Oil Contamination

Comments:

"Alarmed and outraged" at Trustee Council's
proposal to feed oil to healthy animals -it's
obvious oil kills river otters, and subjecting them
to further oil exposure constitutes animal abuse.
Funds should not be spent on this type of research

lands

6417 USH 11
Canton, N.Y. 13617
June 18, 1997

RECEIVED
JUN 23 1997

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

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Thank you for sending me a copy of the Fiscal
Year 1998 Draft Work Plan.

It is most important that funds expended for
the rehabilitation of the area impacted by the oil
spill has the maximum benefit for the long term
ecological health of the region.

Public lands allow the public to have a voice
in the management of such lands and therefore it
in the best interests of the public to have funds
expended on the purchase of as much land as possible.
Unlike expenditures for other purposes the acquisition
of lands or permanent restrictive easement provides
a permanent benefit that is not available otherwise.

The irrevocable damage sustained by the
fish and wildlife as well as the rest of the natural
environment is ample reason to continue holding
Exxon fully responsible into the future until the
results of their irresponsible behavior has been
paid for.


Clarence Petty



Alaska Society of American Foresters

Cook Inlet Chapter
Juneau Chapter
Ketchikan Chapter
Sitka Chapter
Stikine Chapter
Yukon Chapter

spruce
bark
beetle

July 15, 1997

To: Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, AK 99501 FAX: (907) 276-7178
Reference: Draft Fiscal Year 1998 Work Plan

From: *Chad M. Converse*
Chad M. Converse, Chair Alaska SAF

Subject: Comments on the Draft 1998 Work Plan

The EVOS Trustee Council's 1998 Work Plan should address the exploding spruce beetle epidemic which continues to destroy white and Lutz spruce forests important for many fish and wildlife species. Over three million acres of spruce forests have been devastated by the spruce beetle in the past three years with substantial losses within the Exxon Valdez Oil Spill area.

The Draft Plan should also report on the results of the FY 1995 Spruce Bark Beetle Impacts Project which was funded by the Trustee Council. The loss of white and Lutz spruce forest ecosystems would be detrimental to forest dependent species, some of which were species injured by the oil spill.

It does not appear that the EVOS Trustee Council is giving adequate attention to the protection and restoration of critical spruce forest habitat being threatened and destroyed by the spruce beetle. The Trustee Council should also address the spruce beetle's infestation within the Kachemak Bay State Park, including the spruce forests acquired with EVOS funds. Enclosed is a copy of a June 19, 1997 letter by Dr. Bob Wheeler, Extension Forestry Specialist which describes the extent of the infestation in the Homer-Kachemak Bay areas. The final FY 1998 Work Plan should address the urgent needs described in Dr. Wheeler's letter.

We look forward to the Trustee Council's consideration of this serious problem.

Enclosure: Dr. Wheeler's June 19, 1997 letter

June 19, 1997



Bob Wheeler, Ph.D.
Extension Forestry Specialist

Senator Ted Stevens
522 Hart Building
Washington DC 20510-0201

Dear Senator,

I was hired in April 1997 as the new statewide Forestry Extension Specialist for the Alaska Cooperative Extension program at the University of Alaska Fairbanks. My position includes responsibilities for providing needed education, extension, and research for the people of Alaska. As the sole forestry specialist for the state extension program I have a lot of ground to cover. I recently have been working with communities on the Kenai Peninsula and particularly with officials from the city of Homer to develop a Community Forest Resources Management Program. The spruce bark beetle has caused extremely high mortality (over 90%) of the Sitka and Lutz spruce forest to the east of the city and consequently have created a severe fire danger condition for the area. I hope to develop a community based forest resources management program that can be adopted by communities throughout the Kenai Peninsula which are likely to be severely impacted by the continuing expansion of the current spruce bark beetle epidemic.

The city of Homer is a beautiful setting with spectacular views of the Kachemak Bay and surrounding forested slopes. The character of the city is defined in a large way by the presence of spruce trees. Unfortunately, the older age and size of these trees makes them prime targets for attack by the bark beetle. There are a number of tree culturing options that can be tried to improve the vigor and resistance of these trees to attack but due to the extremely high numbers of beetles attacking individual trees it is difficult to say that we will be able to save any that are not sprayed with insecticide. With the severe mortality to the east of town, which currently has extended into parts of the city proper, it is a dangerous fire risk situation and the potential loss of homes and trees throughout the area is quite real. I have spoken with the Homer fire chief and he expressed a concern that the community may be seeing its appearance changed from that of a high spruce forest to one dominated by grasses and shrubs or hardwoods. This is where I believe a community forest resources management plan can help.

During a recent visit to the Kachemak Bay area to the east of Homer I noticed, in an area of near total tree mortality, there were a few large trees that appeared to be totally resistant to the spruce bark beetle attack. These trees are of the Lutz spruce hybrid (Sitka x white spruce) and are a unique varietal form of this hybrid which exhibits a smooth outer bark as opposed to the normal blocky bark found in most Sitka and white

Alaska Cooperative Extension
University of Alaska Fairbanks & USDA Cooperating
191 Arctic Health Research Bldg.
P.O. Box 756180 • Fairbanks, Alaska 99775-6180
Phone: (907) 474-6356 • FAX: (907) 474-6138


spruce trees. This observation matched similar reports of resistant trees being found in the Anchorage area. I find this to be a very exciting development. At this point in the continuing development of the current spruce bark beetle epidemic with such huge numbers of beetles annually damaging new trees we have very few options outside of heavy insecticide applications for protecting individual trees from being killed. The knowledge that we now have what appears to be a resistant variety of spruce to the bark beetle is very encouraging.

Through vegetative propagation (clonal propagation of rooted cuttings) of selected smooth bark trees of the Lutz spruce hybrid it would be possible to produce seedlings for replanting areas currently devastated by the bark beetle in the community of Homer. This empowers the people to be able to plan for a future for the city that would continue to have spruce as a dominant feature. Through vegetative propagation we should be able within two years to provide communities and land owners within the Kenai Peninsula area with bark beetle resistant Lutz trees. In order to develop these vegetatively produced seedlings it would be necessary to obtain financial support for this effort. I believe it would be well worth the effort to produce the resistant seedlings which would serve to signify an appreciation of the needs of these communities and provide for the development of the future forests and trees within communities of the Peninsula area.

If you can help us get the needed funding to develop these seedlings it would be greatly appreciated. When I spoke to the president of the Homer Chamber of Commerce about the existence of this resistant hybrid she was very interested and hoped that we might be successful in getting some assistance to develop these seedlings. It appears that nature has given us a gift in the battle against the beetles and our ability to utilize it promptly is dependent upon our ability to mobilize our funds and commitments. I will continue to work with the city of Homer to help them plan for the future forest resources of the city and other communities such as Seward which is facing imminent impact from the beetles which are presently attacking trees just a few miles from town.

My estimate at this time for the production of 100,000 rooted cuttings of resistant hybrid seedlings is about \$1.50 per tree or \$150,000. I would like to utilize the Plant Materials Center in Palmer and the new but currently unused State Greenhouse Facilities in Palmer. Once we have refined our technique for seedling production of the hybrid and produced this original lot of seedlings we would seek to turn over the technology to the local greenhouses in the Kenai area for production of future seedlings from private industry. I hope you can help us find funding for this much needed project. We could begin promptly with the collection of materials needed for the seedling production but we must act promptly as the summer field season will soon be gone. Your support for this program will be a testament to the future forests of the Kenai.

Sincerely,



Bob Wheeler



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189 Session: State Capitol, Juneau, AK 99801 (907) 465-2095

July 22, 1997

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

via fax: (907) 276-7178 (this page only)

re: Draft 1998 Work Plan

Dear Molly:

I was unable to attend the July 15 meeting of the Council to personally offer these comments on the draft 1998 work plan for the Council.

I have expressed to you my ongoing concern that the Council has focused a great deal of attention on acquiring habitat and not enough attention on research that will help Alaska in the long run.

The Council cannot ignore the continuing epidemic of spruce bark beetle damage to Alaska's forests and the fire risk that damage promises. Did the FY 1995 Spruce Bark Beetle Impacts Project estimate the amount of forested area within EVOS holdings that has been devastated by bark beetles in the last three to five years? How much do we know about spruce bark beetle damage in the habitat that has been so far acquired by the Council?

On the one hand, the Council wants to acquire forested areas that were planned for timber harvest to protect the habitat of species dependent on forest cover, and on the other the Council doesn't seem to have a plan to protect that cover by reducing forest loss and the risk of fire from spruce bark beetle damage. For example, how much of the Kachemak Bay State Park has been infested? Isn't it appropriate that EVOS funds be used for habitat restoration within the oil spill area?

Recent research by an Extension Forestry Specialist at the University of Fairbanks seems to indicate that beetle resistant trees could be a possibility. I encourage EVOS to consider funding for this type of research in the FY 1998 work plan so that Alaska's forests can rebound from the impacts of the beetle and the risk of fire can be reduced.

Sincerely,

A handwritten signature in cursive script, appearing to read "Loren Leman".
Senator Loren Leman

RECEIVED
JUL 25 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Exxon Valdez Oil Spill Trustee Council

Public Meeting on the FY 98 Draft Work Plan
Tuesday, July 15, 1997
7 p.m.

Restoration Office
645 G Street, Suite 401
Anchorage, Alaska

TRUSTEE COUNCIL STAFF PRESENT

Molly McCammon, Executive Director
Eric Myers, Director of Operations
Stan Senner, Science Coordinator
Sandra Schubert, Project Coordinator
Joe Hunt, Communications Coordinator
Rebecca Williams, Executive Secretary

PUBLIC ADVISORY GROUP MEMBERS PRESENT

Rupert Andrews, Chairman
Chris Beck
Jim King
Pam Brodie
Dave Cobb
Nancy Yeaton
Howard Valley
Stacy Studebaker
Chuck Meacham
Eleanor Huffines

PUBLIC TESTIMONY

Eileen Bechtol, Homer
Jerome Selby, Kodiak
Jack Cushing, Seldovia
Monica Riedel, Cordova

(Proceedings)

(On Record at 7:09 p.m.)

EILEEN BECHTOL, Planning Director, City of Homer: My name is Eileen Bechtol and I am the Planning Director for the City of Homer (COH). I will be speaking tonight about Project #98314, Homer Mariner park habitat Assessment and Restoration Design Project. The objective of this project is to develop an environmental assessment that will provide a feasible project to restore the intertidal area of Mariner Park, located at the base of the Homer Spit. The restoration project is to restore and rehabilitate the area in such a way as to increase, preserve, and protect a diverse feeding habitat for migrating shorebirds. Also, due to the fact that Mariner Park is on the flight approach to the airport, the plan will address the issue of how to discourage geese and cranes from frequenting the area. Lastly the plan will establish mechanisms to enhance the recreation use of the area in an environmentally compatible manner. Tasks that will be involved are as follows:

1. Conduct a review of past documentation to establish a historical perspective for the comparison of past to present community related information and technical data.
2. Collect traditional and local information on prior and expected use of the area. Solicit comments on issues and concerns relative to the impact on resources and services from a restoration project.
3. Measure the diversity, frequency, and abundance of flora and fauna in Mariner Park.
4. Determine the geophysical characteristics of Mariner Park and the head of Mud Bay.
5. Develop restoration design alternatives and conduct a comparative study to identify the preferred restoration project design.
6. Write an environmental assessment.

The COH is the sponsoring, coordinating and responsible agency for this project. The ADNR is the sponsoring lead Trustee agency. ADNR is a property owner of a significant portion of the project area. In developing this proposal the City met with ADNR, ADF&G, ADOT, USF&W, USCOE and FAA. It is anticipated that local expertise will be an integral component of the planning, assessment and design team. We found

out today that the recommendation for this project may be changed from "fund" to "defer until December." We strongly request that the project be put back on the fund list because we need to go ahead with this project this fall so that we can collect data during the upcoming fall migratory period. If not, we will be set back another full year. Thank you for your consideration of this project; the citizens of Homer greatly appreciate and support the opportunity to study one of the most vital areas of our community.

JEROME SELBY, MAYOR, KODIAK ISLAND BOROUGH: Thank you for the opportunity to testify. I appreciate all the work put into the Work Plan effort and I wish you well on your efforts to get down to \$14 million, I know it is a lot of hard work and it's hard not to fund projects. There is one project I'd like for you to take another look at and that is 98270, Akalura Lake Sockeye Salmon Project. I realize the salmon in this particular area, arguably or probably were not impacted by the oil spill however, it's fairly clear that the sockeye salmon runs around Kodiak Island were impacted by the EVOS. And Akalura Lake represents one the best opportunities to build back some response to the impact on the sockeye salmon of Kodiak, so the concern kind of runs towards doing something positive that's going to have some economic impact for the fishing industry who basically didn't fish in 1989 around Kodiak Island. This would be an opportunity to recover some of the loss as well as some of the concern with what is going on with the sockeye salmon in general. I think most of you are aware that the Bristol Bay run wasn't exactly what folks had thought it would be, we've had a similar but not nearly so dramatic experience here on Kodiak Island with sockeye salmon this summer. So there is something going on with sockeye and it seems to me we ought to try to increase the Sockeye salmon runs in Akalura Lake and there seems to be a pretty good possibility of doing that. I'd like to ask that you folks take another look at this project and proceed with a fund recommendation on this project. I know that's tough when you are trying to cut projects out. I feel there is a pretty big potential for Kodiak Island and I think it may have some impact state-wide as well. I'd like to urge you to keep the small parcel acquisitions high on the priority list with previous support

for Long Island.

JACK CUSHING, Mayor of Homer: We in Homer appreciate the tremendous amount of work that you folks are doing from the Citizen's Advisory Committee to the Trustee Council and their staff. Regarding Mariner Park, I will get some maps to you before your next meeting so you can see where this area is on the Spit. Anyone who has been to the Spit will know this area. This area has traditionally flushed, from the beginning of time, until two years ago. Just recently, in 1994, was the last time the flushing made it to the 70 acres in question. The changes to the shore birds that our planning director, Eileen Bechtol, mentioned, with the flushing stopping the pattern, has shifted from small shore birds, western sandpipers, to much larger birds. The geese are starting to come into this area now, much the same way they did around the airport at Elmendorf. It's a great place for them to hang out when it's not flushing because it's dry, they can protect themselves, they have good visibility all the way around and they are seemingly making it part of their migratory route which they never did before. It used to be small birds and small waterfowl. The cranes are very much doing the same thing. One or two pairs traditionally used this area up to now and now there seems to be a flock of up to 20 pairs, in a migration type sense. Folks at the airport, which is some distance away, there is actually a whole bird reserve between the two areas This is part of the Kachemak Bay critical habitat area and ironically enough, when the airport shortened the runway by 700 feet, they took out the landing lights but left the boardwalk at the end of the old runway and suggest it be used for bird viewing. As Eileen mentioned, the data is very important to us on this because these questions are going to be coming up, how best to make this area flush so that its diverse species won't add any danger to aircraft but at the same time will add to the Shore Bird Festival that takes place there and help with recreational aspects for the community. We need data to do that, so it's real important that we proceed as soon as possible to collect some data in some form. While I was in Anchorage today, I took the opportunity to meet with the Corps folks who are currently looking at an intermediate permit we have with them indirectly as the City of Homer to reestablish a channel in the outer beach;

that this area has traditionally flushed through for the last 50 years. Since it hasn't flushed in two years now, it's going stagnant, it's dying out, it's a slow and painful death. We need to get an intermediate solution so we're working with the Corps for right now to try and get the flushing going again. We're getting a good response from the Corps, the permit process looks good. They have comments in from DDC, Fish and Wildlife, and ADF&G and all are favorable. This will be an excellent project for the Trustee Council because it's an area that gets passed by over 100,000 visitors a year. It's a high profile project to undertake. One interesting aspect of this project that you probably won't find in any of the others, is that the channel we are trying to reestablish was blocked off during the spill, when the oil was making its way around the lower peninsula and making its way towards Homer. It was deemed advisable to block that channel off so that no oil would get into this wetlands area. There is some thought that that was the start of the downfall of this channel when the blockage was completed and sediment began piling up on the other side of the blockage. That's about all I have to say to follow up on what Eileen said. We encourage you to follow through on the Spit small parcel process, it's come a long way in the last six months. We hope this program ties in with what is happening with the small parcel program. We'd like to preserve at least half the Spit.

PAM BRODIE, PAG Member; Is this any chance of other money, like federal airport money, since this is a safety issue as well as an environmental issue, that you might be able to get for this project?

JACK CUSHING; We specifically looked at that. The safety issue seems to be worse since it's not so much of a wetlands as it was, with more and bigger birds using the area. I don't want that, the safety issue, to be the focus other than an important design aspect. I think the prime issue should be the Shorebird Festival in Homer, putting back 70 acres of really productive wetlands the way it was, and what this means to the Homer area. We did talk to Ducks Unlimited, and they did show some interest and they may be a source but towards the small parcel issue, more than the other. The more

money we can find to pony up with your funds the better off our projects will be. We are actively pursuing those avenues too.

MONICA RIEDEL, Executive Director for the Alaska Native Harbor Seal

Commission: I'd like to thank the Trustee Council for funding the Harbor Seal Management and Biological Sampling project and I'd like to thank you for supporting it again this year. I think it's the right direction to take by involving local people that were directly impacted by the oil spill. It gives us a chance to be directly involved in the restoration process with the data collection and reviews. At this time I'd like to speak in support of several subsistence projects that have been proposed and I will briefly mention them. Community Involvement Project, I believe without this the local communities would not have a voice with the Trustee Council and a continuation of this project is vital to our communities. The Youth Area Watch, 98210, the Executive Director's preliminary recommendation at the bottom of the page, was to transition away from the Trustee Council funding I have to disagree with this because the Youth Area Watch is a vital connection with the restoration process. We should always be for involving the youth, especially the youth from the impacted areas to continue monitoring the restoration process. The Elder's Youth Conference and Subsistence and the Oil Spill, I have to commend Molly's work on this with the communities. I think she has very much favored involvement of local people and this speaks true with this proposal. The next one I'd like to say a couple of words about is the Community Based Harbor Seal Field Research. This is the second year we have proposed this and it's recommended as a "do not fund." If the next logical step is to have people in the field, living in the local area, collecting data; then the next step is to have them involved with designing their own research project and directing us towards stewardship. I think this is the direction to go for Native communities and the people who are directly impacted by the oil spill. The next project, which is also a "do not fund" recommendation, but I think it should be brought to your attention, is the Eyak Subsistence Recovery Camp that has been submitted several times in the past. This one looks at the viewpoint and the frustration of people who are dependant on the natural resources for their livelihood

and their food, in the emotional and psychological trauma sense. It is still a stressful situation and I don't think it should be overlooked. Lastly, I'd like to say I agree with Margaret Roberts of the Kodiak Tribal Council for proposing subsistence restoration through community participation. With that, Mr. Chairman, I thank you for the opportunity to speak in support of our proposals.

(Off record 7:43 p.m.)

PUBLIC ADVISORY GROUP ACTION ON FY 98 WORK PLAN
July 16, 1997

It was moved by Chuck Meacham, second by Mary McBurney, to adopt the Executive Director's recommendations for the FY 98 Work Plan. The motion was agreed to by all present with the following exceptions: Torie Baker would like the herring spawn deposition work to be funded (Project 98166), Stacy Studebaker would like more information on how the live river otters at the Alaska SeaLife Center will be handled (Project 98348), Chip Dennerlein would like the human use and wildlife disturbance model to be funded (Project 98339), and Pam Brodie does not want the Homer Mariner Park project to be deferred (Project 98314).

How the documentary film on the subsistence use of herring and nearshore resources will contribute to the recovery of these resources.

First, it should be made clear that local knowledge has been widely recognized as an important tool in the management of fish and wildlife resources. Because local people often depend upon wild resources for a portion of their livelihood and spend considerable time observing wild resources they are recognized as having a more intimate and long term understanding of the local ecology.

Second, among biologists and wildlife managers there is an emphasis on understanding how ecosystems are integrated and long term trends in ecosystem change. Local people, more than most, have long term knowledge of how the environment has changed over time. Because they are "out there" in all seasons and all kinds of weather they also have more detailed knowledge of environmental change.

Third, Although the specific product of this project is a film, the methods for making the film require collecting detailed data on the specific resources and their ecology. Thus the project will result in a substantial collection of data that can be applied directly to the recovery of herring and nearshore resources.

Local knowledge documented on film can be used in these EVOS restoration projects.

- 1) **Project 162, Herring disease as a cause of the 1993 crash.** Local people have very definite information about the occurrence of herring disease and possible causes.
- 2) **Project 165, as noted above local knowledge can contribute information for the management of herring.**
- 3) **SEA 320, Investigate Ecological Factors that Influence Populations of Pacific Herring.** Local people have knowledge about the distribution of herring in Prince William Sound. They also have knowledge of the relationship between herring and predators such as harbor seals. Additionally, because of their long term experience and familiarity with Prince William Sound, local people can contribute to developing predictive ecological models for the Sound, which is one goal of project SEA 320.
- 4) **Project 1025, Nearshore Vertebrate Predator Project.** Local knowledge will help answer the basic question as to whether sea otters, river otters, harlequin ducks and pigeon guillemots are recovering.
- 5) **Project 427, Harlequin Duck Monitoring and Research.** Local observations and understanding of harlequin duck ecology will contribute to understanding the reproductive success, population trends and factors limiting the success of harlequin duck recovery. This can also be said of projects relating to black oystercatchers, Project 1159, common loons, common murre and cormorants.

Post-It Fax Note	7671	Date	# of pages 1
To Molly McCammon		From Bill Simeone	
Co./Dept EVOS		Co. ADF&G	
Phone #		Phone # 267-2309	
Fax # 276-7178		Fax # 267-2450	



ALASKA CENTER *for the* ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501

(907) 274-3621 • fax: 274-8733

August 6, 1997

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

Dear Trustee Council Members:

The Alaska Center for the Environment (ACE), representing over 7,000 Southcentral Alaskan residents, wishes to go on record concerning funding for the Russian River Angler Trail Project.

For the sensitive Kenai River system, we generally support boardwalks as well as environmentally-sound bank stabilization measures. We are concerned, however, by the apparent lack of cooperation with the Department of Fish and Game on the project's review.

It is our understanding that the Forest Service has stated that it does not intend to seek permitting through the Department of Fish and Game for the Russian River Project. If this is the case, we do not believe the EVOS Trustee Council should fund this project at this time.

While we do not oppose this project, we want to make sure it is done in a way which mitigates any adverse affects to fish and wildlife. We have confidence in the Department of Fish and Game's ability to make important recommendations to finalize the project's design.

I should also note that our ACE members in Cooper Landing report that they are impressed with the efforts of Forest Service Project Manager Deidre St. Louis's efforts to initiate a new working group process to improve the project's design. This working group also includes local knowledge because it includes local residents.

We suggest that the project go forward -- but that the EVOS Trustees hold in abeyance a decision on funding this project until after the Department of Fish and Game has been significantly involved, and until the Forest Service working group has had an opportunity to reach its determinations.

Very sincerely,

Kevin Harun
Executive Director

cc: Larry Hudson, U.S. Forest Service

RECEIVED
AUG 06 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

ADDENDUM TO PUBLIC COMMENT PACKET FY 98 DRAFT WORK PLAN

<u>PROJECT NUMBER AND TITLE:</u>	<u>COMMENTER:</u>	<u>COMMENT:</u>	<u>COMMENT ATTACHED:</u>
98348 River Otter Response to Oil	David Brunette, Harrisville, RI	Do not support	Written comment
	Linda Feiler, Anchor Point	Do not support	Telephone log (second call)
Alaska Native Harbor Seal Commission proposals	Bob Henrichs, President, Eyak Traditional Council	Do not support	Written comment
Habitat acquisition: Eyak parcels	Bob Henrichs, President, Eyak Traditional Council	Do not support	Written comment

Also attached is the Executive Director's response to Senator Loren Leman's letter (contained in the initial public comment packet) regarding spruce bark beetle remediation.

RECEIVED

JUL 29 1997

98348

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, AK 99501
Attn: Draft Fiscal Year 1998 Work Plan

July 25, 1997

To Whom It May Concern:

I have written at this time to comment on the **Fiscal Year 1998 Draft Work Plan**. After a review of several portions of the draft work plan, I must comment about **Project Number 98348 - Responses of River Otters to Oil Contamination: A Controlled Study of Biological Stress Markers and Foraging Success**.

Why would you purposely subject river otters to oil spill contamination? The project abstract states that "fifteen captive otters will be exposed to two levels of oil contamination under controlled conditions. **Regardless of the levels of contamination planned (which are not even specified), I find this project to be unacceptable.** I understand the potential to learn something about otter behavior as a result of exposure to oil contamination, however, the data gained is not worth the suffering that the otters will most likely undergo. Why can't this be done in the field through observation of otters that are known to have been subjected to oil contamination.

I strongly recommend that Project Number 98348 be disapproved.

Sincerely,



David A. Brunetti

David A. Brunetti
935 Sherman Farm Road
Harrisville, RI 02830

PHONE COMMENT LOG

98348

Name	Affiliation	Phone	Address
Linda Feiler	gift shop owner	907-235-8457	Ancher Point

Already on
yes

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

Date of call: 29 July 1997 Comment taker: Stan Senner

Subject of comments: 98348, river otter response to oil contamination

Comments:

Ms. Feiler is concerned about hurting more animals given all the deaths and stress caused by the oil spill. Wanted to know why this project needs to be done and what will be the practical benefits. We had an extended discussion (~45 min) in which I explained the need to validate field data indicating continued exposure of river otters to oil and that this can only be done in a controlled setting. Beyond the issues of humane treatment and whether this testing is appropriate, she wanted to know what would be done if the lab work confirmed that wild otters^{still} are being exposed to oil. I responded that the next question would be ^{to identify} where the otters were contacting oil and what (if anything) can be done about it (e.g., such as cleaning oiled mussel beds). She suggested that if the work goes forward that the Trustees make clear that they don't like this kind of work, but it is something they are forced to do in response to the continuing disaster of the oil spill.

ANHSC proposals

NATIVE VILLAGE OF EYAK
P.O. BOX 1388, CORDOVA, ALASKA 99574
TEL-907-424-7738/FAX-907-424-7739

August 5, 1997

EVOS Trustees Council

Dear Trustee Council Member

Contrary to what you may have heard, the Native Village of Eyak does not support any of the project proposals, submitted by the Alaska Native Harbor Seal Commission (ANHSC).

ANHSC has hired an executive director without advertising the position. They are also attempting to give out boat charters, without advertising these contracts. This "back door" hiring and contracting have to cease. They are also running programs in local areas without Tribal Councils involvement. Many of ANHSC's letters of support come from people who have been promised contracts if these projects are funded.

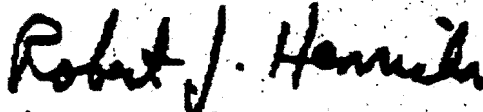
The Native Village of Eyak, Traditional Council represents all Tribal members, not just a select few. All of our positions are advertised.

Until the ANHSC starts operating in a more responsible manner, we cannot support any of their EVOS project proposals.

We have given no one the authority to operate in our Traditional area, without our Tribal Council's involvement. We have never given the ANHSC authority to seek co-managment for harbor seals in our area.

I understand other organizations have raised these concerns, also.

Sincerely yours



Robert J. Hennrich
President, Traditional Council
Native Village of Eyak

Habitat Acquisition

NATIVE VILLAGE OF EYAK
P.O. BOX 1388, CORDOVA, ALASKA 99574
TEL-907-424-7738/FAX-907-424-7739

August 5, 1997

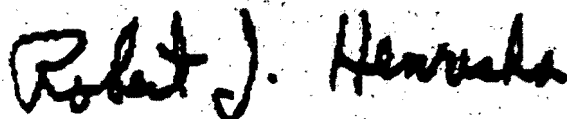
EVOS Trustee Council

Dear Trustee

The Native Village of Eyak continues to advocate for Artifact Repositories in each village.

We have concerns over the proposed EVOS purchase of Eyak Corporation Lands. As you may or may not know, the Constitution and By-laws of the NVE, state that the Tribe shall have jurisdiction over all Eyak Corporation ANSCA lands. This Constitution was adopted in order that the Eyak Corporation could be formed. It is their decision whether to sell or not sell their ANSCA lands. However, it is our Tribe's position that if they choose to sell their ANSCA lands, we will still have jurisdiction over them. No one has the authority to sell our jurisdiction.

Sincerely yours



Robert J. Hennrichs
President, Traditional Council
Native Village of Eyak

Exxon Valdez Oil Spill Trustee Council

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



Response to public comment

July 30, 1997

Senator Loren Leman
716 West 4th Avenue - Suite 520
Anchorage, Alaska 99501

Dear Senator Leman:

Thank you for your recent letter in regard to the draft 1998 work plan.

With regard to the questions and comments you've raised regarding spruce bark beetle and the infestation of lands purchased with EVOS settlement funds, this is an issue that the Alaska Department of Natural Resources has considered in some detail. Last fall, DNR prepared a map of infested lands in order to assess the beetle infestation in relation to the Trustee Council's large parcel habitat protection program. It was determined that the only acquisition lands impacted by the infestation involve those inholdings that were purchased within Kachemak Bay State Park. I do not have a precise estimate of the total acreage within the park that has been infested, but I have forwarded a copy of your letter to Ms. Marty Rutherford, Deputy Commissioner of the Department of Natural Resources, and asked for her assistance in obtaining an estimate.

With regard to research on beetle resistant trees, I had not previously heard about this work and it sounds quite interesting. To my knowledge, the Trustee Council has never received a proposal to fund this type of research. As you are aware, the Trustee Council's annual work plan cycle starts with an *Invitation to Submit Restoration Proposals*, published in mid-February, with proposals due in mid-April. Each proposal is subject to independent scientific peer review, a budget review, and is also considered by state and federal legal counsel from the perspective of whether the proposal meets the terms of the court approved settlement. We are now in the final stages of preparing next year's federal fiscal year (FFY) 1998 Work Plan for action by the Trustee Council on August 6th. If you have the name and address of the researcher at UAF, we would be glad to add it to our distribution list for the next annual *Invitation*. (For your reference, I've enclosed a copy of this past year's *Invitation*.)

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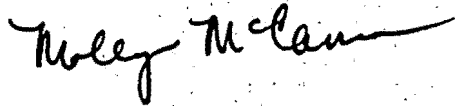
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Alaska Department of Law

I'm sorry you were not able to attend the PAG meeting. We had a good discussion regarding the draft FFY 98 Work Plan and the perspectives provided by the PAG members were very helpful as we develop a revised recommendation for consideration by the Trustee Council at the meeting on August 6th. For your reference, I have also enclosed a copy of the minutes from the PAG meeting.

I hope this information is helpful. Please let me know if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Molly McCammon".

Molly McCammon
Executive Director

attachments

cc: Marty Rutherford (w/o attachments)
Jim Stratton (w/o attachments)
Carol Fries (w/o attachments)



Chugach Regional Resources Commission

TESTIMONY TO THE

Exxon Valdez Oil Spill Trustee Council

August 6, 1997

Chenega Bay

Eyak

Nanwalck

Port Graham

Quakeak
Native Tribe

Tatitlek

Valdez Native
Tribe

Thank you for the opportunity to provide this written testimony today on behalf of the Native villages of the Chugach Region. After reviewing the proposed work plan submitted by the Executive Director, I would like to offer the following comments.

We appreciate the support the Trustee Council has provided thus far in allowing the communities to become more involved in the restoration process, both through financial support of projects generated at the village level and through various aspects of the Community Involvement Project (97052A). Never has there been such support for community participation, interaction, and exchange of information than over these past three years. I commend the efforts of your Executive Director in spearheading this initiative. I believe it is one of the most positive things to emerge since the oil spill. The community members can now take pride in feeling that they are playing a part in restoring the environment in which they live. Although we have made great strides in this effort, direct community participation in the restoration process can be improved; I believe that by working together we can conduct meaningful research, enhancement, and restoration projects to benefit all users. The Chugach Regional Resources Commission supports all those projects submitted for funding consideration under the Subsistence section of the FY98 Work Plan.

Clam Enhancement Project - 97131

We appreciate the support of the Trustee Council and staff thus far for the clam enhancement project. The villages are in full support of this project and have been integrally involved in the monitoring and research of the grow-out component. We especially appreciate the three-month extension of funding for this project until we can resolve the issue of who will be the operator of the new hatchery. To bring you up to date, we will be meeting with the Seward City Council on August 11, 1997, to discuss whether they will agree to serve as the governmental agency through which this operations contract will pass. This is the same function the Kenai Peninsula Borough Economic Development District was serving until they pulled out earlier this summer. The Alaska Department of Fish & Game has agreed to withhold letting the request for proposals until the City of Seward makes their decision. We are hoping to resolve this issue before the end of October.

There is language in the Executive Director's comments recommending that Trustee Council support for the hatchery component of the project be terminated if we are not able to transfer our operations to the new hatchery; further that no additional funds will be provided for continuation of work at the old (present) hatchery. Since this recommendation has come out, we have obtained new information from the hatchery which we hope will persuade the Trustee Council to reconsider this recommendation when making their decision.

The Qutekcak shellfish hatchery has experienced much greater success in producing Littleneck clam spat in FY97 than any prior year. Spawning the clam broodstock has been very successful in terms of ease of inducing spawning and in gamete quality. Almost all brood clams have completed rapid gametogenesis when conditioned below 10°C and zygotes have demonstrated high rates of normal development to D-veligers unlike spawns prior to February of this year. Reducing the broodstock conditioning temperature from 13°C (summertime high) to 9.5°C (Spring water temperature) at least partially accounts for why extensive abnormal development of early larvae has not recurred since February. Each spawn has easily produced more larvae than capacity allows at the pilot hatchery and the spawning is quenched after about 5 million eggs are released. Littleneck clam larvae have proven very sensitive to typical larval rearing densities. We presently must rear older larvae at a density of less than one larva per 2 milliliters for adequate growth in Resurrection Bay seawater which results in a maximum of 500,000 larvae per group in our limited larval tank volumes.

The hatchery has just finished rearing their fourth group of Littleneck clam larvae for FY97. Each group of larvae has produced additional spat for a total of 100,000 spat from the first three groups. Survival through metamorphosis is good ranging from 40 to 80 percent. 450,000 clam larvae from the fourth spawn group (close to the maximum larval rearing capacity) have just been placed into setting from which we should obtain at least 250,000 more spat. Two more spawn groups are planned for this fiscal year which will result in producing approaching our project goal of 800,000 clam spat. The oldest spat now average about 2mm in length and will be transferred to a Prince William Sound nursery upweller on August 16, 1997.

Outdoor microalgae culture in large 10,000-liter tanks has proven very successful and reliable this summer. Culture densities typically grow to an impressive 500,000 cells per milliliter of *Skeletonema costatum* or *Thalassiosira gravida*. Unfiltered seawater from 70m is fertilized and aerated with only natural illumination for about five days until harvest. This microalgae can be supplied directly into the pre-nursery upwellers or into the pond as a large-scale inoculant. The pod received a much needed draining and cleaning this summer that has greatly reduced the quantities of suspended particulates inhibiting diatom growth. An additional 30,000-liter larvae tanks have arrived in preparation for set-up of the new shellfish hatchery. A third hatchery employee is also undergoing training.

The Grow-Out portion of the project has been extremely successful this fiscal year. Last fiscal year, in July, 1996, Littleneck clams were seeded at the villages of Tatitlek, Port Graham, and Nanwalek. Three different grow-out strategies are being tested at each site, based on predator control.. Culture bags (vexar), light plastic (car cover) and unprotected areas are being examined. The clams have been sampled at 3-4 month intervals by crews in each village, both last fiscal year and this fiscal year.

The clams in the culture bags have grown from 10-12mm. 20+mm in less than a year and the survival rate is over 80%. The Alaska Department of Fish & Game uses 38mm as a harvestable size. Given that the clams continue at their current rate of growth, there will be a few of harvestable size in 1997, and a significant amount available in 1998. This rate of growth exceeds the original estimate significantly, which is 3-6 years.

Of particular interest is that these clams are of a known age. Using traditional aging methods of counting rings would indicate these clams are 4-5 years old. Apparently, clams grow much faster than we expected. The clams which we have under car cover and those in unprotected test plots appear to be growing equally as fast as those in the vexar bags. We will be able to test the efficacy of the predator control methods when the majority of the clams reach the 25mm size or greater.

The third component of the project is the study on predator control methods on razor clams in the Cordova area. This portion of the project is also proceeding well. Clams from the area have been transported to a study plot where they are protected with car cover. The clams have been measured and numbered for grow-out studies. Juvenile clams from this year's spawn will be collected in August and transported to the site for growth and survival studies.

As you can see, we have made significant progress since our review was held earlier this summer. Given this recent progress, it seems unreasonable to base the success of this project on whether or not we move into the new hatchery. The grow-out portion of the project still depends upon the hatchery for the seed, especially since the clams have been growing so rapidly on the village beaches. The comment was made during the review regarding the amount of money which the Trustee Council has put into this project over the past three years. This money will definitely go to waste if we are now allowed to continue working on this project, even on a smaller scale in the current hatchery. I am requesting that the Trustee Council leave the door open to continuing the entire project, albeit on a smaller scale, even if we are not selected as operators of the new hatchery. At this point, there is every indication that we will meet the 800,000 spat production as proposed this year, so the project objectives will not be jeopardized.

Thank you for your consideration of our request.

Respectfully submitted,



Patty Brown-Schwalenberg
Executive Director

FOR EVOS TRUSTEE Council Members
6 August 1997

TO: EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL (ATTN: ^{Mr. McCarroll} ~~Mr. McCarroll~~)
FROM: DEAN AND NINA CORNETT

WE ARE SCHEDULED TO PROVIDE PUBLIC COMMENT BY TELEPHONE AT TODAY'S COUNCIL MEETING. IN THE EVENT THAT THERE ARE COMMUNICATIONS DIFFICULTIES, WE ARE PROVIDING THE FOLLOWING THREE-MINUTE STATEMENT TO BE GIVEN TO THE COUNCIL AND ENTERED INTO THE RECORD.

STATEMENT TEXT:

THANK YOU FOR GIVING US TIME TO TALK ABOUT THE RUSSIAN RIVER ANGLER TRAIL PROJECT. MY NAME IS NINA CORNETT. I BELIEVE MOST OF YOU ARE FAMILIAR WITH THE CONCERNS MY HUSBAND AND I HAVE ABOUT THE RIVER.

I'D LIKE TO MAKE THREE MAIN POINTS TODAY. FIRST, MOST OF YOU ARE AWARE THAT WE'VE ASKED THE COUNCIL TO DELAY THEIR VOTE ON THE RUSSIAN RIVER PART OF THE LARGER KENAI RIVER PROJECT. WE DID THAT BECAUSE THIS IS A BAD PROJECT THAT WILL HARM THE RUSSIAN RIVER AND SHOULDN'T BE FUNDED IN ITS PRESENT FORM. YOU MAY RECALL THAT, WHEN WE CAME BEFORE THE COUNCIL LAST SPRING, MS. WILLIAMS ASKED THE FOREST SERVICE

2.

TO PROVIDE ANSWERS TO OUR CONCERNS BY THE NEXT MEETING. TO DATE, THERE HAVE BEEN NO ANSWERS. NO PROVISION HAS BEEN MADE FOR ACCOMMODATING WILD ANIMAL PASSAGE, THE LIGHT-PENETRATING BOARDWALK WHICH WAS SUPPOSED TO PROVIDE FOR VEGETATION GROWTH IS NOT WORKING, THE EARLY-INSTALLED PORTIONS OF THE PROJECT HAVE CONFIRMED OUR FEARS THAT THE PROJECT WILL EXACERBATE OVERUSE AND HABITAT DAMAGE. THE LARGE OBSTRUCTIVE NATURE OF THE PROJECT HAS NOT BEEN REDUCED, AND THE DESIGN WILL IN FACT BLOCK DISABLED PEOPLE FROM FISHING THE RIVER.

CONCERNING THE SECOND POINT: WE WERE TOLD MONDAY THAT WE ARE THE ONLY PEOPLE WHO OBJECT TO THE PROJECT. MANY OF YOU MAY HAVE BEEN TOLD THAT. WE THINK IT IS IMPORTANT TO DESSUADE YOU OF THIS NOTION, SO MONDAY AFTERNOON WE SPENT TWO OR THREE HOURS COLLECTING SIGNATURES. WE GOT ABOUT 25 SIGNATURES IN THAT TIME. THAT NUMBER MAY NOT SEEM THAT IMPRESSIVE, BUT AS A PERCENTAGE OF POPULATION, THAT'S LIKE COLLECTING 10,000 SIGNATURES IN ANCHORAGE. THE SIGNERS HAVE TWO THINGS IN COMMON - THEY HAVE BEEN INVOLVED WITH COOPER LANDING A LONG

3

TIME, AND KNOW THE RUSSIAN RIVER VERY WELL.

THE THIRD POINT HAS TO DO WITH ALASKA FISH AND GAME INVOLVEMENT. WE UNDERSTAND THAT THEIR ROLE IN THE PROJECT HAS BEEN CURTAILED. WE WERE TOLD MONDAY THAT THE FUNDING ROUTE IS BEING REVISED TO EXCLUDE FISH AND GAME, AND THAT ALASKA STATUTE 16 IS NOT APPLICABLE. THE RATIONALE ON STATUTE 16 WAS THAT THE FOREST SERVICE HAS ONLY TWO METAL GRATINGS INTO THE RIVER, AND IF THEY WERE REMOVED, FISH AND GAME WOULD HAVE NO JURISDICTION. THERE ARE ALREADY MORE THAN TWO GRATINGS IN THE RIVER, BUT THAT ARGUMENT MISSES THE POINT ANYWAY. THE FOREST SERVICE IS GOING TO FUNNEL ALL THE FISHERMEN INTO THE RIVER. THAT FUNNELING PROCESS WILL TOTALLY CHANGE FISHERMAN TRAFFIC PATTERNS ON THE ACTUAL BED OF THE RIVER FOR MORE THAN A MILE. THAT, AND THE REST OF THE PROJECT, WILL HAVE AN IMPACT FAR BEYOND TWO METAL GRATINGS. THIS IS THE RUSSIAN RIVER AT RISK. WHATEVER THE ISSUES AND MERITS OF FUNDING PATHS OR STATUTE 16 APPLICABILITY, IT IS ESSENTIAL THAT FISH AND GAME HAVE AN OVERSIGHT ROLE.

TO RECAP THE THREE POINTS: 1) IT IS ESSENTIAL TO HAVE FULL FISH AND GAME INVOLVEMENT; 2) THERE

4

IS SIGNIFICANT OPPOSITION TO THE PROJECT; AND
FINALLY AND MOST IMPORTANT, THE PROJECT IS
BAD FOR THE RIVER. NONE OF THE CONCERNS HAVE
BEEN ACCOMMODATED

PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Jim White		345-1122	Box 111525 Anchorage AK 99511

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

Date of call: July 22, 1997 Comment taker: Eric Myers

Subject of comments: Russian River Angler Trail Project

Comments:

Mr. White called to object to the Trustee Council funding of the Russian River Angler Trail Project. He specifically asked about the status of the project and the contribution of Trustee Council funds to develop the facilities proposed, which he likened to "Disneyland." Mr. White also wanted to know how it was that the Trustee Council was spending funds on a project that was apparently so far removed from the spill area (coast).

I explained the Trustee Council process in general terms and noted that the Trustee Council was contributing funds to the Russian River project as part of the 97180 habitat protection project, not paying for the entire project, and directed Mr. White to speak with Dave Gibbons for more information about the project.

Mr. White expressed interest in possibly giving comment at the next Trustee Council meeting.

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.

Berinda Platter Dodge 7/17/97
Signature Date

Signature Date

July 17, 1997

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

RECEIVED
JUL 22 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Trustee Council,

I am writing this letter to your council in support of the proposed purchase of the Cape Chiniak parcel on Kodiak Island by the Exxon Valdez Oil Spill Trustee Council.

I have lived on Kodiak Island for 29 years and have lived in the Chiniak area for the past 20. The amount of accessible recreational use on this island is very limited. The greatest portion of Kodiak Island is accessible only by air or boat. Not easily affordable for many residents. The Cape Chiniak area is one of the very few areas that is accessible by road.

Throughout our years in this community we have come to the realization of the tremendous treasure that this area has offered not only our family, but for all of the citizens of our island. The Chiniak area is a wonderful place that has been traditionally used by the public for years. To name a few: People have come out to visit the historical World War II sites, have fished the many rivers that provide excellent sport fishing, to bird watch, to camp with their families, to hunt, and just enjoy the beauty of the area while going out on a "Sunday drive". The recreational use of this area is unlimited.

I am in complete support of setting aside this area for the people of Kodiak in hopes that it could eventually become part of the Kodiak State Park system. It would greatly enhance and provide local recreational use as well as that of tourists that come to our beautiful island.

Please take great consideration in the purchase of this parcel as an addition to the Kodiak State Parks. I thank you for your time.

Verda M. Koning
Box 5565-Chiniak
Kodiak Is., Alaska 99615

Verda M. Koning

DRAFT

REVIEW PROCESS FOR RESTORATION RESEARCH PROJECTS
THAT INVOLVE COLLECTIONS

The Trustee Council is appropriately sensitive to the collection of birds or mammals as part of any restoration research project, for the Council's ultimate aim is to restore the health of the injured ecosystem. At the same time, it is recognized that in order for certain restoration research projects to achieve their objectives, certain collections may be required to gather information that could not otherwise be obtained. As stated in the *Restoration Plan*, "... possible negative effects on resources and services must be assessed in considering restoration projects." (Policy #7)

Any scientific project that proposes a take of birds or mammals should be allowed to proceed only if the advantages of doing so outweigh the disadvantages. The general health of the population being sampled needs to be assessed and a finding made that proposed collection(s) would not result in further injury to the health of the population being investigated.

In order for the Chief Scientist to recommend whether a proposed collection is necessary and appropriate to further restoration objectives, investigators should address each of the questions listed below. This information should be provided as part of a Detailed Project Description.

1. How many individuals are proposed to be collected and the approximate times and locations? How do these numbers compare with the total population in the general collecting area?
2. How is the general health of the population? Is the population increasing, decreasing or holding steady in the proposed sampling area? Is reproduction and young survival normal?
3. Is the proposed take likely to affect any population trends?
4. Is the proposed method of take humane? Are there any effective, alternative means to obtain the data?
5. What will be lost if there is no take allowed?
6. What can we realistically hope to learn that will justify this collection?
7. Have federal and/or state permits been secured? If not, why not?

The Chief Scientist will review proposed collection and consult with peer reviewers and others with appropriate expertise. If appropriate, the Chief Scientist could conduct this review concurrent with a federal and/or State permit review. The Chief Scientist will then make a recommendation to the Executive Director. The Executive Director will inform the PAG and the Trustee Council of this recommendation in writing prior to final approval of a Detailed Project Description. All federal or State permits will be required prior to implementation of a project.

Exxon Valdez Oil Spill Trustee Council

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



July 18, 1997

Cindy Lowry, Executive Director
The Alaska Wildlife Alliance
P.O. Box 202022
Anchorage, Alaska 99520

Dear Cindy:

Thank you for your comments on the Draft FY 1998 Work Plan and, in particular, your concerns about projects 98348, 98327, and 98294. Your letter was distributed to the members of the Public Advisory Group and will be distributed to Trustee Council members in advance of their August 6 meeting. I do want to reply briefly to some of your comments, since there are some inaccuracies and misperceptions in your letter.

In regard to a Trustee Council policy that there should be no "lethal take or harmful disturbance of animals in the restoration process," the November 1994 *Restoration Plan* requires that "possible negative effects on resources or services must be assessed in considering restoration projects." In addition, the Trustee Council has guidelines that require appropriate responses to a series of questions and consultation with the Public Advisory Group before approving a project that requires lethal take of wildlife species. I have enclosed a copy of these guidelines for your information.

You are opposed to Project 98348 (Responses of River Otters to Oil Contamination) because it would not "tell us anything that we don't already know," and that "there is no way to determine what a sub-lethal dose of oil would be nor the harmful effects it could bring to any future offspring..." Our scientific reviewers believe that this river otter/oil project is very important for the insights it will bring into the status and long-term health of river otters in Prince William Sound. The Nearshore Vertebrate Predator project (NVP025), one of the Trustee Council's three ecosystem-scale initiatives, is exploring hypotheses of whether oil contamination, food supplies, or population structure continue to limit the recovery of four vertebrate predators, including the river otter. Based on biomarkers in blood samples of wild river otters, there is some indication of continuing exposure to oil. Unfortunately, there has never been any "dose-response" work in a controlled setting that enables the investigators to fully interpret the biomarkers found in the blood of wild otters. If indeed there is continuing oil exposure and if such exposure is affecting otter physiology (and therefore health and survival), this is an extremely important finding. If, on the other hand, the biomarkers found in the wild river otters are unrelated to oil, this too would be an important (and encouraging) result. The point is, the answer won't be known with certainty until we can give a small sample of otters a known quantity of oil and analyze their blood chemistry.

In regard to the release of the otters, there has been sufficient work done on captive mink to know what sublethal doses are. The principal investigators expect that most of the 15 otters will be released unharmed back into the wild. In the event that any animals shows any signs of lingering harm, those animals would be retained in captivity or euthanized if pain and suffering is involved. In regard to the

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Page 2

Lowry

July 18, 1997

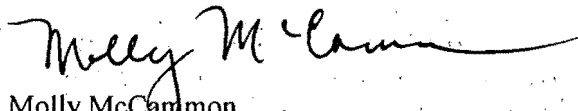
possibility of genetic effects, any such effects are improbable and the number of animals involved (all males) is so small that this is not a practical concern from the standpoint of the river otter gene pool.

You also have indicated your opposition to Project 98327, Pigeon Guillemot Restoration Research. This project involves two components that are not directly related. One aspect involves testing whether it is possible to establish a wild, free-flying population of guillemots in nest boxes on structures around the Alaska SeaLife Center. The second aspect involves oil dose-response work on nestling guillemots hatched from eggs taken from wild guillemots (not those nesting at the SeaLife Center). The rationale for this aspect of the Project 98327 is the same as for the river otter project: i.e., the investigators are looking to validate and calibrate field data on responses to oil from wild pigeon guillemots. Given the accessibility of guillemot nests around the entire Alaskan coastline, there is the potential that they can provide a cost-effective, non-lethal means of monitoring oil exposure in seabird populations, but this potential can only be realized if there can be careful laboratory work to aid interpretation of data coming from free-flying birds with unknown histories. As with the river otter work, the principal investigator is confident that the oil doses (on food--not injected into eggs) will be sublethal and expects to find effects only in their blood chemistry and growth rates as nestlings.

Finally, you mention Project 98294, Pinniped Response to Diet. Although there was interest in funding the mitochondrial component of this project in FY 1998, my current recommendation is not to fund any of this work. However, there is no intention on the part of the SeaLife Center nor the Trustee Council to bring healthy, wild pinnipeds into captivity for either research or display purposes. Any sea lions or seals at the SeaLife Center will come from individuals already in captivity at other facilities or that are injured and not releasable.

I hope that this letter has addressed some of your concerns about the draft FY 1998 Work Plan. Thank you again for your comments.

Sincerely,



Molly McCann
Executive Director

MM/kh

encl: (1)

cc: Trustee Council members



The Alaska Wildlife Alliance

July 15, 1997

Ms. Molly McCammon, Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G St., Suite 401
Anchorage, AK 99501

Re: Draft Fiscal Year 1998 Work Plan

Dear Molly:

On behalf of our 1600 members, I appreciate this opportunity to provide comments on the Exxon Valdez Oil Spill Trustee Council's Draft Work Plan for Fiscal Year 1998.

The Alaska Wildlife Alliance has been involved with marine and terrestrial wildlife issues for fifteen years and continues to advocate for healthy, naturally diverse wildlife populations and habitats in Alaska. We certainly appreciate the amount of effort that has gone into the development of the proposed funding projects and your overall mission to fund activities to restore the natural resources injured by the 1989 Exxon Valdez oil spill.

It was my understanding that the Trustee Council had formulated a policy that said there should be no lethal take or harmful disturbance of animals in the restoration process. I would like to see a copy of this policy or if this assumption is a misunderstanding on my part, would then request the Trustee Council to establish such a policy.

With that in mind, I was surprised to see some of the proposed research projects entail intrusive and potentially lethal research methods which include capturing and subjecting wildlife to various exposure levels of oil contamination. Specifically, projects #98348 and #98327 associated with the Alaska SeaLife Center cause us great concern not only for the questionable validity of the proposed research but for the inherent risks to the wildlife impacted by the proposed methodologies.

We oppose project #98348 which would require the capturing of fifteen river otters, held captive, and injected with "sub-lethal" doses of oil. I assume eventually releasing these otters is also part of the plan, however, that aspect is not discussed. We are not convinced that this project would tell us anything that we don't already know, namely, that oil does have a detrimental impact on river otters. In addition, there is no way to determine what a sub-lethal dose of oil would be nor the harmful effects it could bring to any future offspring of these animals.


Likewise, we oppose project #98327 which would create nesting sites for pigeon guillemots below the SeaLife Center and inject their eggs with oil to study the effects. Again, this research is unwarranted for the same reasons as described in the above mentioned project.

Bonafide research projects should be determined by their utility and relevance. It is our hope that the Trustee Council would agree and fund only projects that seek to provide information that allows for effective wildlife management decisions or protective measures that facilitate the maintenance of wildlife populations or hopefully their growth.

While project #98294-BAA pertaining to pinniped response to diet is for the most part not recommended for funding, some of the references to captive harbor seals and sealions is cause for alarm. As I'm sure you are aware, both of these species are experiencing serious declines in their populations and it would be outrageous to subject these species to capturing for either research purposes or public display. In this case, there is a very thin line between gratuitous science and the SeaLife Center's economic need for captive marine mammals for display.

We thank you for this opportunity to comment on the draft work plan and encourage the Trustee Council to not fund research projects that are contrary to your mission at hand. Wildlife should not be harmed or lethally taken in the name of restoration.

Sincerely,


Cindy Lowry
Executive Director

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.

Sylvia R Bravo 7/14/97
Signature Date

Signature Date

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.

Will R... 7-14-97
Signature Date

S. Roberts 7-14-97
Signature Date

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.

Linda Estes 6/30/97
Signature Date

Ringo Estes 6/30/97
Signature Date

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.

Mike Cause 07/14/97
Signature Date

Signature Date

Thu

July 14, 1997

Hi:

Re: Lands to be added to Kenai Fjords

Since you have made such a grand start, why not go all the way by pursuing additional land acquisition agreements with Port Graham and other Native corporations that own property within national parks in the spill zone.

Good luck,



Tom & Virginia Angenent, Rr 2 Box 322, Bandon, OR 97411



RST

ROBERT S. THOMPSON

1611 EAST CALHOUN STREET, SEATTLE, WASHINGTON 98112

July 13, 1997

EVOS Trustees
645 "G" Street
Anchorage, AK 99501

Dear Sir / Madam,

RECEIVED
JUL 16 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

I am writing to strongly encourage your group to purchase some of the most important habitat areas on AFognak Island.

The specific areas are:

Paul's + Laura's Lakes

Malina Bay, Paramanof Bay,

Shogak Strait + AFognak Lake. Now is the

time to act. Once these are damaged, they cannot be redeemed. I also

suggest that you consider setting aside more \$ to protect AFognak Island

Sincerely,

Robert S. Thompson MD

RECEIVED
JUL 21 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Alan S Wolfgang
P.O. Box 17
Shartlesville, PA 19554-0017

Dear, Exxon Valdez Oil Spill Trustees

I am writing to ask for your help in protecting very valuable land. The land I am speaking of is 30,200 acres of privately owned land that could be acquired and added to Kenai Fjords National Park. This land if purchased would greatly help restore wildlife that was severally damaged by the Valdez Oil spill. I realize that by having this land added to the National Parks system it would not protect it from other oil spills, but I am looking to the future for other threats such as special interest business groups exploiting the natural resources.

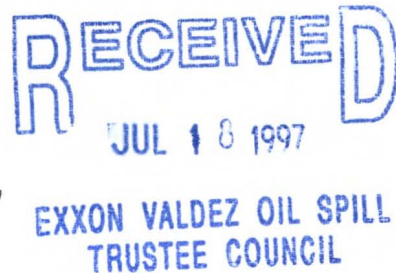
Another benefit of this land purchase would be a real good boost for the local economy. The new word "ECO-TOURISM" is music to many small local business owners ears. If this land is added they will come. Time and time again the National parks have proven themselves worthy stewards of our public lands. It really is a sound decision.

The English Bay Corporation is very willing to work this deal out. Please take the time to think this through carefully before letting go of this deal. If you look carefully you'll see it's a WIN, WIN kind of situation. Not many of this kind come along very often. Think of the future generations who will benefit from this deal, not just humans but the countless wildlife that will reestablish and be protected for many years to come. The future is in your hands. In closing Please sit down and talk to the willing native corporations. I am sure the decision will be easy to make once you see the whole picture. Thank You for time.

Signed,
Alan S Wolfgang

July 15, 1997

EVOS Trustees
645 G St.
Anchorage, Alaska 99501
Dear Trustees:



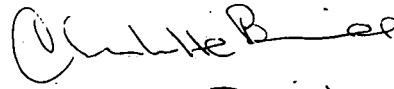
Please purchase important lands on Afognak Island, which contains an ancient forest. In particular, Paul's and Laura Lakes, Shugak Strait, and Afognak Lake should be bought and preserved. Lands around Paramanof and Malina Bays are breathtaking in their beauty and worth preserving.

Also, please increase the amount of money to be set aside to protect Afognak. This is the final chance to preserve the remaining pristine lands on the island. Please do your best for Afognak! We Americans will appreciate your efforts in behalf of our wild and beautiful lands that our children's children should be able to appreciate.

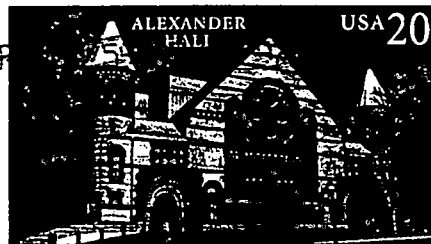
Sincerely,
M. Ruth Hiswander
622 Barbera
Davis, Ca. 95616

I would like to urge you to
support establishment of public
lands at the Mineral Creek
Beach area.

This would be a valuable
recreational opportunity for
our community.

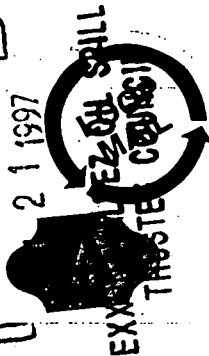

Charlotte Burrill

Charlotte Burrill
P.O. Box 2003
(via w. line)
Wadez, AK 99586



PRINCETON UNIVERSITY • 250TH ANNIVERSARY

RECEIVED



EVOs Trustee Council
645 G St. #401
Anchorage, AK 99501

RECEIVED
JUL 14 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

July 11, 1997

From: Rod O'Connor, Program Director, KMXT Kodiak
To: Molly McCammon, Exxon Valdez Oil Spill Trustee Council
Subj: ALASKA COASTAL CURRENTS

Dear Ms. McCammon:

For the past couple of years, since it's inception, KMXT Kodiak has been pleased to air ALASKA COASTAL CURRENTS, produced by Jody Sykes of Cordova.

I have been most impressed with the quality and information provided in these two-minute features. I have had several comments from our listeners over the past year who have conveyed a similar enthusiasm for the show.

I presume Ms. Sykes is planning on continuing the series, and I hope the shows continue for some time into the future. At the present time, KMXT only airs ALASKA COASTAL CURRENTS once a week; on Sunday afternoon, due to the limited number of episodes. Eventually, I would like to make the show a daily feature, provided there are an ample supply of shows.

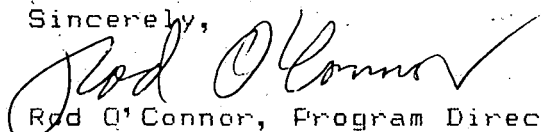
The reason I have found the shows to be quite useful to our audience is the talent Ms. Sykes has for condensing as much information into a two-minute frame. The features take a middle-of-the road approach to the spill, without resorting to whining, or blaming anybody for the spill. Instead, we get the facts, straight and simple, without a lot of self-serving commentary.

KMXT, as you may not be aware, serves not just the city of Kodiak but all of the villages on Kodiak Island through an elaborate system of translators and repeaters. So, ALASKA COASTAL CURRENTS can be heard by the hundreds of Native-Alaskans in the villages who were most effected by the spill, and to whom these features should be most directed.

Again, I believe that ALASKA COASTAL CURRENTS are a fine addition to our program line-up. I hope that the shows continue to be produced. I also strongly recommend them to other stations around the state.

If I can provide any further information or suggestions for these features, please feel free to contact me here at KMXT.

Sincerely,


Rod O'Connor, Program Director

907-486-3181
FAX 907-486-2733

RECEIVED
JUL 4 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

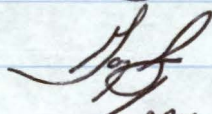
7-9-97

EVOS Trustees
645 G. Street
Anchorage, AK 99501

Dear Trustees,

Please use any funds available to purchase lands on Afognak Island. Important habitat lands on the north of island are especially critical for habitat. In addition, linking units of Afognak Island State Park is also very important.
Thank you for your consideration.

Sincerely,



Gary Simpson

4946 Quail Ridge Dr NW

Albuquerque, NM 87114

Exxon Valdez Oil Spill Trustee Council

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



July 16, 1997

Donna L. Walsh
P.O. Box 1224
1773 Homestead Street
Valdez, Alaska 99686

Dear Ms. Walsh:

Thank you for your recent letter regarding the small parcel near Valdez nominated for purchase by the *Exxon Valdez* Oil Spill Trustee Council.

As you may be aware, more than 320 small parcels have been nominated as possible candidates for purchase under the Trustee Council small parcel protection program and each one is evaluated from the perspective of how purchase of the land could help restore the biological resources and human services that were injured as a result of the *Exxon Valdez* oil spill. About 15% of the parcels nominated have been identified as being priorities for purchase and protection by the Council. The PWS 1056 parcel — also known as the "Mineral Creek parcel" — has been evaluated and ranked low in terms of its restoration value.

We have received a substantial amount of comment from the public in support of purchasing this property and the Alaska Department of Natural Resources has proposed that the Trustee Council designate this parcel as a Parcel Meriting Special Consideration which would allow it to go forward for an appraisal under our process. At this point, however, the Trustee Council as a whole is trying to complete action on all parcels currently under consideration before approving new acquisitions. Please know that the Council is very interested in public comment and a copy of your letter will be forwarded to each of the Trustee Council members.

Sincerely,

Molly McCammon
Executive Director

Donna L. Walsh
P.O. Box 1224
1773 Homestead Street
Valdez, AK 99686
(907) 835-5116

July 8, 1997

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

RECEIVED
JUL 14 1997
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Ms. McCammon:

This letter is regarding the small parcels purchase program implemented by the Exxon Valdez Oil Spill Trustees Council (EVOSTC). As a Valdez resident, I feel very strongly that the 100-acre shoreline property at the mouth of Mineral Creek would be an ideal purchase for EVOSTC. I am currently living near the Mineral Creek shoreline property and I frequently visit the area in question. In my view, the Mineral Creek shoreline property is a perfect candidate for inclusion in the EVOSTC small parcels purchase program for the following reasons:

- 1) The property is home to numerous birds, wild plants, fish and various small mammals. In addition, this land is used by many shorebirds, of which many were affected by the oil spill.
- 2) The property would be accessible to a large number of persons; not only those residing in Valdez but also to the numerous year-round visitors. With so few areas with public access to shoreline in Alaska, this would be a true asset to Valdez; the community most closely connected to the Exxon Valdez Oil Spill.
- 3) The property has an incredible view of the oil tankers as they come and go from the Valdez terminal - perhaps the only accessible place in Alaska where this type of viewing can take place.

Should EVOSTC decide to purchase this property, a marine park could be established which would protect the natural resources in the area as well as serve as a much needed recreation site for Alaskans and visitors. This marine park would allow visitors to view the oil tankers on their voyages to and from the Valdez terminal. An educational program could be implemented to inform users of the sensitive balance of wildlife and how the natural resource extraction industry can be successfully managed to coexist with the protection of the environment.

I strongly encourage EVOSTC to consider the purchase of the property at the mouth of Mineral Creek in Valdez. I have heard that consideration is based on land affected by the oil spill, and that this land is not one that was closely impacted. However, as far as public access is concerned, this land is the closest land to the affected oil spill area that is accessible by road. Therefore, I feel it is the perfect parcel for participation EVOSTC's small parcel purchase program.

Thank you for your consideration of this request.

Sincerely

Donna Walsh

Donna Walsh

July 8, 1997

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

Dear council members,

I am writing to congratulate the trustees on concluding the deal concerning crucial land within Kenai Fjords National Park being purchased! Aquiring these parcels for Kenai Fjords will make the park and its resident wildlife much more secure in the coming years.

I also want to urge the council to negotiate similar agreements with Port Graham and other corporations that own critical parcels within the spill damage zone.

Thank you very much,
Sherry Witz

RECEIVED
JUL 11 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

We, the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owners, the Lesnoi Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development (ie., logging), and providing for the recreational use by the residents of the Kodiak Island community.


Signature

7/7/97
Date

Signature

Date

Eric Myers

From: Oil Spill Public Information Center
To: Eric Myers
Subject: Afognak Island
Date: Monday, July 07, 1997 11:27AM

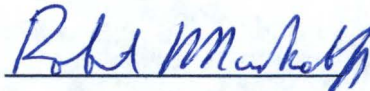
>From: Jbluestein@aol.com
>Date: Sat, 5 Jul 1997 14:47:34 -0400 (EDT)
>To: ospic@alaska.net
>Subject: Afognak Island
>
>July 5, 1997
>
>EVOS Trustees
>645 G Street
>Anchorage, AK 99501
>
>EVOS Trustee Council:
>
>This letter is in regards to Afognak Island just off the coast of Kodiak
>Island.
>
>Paul's Lake, Laura Lake, Shugak Strait, Afognak Lake, Paramanof and Malina
>Bays are all areas of Afognak that need protection.
>
>We urge you to use remaining moneys from fines paid by Exxon Corporation as a
>result of the 1989 oil spill disaster to purchase important habitat lands on
>Afognak Island.
>
>
>Sincerely,
>Cheryl and Jordon Bluestein
>3183 Wayside Plaza #114
>Walnut Creek, CA 94596
>
>
>

3710 Ember Spring Drive
Kingwood, TX 77339-1932
July 4, 1997

Dear Sir or Madam,

Please purchase important habitat lands on Afognak Island. In particular, Paul's and Laura Lakes, Shugak Strait, Afognak Lake and key parcels to link units of Afognak Island State Park, and lands around Paramanof & Malina Bays. To do this, you will need to increase the amount of money set aside to protect Afognak. This is our last opportunity to protect remaining pristine lands on this island.

Cordially,



Robert Markeloff

RECEIVED
JUL 21 1997
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

3 July 1997

EVOS Trustees
645 G. Street
Anchorage, AK 99501

RECEIVED
JUL 7 1997

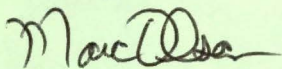
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Trustees:

I would like to like to urge the Council to use most of the money remaining in the restoration and research reserves for **habitat acquisition** on Afognak Island. I believe that habitat acquisition is much more urgent than other non-protective uses of the fines.

I would request the Council to set its sights on protecting the ancient forests of North Afognak Island, in particular Paul's and Laura Lakes. Other important areas are Shugak Strait and Afognak Lake. Key parcels which would link Afognak State Park should also be a high priority. The lands around Paramanof and Malina Bays are also extraordinarily beautiful and worth protecting. I thank you for previously protecting lands in Afognak Island, now you should do more.

Sincerely,



Marc Olson
Box 185
Barrett, MN 56311

To whom it may concern;

My name is Riesa Harris and I am a citizen of Valdez. I greatly support the New Beach Access Idea. I would also like to recognize just about every other citizen of Valdez that is interested in the purchase of this land (But is too lazy to send things). I hope you recognize ~~the~~ our opinions and take them into consideration when choosing ~~the~~ whether or not to purchase this land.

RECEIVED

JUL 11 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Sincerely,

Riesa Harris

Riesa Harris
Box 3354
Valdez, AK 99686

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.

Marie J. Griffin
Signature

6/5/97
Date

Signature

Date

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.

[Signature]
Signature

Jun 30 97
Date

[Signature]
Signature

Date

JUL 11 1997
TC

Kodiak Audubon Society
P.O. Box 1756
Kodiak, AK 99615

July 1, 1997

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

Dear Council Members,

I am writing on behalf of the Kodiak Audubon Society. We are a conservation and environmental education group with about 100 members. We would like to thank the Council for all the work done so far in protecting habitat. We especially appreciate the Council's work in expanding Shuyak Island State Park.

Though we have written in support of Termination Point before, I would like to reiterate our strong support for acquisition and protection of this area. The high resource value, road system accessibility and heavy recreational use of Termination Point merit the parcel's high ranking in the evaluation process. The Kodiak Island Borough has rezoned land surrounding Termination Point to Natural Use (the Borough's most protective zone). The Kodiak Island Borough also intends to develop recreational facilities (out houses, a picnic shelter and board walks) on its land at the end of Monashka Bay Road, adjacent to Termination Point.

Most land along the Kodiak road system belongs to native corporations. While the corporations have traditionally allowed the public to use their lands, this situation is changing. Acquiring and protecting Termination Point would ensure a recreational area along the road system available to all citizens of the Kodiak area. Please continue in your efforts to acquire Termination Point.

Sincerely,

Mary Forbes

Mary Forbes
President, Kodiak Audubon Society

hand out
Wed. at meeting

TO: The EVOS Trustee Council

907-476-7178

From: Mary Forbes, Kodiak Audubon Society

907-486-2685

RE: Termination Point

PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Hans Chatham		907-486-5648-4	
Tschersich		-9521	Kodiak

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

Date of call: 7/1/97 Comment taker: Molly Melam

Subject of comments: Termination Pt

Comments: support termination pt. acquired

from public use standpoint - Term Pt is better.

from ecological standpoint - both Term Pt and Long Island are good.

COMMENTS



We would like your comments on the revision of the Chugach National Forest Land Management Plan. Please take a few moments to write down your thoughts on any issues that you feel should be updated, changed or added to the revised Forest Plan.

This comment sheet is pre-addressed for easy return to our office. Just mail it to us at:

Chugach National Forest
3301 'C' Street, Suite 300
Anchorage, AK 99503-3998

You can also send us your comments by:

fax 907 271-3992

phone 907 271-2500

or e-mail Scoping.Comments/R10_Chugach@fs.fed.us

Ken - FYI *gd*

What is important to you?

I have learned that the oil spill Council plans on turning 100 acres in Landlocked Bay into a State Park. I am a private owner in Landlocked Bay and strongly protest this! Please help me stop this fee acquisition. It will ruin my and the other private land owners use and enjoyment of our land. There are many more suitable bays in this part of the state that do not have private land ownership that could be developed for a state park!

PLEASE HELP ME. *Jas McLean*

If you did not receive this newsletter in the mail then you are not on our mailing list for Forest Plan Revision. If you would like to be included in future mailings, please print your name and address below. If you officially represent any group, institution, or organization, please also list that group's name.

Name: _____

Address: _____

VINCENT McCLELLAND
BOX 799 791
KEENE VALLEY, NY 12943

City, State, Zip Code: _____

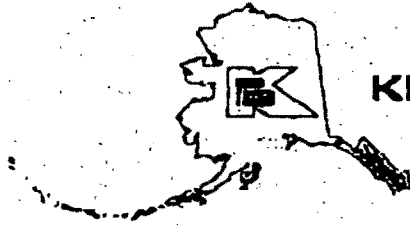
518 576 9557 and (2281 office)

Large print or other alternative formats of this information are available upon request. Fax 576 4352

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comment submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR Parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

marilyn - 12903

cc: Jim Myers

**KENAI PENINSULA BOROUGH**144 N. BINKLEY SOLDOTNA, ALASKA 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892MIKE NAVARRE
MAYOR

June 18, 1997

The Honorable Tony Knowles
Governor, State of Alaska
PO Box 110001
Juneau, AK 99811-0001**ATTACHMENT****RECEIVED**

JUN 27 1997

OFFICE OF THE GOVERNOR

Dear Governor Knowles:

I have been following the work of the Exxon Valdez Oil Spill Trustees Council and have been quite impressed. I especially appreciate the Council's decision to allow a presentation from Homer Mayor Jack Cushing and representatives from the Trust for Public Land and the Kachemak Heritage Land Trust on behalf of the Homer Spit and Beluga Slough acquisition. The Council's decision to recognize these parcels as "parcels meriting special consideration" was great news for the Kenai Peninsula.

I spent a great deal of time on oil spill issues during the 1989 legislative session, and I understand and strongly support restoration efforts that include plant and animal life as well as efforts to restore the health of the people who live, work and play in the spill area. South Peninsula residents have done an excellent job of documenting the oil spill through the Pratt Museum exhibit, and are continually working on educational efforts to keep our watersheds safe from contamination. Many thanks to you for supporting those efforts with your promotion of Kachemak Bay as a National Estuarine Research Reserve!

The purchase of intertidal land along the Homer Spit and Beluga Slough fits perfectly into the community's vision of economics for their area. The tourism and timber industries have become quite visible on the Homer Spit, and the acquisition of more public land to help maintain the unique values of this area is definitely needed. I strongly agree that these parcels merit special consideration and urge you to take it a step further with your support for the purchase in the months to come.

Once again, thanks for your support of spill affected areas in the Kenai Peninsula Borough. I appreciate your efforts and the work of the Trustee Council to use our restoration dollars in the most effective way possible.

Sincerely,

Mike Navarre
Mayor, Kenai Peninsula Boroughcc: Commissioner Frank Rue
Deborah Williams, US Dept. of Interior

National Audubon Society



ALASKA STATE OFFICE

308 G Street, Suite 217

Anchorage, AK 99501

Tel: (907) 276-7034

Fax: (907) 276-5069

June 23, 1997

Molly McCammon
Executive Director
Exxon Valdez Oil Spill Trustees Council
645 G St., #401
Anchorage, AK 99501

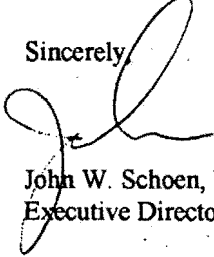
Dear Molly:

Thanks for providing Audubon the opportunity to address the Trustee Council last month about the Homer Spit and Beluga Slough habitat acquisition opportunity. I appreciate the time the Council took to listen to the proposal sponsored by the TFPL and the City of Homer. As you know, Audubon is very supportive of this acquisition opportunity. We believe this is a great way to protect intertidal resources including shore birds and marine invertebrates. This project also has much public support and will benefit the local economy by protecting tourism and recreational opportunities. Speaking of public support, I realize that I have a number of the original signatures (I believe you already have copies) of those people supporting purchase of these lands. I have enclosed these for your files.

One issue that was not directly addressed during our presentation is the importance of adjacent lands. Although the lands on the northeast (mud flats) side of the spit are the most valuable habitat, adjacent lands on the outside of the spit may be significant in that commercial development or incompatible uses of those lands could potentially impact the value of the other lands as shore bird habitat.

Again, thanks for providing us the opportunity to present our case for Homer Spit and Beluga Slough. Audubon believes this is a great opportunity for the Trustee Council to work on a cooperative basis with the City of Homer to protect an area that is of interest to the City, State, and to birders and wildlife watchers across the nation.

Sincerely,



John W. Schoen, Ph.D.
Executive Director

Enclosure

in

June 23 '97

Hello -

I'm a Valdez resident - it has been pointed out to me that there is coast line land for sale that could be bought w/ EXXON settlement money, and be designated a state park.... but since the piece of land is only around 90 acres - in order for the purchase to happen, local interest must be expressed....

Well, consider my local interest expressed. I would love to see any available ^{coastal} land become public access / use. It is a great jumping off spot for kyacking - or jet ski-ing - buy this land and add to the list of things to do

when you live in or visit
Valdez.

Thank You

Carol A Green

box 2750

Valdez AK 99686

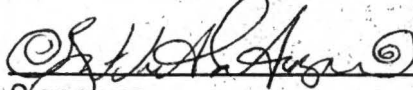
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JUN 26 1997

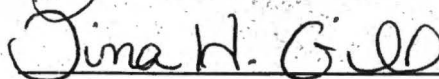
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.


Signature

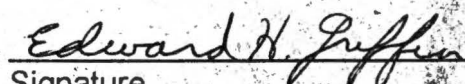
6-22-97
Date


Signature

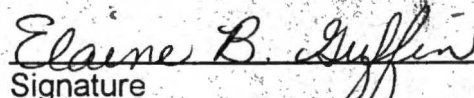
6-22-97
Date

We the undersigned, do hereby strongly urge the Exxon Valdez Oil Spill Trustee Council to purchase Cape Chiniak for its outstanding wildlife and recreational value from its owner, Leisnio Corp.

We understand that in purchasing Cape Chiniak, the Exxon Valdez Oil Spill Trustee Council will be protecting critical wildlife habitat, protecting against development, (i.e. logging), and providing for the recreational use by the residents of the Kodiak Island community.


Signature

6/5/97
Date


Signature

6/5/97
Date

EXXON VALDEZ OIL SPILL TRUSTEES
645 "G" ST., SUITE 401
ANCHORAGE, AK
99501-3451

TO Whom it may concern,

05-13-97

I recently read about the acquisition of some 30,000+ acres of Alaskan lands approved by the board of trustees to be transferred to the Kenai Fjords National Park. I was happy to know that now these delicate eco-systems will be protected.

However, there is still unprotected lands located within the spill zone. I implore you to continue to acquire such lands from Port Graham and other Native corporations.

I believe it is important for these lands to exist as nature intended. Your actions now can help to protect this beautiful Alaskan wilderness for generations to come.

Thank You,

BONNIE TAYLOR,

SAN DIEGO, CA

RECEIVED
JUN 20 1997

Bonnie Taylor

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Pamela J. Pingree
P.O. Box 5552
Chiniak, Alaska 99615

RECEIVED
JUN 9 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL 2, 1997

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

Dear Mr. Myers;

Regarding Leisnoi Corporation's recent nomination of Cape Chiniak lands and that of Long Island for purchase by EVOSTC, I offer the enclosed materials in opposition to turning either parcel into a State Park.

Enclosed I have included:

Data Sheets and Environmental Newsletters from the
Alaska Department of Environmental Conservation;

Contaminated Site "Final Community Relations Plan"
from the U.S. Army Corps of Engineers (COE);

"Draft Work Plan for Interim Removal Actions" also
from the COE;

Descriptions and Definitions of PCB's and photographs
of various places in Cape Chiniak - including the
Little Navy Annex and the Cape Chiniak Tracking Station.

I understand that cleanup by the COE will begin this summer. In conversations with Mr. John Halverson, ADEC, and Mr. Don Bethel, COE, it is clear that critical cleanup intended by the COE in the Cape Chiniak area has been thwarted by Leisnoi's interference with attempts to clean it up themselves (the results of which are obvious in the photos). This, to my understanding is a problem.

I have highlighted information throughout the COE's "Community Relations Plan" that I believe to be of concern - most especially in relation to lands being evaluated for potential parklands.

You will notice that the Data Sheets from ADEC, for both Long Is., and Cape Chiniak, state "Extent of Contamination is Unknown". The factsheet regarding the Tracking Station states that the "Human health threat may be low due to the sites isolated location". This may have been true 25 years ago, but Chiniak has grown and has a healthy amount of year round residents as well as tourists that frequent the Tracking Station and Little Navy sites .

The COE's "Draft Work Plan for Interim Removal Actions" states on page 1-1 that the cleanup actions are not necessarily final remedial actions, but are interim measures taken to reduce risk to human health or the environment. That says REDUCE, not eliminate. Considering Leisnoi's interference in the COE's cleanup efforts, it seems questionable that this "park" could ever be safe for the public.

Levels of PCB's exist in unknown quantities; their lasting effects over the years is alarming. The COE's "Community Relations Plan" page 2-1 explains that Ft. Tidball, on Long Island was closed in 1947 with environmental investigations taking place in 1986. "Preliminary sampling activities found evidence of Polychlorinated-Biphenyl (PCB) contaminated soil...and numerous areas of fuel contamination, specifically Diesel Range Organics." A 1993 Preliminary Assessment of the area at the Chiniak Tracking Station showed, after cleanup work had been stopped prior to it's completion in 1986, that further investigation was warranted as significant contamination was still apparent. As a result, further cleanup activities are necessary.

PCB's were banned by the Environmental Protection Agency in 1977-78. As defined in Gale's Science and Technology Desk Reference, PCB's cause environmental problems because they do not break down, and can spread through the water, soil and air. After reading about the possible distribution of PCB's, I am further alarmed.

If the Cape Chiniak parcel and the Long Island parcel are indeed purchased by EVOSTC, who will assume responsibility for the cleanup? Will either area ever be considered user-friendly, free of any threat of liability resulting from toxic waste or hazardous junk piles, not to mention unsafe buildings?

Throughout the Cape Chiniak area there are hazardous debris piles in numerous locations. Do these fall under historical? Hazards, as defined in the COE's "Community Relations Plan" include: unsafe buildings, structures, or debris; contamination from hazardous substances or pollutants; and other damage that imminently and substantially endangers public health or welfare or the environment. Unfortunately, the hazards in Cape Chiniak are not limited to those existing in the 2 areas the COE has jurisdiction over; the COE is limited to Former Dept. of Defense Sites.

So, I ask, is it possible to successfully turn areas that are contaminated with toxic waste, especially PCB's into a State Park?

If anyone on the Trustee Council were interested, my husband and I would be glad to walk around Cape Chiniak and show you areas that are of great concern. There is a large block of soil upon which is limited growth, yet around it's perimeter is normal growth; 55 gallon drums of who-knows-what are surfacing all over; a small lake in close proximity of the Tracking Station is nearly void of life...I could go on. On Long Island, the fish living in the lakes are unfit for human consumption and deformed.

Then there is the question of utmost importance: How can Cape Chiniak lands benefit recovery and restoration services injured by the oil spill? I would be greatly interested in how this conclusion is arrived at. I am awaiting the arrival of Shoreline Surveys done regarding the impact in the Cape Chiniak area.

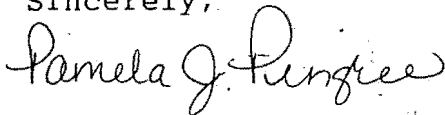
My husband & I observed the cleanup in Chiniak on a daily basis and to my knowledge Chiniak was not hit with devastating results.

Chiniak is indeed a beautiful place to live, the scenery is breathtaking. Leisnoi has granted public use of their lands. A lot of money will be required to ready this area for a park. Our taxes have all ready been raised to "maintain" the Shuyak Island Park that was purchased with EVOSTC monies. Do we want to see our taxes raised again, so we can call Chiniak a "Park"? Not me. It's a high price we'll pay to stop the controversial logging of Leisnoi's lands. Kodiak's combined timber industry generated \$247,020.00 in public revenues from severance taxes for the Fiscal Year 1996. So, in addition to our taxes being raised to cover the cost of maintaining our new park (not to mention the clean up), we'll raise them a bit more to cover the revenue lost from timber sales as well.

I simply cannot see any benefit to asking for our taxes to be raised for the use of a "Park" that we all ready have access to. With the potential for unforeseen liabilities within the toxic waste realm and the hazards that exist, I am entirely opposed to seeing this turn into an endless funnel for public funds. Again, I state that the concerns I mention in this letter state my opposition to the purchase of Cape Chiniak Lands and Long Island Lands from Leisnoi Corporation.

I do hope you will look closely at the enclosed documents and take everything into consideration as you evaluate this nomination.

Sincerely,



Pamela J. Pingree

Anchorage Daily News



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Publisher

Michael Carey / Editorial Page Editor

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Valdez legacy

Exxon's cash may benefit ecosystem

Eight years after the Exxon Valdez oil spill blackened the state's shores, a host of biological mysteries remain unsolved.

Did the spill contribute to the population crash that closed Prince William Sound's Pacific herring fisheries from 1990 to 1996? Is there any way to modulate the wild swings in pink salmon runs that followed the Exxon disaster? Is there any hope of reversing the almost catastrophic decline of the area's harbor seals, which were in trouble even before the Exxon Valdez's oil hit the water? Why have species of birds like pigeon guillemots and marbled murrelets failed to bounce back?

Researchers have been diligently trying to answer those questions, using part of the \$900 million Exxon agreed to pay the state and federal government in damages for the nation's worst maritime oil disaster.

Exxon's yearly payments will stop in 2001, but the quest to understand the spill and cure the harm it caused are unlikely to be finished by then. That's why the state and federal trustees who oversee the restoration work have been setting aside some of the yearly damage payments for future use.

One idea now making the rounds is to use that reserve to create a foundation that would continue restoration work after 2001. Given the unanswered questions about the spill's long-term impacts, having a way to continue studies and restoration work is a good idea. The alternative is to burn all the money up on shorter-term studies or even more purchases of land threatened by logging and other development.

The trustees' long-term plan strikes a good balance. Immediate cleanup and damage repair have cost \$213 million. Another \$386 million, 42 percent of the total, will be spent to protect habitat by acquiring land and development rights. Research and long-term restoration work are slated to get \$180 million.

Under that plan, the reserve funds would total roughly \$108 million. Managed carefully, that money would produce several million dollars a year indefinitely. The research work would be especially helpful, as even in the best of times the state is loathe to spend money on studies that help manage our natural resources.

No amount of money can undo what happened after the Exxon Valdez ran aground. But the Exxon settlement can enable Alaskans to better understand the ecosystem that was damaged and to take better care of it far into the future.

SeaLife Center gets first patient

SEWARD (AP) — A 1-week old porpoise that washed ashore in downtown Juneau was delivered to the Alaska SeaLife Center in Seward, where treatment was under way Wednesday. The center said it was still several months away from seeing its wildlife rehabilitation unit complete. The center on Resurrection Bay combines a visitor center with a wildlife rehabilitation unit and was set up after the Exxon Valdez oil spill in 1989.

The center said it received the Dall's porpoise on Tuesday, after it was observed alone and adrift in Juneau for three days.

The animal eventually washed ashore, where it was retrieved by the National Marine Fisheries Ser-

vice and examined by a Juneau veterinarian. The animal was airlifted to Anchorage and transported from there to Seward.

Vic Aderholt, a curator at the marine center, said the animal was in guarded condition Wednesday after going without food for some time.

"It is rare that animals this young survive," Aderholt said.

The porpoise, which requires 24-hour care, was being held at the Institute of Marine Sciences building, adjacent to the SeaLife Center. Center staff will try to stabilize the animal after the stress of being washed ashore and handling.

Ailing baby porpoise getting expert care

■ Prospects not good for mammal found in Juneau waters

By CATHY BROWN

THE JUNEAU EMPIRE

A baby porpoise found abandoned in Juneau this week is the first marine mammal to arrive at the not-quite-finished Alaska SeaLife Center in Seward.

The Dall's porpoise, which appears to be about a week old, is in guarded condition, SeaLife Center director of marketing Donna Harris said. "It's kind of touch-and-go."

Steve Zimmerman, chief of the protected resources management division at the National Marine Fisheries Service, said someone called the agency Monday morning to report the baby porpoise had been seen Sunday alone near Taku Smokeries.

A staff member spent about an hour looking for the animal but didn't find it, Zimmerman said. Later that morning, another call came in that the calf was in the water by the Alaska Department of Fish and Game office on West Eighth Street.

The porpoise was reportedly on its side, struggling to swim.

"It somehow got separated from its mother or lost its mother," Zimmerman said. "It was probably going through a process of starvation."

By the time NMFS staff arrived at the Fish and Game office, someone had pulled the porpoise out of the water and had it lying on a blanket on the shore.

"It was a very small animal. It was moving just a little bit," Zimmerman said.

"Its dorsal fin was leaning over which is often a sign of weakness in some species."

NMFS staff carried the porpoise on the blanket to a truck and hauled it to Southeast Alaska Veterinary Clinic.

The calf spent Monday night in veterinarian Melissa Edwards' bathtub, so she could feed it every two hours. She flew with it on Tuesday to Anchorage and drove it to Seward.

Harris said the SeaLife Center isn't really ready to accept animals yet, but the porpoise is still small enough that it can be cared for in a 6-foot tank at the adjacent Institute of Marine Science, a University of Alaska Fairbanks facility.

The SeaLife Center's veterinarian and other staff are caring for the animal, which needs 24-hour-a-day attention, she said. Center staff are not optimistic about the calf's chances of survival.

"It is rare that animals this young survive," the center's director of aquatics, Vic Aderholt, said in a news release.

Dall's porpoises are black with white on their fins and underside and are often referred to as "baby killer whales," Zimmerman said. They grow to about 6 feet long and up to 480 pounds.

This calf is about 3 feet long and weighs about 35 pounds, according to the SeaLife Center.

Edwards cautioned that people should not attempt to rescue marine mammals that appear to be abandoned. The mother may simply be out feeding, she said.

"If you see a stranded seal or something, you need to just get hold of the appropriate authorities and let them deal with it."

Mayor: Leases will pay for NIRF

By JEFF RICHARDSON
Mirror Writer

The borough is working to put together the final leases for the Near Island Research Facility, and should have them completed within a few months, says Mayor Jerome Selby.

The borough already has its biggest contract for the \$20.7 facility signed — a \$1.46 million annual lease from the National Oceanic and Atmospheric Administration. A lease with the Alaska Department of Fish and Game has also been inked.

Its remaining leases — from the University of Alaska and the National Parks Service — have verbal commitments, Selby said.

Landing leases for the facility is critical, he said, because it is allowing the facility to be paid for without any local tax dollars.

Funding comes from the following sources:

- \$6 million from part of the Exxon criminal settlement, which the state devoted to the NIRF building.
- Both the state and NOAA agreed to put \$3 million into the facility.
- A federal grant for \$465,000.
- The borough projects \$235,000 in interest earnings by the time the project is completed in fall 1998.
- The biggest funding source, however, comes from an \$8 million bond. The borough is-

sued the bond itself, Selby said, because it was able to get 7 percent interest — about a percentage point higher than anyone else was offering.

The bond money comes from a facilities funds the borough has from the \$42 million sale of Shuyak Island. That money can be used only for repair and maintenance of facilities, bond debts and insurance.

"We have a pretty tight investment policy here," Selby said. "We don't just go out and buy anything."

The borough is counting on its leases to pay back that \$756,000 annual bond payment. About \$1.5 million in lease money is already officially committed, with about \$155,000 more projected from

UAF and NPS.

The remaining lease money will pay for operating expenses — about \$700,000 a year — and will be put into a reserve fund, in case the facility needs substantial repairs.

"None of it is borough money at all," Selby said. "It's all coming from other places."

Selby said the borough also has been assured that it will not have to pay for cost overruns.

Although the project was put out to bid with only partially completed plans, the borough negotiated a maximum guaranteed price. Any extra costs will have to be absorbed by the contractor building the facility, unless the assembly decides to upgrade it while it is under construction.

Around Juneau

Baby porpoise dies

JUNEAU — A baby porpoise that was sent to the Alaska SeaLife Center for rehabilitation after being found alone in Gastineau Channel earlier this week has died.

According to a news release from the SeaLife Center, the Dall's porpoise died about 8:45 this morning. It was about a week and a half old and center staff said its chances of survival were not good.

The calf was being fed a high-fat, high-protein formula every hour and staff members had been in the water providing physical contact, according to the news release.

"We gave the porpoise the best available care," SeaLife Center Executive Director John Hendricks said.

The calf had for some reason become separated from its mother and was seen alone Sunday near Taku Smokeries, according to National Marine Fisheries Service staff. It was pulled out of the water Monday near West Eighth Street and taken by NMFS staff to a local veterinary clinic. It was transported to Seward on Tuesday.

JUNEAU EMPIRE 8/1/97

Can 'restoration' on Kenai actually be hurting the river?

By JON HOLLAND

Peninsula Clarion

Nearly everyone agrees that the Kenai River is having trouble adjusting to an overwhelming and growing human presence. Angler traffic alone on the Kenai River has tripled in the last 20 years.

There is considerably less agreement on how to solve the problems associated with increased use.

Angler days spent flogging the waters of the Kenai have grown from 122,000 in 1977 to 378,000 in 1995, according to the Alaska Department of Fish and Game. According to Ken Tarbox, an ADF&G biologist in Soldotna, 32,000 boats were counted passing a single spot on the lower river during July of 1996.

A dizzying array of agencies and individuals are rushing to the river's aid. No less than six state and federal agencies have jurisdiction over the 246 projects under way on the Kenai. No one knows for sure how much money is involved, but the 51 projects that the state is sharing the cost of are estimated to run more than \$500,000.

Most of the projects involve mitigation of human impacts, such as restoration of banks damaged by angler traffic or removal of jettys.

Tarbox is worried the term "restoration" is often nothing

more than a red herring to get a government matching grant for improvement and protection of private property. The grants are funded with money from the Exxon Valdez oil spill judgment and a \$1 million wrung from the National Marine Fisheries Service for habitat protection by Ted Stevens. Tarbox says the matching grants may actually be encouraging a more rapid rate of development along the river.

"We're following the exact same paradigm that happened in the Pacific Northwest," Tarbox said Monday. "Short-term self-interest is driving the process."

The many restoration efforts going on up and down the river clearly demonstrate the absence of a unifying goal, Tarbox said. Without an overall plan, the river's would-be saviors are like a bunch of Keystone Cops, running around bumping into one another without accomplishing much.

Tarbox and retired fisheries biologist Terry Bendock wrote about what they viewed as a muddled approach to habitat management in 1996 for the "Alaska Fishery Research Bulletin."

"In Alaska, we have the same institutional function and structure that led to the decline of Columbia River salmon," the biologists wrote. "These institutional factors include fragmentation of scientific effort, responsibility and authority. ..."

Tarbox and Bendock claim lack of governmental accountability, biologically irrational property boundaries and unilateral or noncooperative decision-making by both public and private institutions all serve to exacerbate the problems.

The situation, however, is not exactly the same as it was years ago, down south according to Gary Liepitz, an Alaska Department of Fish and Game

habitat biologist who handles project permitting for the ADF&G at the Kenai River Center.

The center is an attempt to coordinate the efforts of government agencies responsible for project permits along the river and help property owners cleave the Gordian knot of bureaucratic red tape.

While a majority of the land below the Sterling Highway bridge is in private hands, most of the watershed above that mark is under federal control.

"Sixty-six percent of the lower river is in private ownership and if you try to tell them they can't use their property, they'll take you to court," Liepitz said. "We can't make people do the right thing."

The center can, however, refuse to fund or permit projects that are at odds with biological goals, Liepitz said.

"We don't encourage development for its own sake," Liepitz said. "We've denied a lot of applications that don't do any-

thing for the fish."

Liepitz said the center has turned down applications from property owners who wanted to put walkways on their entire river bank and people who wanted to build a boat launch when there are plenty of others available in the immediate area.

Soldotna Guide Reuben Hanke, whose land along the river was severely damaged in the 1995 flooding on the Kenai appreciates the job the center is doing.

"It helped a lot after the flood," Hanke said. "It was quite an improvement over the amount of time it took to get something done before the center was there."

Tarbox was quick to add that he doesn't blame any individual or agency for the things he fears are happening on the river. The fault, he said, lies with a flawed system that serves the bottom line at the expense of resources.

"Our system is political, and the public has not shown a willingness for restrictive measures," Tarbox said.

Liepitz agrees that politics tends to take precedence over biology, but he hopes to find a solution within the political environment.

"The answer Ken and those guys give us is just to get everybody off the river," Liepitz said. "We've got to let people use the resource, but to do it in an environmentally sound manner. If they come in with an unsound project, I won't permit them."

Liepitz said the lessons of the salmon streams in the Lower 48 has not been lost on Alaska, but the solutions need to be implemented in the context of modern political realities.

"Sixty-six percent of the lower river is in private hands, but half of those properties have not been developed yet," Liepitz said. "We're hoping to get the owners to leave 80-90 percent of it in natural condition."

Liepitz admits that human nature is tough to change, but when biologists proved that 12 miles of the lower 60 miles of river had been seriously damaged, an encouraging number of property owners and river users came forward to offer their assistance in righting the wrongs of the past.

"We need to use peer pressure, pride of ownership and private stewardship to solve these problems because we can't force people to do it," Liepitz said.

Tarbox, however, has less faith in the benevolent aspects of human nature. The 50-foot river-bank buffer zone adopted by the

Kenai Peninsula Borough in an effort to comply with the Kenai River Comprehensive Management Plan formulated by ADF&G is a classic example, Tarbox said.

The plan evolved from a set of ADF&G recommendations formulated in 1985. The department recommendations sat around for more than a decade gathering dust until the borough, yielding to political pressure, developed its own management plan. Unfortunately, Tarbox said, in doing so, borough planners cut the buffer zones from 100 feet to 50 feet and excluded tributaries and other areas in the watershed from the provision.

"The 50-foot zone is biologically indefensible," Tarbox said.

"We recommend a 100-foot buffer and actually, you need more than that to preserve water quality," said Lance Trasky of the ADF&G Division of Habitat in Anchorage.

Liepitz agreed that the 50-foot buffer is not adequate, but said it is better than no buffer at all.

The indiscriminate use of biologists, biodegradable logs made of cocoamat, and willow plantings is also problematic in Tarbox's view. He said it makes no sense to harden a bank that is naturally eroding and supplying necessary spawning gravels for the river. Such measures also tend to accelerate the current and pass erosion problems downstream rather than eliminate them.

"That energy has to go somewhere," Tarbox said. "What we call restoration is often trying to build something better, for our own purposes, than what occurred naturally."

Liepitz disagreed. Hardening the banks with artificial structures such as rip rap or auto bodies as was done in the past is indefensible, Liepitz said. It accelerates currents, passes erosion problems downstream and sweeps the bottom clean of spawning gravels. But firming banks with biologists is closer to what nature intended.

"Erosion along river banks is irregular, anyhow," Liepitz said. "These bio-engineered banks don't look natural when they're new and, granted, they are protecting private property—but they are also protecting the resource."

Trasky agreed with Tarbox that a certain amount of erosion is absolutely essential to the health of the river, but he sided with Liepitz in agreeing the Kenai's banks have eroded a lot faster than normal due to poor land-use practices and boat wakes.

Walkways, Tarbox said, belong on open, grassy banks where they complement the vegetation, but not where brush must be sacrificed to make way for the walkways, or the anglers that use them, such as at the Soldotna Visitors Center.

"I'm not anti-development. There has to be angler access," Tarbox said. "But let's call it what it is and decide how much of it we can afford."

Liepitz said he did not want to see boardwalks lining the banks of the Kenai.

"We need to establish where angler access will be and what its limits will be," Liepitz said.

Tarbox and Liepitz also agreed that environmental protection should extend to the whole watershed and not just the main stem of the Kenai River.

"We've been treating the symptoms piecemeal, rather than the cause, and that lack of understanding could lead to the death of the whole system," Tarbox said.

The best restoration, according to Tarbox, is "passive restoration" achieved by removing the cause of the problem and letting nature heal itself.

"When you take the trampling away, the banks recover pretty quickly," Tarbox said.

He calls attempts by individuals or agencies to identify and isolate critical habitat "biological arrogance."

"Critical habitats cannot be maintained as individual, discrete elements," Tarbox said. "Chinook salmon need banks cover, spawning gravels and water quality and all these issues come together in one system. We're not managing this as a watershed."

"Ken is right," Liepitz said. "The watershed needs to be looked at as a whole. There's a plan for the river itself, but that needs to be expanded to the tributaries."

The Kenai drains a basin 2,200 square miles in size, Liepitz said, and the challenge will be to convince property owners several miles up tributaries that their actions have a direct effect on the Kenai.

Both Tarbox and Liepitz believe that one of the saving graces for the Kenai River has been federal ownership of most of the land along the river, which has limited both development along the river and the number of parties in negotiations about the Kenai's future.

Tarbox pointed to the Kenai River Watershed Forum as a group with the right idea in their comprehensive management plan for the Kenai. Unfortunately, the forum owns no land and has no authority or resources. The ad hoc citizen group's approach to the problem is a decidedly democratic approach to watershed management.

"Our goal is to educate people on a watershed-wide basis about what needs to be done," said Catherine Cassidy, chair of the forum.

Michelle Brown of the Nature Conservancy, the group that helped found the forum, said the watershed management approach is logical, but public outreach takes a long time to bear fruit.

Tarbox is worried that the river doesn't have a long time.

"People say we're still getting good salmon runs," Tarbox said. "But the last 15 or 20 years we've seen exceptional marine survival that could be masking freshwater problems and if the population crashes, it could happen real fast. The Kenai River provides \$1 million in revenue annually, we spend very little in money effort to provide for the river."

Trasky said the Kenai is still a very strong river system, but not invulnerable.

"But to preserve that we still have to keep development along the river to as low a density as possible," Trasky said.

Liepitz stated it more plainly, yet.

"Riverfront property on the Kenai is worth nothing without fish in the river," he said.

Sonar counts Cook Inlet salmon when drift fleet idled

Editor's note: It has been eight years since the Exxon Valdez ran aground on Bligh Reef in Prince William Sound, spilling nearly 11 millions gallons of Alaska crude oil. Time has since told quite a lot about the spill's long-term effects. To help tell the story, the Exxon Valdez Oil Spill Trustee Council is providing this column focusing on the ongoing recovery within the spill region. The idea of this column is to explain, over time, the many aspects of recovery and restoration and what it means to the people who live, work and play in the oil spill region.

By JODY SEITZ

Up until a few years ago, fisheries managers for Cook Inlet relied on the commercial catches of the drift gillnet fleet to judge the size of the annual salmon runs.

This worked well, as long as the fleet was busy fishing. But when the fleet was in the harbor, fisheries managers would lose all track of the number of salmon in the inlet.

It was a common problem. "When we got into low-run strengths, when we weren't exactly sure how many fish were coming back, we'd close the drift fleet and then our computer models became ineffective," said Ken Tarbox, fisheries biologist with the Alaska Department of Fish and Game in Soldotna.

Cook Inlet is 1,000 square miles of silty, glacial

water and boasts the second largest tides in the world. This makes fish counting by aerial survey out of the question.

The best solution — remote sensing equipment and sonar sophisticated enough to handle the job — would be very expensive.

Fisheries managers turned to the Exxon Valdez Oil Spill Trustee Council for help. To assist in recovery of the sockeye salmon injured by the 1989 oil spill, the trustee council provided funds for sonar equipment that will allow managers to better estimate returns to Cook Inlet. The experimental use of sonar in the inlet's turbid waters proved at least as accurate as the traditional system using catches from the commercial drift fishery.

Sockeye returns to Cook Inlet over the last couple of years have been good, allowing managers to compare the sonar counts with the test fish counts taken during commercial periods.

"While the sonar was only counting 50 percent of what was there, it was telling us what the drift gillnet



Alaska
Coastal
Currents

Restoration and recovery following the Exxon Valdez oil spill

fleet would have caught which is the variable that we needed to put into the computer model," said Tarbox.

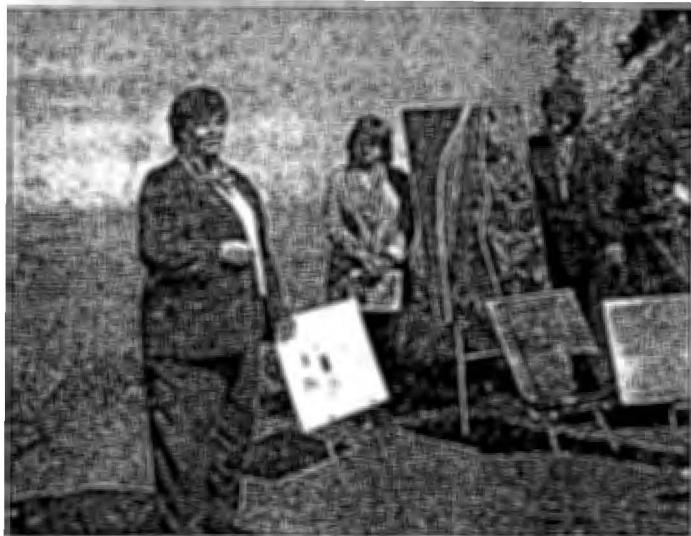
The sonar, however, had its own problems. In an effort to pick up trace waters from their home streams, salmon like to gather in the rips where currents come together. The turbulent rips also hold air bubbles. To sonar, which counts fish by bouncing sound waves off the air in a fish's air bladder, the air bubbles look similar to salmon.

Managers have six years of data now and have learned to count the fish all around the rips. Tarbox credits the sonar for providing a major improvements in management's approach to the inlet salmon fisheries. Managers want to know early in the season how many fish are coming back so they can determine their harvestable surplus. Before getting the sonar, they had no way to determine the number of returning salmon when runs were either late or low.

"Now we can close the drift fleet, send our test fish vessel out with the sonar, and within 24 to 36 hours make an estimate of what the drift fleet would have caught had they fished," Tarbox said "We can keep our models operating and therefore verify whether we're dealing with an extremely low run or a late run that appears to be weak."

Jody Seitz lives in Cordova and also produces the Alaska Coastal Currents radio program.

Plans for new volcano learning center take shape on Peninsula



PHOTO/CARRIE LEHMAN

Rep. Gail Phillips, Kenai tourism official Stefanie Gorder and North Pacific Volcano Learning Center's Devery Willis detail plans for the center.

By Carrie Lehman

Alaska Journal of Commerce

ANCHOR POINT — The Kenai Peninsula will enter the next millennium with several new educational and tourist-related attractions: the Seward SeaLife Center, the Challenger Center and its newest project — the North Pacific Volcano Learning Center.

A pale blue sky filled with soaring bald eagles set the scene for the NPVLC board of directors to announce the proposed site of a 20,000-square-foot volcano learning center.

"The Kenai Peninsula is a natural laboratory for learning," said Emmitt Trimble, NPVLC board of directors member, representing the Anchor Point Chamber of Commerce.

The board emphasizes the center's primary function is to educate students and visitors about volcano behavior, natural forces and volcanic history. The center also will be a base for the Alaska Volcano

Observatory, which monitors volcanic activity throughout Alaska

"This will be a learning and interpretive center," Trimble explained. "We want the children of Alaska and from around the world, to come here ... feel a part of this environment."

Four prominent volcanoes situated across Cook Inlet from the Peninsula will provide a 180-degree panoramic view from the learning center: Mount Augustine, Mount Iliamna, Mount Redoubt and Mount Spurr.

"These four volcanoes not only impact the Kenai Peninsula, they impact the rest of the world," Trimble said.

Kenai Peninsula Borough Mayor Don Gilman appointed a task force in 1993 to research similar learning centers around the country to assess the feasibility of a volcano learning center on the Peninsula.

The board organized its findings and developed an educational center plan that will benefit young students, Alaska residents and Outside visitors. The center will include interactive exhibits — a plate tectonics display, a walk-through volcano model, and multimedia film presentations.

Trimble said all that is left now is securing the seed money for construction. The proposed 80-acre site overlooks Cook Inlet between Anchor Point and Ninilchik.

Renderings of the center have been drawn and a business plan has been completed.

Funding could come from the U.S. Department of Commerce, Economic Development Administration; the Alaska Department of Commerce and Economic Development, Division of Trade & Development; USDA, Forest Service; and the Kenai Peninsula Borough Economic Development District Inc.

The board of directors also hopes future support will come from the federal government, the State of Alaska, the Kenai Peninsula Borough, and private foundations and individuals.

"This is not only a project for the Kenai Peninsula, it also is a project for the state," said Gail Phillips, speaker of the Alaska House of Representatives. "We (the Legislature) totally support this and will do whatever we can to see this learning center become a reality."

Dormitories, camping spaces, hiking and nature trails, and playgrounds are planned for later development near the volcano learning center.

The NPVLC hopes to open its doors by fall 1999 to fine-tune the exhibits and allow Alaskan students to visit the center before the first big wave of tourists hits in summer 2000, Trimble said. The NPVLC anticipates more than 80,000 people will visit the center during its first year in operation.

"I see this turning into a major tourist attraction for the state," Phillips said.

THE SEWARD PHOENIX LOG

Seward, Alaska 6/26/97

Science funds debated

By Eric Fry
LOG Staff

Trustees of a civil settlement stemming from the 1989 Exxon Valdez oil spill are considering whether to permanently set aside some of the money to fund marine research.

The question is important to the Alaska SeaLife Center, which will open space to scientists studying mammals, seabirds and fish. They will need all the funding they can get.

"A lot of these sea critters spend their entire lives at sea, and there's no way to protect them other than research," Chuck Adams of the Institute of Marine Science told the trustees at a May 29 meeting in Seward.

Opposing a permanent fund are some critics who believe the trustees should spend the funds now, preferably to buy and preserve habitat.

The civil case against Exxon was settled out of court, rather than going to a lengthy trial, because government agencies wanted funds immediately for restoration, said Rick Steiner, spokesman for the Coastal Coalition, a loose-knit group that favors habitat protection.

"The idea was not to put money in the bank," he said in an inter-

view. "It was not the intent of the settlement to fund science in perpetuity."

The Exxon Valdez Oil Spill Trustee Council was formed in 1991 to oversee spending of \$900 million from a civil settlement between Exxon and the state and federal governments. The money is to restore resources damaged in the spill.

Exxon is paying the settlement over 10 years. With interest, it comes to \$918 million. The last payment will be in 2001, although there's an option for the trustees to seek \$100 million more between 2002 and 2006 for damages to resources unforeseen in 1991.

About \$213 million of the settlement reimbursed Exxon and the state and federal governments for the oil-spill clean-up.

The trustees have spent \$85.5 million so far on research, monitoring the recovery of species, and restoring what was damaged. They expect to spend another \$64.5 million through fiscal 2002, including \$14 million in fiscal 1998, which begins October 1997.

Local expenditures include about \$850,000 to Qutekca Native Tribe's shellfish hatchery to help reseed Littleneck clam beds damaged in the spill.

The trustees also have spent settlement funds to buy conservation easements or land. The idea is that pristine habitat is necessary to restore species damaged in the oil spill.

The trustees expect to spend \$386 million on habitat. Local purchases include 64 acres at Grouse Lake for \$211,000, 19 acres at Lowell Point for \$626,000, and the recent buyback of Native lands in Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge for \$14 million.

But the trustees also have been saving some funds — holding

them in reserve.

They created a Restoration Reserve in 1994 and have put \$48 million into it so far. They expect to have saved \$108 million, plus interest, by 2001.

The questions now are whether the Restoration Reserve should be perpetual, and if so, how to administer it and what to spend the money on. The trustees hope to decide by fall 1998.

Seward was an appropriate place to start the public debate, because it knows the value of habitat protection, research and monitoring, said Trustee Council Executive Director Molly McCammon at the May 29 meeting.

Besides the local expenditures mentioned above, the civil and criminal settlements with Exxon have been instrumental in funding the SeaLife Center.

The state gave the center \$12.5 million from a criminal settlement. And the Trustee Council awarded \$25 million toward construction of the scientific portion of the facility.

The SeaLife Center hopes the Trustee Council will be a continuing source of research funds. The council's draft work plan for fiscal 1998 includes \$979,000 for five research projects at the SeaLife Center.

The Trustee Council's chief scientist, Robert Spies, favors using the reserve as a long-term funding source for science.

The Trustee Council's mission is to return the oil-spill environment to a healthy, productive, world-renowned ecosystem, Spies said.

"Although many natural resources injured by the oil spill are recovering, the overall time required for recovery will extend well beyond the millennium," he said in an April 11 memo to McCammon.

The settlement agreement provides for enhancing the environment, not just restoring what was injured, he said.

Pressures on the northern Gulf of Alaska are increasing, as a grow-

ing human population looks to the oceans for food, resource development, transportation and recreation, which requires increased understanding of marine ecosystems, he said.

Spies recommended that the Restoration Reserve be used to fund a permanent monitoring and research program, for \$4 million to \$5 million a year, to track and predict ecological change, and provide information for long-term conservation and management.

Steiner, of the Coastal Coalition, sees the scientists as self-interested people who naturally want their pet projects funded.

"Part of the trouble with the Trustee Council structure is it's agencies giving themselves funds," he said.

The council includes representatives of the state Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Interior and Agriculture departments. The fiscal 1998 draft work plan for research shows many requests by member agencies, such as state Fish and Game, and the federal Forest Service, Park Service, and Fish and Wildlife Service.

"Some of the research is valuable or useful," Steiner said, but he asked what policy implications or management changes have come from research.

"Far less than 10 percent has led to anything of use," Steiner said.

In his memo, Spies cited the Trustee Council's funding of the development and installation of a marking technique for hatchery pink salmon fry in Prince William Sound that improves in-season fishery management.

Current needs, he said, include protecting seabird colonies by understanding their interrelationships, and helping young herring survive by controlling the import of plankton into coastal waters.

Steiner said the best restoration reserve is intact coastal habitat.

But Hendricks of the SeaLife Center said that buying land doesn't help marine life, and we can't restore what isn't understood.



AROUND ALASKA



Seward SeaLife Center coming to life

A Seattle-based company is busy pouring hundreds of cubic yards of concrete over steel-reinforced structures in an effort to create some 23,000 square feet of artificial rocks and cliffs that will be home to sea lions, sea otter and sea birds at the Alaska SeaLife Center in Seward.

The \$8.4 million job requires the 13-member Jolly Miller construction crew to pump, sculpt and paint more than 2,500 cubic yards of the "strongest concrete available" into artificial granite, indistinguishable from the real thing, said the crew's general supervisor, Matt Stevens.

Fabricating real-looking habitat — not only to the eyes of visitors but more importantly to the eyes of the sea creatures who will live within it — is no easy job. The work requires building rock surfaces, adding things like deadfall — trees and branches — and painting it all to look real.

Crew members said they have worked on zoos and aquarium around the world, but that the SeaLife Center will be one of the biggest.

— Seward Phoenix Log

Exxon spill money may buy bird habitat near Cordova

By ALLEN BAKER
The Associated Press

A \$45 million chunk of Exxon Valdez oil spill settlement money will be used to buy 55,357 acres near Cordova from the Eyak Corp. and obtain conservation easements on 20,068 more — if the Native corporation's shareholders agree.

The land includes 150 miles of saltwater shoreline and about 80 salmon streams. The shoreline was not oiled in the 1989 spill, but many bird species injured by the spill

use the area of nesting, feeding and wintering, according to the Exxon Valdez Oil Spill Trustee Council.

The package will protect wooded shoreline along Nelson Bay, Eyak Lake and Hawkins Island. Much of the area is visible from Cordova, and some of it was logged by the Native corporation in 1994 and 1995.

The trustee council made the formal offer to Eyak on

Wednesday, and the corporation's board endorsed the deal unanimously in the afternoon, according to Mollie McCammon of the trustee council. A shareholder vote is expected in a matter of weeks.

The \$45 million would be the largest amount the trustees have ever spent in a single purchase. The money is being transferred in six payments over a five-year

period. The trustees had been negotiating with Eyak representatives for the acreage since 1992.

In 1995, the trustees spent \$3.65 million to buy timber rights from Eyak for 2,052 acres in the area. That purchase was made to prevent

logging there.

Most of the land in the current deal will be administered as part of Chugach National Forest. One smaller tract would go to the Alaska Division of Parks as part of Canoe Passage State Marine Park.

Adding the Eyak acreage, the total bought with Exxon Valdez spill money or protected by various easements comes to nearly a half-million acres.

The total bill for those purchases and easements comes to more than \$230 million.

Seward sea life center's director has big plans for a small town

SEWARD — The Rotary Club met in the Outlook Restaurant, 20-plus people sitting around a U-shaped table at noon on a Tuesday, eating and chatting. Between bites of turkey sandwich, John B. Hendricks pointed out the postmaster, the bank manager, the hardware store owner. He has lived here for only eight months, but he knows who's who and what's what.

"The people who are in here are the people who make Seward go," he said.

Hendricks fit right in, in more ways than one. He is 57, a powerfully built, ruddy-faced fellow with a soft, Texas-tinged voice and wavy gray-white hair. He was at ease in a group that boasted only one necktie. He is also the executive director of the Alaska SeaLife Center, a big, concrete shell alive with workmen rising on the waterfront a



**MIKE
DOOGAN**

block away. After finishing his sandwich and cup of seafood chowder, Hendricks got up and, with the assistance of an overhead projector, told his neighbors about the center's progress and plans.

The center is a combination research facility, rehabilitation site and tourist attraction. It is an offspring of the Exxon Valdez oil spill; about three-quarters of its \$50 million cost comes from the restitution Exxon paid for the 1989 disaster. The rest comes from bonds the center will have to pay off. Once the center opens to the public in May, people will be able to see the critters and watch the scientists work. They will also see exhibits and be able to spend money in as many ways as Hendricks and his staff can think up.

"Just think of us as in the knowledge business," Hendricks said. "Back in the back we mine it ... use some of it ourselves ... package it real pretty for people so they buy it."

The transparency projected on the wall called these functions research, rehabilitation and education, but one of Hendricks' talents is talking science and management in everyday

language. Another is fitting quickly into a small-town group like the Seward Rotary.

"Change is the norm in my life," he said as we walked over to get hard hats to tour the construction site.

Much of that is the result of 25 years as an infantry officer in the United States Marine Corps. Hendricks has sheepskins from Texas A&M, Redlands and a U.S. State Department school, but when he talks about what he's learned, he's as likely to talk about the Corps as the campus.

"What the Marine Corps taught me was what you should do in life is what you enjoy," he said.

That philosophy led him into education after he retired from the Corps, to A&M's Galveston campus, the Texas Institute of Oceanography, the Texas State Aquarium and, now, Seward. When he first looked at plans for the center, Hendricks said, he "absolutely fell in love with the project."

The center's \$4.3 million annual operating budget is never far from Hendricks' thoughts. As he walked through the building,

loud with the sound of saws and boom-box country music, he detailed the scientific purpose of every square foot of the research section. But he also pointed out precisely where the ATM will be and explained how, with just a twitch and a nudge, the public exhibit hall can be turned into a banquet facility for groups that want to eat with sea creatures looking over their shoulders. The center, Hendricks said, will host conferences and wedding receptions, too. It is already selling caps and T-shirts. Hendricks seems to be enjoying the challenge of getting the center built and running in the black.

"If you see a common theme through my whole life, I really like adventures. As I get older, my adventures are no longer raiding islands in Cambodia and jumping out of airplanes," he said. "And this is one hell of an adventure."

Eyak Corporation may sell 75,000 acres of PWS land to EVOS

By Jennifer L. Strange

Times Staff

More than 75,000 acres of valuable land in Prince William Sound, belonging to the Eyak Corporation, could be sold pending shareholder approval to the Cordova Village Oil Spill Trustee Council, according to an EVOS news release.

The council agreed July 2 to spend \$45 million over a five-year period through a combination of

for timber purchase, conservation easements and timber easements. The land that is currently owned by the City of Cordova.

The deal includes the wooded shoreline areas of Northern Bay, Eyak Lake and Hawkins Island, as well as Port George, Sheep Bay and Woody Bay, areas considered among the most valuable parcels in Prince William Sound.

The purpose of the purchase is habitat protection, according to the EVOS release. The package includes

approximately 80 anadromous fish streams, numerous lakes and lagoons, approximately 50 miles of freshwater shoreline and 150 miles of saltwater shoreline.

Of the 75,425 total acres of land, 55,357 acres will be surface fee land purchases, 6,667 acres will be purchased as conservation easements and 13,401 acres will be purchased as timber easements. Most of the land would be administered as part of the Chugach National Forest. One smaller tract would be managed by the Alaska Division of Parks and Outdoor Recreation as part of the existing Canoe Passage State Marine Park.

Under the agreement, The Eyak Corporation would retain lands for future development and their shareholder land use program. The package includes a provision for The Eyak Corporation to convey the right of way to build a road to Shepard Point, where the City of Cordova is planning construction of a deep water port.

City of Cordova city manager Scott Janke, who is spearheading the Shepard Point project, said he didn't know anything about the sale other than that The Eyak Corporation has been trying to get the right of way excepted so the land could be donated to the road and port project.

The proposed Power Creek hydroelectric plant project will not be affected by the sale either. There is already a signed agreement between the electric company and The Eyak

THE CORDOVA TIMES
JULY 3, 1997

Corporation, said Cordova Electric Cooperative general manager Jim Roberts.

Dune Lankard of the Eyak Rainforest Preservation Office in Cordova voiced concerns about the pending sale in May of this year. Lankard said a sale of such a large amount of Eyak land, with no recourse, could harm the cultural integrity of Native people.

"Most likely, because 85 percent of Eyak Corporation shareholders aren't Eyak and have no interest in the land, it will be sold. So we must protect the money," said Lankard.

Lankard said a large portion of the sale money will go to capital gains and other taxes, which will result in shareholder money being much lower than how it first appears.

"We shareholders will have to manage the money properly and aggressively," said Lankard. "It's going to be the almighty dollar that drives this issue; not culture, heritage

or bonds to the land. It's about capitalism and that's why I'm focusing on the tax issue."

Lankard suggested the land be leased or sold under super-restrictive conservation easements instead of fee titles, which he said will still meet the goals of restoration without compromising the ownership of the land.

"Even if we can't live on it, we can keep our legacy of land and keep the history of Athabascan people alive," said Lankard.

Eyak shareholder Sylvia Lang of Cordova said that any decision about the sale is to be made entirely by shareholders and that information must be spread to the shareholders so they can make an informed decision.

"We need to get shareholders up to speed as to what this means to them personally and as a corporation," said Lang. "It will take a while, it won't happen overnight. There are lots of very complicated issues involved."

Shepard Point development

As a result of the Exxon Valdez Oil Spill, the Alyeska Settlement Fund was established as a means to help protect the interests of local communities in the event of a future oil spill and to restore a portion of the economic losses suffered by the region. Through the Alyeska Settlement, an initial appropriation of \$6 million was secured to begin the process of building a road to Shepard Point in order to establish projects for the planning of oil spill response equipment storage facilities

and acquisition of oil spill response equipment for prepositioning at Shepard Point.

The Eyak Corporation endorses the development of corporation owned lands for the purpose of assisting in the completion of this worthwhile project. The Corporation is working to assist the City of Cordova in any way the Corporation is able in order to see the road and deep water port become a reality and to promote the Corporation's objectives to realize the benefits of creating road access to currently undeveloped corporation lands.

This could create job opportunities for our Native shareholders through the project's construction and operations and restore a portion of the economic losses suffered by the community as result of the Exxon Valdez oil spill.

The impetus of the project's initial funding is oil spill response. Beyond this capacity, the development project will also expand the Cordova area's ability to stage the shipping of cargo — be it visitors, timber or seafood.

It is the Corporation's opinion that tourism and timber have the potential to drive the greatest amount of value across the Shepard Point facility. Therefore, the greatest amount of the Corporation's development efforts at Shepard Point will focus on accommodating visitors, tour vessels and log transfer operations.

Beyond Shepard Point, the Corporation has found no economically viable alternative in Cordova for the docking of large cruise ships. The ability to stage these vessels is an essential part of the Corporation's tourism development planning.

The Eyak Corporation strongly believes that the development of the Shepard Point project will have a great benefit to the Corporation, our shareholders and the area's residents.

Brian J. Lettich
general manager of
Eyak Corporation

THE CORDOVA TIMES
JULY 3, 1997

Fish and Game receives grants

The Alaska Congressional Delegation announced June 26 that Fish and Game will receive \$237,500 to provide research relevant to management strategies for Alaska king and Tanner crab fisheries.

The department will also receive \$458,500 to monitor the trend in harbor seal numbers in selected areas,

investigate factors affecting harbor seals in those areas and complete statistics and studies on the subject.

Fish and Game will also receive \$150,408 to

conduct research and collect landing statistics from all state managed groundfish fisheries to determine domestic groundfish landings in those fisheries. The study will include resource assessment surveys for sablefish, rockfish and ling cod in the Southeastern and East Yakutat areas.



Spill fund to buy 55,000 acres near Cordova

By ALLEN BAKER
Associated Press Writer

ANCHORAGE (AP) — A \$45 million chunk of Exxon Valdez oil spill settlement money will be used to buy 55,357 acres near Cordova from the Eyak Corp. and obtain conservation easements on 20,068 more — if the Native corporation's shareholders agree.

The land includes 150 miles of saltwater shoreline and about 80 salmon streams. The shoreline was not oiled in the 1989 spill, but many bird species injured by the spill use

the area of nesting, feeding and wintering, according to the trustees.

The package will protect wooded shoreline along Nelson Bay, Eyak Lake, and Hawkins Island. Much of the area is visible from Cordova, and some of it was logged by the Native corporation in 1994 and 1995.

The Exxon Valdez Oil Spill Trustee Council made the formal offer to Eyak Wednesday, and the corporation's board endorsed the deal unanimously in the afternoon, according to Mollie McCammon

of the trustee council. A shareholder vote is expected in a few weeks.

The \$45 million is the largest amount the trustees have ever spent in a single purchase, but the money is being transferred in six payments over a five-year period. That makes the actual value of the deal about \$40 million in current dollars, McCammon said. The trustees had been negotiating with Eyak representatives for the acreage since 1992.

In 1995, the trustees spent \$3.65 million to buy timber rights from

Eyak for 2,052 acres in the area. That purchase was made to prevent logging there.

Adding the Eyak acreage, the total bought with Exxon Valdez spill money or protected by various easements comes to nearly half a million acres. The total bill for those purchases and easements comes to more than \$230 million.

In addition, the council in May authorized an offer of up to \$70 million to buy lands from Afognak Joint Venture. Negotiations are also under way with Koniag Inc.

Trustee Council buys Chenega land to protect from logging

Vanguard staff

Nearly 60,000 acres of land in western Prince William Sound were purchased for preservation by the Exxon Valdez Oil Spill Trustee Council for \$34 million last week.

The land was transferred June 25 from the Chenega Corporation to federal and state governments.

The U.S. Forest Service acquired a total of 43,252 acres, while the State of Alaska Department

of Natural Resources received 16,268 acres. The land includes 224 miles of coastline and 22 rivers or streams.

The land will be used for recreational purposes, which includes hunting and fishing, said Molly McCammon, executive director of Trustee Council. The habitat for animals such as salmon, herring, and eagles, will be protected.

Possible future timber harvesting would have destroyed both the land and the habitat, said McCammon.

Making sea animals feel right at home

By Roger Kane

LOG Staff

Editor's note: This is the first in a series of profiles of the Alaska SeaLife Center's staff.

Vic Aderholt, the Alaska SeaLife Center's director of aquatics, is realizing two long-term goals in Seward.

He said his professional goal is "to provide a first-rate institution for the housing of marine mammals. And to combine that with an effort toward maximizing research and educational potential. And it's been a personal goal of mine to live in this region of the country for as long as I can remember."

Aderholt, 40, arrived here in February from Orlando, Fla., and said he likes "sailing, diving, hiking, camping — outdoor stuff."

"My wife loves it here. She was more of a driving force for this job than I was. It was, 'You better take this job,'" he said.

Aderholt's wife is a lab support technician. They have been married for 18 years and have a five-year old son, Natua.

A self-confessed "Army brat," Aderholt was born in Frankfurt, Germany, but grew up in south Florida. He has a bachelor of science degree from Broward Community College in Ft. Lauderdale, with the emphasis on pre-veterinarian medicine.

"I started my career in 1973 as a volunteer in a dolphin communication research facility in Miami. Then I moved into the oceanary industry and stayed in this line of work, in assorted positions ranging from



Vic Aderholt

curator to consultant in the oceanarium start-up. My last job was with Sea World of Florida, in the animal-care department as a supervisor," he said.

Aderholt said he's very busy. "Mainly permitting, paperwork, plus daily monitoring the construction activities of the animal areas to make sure everything gets done properly. It's going very, very well. Construction is several months ahead of schedule and there's a good crew over there. They're very easy to work with.

"Right now I administrate the animal department, hire animal staff, and I'm the director in charge of the marine mammal things like the acquisition of marine mammals, their transportation, husbandry. That sort of thing," Aderholt said.

"More than likely we'll have fish and birds adjacent to the facilities by September. We'll take delivery of the building in October. And the

'I started my career in 1973 as a volunteer in a dolphin communication research facility in Miami. ... My last job was with Sea World of Florida, in the animal-care department as a supervisor'

— Vic Aderholt

marine mammals will more than likely be arriving in mid-to-late February," he said.

The Steller sea lions will be coming in from the Vancouver Aquarium in British Columbia. The seals, from the Mystic Aquarium in Connecticut; and the birds, from the Oregon-Coast Aquarium. And the fish will be coming from Resurrection Bay.

"The sea lions coming in are involved in a very long-term study regarding food intake and its relationship to metabolism in the animals." Which may be one reason for the decline in numbers of Steller sea lions, he said.

"These particular animals have been involved in the study since a very young age. And because the animals are already in captivity, studies can be continued with an established baseline and a known history of each animal, through adolescence to adulthood.

"They cannot be re-released into the wild. They've been too imprinted on human beings," Aderholt said.

SeaLife news

By Jim Pfeiffenberger

Director of Aquatics Vic Aderholt recently finished the permit applications required for housing marine mammals at the Alaska SeaLife Center. The complex permitting process was even more demanding now that the Steller sea lion is on the endangered species list. The applications will now be reviewed by the appropriate federal agencies. The goal of the permitting process is to ensure that the animals will be well cared for.

As of June 29, more than

1,000 people have participated in the hard-hat tours at the Center. One of the highlights right now is seeing the different stages of rock-work in the animal habitats. Some of the work, looking like random tangles of rebar, is just barely begun.

In other sections, though, the concrete has been hand-carved into its final shape and already has the first few layers of paint. Come to the tent at the corner of Third and Railway if you would like a tour.

Jim Pfeiffenberger is an employee of the Alaska SeaLife Center.



Rescue workers in Alaska take oil-soaked birds to be cleaned and treated after the March 29, 1989, Exxon Valdez oil spill. Oil washing up on shore killed thousands of birds and other wildlife. CRAIG FUJITA/SEATTLE TIMES, 1989

Exxon Valdez oil-spill area



fishermen, native villagers and others harmed by the spill. This month, Exxon appealed that award in the 9th U.S. Circuit Court of Appeals in San Francisco.

"Right after the spill, they said they'd make us whole," said Cheri Shaw, executive director of Cordova District Fishermen United, based southeast of Valdez. "Then they fought us tooth and nail. It's been eight years, and we haven't seen a dime."

An appellate brief filed by Exxon cited juror misconduct, jury instructions, compensatory-damage errors and the "excessiveness" of punitive damages.

"We're going to exercise our right to protect the interests of our shareholders and employees," said Ed Burwell, a spokesman for Exxon in Irving, Texas.

A rocky start

The trustee council charged with spending the \$900 million settlement got off to a rocky start in the first two years. Its staff churned out mountains of paperwork. State and federal appointees squabbled.

Under demands for more accountability, the council hired a permanent director and drew up a blueprint for spending the money in 1994.

Under that plan, about 40 percent, or \$386 million, will buy land. An additional \$180 million is funding science projects. About \$213 million went to repay cleanup costs, and \$108 million will go into an endow-

ment to fund future land purchases and long-term scientific studies of the spill's impact on the environment for decades to come.

"There are a lot of people who wanted to spend all the money on science," McCammon said. "A lot want to spend all of it on buying land. How do you meld those two? We've ended up with a mix."

One hundred years from now, Alaska Gov. Tony Knowles said, the land purchases will stand as a positive legacy of the disaster.

"The incident remains a dark cloud over Alaska," Knowles said. "But people want to know what we learned from it. I think we have done things right. We're standing tall again." Three deals to buy 267,000 acres on Kodiak Island in 1994, for example, had the support of the National Rifle Association, the Sierra Club, the Wilderness Society, the Safari Club, scientific groups and native village leaders.

Some critics note that the early foot-dragging came with a heavy price.

Rick Steiner, a professor of fisheries biology at the University of Alaska, said that at least 50,000 acres of forest around Prince William Sound were clear-cut during the council's early inaction.

Nearly all the land is being sold by corporations owned by native Alaskans. The native people were given 44 million acres by Congress in 1971. Searching for economic development, many did not want to log old-

growth forests or build hotels, but they needed income.

By selling the land or its timber rights, most native villages have created investment funds that now pay annual dividends of \$2,000 to \$8,000 per resident.

In one such deal this March, the government paid \$34 million for 59,000 acres along the western edge of Prince William Sound. Coated with oil a foot deep during the spill, the land includes 22 streams critical to pink and sockeye salmon as well as 100 miles of forested coastline. Half was added to Chugach National Forest, while the rest is now managed by the state of Alaska as a marine park.

The land's former owners, several hundred native Alaskans organized under the name the Chenega Corp., retained their original village site and several parcels of waterfront land on which they could one day build lodges or other tourist-type development.

In the days after the Valdez spill, oil washed up on nearly 20 miles of shoreline at Kenai Fjords, killing thousands of birds and other wildlife. Cleanup efforts lasted three years.

"The fact that this money is here is only right," said Anne Castellina, superintendent of Kenai Fjords park. "You cannot imagine the agony of those days. We felt so helpless."

Today, signs of the spill are hard for visitors to find on most days.

The park is populated by moose, bears and mountain goats. Stellar sea lions lounge on rocky islands at the entrances to its fjords, carved from retreating glaciers centuries ago. The waters teem with humpback whales, orcas and porpoises. Overhead, thick flocks of puffins, murres and other sea birds raise their young on the rocky cliffs.

Yet biologists note that around the region — and at Prince William Sound, 100 miles to the east — wildlife still struggles.

An estimated 8 percent to 16 percent of the crude oil remains trapped in gravel along 1,000 miles of shoreline where the slick spread — an area as long as California's entire coast.

"Nature heals," said the Sierra Club's Brodie. "As time goes by, the damage from the oil spill is fading. But the benefits of buying this land are permanent."

*may
R-clipping
also give
copy to Joe.*

Memorandum

RECEIVED

JUL 9 1997

TO: Molly McCammon

FROM: Walt Ebel *Walt*

DATE: July 7, 1997

RE: Exxon Valdez Oil Spill Trustee Council

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Enclosed for your information and review is an article from the June 28, 1997 *Seattle Times* regarding the *Exxon Valdez* Oil Spill Trustee Council.

Best regards.

50¢ IN PUGET SOUND
AREA, 75¢ ELSEWHERE

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SEATTLETIMES.COM



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WASHINGTON'S LARGEST NEWSPAPER

MORNING EDITION

SATURDAY
JUNE 28, 1997

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BIRD CALLS

*The Newsletter of the American
Bird Conservancy Policy Council*



JULY 1997

AMERICAN BIRD CONSERVANCY

Conserving Wild Birds and their Habitats throughout the Americas

An Introduction from the Chair by Paul J. Baicich, American Birding Association (ABA):

At our Policy Council meeting in February 1996, we discussed the idea of a newsletter, but decided to wait until the time was right. Well, now the time is right.

The past few meetings of our Policy Council have been packed -- with people, and with ideas in bird conservation. My only disappointment has been the need to keep the agenda moving. Many delegates have felt that the meetings could be helped if participants came prepared to discuss the issues. As new organizations join the ABC Policy Council, they have to spend time catching up on issues. And, because of distance, a number of Delegates are unable to attend our meetings-- another reason a newsletter would be helpful.

With this newsletter, our goals are to: inform delegates of current issues, projects, and events in bird conservation; suggest follow-up action to delegates and their organizations to influence bird conservation policy; spread the workload among volunteers and key delegates; create familiarity with issues of concern to the Policy Council and ABC projects; and facilitate discussion and avoid repetition at meetings.

We'll publish the newsletter on a regular basis, preceding each meeting by about a month. Content will be gathered by your Chair and Rebekah Creshkoff (Linnaean Society of New York), with other help from members of the Policy Council. We will be ably assisted by Gerald Winegrad at the ABC office in Washington, DC, who will review final copy and send out the finished product. We encourage you to submit articles in the format that follows in this newsletter. Send your articles to Rebekah Creshkoff at the email address given below or call her with your ideas for an article. *Bird Calls* will be sent to all Delegates to the ABC Policy Council, all observers, ABC Board members, and the heads of each of the member organizations. The Newsletter will be sent by email and by regular mail with the periodic mailings of the American Bird Conservancy to its Policy Council members. For each news item, we hope to include a contact name. While ABC Director of Government Relations Gerald Winegrad is leading the charge on many of these issues, Policy Council Delegates have taken responsibility on many of the action items. Please contact the people listed for details on each issue, and help the cause by writing and calling the listed decision-makers to take action for bird conservation.

I hope to see you on July 29 in New York at our next Policy Council meeting. In the meantime, if you have any comments on *Bird Calls*, contact Gerald (202-778-9666) or <gww@abcbirds.org>, Rebekah Creshkoff (212- 493-3525) or rcreshkoff@mindspring.com. or me (301- 839-9736) or <baicich@aba.org>.

HORSESHOE CRABS

Harvest pressure on the horseshoe crab has increased dramatically for use as eel, conch, and catfish bait. This ancient species, predating the dinosaurs, is essential to migratory shorebirds. Each spring, Delaware Bay beaches in New Jersey and Delaware are the scene of one of nature's truly great phenomena -- the concentration of over a million shorebirds feeding frantically on the protein rich eggs of spawning horseshoe crabs. Without the horseshoe crab eggs, several species of birds' hemispheric populations would be adversely impacted. These include Red Knots (about 80% of the hemispheric population feeds in Delaware Bay), Sanderlings (30% of the hemispheric population), Ruddy Turnstones, and Semipalmated and Least Sandpipers. The American Bird Conservancy has joined with the National and New Jersey Audubon Societies in urging a moratorium on Horseshoe Crab harvests in the fishery from New Jersey to Virginia and to require restrictions on the remaining fisheries. Current regulations are grossly inadequate. With

SAN CLEMENTE SHRIKE

The American Bird Conservancy, working with the Environmental Defense Fund, Defenders of Wildlife and Craig Harrison, have led efforts to prevent the extinction of the endangered San Clemente Island Loggerhead Shrike (*Lanius ludovicianus mearnsi*). This subspecies is found only on San Clemente Island, an island some 60 miles off of San Diego and controlled by the U.S. Navy for off-shore bombardment. After filing a notice of intention to sue (60-day letter) under the Endangered Species Act (ESA) to protect the few remaining wild shrikes from extinction, the groups succeeded in prodding the U.S. Navy and the U.S. Fish and Wildlife Service to take immediate action. Actions taken include formal consultation and a Biological Opinion under the ESA, measures to prevent and suppress fires, comprehensive efforts to control cats and rats, and the granting of access to shrike habitat despite military operations. In November, the Navy and the Zoological Society of San Diego formally opened a captive rearing facility on San Clemente Island. Currently, there are 16 adult wild shrikes and 10 in captivity. Primarily due to nest predation from Ravens and possibly foxes, only two wild fledglings survived and one nest has chicks. The captive breeding facility has only produced three fledglings and five chicks as of June 17 and the nesting season has nearly ended. Despite our best efforts, the shrike's existence is still jeopardized and ABC continues to monitor the activities of the Navy and the USFWS. Contact: Gerald Winegrad (202-778-9666) or <gww@abcbirds.org>.

HOMER SPIT

Efforts to secure migratory shorebird habitat around Homer, Alaska, continue. Funds are being sought from the small-parcel program of the Exxon Valdez Oil Spill (EVOS) Trustee Council to acquire more habitat along Homer Spit and Beluga Slough, all within Kachemak Bay. The location, which hosts over 100,000 migrating shorebirds in spring, was recognized as a site of international importance as part of the Western Hemisphere Shorebird Reserve Network (WHSRN) last year. Intertidal resources were badly damaged by the oil spill, making these lands an appropriate candidate for acquisition through EVOS funds. Moreover, these tidelands provide a series of high-quality recreational opportunities — wildlife viewing, bird watching, and beach-walking — that were also affected by the spill. The American Bird Conservancy has written letters, along with Policy Council members, to the individuals listed below. *What you can do:* Send letters requesting \$1.3 million to acquire nine parcels totaling 115 acres at Homer Spit to: The Honorable Tony Knowles, Governor, P.O. Box 11001, Juneau, AK 99811, Ms. Deborah Williams, EVOS Trustee, U.S. Dept. of the Interior, 1689 C Street, Ste. #100, Anchorage, AK 99501, Mr. Frank Rue, Commissioner, Alaska Department of Fish and Game, 1255 W. 8th St., Juneau, AK 99802. *Send copies to:* Exxon Valdez Oil Spill Trustee Council, 645 G Street, Suite 400, Anchorage, AK 99501. *Contact:* Jim Corven, Manomet Center for Conservation Sciences (508-224-6521) or <jmcorven@manomet.org>.

MBTA

Recent Federal Court decisions have reversed years of conservation policy under the Migratory Bird Treaty Act (MBTA). The Courts have ruled that the MBTA does not apply to federal government agencies, thus exempting the government from the bird protections afforded under the Act. ABC, working with Audubon and other Policy Council members, has held meetings to develop a comprehensive solution to the future application of this critical bird conservation law. Letters have been sent to key administration officials and ABC was instrumental in gaining a meeting with an Assistant Secretary of the Interior on this issue. The conservation community has been asked to

Studying recovery of marbled murrelet not easy task

Editor's note: It has been eight years since the Exxon Valdez ran aground in Prince William Sound, spilling nearly 11 millions gallons of Alaska crude oil. Time has since told quite a lot about the spill's long-term effects. To help tell the story, the Exxon Valdez Oil Spill Trustee Council is providing this column focusing on the ongoing recovery within the spill region. The idea of this column is to explain, over time, the many aspects of recovery and restoration and what it means to the people who live, work and play in the oil spill region.

By JODY SEITZ

Measuring the recovery of marbled murrelets following the Exxon Valdez oil spill is not an easy task. Their cryptic coloring, hidden nests and feeding habits make them hard to find and follow.

Unlike most other seabirds, marbled murrelets nest alone, usually high in the mossy boughs of very large old-growth trees. Their nesting habits — fewer than 50 nests have ever been found — have added to their mystery.

Though they are commonly seen along the nearshore coastline looking for small fish, they are nearly impossible to follow back to their nests. They have been clocked at 100 miles per hour darting through thick forests to return to nests that might be 12 miles or more inland.

Kathy Kuletz, a migratory bird specialist with the U.S. Fish and Wildlife Service, said she can predict

an area is going to have high murrelet activity by the girth of the trees and the number of platforms per tree.

"The birds are dependent on forests with old growth characteristics," said Kuletz. "They can't be densely packed. They're zooming around at 50 miles an hour in the dark basically."

To maintain healthy populations, murrelets need plenty of nesting habitat, food and large numbers of adult birds. Marbled murrelets mature at about three years and can live up to 30 years. They lay a single large egg and the parents share incubation duties. After the chicks are hatched they are left pretty much on their own. They sit silently, perfectly still all day until the parents return to the nest with food. When they're ready to fledge, overnight they'll pluck all their downy baby feathers and emerge from the forest, in brilliant black and white juvenile plumage.

In the Pacific Northwest, from California to British Columbia, murrelets are listed as threatened, mainly because 90 percent of their habitat has been clearcut.

Alaska has the last strong population with 70 to 80 percent of the marbled murrelets in the United States.



Restoration and recovery following the Exxon Valdez oil spill

Alaska
Coastal
Currents

When the Exxon Valdez spilled its cargo, it endangered a large fraction of the world's breeding population. An estimated minimum of 8,400 murrelets were killed — the largest death toll from a single event ever recorded for marbled murrelets throughout its range.

But oil spills and loss of habitat are not the only threats to the marbled murrelets. Even without the logging pressure experienced elsewhere in their range, murrelets have declined in Prince William Sound — from 300,000 in the 1970s to 100,000 today.

Scientists suspect a major shift in the types and abundance of their food supply as the main reason behind the decline. Murrelets collected in 1978 were feeding primarily on sand lance, a forage fish rich in fat. When Kuletz studied carcasses found after the oil spill, she discovered that most of the murrelets had been feeding on cod, which has very little oil content. A low-fat diet means the seabirds must work hard to meet their energy needs and feed their chicks.

To understand the murrelet decline, scientists are studying both their food supply and the change in their populations. Scientists don't rely on finding their nests, but instead, count the number of chicks that make it from the forest canopy down to the water each summer.

Jody Seitz lives in Cordova and also produces the Alaska Coastal Currents radio program.

Business Briefs

SeaLife Center adding administrators

The Alaska SeaLife Center, a research and education project located on the shore of Resurrection Bay in Seward, has hired two new administrators.

Donna Harris will be the director of marketing and Leslie Peart has been chosen as director of discovery education.

Harris will be responsible for marketing, statewide and nationwide advertising, partnership development, product enhancement and sales. She was previously with Era Helicopters in Anchorage as its director of tourism sales and marketing.

Peart will be responsible for developing the center's on-going educational programs and discovery outreach. She spent the last three years in charge of teacher education and program development at the Texas State Aquarium in Corpus Christi, Texas.

The SeaLife Center, Alaska's largest tourism infrastructure project, will combine rehabilitation with research and visitor education and will be home to Steller sea lions, sea otters, seals and a variety of sea birds.

Chenega transfers land to federal, state governments

By the Alaska Journal of Commerce

Nearly 60,000 acres of prime habitat in western Prince William Sound were transferred June 25 from Chenega Corp. to the federal and state governments.

The package includes 59,520 acres, 224 miles of coastline and 22 rivers or streams. The \$34 million paid to Chenega includes \$24 million from the Exxon Valdez civil settlement and \$10 million from federal Exxon criminal funds.

Of the total acreage, 20,968 fee simple acres have been transferred to the U.S. Forest Service and 16,268 acres have been transferred to the State of Alaska. Another 22,284 acres comprises a conservation easement, to be managed by the U.S. Forest Service.

Under the agreement, Chenega Corp. retains ownership of the original village site of Chenega, which was destroyed in the 1964 earthquake. It also keeps several small development sites ranging from 1.5 to 30 acres.

LETTERS TO THE DAILY NEWS

ADN 7/11/97

Voice short on the facts

The Voice of The Times has come up with some blatant misinformation lately.

The first was an editorial that stated there are some "9.5 million acres of commercial forest in the Tongass." If the editors were to simply read Chapter 3, Page 248, of the 1997 Tongass Land Management Plan, even they would soon discover that the Tongass has 5.7 million acres of timberland otherwise known as "productive" or "commercial" forest. Of this 5.7 million acres, approximately 2.75 million acres of "timberland" has been withdrawn from commercial use by various acts of Congress. This leaves 3.4 million acres. This is a far cry from The Voice's claimed 9.5 million acres.

The second piece of blatant misinformation concerns the June 13 editorial titled "Eastern Bias" in which the editors accused New York Times reporter Carey Goldberg of reporting "rubbish" about the remaining effects of the oil spill on Prince William Sound. To support this assertion they quote from his article but do not mention that the quote originated in western Prince William Sound from residents of Chenega Bay who still find the remains of Exxon Valdez oil on their subsistence beaches.

The "diminished catches" quote that the editors also mock obviously refers to those of the herring fishery, which has not yet recovered from the oil spill.

Even though The Anchorage Times is defunct with no reporting staff, one still expects it to report factual material honestly.

In honor of the misinformation so often spouted, perhaps a more appropriate name

for this half-page would be "The Choke, Croak or Smoke of the Times."

— Jim Diehl
Girdwood

Researchers compete for spill funds

By NATALIE PHILLIPS
Daily News reporter

Is El Nino — the weather phenomenon that warms ocean water and increases rainfall — affecting sealife on Alaska coast? Which parts of Prince William Sound are used most by boaters, fishermen and hunters? Why are surf scoters — an important Native subsistence food — disappearing?

These are questions that scientists hope to answer if the Exxon Valdez Oil Spill Trustee Council funds their studies next year.

Every year the Trustee Council uses some of the \$900 million settlement funds from the 1989 spill in Prince William Sound to fund studies to help understand the aftereffects of the 11 million-gallon spill.

This year, scientists submitted about 100 proposals totaling more than \$21 million in work. The

Trustee Council plans to fund about \$14 million of those next year. The Trustee Council staff has reviewed the proposals and has made recommendations to Trustee Council members. The Trustee Council will hear public comment on the proposed spending plan at 7 p.m. today at the Trustee Council office at 645 G St. Comment will be accepted until Aug. 6, when the Trustee Council will decide which studies to fund.

So far, the Trustee Council has spent about one-third of the \$900 million settlement. About \$115 million has gone to research and restoration work; about \$280 million to buy land and easements to protect habitat for species injured by the spill; and about \$20 million on administration. The Trustee Council plans to set aside \$108 million of the settlement in a reserve

fund, which might be used for long-term monitoring projects.

This year's proposals include studies that were started shortly after the spill and are now winding down, said Molly McCammon, the Trustee Council's executive director.

"We are trying to pull the findings into some kind of conclusion," she said. "We are also looking at what information we have so it doesn't just end up sitting on a shelf, but also has some sort of practical utility."

The study proposals for 1997 include:

- A group of University of Fairbanks biologists interested in El Nino are asking for \$85,000 to replace instruments on a buoy floating in Resurrection Bay. The in-

TUESDAY, July 15, 1997 ☆

ANCHORAGE DAILY NEWS

struments measure water temperature and water salinity. The buoy has been collecting data for 27 years. The National Science Fund also would contribute money to the project. "It may help us understand and predict the effects of El Nino on the state fisheries," said Stan Senner, science coordinator for the Trustee Council.

- Natives living in Tatitlik and Port Graham have asked the Trustee Council to figure out why the number of surf scoters appears to be dwindling. A state Fish and Game biologist is asking for \$179,000 to implant satellite transmitters in the sea ducks to figure out where they breed. "If we know their breeding grounds, we can

figure out if something is affecting their reproduction," Senner said.

- The U.S. Forest Service is asking for \$144,000 to set up a project that will use Geographic Information System techniques to figure out which parts of Prince William Sound are most heavily used by people. The information will be combined with GIS data on the distribution of sealife to figure out

overuse is hurting wildlife.

- A U.S. Fish and Wildlife Service biologist is asking for \$50,000 to count common murrens on the Chiswell Islands. Thousands of murrens were killed by the 1989 spill. The murrens appears to be recovering, but they have not been counted since 1992.

- The state Department of Natural Resources is asking for \$145,000

to check archaeological sites damaged by the spill or vandalized by spill cleanup workers. Workers would survey sites to see if they have been revisited or further damaged.

- A number of scientists are asking for a total of \$2.6 million to continue studies of Prince William Sound herring, which underwent a catastrophic decline in 1992.

METRO

UAF biologists target otters

By NATALIE PHILLIPS
Daily News reporter

One of the studies the Exxon Valdez Oil Spill Trustee Council is considering for next summer calls for capturing 15 river otters and feeding them oil-contaminated food to see if the oil can be detected in their blood chemistry.

A group of University of Alaska Fairbanks biologists is asking the Trustee Council for \$236,000 to conduct the study at the Alaska Sealife Center, a research facility in Seward scheduled to open this winter. The doses of oil would not be lethal, and the otters would be released back into the wild at the end of the study.

"The idea is to feed small doses and then examine the animals'

blood and feces for physical changes," said Molly McCammon, the Trustee Council's executive director. That data could be compared with information gathered from river otters in the wild.

The biologists suspect the animals have been feeding on contaminated beaches. If the data gathered in the controlled setting can be matched to data gathered in the field, the scientists will be able to determine the extent of the contamination and the effects on the river otters.

"We haven't done any studies like this," McCammon said. The request went through several steps of review before the Trustee Council staff recommended approving it.

SeaLife granted \$724,000

By Eric Fry

LOG Staff

The Alaska SeaLife Center will receive \$724,000 for scientific equipment that will help restore resources damaged in the 1989 Exxon Valdez oil spill.

The Exxon Valdez Oil Spill Trustee Council has previously granted the SeaLife Center \$25 million to construct the scientific portion of the research, rehabilitation and visitor facility.

These additional funds come from the anticipated \$1.25 million interest generated by the \$25 million account, said Trustee Council Executive Director Molly McCammon.

The trustees also have granted about \$545,000 of the interest to the state Department of Fish and Game for a fish pass at the SeaLife Center.

The new funds will provide scientists with top quality laboratories, said SeaLife Center Executive Director John

Hendricks.

The SeaLife Center will buy complete operating rooms, ultracold freezers to hold biological samples, X-ray machines, "hundreds of small mundane things used in a first-class water lab and a good blood lab," and even a hard hull boat with an attached inflatable to help scientists collect specimens, Hendricks said.

The Trustee Council required that the funds be spent to further its mission of restoring resources damaged in the oil spill.

"It allows us to get open with a better quality of service to scientists and it frees up other funds for visitor services," Hendricks said. But the fundraising program remains important as a source of money for visitor-related exhibits.

Hendricks sees the grant as a vote of confidence by the Trustee Council that the SeaLife Center will be completed on budget.

• Knowles also announced the signing of the deed transferring land along the Kenai River (known as the Shilling parcel) to the state, to both protect habitat and ensure public access. Anglers can now fish the river along the bank without damaging fish habitat, he said. The Exxon Valdez Oil Spill Trustee Council in February authorized purchase of the 3.34-acre parcel for \$698,000.

VALDEZ VANGUARD
JULY 9, 1997

Letters to the editor

Carter is pleased

(The following was sent to the Boards of Directors of the Eyak Corporation and the Exxon Valdez Oil Spill Trustee Council and submitted to The Vanguard as a letter to the editor):

I am pleased to learn that you have reached a tentative agreement to preserve old-growth coastal forests of Prince William Sound. I understand the arrangement provides substantial protection in perpetuity on over 75,000 acres of coastal habitat and cultural resources, as well as providing for the sustainable economic future of the Eyak shareholders. This will benefit the public, the environment, and the Eyak people.

I trust this will be a model for other important efforts throughout the world to balance culture, environment and economy. You have our best wishes in your efforts to restore and maintain Prince William Sound's delicate environment.

Jimmy Carter
Plains, Ga.

El Nino research among requests from scientists to oil spill trustee council

ANCHORAGE (AP) — Scientist seeking research money from the Exxon Valdez Oil Spill Trustee Council have some interesting questions they want to answer:

Is El Nino — the weather phenomenon that warms ocean water and increases rainfall — affecting sealife on Alaska coast? Which parts of Prince William Sound are used most by boaters, fishermen and hunters? Why are surf scoters — an important Native subsistence food — disappearing?

Each year the Trustee Council spends some of the \$900 million settlement from the 1989 spill in Prince William Sound on studies to help understand the impacts of the 11-million-gallon spill.

This year, scientists submitted about 100 proposals asking for more than \$21 million. The council plans to spend about \$14 million on those projects next year. The decision from the trustees will come next month.

This year's proposals include completion of studies started shortly after the spill, said Molly McCammon, the council's executive director.

"We are trying to pull the findings into some kind of conclusion," she said. "We are also looking at what information we have so it doesn't just end up sitting on a shelf, but also has some sort of practical utility."

For 1998, study proposals include:

— A group of University of Fairbanks biologists is studying El Nino. They want \$85,000 to replace instruments on a buoy floating in Resurrection Bay. The instruments measure water temperature and water salinity. The

buoy has been collecting data for 27 years. The National Science Fund would also contribute to the project.

— A state Fish and Game biologist wants \$179,000 to implant satellite transmitters in surf scoters to figure out where they breed. Natives living in Tatitlik and Port Graham have asked the Trustee Council to figure out why the number of those sea ducks appears to be dwindling.

— The U.S. Forest Service is seeking \$144,000 to use Geographic Information System techniques to figure out which parts of Prince William Sound are most heavily used by people. The information would be combined with data on the distribution of sea life to figure out where overuse is hurting wildlife.

— A U.S. Fish and Wildlife Service biologist is asking for \$50,000 to count common murrelets on the Chiswell Islands. Thousands of murrelets were killed by the 1989 spill.

— The state Department of Natural Resources wants \$145,000 to check archaeological sites damaged by the spill or vandalized by spill cleanup workers to say if they've been damaged further.

— Several scientists are asking for a total of \$2.6 million to continue studies of Prince William Sound herring, which underwent a catastrophic decline in 1992.

So far, the trustee council has spent about one-third of the \$900 million settlement. About \$115 million has gone to research and restoration work; \$280 million to buy land and easements; and \$20 million to administration.

Life slowly returns to intertidal zone of 1989 spill area

Editor's note: It has been eight years since the Exxon Valdez ran aground in Prince William Sound, spilling nearly 11 millions gallons of Alaska crude oil. Time has since told quite a lot about the spill's long-term effects. To help tell the story, the Exxon Valdez Oil Spill Trustee Council is providing this column focusing on the ongoing recovery within the spill region. The idea of this column is to explain, over time, the many aspects of recovery and restoration and what it means to the people who live, work and play in the oil spill region.

By JODY SEITZ

Fucus, also known as popweed, serves as the main food and shelter for many tiny creatures trying to survive in the intertidal zone of Alaska coastal waters. When the Exxon Valdez spilled its cargo in 1989, it wasn't just the oil that did all the damage, but the cleanup as well. Hot water, used to flush oil off the rocks, cooked the fucus like boiled spinach.

"It killed it," said Mike Stekoll, who led fucus restoration research for the University of Alaska Fairbanks. "It was blasted with high pressure and boiled with hot water. What the oil didn't kill the

cleanup did. the beaches were cleaned of basically all life forms. There was very little left."

Fucus became known as popweed due to the swollen egg-filled tips of adult plants. As the tide goes out the plants eject the eggs, holding on to them with a thin strand of mucus. The eggs germinate within a few hours if they fall in a moist shady place, such as a crack, or underneath another fucus plant. It takes about a summer for the plant to become visible, and about three years to reproduce itself.

In Prince William Sound, fucus took six years to reach the highest places it used to grow above the tide zone. Stekoll says dry conditions kept the plants from recolonizing.

"It takes longer and longer for the plants to recolonize an area," Stekoll said. "As you go higher there's more exposure and the rate of recovery slows."



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During the cleanup, the plants were killed and the rocks washed bare. The area basically dried up. Temperatures on barren rocks can reach 105 degrees Fahrenheit on a sunny summer day. With no shade, the eggs dried out before they could germinate. The higher up the beach, the harder it was for them to survive.

As fucus slowly recolonizes the rocks, so does its intertidal community. Algae and plankton grow on its bulbs, leaves and stems. It feeds fish and provides shelter from predators for small fish, limpets, barnacles, snails, crabs, sea urchins and a host of other tiny creatures. Sea otters, river otters and seabirds all forage among its golden fronds.

Studies of the recovery of fucus have ended in Prince William Sound. Though it had not fully recovered six years after the spill, researchers found fucus had reached some of its old levels above the high tide zone. The prognosis is good. With several cool rainy summers, fucus will return, but scientists predict it will be several years before fucus in the spill area will be as thick as it was before the spill.

Jody Seitz lives in Cordova and also produces the Alaska Coastal Currents radio program.

Harris will keep SeaLife Center in public eye

By Roger Kane

LOG Staff

She's originally from Atlanta but you'd never know it by the accent.

"I've worked long and hard on losing my accent. My mom's a Yankee," said Donna Harris, the Alaska SeaLife Center's director of marketing.

Harris handles marketing, advertising, public relations, sales and membership at the SeaLife Center. She said she is unsure of the total amount of the budget she will be working with, because it's "all spread out and I haven't seen the budget all laid out."

Nationally circulated advertisement placement alone will cost upwards of \$100,000, she said.

She said she's working with Princess Tours and Holland America cruise lines, putting ads in their brochures to draw attention to the SeaLife Center.

Harris said the SeaLife Center will be getting a lot of exposure next year as advertisements will be placed in Milepost magazine and in Holland America's 1998 cruise tour book. Harris said there will be about 1.5 million copies of the tour book printed.

SeaLife Center tours will also be sold as part of those cruise lines' itineraries and as special options to be purchased on the cruise ships.

World Explorer Cruises, "which has the Universe—more of an educationally oriented adventure tour," will also be bringing tourists into the center, she said.

"But our largest market is going to be residents, people visiting residents, and travelers. Residents of course includes Anchorage, the Kenai Peninsula and Mat-Su," Harris said.

She and her husband, Dave Smith, recently moved to Seward from Anchorage and welcome the change. She said moving has been kind of hectic, but they're getting acclimated.

She met her husband at the



Roger Kane/LOG photo

Donna Harris

Kenai Princess Lodge in Cooper Landing when it first opened. They've been married for five years and have no kids, "just an old cat named Cheddar."

Smith is a book author. He wrote "Alaska's Mammals" and "Back Country Bear Basics: The definitive guide to avoiding unpleasant encounters."

"He was very interested in finding a smaller town to live in and was very anxious to move out of Anchorage," she said.

"I'm happy to be in Seward," Harris said. "I think Seward's got a sunny future ahead of itself and I just want to be part of it. I've always wanted to move down here and this was a great opportunity."

Always on the lookout for a little adventure, Harris enjoys traveling, hiking and biking.

"Last year I went to Namibia. I went by myself," she said. "It was wonderful. I have this affinity for rhinos and I got to see rhinos and elephants. They're all amazing."

"I really love traveling to Africa. I've traveled there four times. I've been to South Africa twice, Kenya and Seychelles. And if I'm not going there, I like the Caribbean."

"I've lived in St. John, the Virgin Islands, and both my husband and I

like Grenada. I moved to the Caribbean in 1983. The day the U.S. invaded Grenada and I didn't know where Grenada was. I just thought 'Oh my God. Where am I going?' Before I moved down there, I was living in Skagway and got sick of all the cold and wet, so I moved down there and moved onto a 42-foot wooden sailboat. I was a boat bum. I spent a lot of time varnishing."

Prior to accepting the job at the SeaLife Center in May, Harris was the director of tourism sales and marketing at Era Helicopters.

"I covered all of the helicopter tours for Anchorage, Denali and Juneau," she said.

Harris was also appointed by former Gov. Walter Hickel to serve on the Alaska Tourism Marketing Council, which is responsible for marketing Alaska domestically and in Canada.

Harris will be replacing a consultant, Tom Honan, who has been handling the marketing prior to her arrival. The SeaLife Center has been using an advertising agency, Bradley/Reid Communications of Anchorage, and Harris said the center is in the process of re-evaluating the need for an outside public relations and advertising agency.

She said she expects at least a quarter of a million visitors next year with about 100,000 of them being residents. The next largest group of visitors will most likely be the independent traveler to Seward. Visitors from the cruise ships will make up the next largest group, followed by schoolchildren and convention attendees from Anchorage.

Harris said she didn't know how many visitors would be needed to help the SeaLife Center break even because that depends on the number of research projects that are under way at the time.

Harris said there's a balancing act with the money coming in, with admissions, sales and membership on one side of the scale and research on the other.

Third Avenue closure time shortened

By Eric Fry

LOG Staff

SEWARD PHOENIX LOG

JULY 17, 1997

Third Avenue won't be closed for repaving for as long as was first announced. That could relieve merchants who say the project adds to parking problems downtown, already strained by Alaska SeaLife Center workers and reserved bus spaces.

The contractor for the state project, Alaska Roadbuilders, put up notices last week that vehicles couldn't park on Third Avenue from July 8-23. That set off alarms among some merchants.

Mary Stevens, owner of Quik Wash, at the corner of Third Avenue and Washington Street, decided it was the last straw and said she would close for good July 31 after nine years.

Because her customers carry heavy bags of laundry, she needs parking right near the door. "If they can't park on Washington or Third, they can't come in here," Stevens said.

But Paula Caywood, project manager for the state Department of Transportation, said Third Avenue from Railway Avenue to Van Buren Street will be closed three days for milling and two days for paving.

"We will have to take some parking away during construction," Caywood said in an interview. "That's part of the game. We will do our best to minimize it."

The road work from Van Buren north will require one-way traffic and may involve delays of up to 20 minutes, she said.

The repaving project isn't Stevens' only concern. She said her parking problems began two years ago when the city designated bus parking on the south side of Washington Street

near Third Avenue. Bus spaces take up about four car spaces.

"People who normally park there had to move elsewhere, which meant they moved over here," Stevens said, referring to Third Avenue in front of her entrance.

And Stevens said she's happy to see the SeaLife Center here, but its construction has worsened her parking. Construction workers parking on Fourth Avenue pushed other people to Third, she said.

Even before the repaving project, Stevens has seen her business cut in half so far this year. She expects that July will be worse.

"If I don't make money May, June and July, I can pretty much forget it, because in the winter it really slows down," Stevens said.

"This is not really busy," she said last week, looking out from her office. "This time of year I should be in a take-a-number phase. And I haven't been there at all this year. Most of these people will tell you you can't park nearby. They won't carry baskets a long way."

Sue Banas, owner of Stylin' Stitches on Washington Street, said parking is frustrating for everybody.

What particularly bothers her is that buses use the designated spaces only on Saturday, Monday and every other Wednesday. The rest of the time the spaces sit empty but vehicles aren't allowed to park there.

It's her customers' biggest complaint, Banas said. "Customers get real bent out of shape that that block is empty 75 to 80 percent of the time."

Police Chief Tom Walker said, "The problem with that is that people would bring in their cars and leave them there, and we'd have to impound them, and we'd be even more unpopular than we are now." He also said the bus spaces are one thing the town is doing to help the tourists get in and out of town safely.

A Fourth Avenue restaurant manager who didn't want to be named said SeaLife Center workers take up spaces on the street all day.

"It's costing a lot of the down-

town businesses money here this year because all of the spots are tied up from 7 in the morning to 4 in the afternoon," he said.

Two-hour parking on Fourth would solve the problem, he said.

Merchants also are concerned about the future of parking on Third Avenue. A major reconstruction project for Seward Highway Mile 0-8 is planned for 2003, Caywood said.

The state hasn't decided whether there will be street parking on Third Avenue, which is the

Seward Highway. "The state is under no obligation to provide street parking," Caywood said.

The current \$1.43 million project will repave Third Avenue from Railway to just south of the bridges and add a center left-turn lane from about B Street to Hemlock Street. The project also adds wheelchair ramps at the sidewalk corners. It's scheduled to be completed in August, Caywood said. No road work will take place during Silver Salmon Derby, set for Aug. 9-17.

Qutekcak asks city for hatchery help

Eric Fry

QNT Staff

Qutekcak Native Tribe of Seward has asked the city to serve as the prime contractor with the state to operate the newly built shellfish hatchery here.

Under the plan, Qutekcak would subcontract with the city to operate the shellfish hatchery, and maintain the entire building, which includes a mariculture research center.

It looks like the last opportunity for Qutekcak to negotiate with the Department of Fish and Game and avoid competing bids is July 17 for proposals. Fish

Game's director of commercial fisheries management, Todd Fry, officials believe this month that the agency will require proposals in August.

The city would have no labor or prime contractor and responsibility of Qutekcak and the Native group. Chugach Regional Resources Commission is the City Council meeting Monday.

The city would serve only as a pass-through agent for the contractor. If passed, they said Qutekcak would be willing to bond the finished agreement with the current Qutekcak hatchery.

"If the city of Seward were involved, it would keep the hatchery under local control," said Fry. Brown, Sewardberg,

executive director of Chugach City Manager Ron Gertin, spoke against the plan Monday. The city would be the effective guarantor of the contract and have financial responsibility, he said. "We are the backup."

Gertin said a request for proposals would be made the best option. "I don't think that Qutekcak should compete. With the experience and local involvement, they are the best option. With an RFP, the winning

that could happen is an operator with more experience, and no city responsibility," he said.

But Mayor Louis Brumfield spoke to Clabby Tuesday and came away feeling that the city might be able to help out.

In an interview, Clabby said it hasn't been determined what responsibility would fall to the city as the prime contractor if it assumed that role.

The Native group have spent 18 months hammering out a 20-year contract with Fish and Game that splits out services, ob-

See Hatchery, Page 15

environmental provisions, and mothball procedures.

But Fish and Game hasn't been satisfied with Qutekcak's business plan and has repeatedly threatened to call off negotiations.

"There is a sense that the state has not dealt with Qutekcak Native Tribe in good faith," said tribal administrator and City Councilman Edgar Blatchford at the meeting Monday.

"They seem to lack confidence in the ability of QNT to manage the facility," despite a four-year record of running a pilot program, he said.

Qutekcak has provided Fish and Game with budgets, development plans for each species of shellfish, a list of funding sources, plus a 50-page business plan written with the help of business and shellfish experts. But the agency always had more questions and objections.

Qutekcak believes it already has enough grants for the next three years to more than cover expenses until the hatchery could be profitable from sales of baby shellfish, called spat.

The business plan estimated annual operating and maintenance expenses at about \$280,000 for the

first two years, growing to about \$350,000 in later years.

Existing grants from the Exxon Valdez Oil Spill Trustee Council, the Administration for Native Americans, the National Marine Fisheries Service, and Chugach would total \$387,000 a year. The business plan assumed growing sales of spat through the years.

The recently completed Seward Mariculture Technical Center and Shellfish Hatchery cost \$3.45 million, including design, construction, equipment, and fees taken by state agencies.

The 10,920-square-foot facility is the first state-owned shellfish hatchery in Alaska, and it includes a 1,500-square-foot mariculture research center.

Chugach and Qutekcak first proposed the hatchery in 1992. They lobbied in the past Legislative session for \$250,000 more to equip it.

There are 55 active shellfish farms in Alaska, including several in Resurrection Bay. Most of them grow Pacific oysters in submerged conical cages. But Alaska waters are too cold for Pacific oysters to naturally reproduce here, so farmers buy spat from hatcheries.

The research center probably will be managed by the state university and the Alaska Shellfish

Growers Association, state officials have said. But the hatchery is supposed to be a viable commercial operation, selling oyster spat and other species to shellfish farmers.

More than a year ago, Fish and Game officials said in interviews that they would single-source the contract to Qutekcak through the auspices of the Kenai Peninsula Economic Development District Inc.

The EDD is a regional development organization through which the state can bypass the state's usual competitive bid process.

But the EDD, under new leadership, unexpectedly withdrew its sponsorship in May, saying they had no expertise in hatcheries and made no commitments to Qutekcak. That put Qutekcak back to square one, looking for a another pass-through agent.

Qutekcak has run a pilot program out of an Institute of Marine Science building for four years. Besides growing Pacific oysters, it has grants to work on Littleneck clams and rock scallops.

Railway Avenue resurfacing in the works

LOG Staff.

Railway Avenue will be repaved next week, weather permitting, said city manager of engineering Dave Calvert. It will be paved in two parts so that the entire street isn't closed to traffic at once.

When the contractor is working on the section from Lowell Point Road to Fifth Avenue, traffic to Lowell Point will detour through Brownell Street, the dirt alley behind the Institute of Marine Science. The other section to be paved is from Fifth Avenue to the alley between Sixth Avenue and Ballaine Boulevard.

The city decided to combine its paving project with that of the Alaska SeaLife Center, which has been paving its parking lots and is responsible for repaving Railway Avenue in front of its construction site.

Frontier Paving bid the city portion at \$76,500, plus a 10 percent contingency. The SeaLife Center will contribute \$50,000 toward the city's cost. In exchange, the city waived the \$39,342 that the SeaLife Center owed for its share of removing overhead electric lines from Railway Avenue.

Oil spill council may help fund solution for Mariner Park question

by J. Michael Lyons

Staff Writer

A proposal from the city to the Exxon Valdez Oil Spill Trustee Council for funding of a \$100,000 environmental assessment of the Mariner Park wetlands at the base of the Homer Spit passed its first hurdle Tuesday — a public hearing in Anchorage.

If it wins final council approval in August, the study would provide water flow, plant and bird species data that will help determine what the city can do with the arid 109-acre park to restore the biological diversity lost when the Homer Spit Road was built. The roadway cut off the regular tidal flushing into the lagoon. A makeshift trench cut through to the beach on its west side has clogged with sediment.

Meanwhile, the city has applied to the Army Corps of Engineers to dig another 250-foot trench to feed the marsh with salt-water and make the area more attractive to shorebirds.

The trench has drawn some controversy because of its continual fill-in with cobble and sand that otherwise would have nourished eroding beaches farther down the Spit.

In the late 1970s, the city considered filling the whole area in and making it a campground. But popular support and two separate petition drives in the last 20 years have kept it wetlands.

The trench has been open on and off since the Spit Road was built and choked the wetlands off from the rest of Mud Bay.

The mouth of the trench was filled in following the Exxon Valdez oil spill in fear that drifting oil might flow into the wet-

lands. It was reopened but closed again by storms in 1994. The trench was partially reopened last year but is now clogged with sediment.

To reopen once again, said Mayor Jack Cushing, is simply a temporary measure to get some water flowing into the marsh until a longer-term solution can be found.

"The trench is a short-term solution," said Cushing. "We don't want to go backwards."

Most believe the ideal solution would be to excavate the sediment accumulated in the marsh, move it upstream to eroding parts of the Spit, then build a tunnel under the Spit Road that would bring a regulated tidal flow from Mud Bay, as once occurred naturally.

That is where the environmental assessment comes in — to determine once and for all what the best solution would be.

The Exxon Valdez Oil Spill Trustees Council will collate public opinion and examine the proposal again on Aug. 6, then offer another recommendation to fund it or not. The project will go before the entire council for a vote.

If approved, the city hopes to begin the assessment by October and complete it by September 1998.

As of now the Exxon Valdez Oil Spill Trustee Council money would end with the environmental assessment. A council staff member could not say if it would make money available for any further projects on the park.

Cushing could not estimate how much it would cost or where the funding would come from.

Thin veil

Dear Editor,

The state's \$900 million settlement for the restoration of coastal areas affected by the Exxon Valdez oil spill is being used to purchase land from private owners. This land is becoming the property of the state in a state that already owns more land than its state constitution allows. Isn't this money supposed to be used to help future generations of Alaskans that were affected by the spill instead of being used to enrich the state's land holdings? This is taking money from one hand of the state and putting it into the other hand.

The \$50 million spent to purchase land on the south shore of Kachemak Bay to stop clear-cutting is going to have little effect. The spruce bark beetle infestation is making it imminent that the trees be clear-cut anyway. If it is not clear-cut it will catch fire. When the smoke clears, Homer will be looking at the charred remains of old growth spruce. Try to imagine what a smoke-filled Kachemak Bay would do for your tourist season next year.

I can't figure out how deeding land to the state is going to protect it from future oil spills. The oil from the next cruise ship or oil tanker that sinks or runs aground off the Kenai Fjords is not going to be cleaned up by the state. Just like when the Exxon Valdez hit Bligh Reef, the cleanup equipment is going to be buried under six feet of snow in Seward or Kenai. The amount of equipment and manpower available will be painfully inadequate for the task. If private landholders were living in the area they would mobilize a task force to clean it up. I firmly believe that private owners would be better stewards of the land than the state of Alaska.

State ownership of the land on Afognak, Shuyak and the outer coast of the Kenai Peninsula is not going to stop future development. All the state is interested in is ripping it off from the private sector so that the state can capitalize on tourism. This is evidenced by the many state-owned tourist cabins currently being built by the state Parks Division on Shuyak and Afognak Islands — this in direct competition to private lodges already in existence. Mark my words — soon you will see the Kenai Fjords being visited by state-owned tour boats based in Homer and Seward.

I am for putting the money into the Permanent Fund so that future generations will benefit from it instead of squandering it on state projects that will hurt the private sector. We know these projects are doomed to failure because they are being managed by the government.

Please write the Exxon Valdez Oil Spill Trustee Council with your views. The address is EVOS Trustee Council, 645 G St., Suite 401, Anchorage 99501-3451.

Henry Kroll
Seldovia

Oil spill funds help protect Kenai habitat

Editor's note: It has been eight years since the Exxon Valdez ran aground in Prince William Sound, spilling nearly 11 millions gallons of Alaska crude oil. Time has since told quite a lot about the spill's long-term effects. To help tell the story, the Exxon Valdez Oil Spill Trustee Council is providing this column focusing on the ongoing recovery within the spill region. The idea of this column is to explain, over time, the many aspects of recovery and restoration and what it means to the people who live, work and play in the oil spill region.

By JODY SEITZ

The Kenai River graces the heart of the once remote Kenai Peninsula. It wasn't that long ago that homesteaders settled along its banks and salmon swam upstream along its shores, mostly undisturbed.

The dirt road built years ago through the Kenai Peninsula has since become a transportation artery for the world to reach spectacular salmon streams and breathtaking beauty. Today, the Kenai River is lined with homes, businesses and recreational cabins. It is inundated each summer with Alaskans and visitors who crowd its banks in an effort to catch prized king, red and silver salmon.

The river is the main economic engine for much of the commercial salmon fishery in Cook Inlet as well as the exploding sport fishing and tourism industries on the peninsula. But its popularity could also be its downfall. Many of the problems that led to the demise of the salmon streams of the Pacific Northwest are present on the Kenai River.



Restoration and recovery following the Exxon Valdez oil spill

"It's road accessible to 70 percent of the state's population," said Lance Trasky, director of the state Division of Habitat within the Alaska Department of Fish and Game. "It has four communities, two of the state's larger cities and two smaller cities, on the river. There's 1,800 pieces of private property. There's sewage treatment plants. There's businesses. It's the most rapidly growing area of the state."

The main problem on the river is erosion. The grasses and willows that line the banks of the river provide habitat for fish and attract the insects they feed on. There has been a significant loss of vegetation along the banks, from the crowds fishing from shore. "You can just imagine thousands of trampling boots walking along a river bank that's fairly fragile, causing a loss of vegetation and therefore a loss of cover," said Chris Degernes, regional supervisor for Alaska's Division of Parks and Outdoor Recreation.

As a result of human traffic at Soldotna Creek Park, the river bank eroded 30 feet. According to Trasky, that's not unusual.

To stop the loss of habitat, state, federal and local governments are working together with private landowners, commercial fishing groups and sport fishing interests to protect the river from being loved to death. Funds provided by the Exxon Valdez Oil Spill Trustee council have been used to acquire property from willing sellers along the river, so far protecting several miles of riverbank. Trasky says the program has been well received.

"The landowners have been very interested in it and a lot of them have offered to sell their property," said Trasky. "Quite a few people are motivated by the desire to see their property maintained in its original state rather than subdivided."

In addition, the Department of Fish and Game has approximately 90 rehabilitation projects along the river slated for the next year, according to Trasky. Plans are to revegetate the banks where possible and improve public access with floating docks and boardwalks so that people can get to the river without harming the banks.

Jody Seitz lives in Cordova and also produces the Alaska Coastal Currents radio program.

Scientists seek oil spill funds

PENINSULA CLARION
JULY 16, 1997

ANCHORAGE (AP) — Scientist seeking research money from the Exxon Valdez Oil Spill Trustee Council have some interesting questions they want to answer:

Is El Nino — the weather phenomena that warms ocean water and increases rainfall — affecting sealife on Alaska coast? Which parts of Prince William Sound are used most by boaters, fishermen and hunters? Why are surf scoters — an important Native subsistence food — disappearing?

Each year the Trustee Council spends some of the \$900 million settlement from the 1989 spill in Prince William Sound on studies to help understand the impacts of the 11-million-gallon spill.

This year, scientists submitted about 100 proposals asking for more than \$21 million. The council plans to spend about \$14 million on those projects next year. The decision from the trustees will come next month.

This year's proposals include completion of studies started shortly after the spill, said Molly McCammon, the council's executive director.

For 1998, study proposals include:

■ A group of University of Fairbanks biologists is studying El Nino. They want \$85,000 to replace instruments on a buoy floating in Resurrection Bay. The instruments measure water temperature and water salinity. The buoy has been collecting data for 27 years. The National Science Fund would also contribute to the project.

■ A state Fish and Game biologist wants \$179,000 to implant satellite transmitters in surf scoters to figure out where they breed. Natives living in Tatitlik and Port Graham have asked the Trustee Council to figure out why the number of those sea ducks appears to be dwindling.

■ The U.S. Forest Service is seeking \$144,000 to use Geographic Information System techniques to figure out which parts of Prince William Sound are most heavily used by people. The information would be combined with data on the distribution of sealife to figure out where overuse is hurting wildlife.



United States Department of the Interior

OFFICE OF THE SECRETARY
1689 C Street, Suite 100
ANCHORAGE, ALASKA 99501-5151

June 30, 1997

RECEIVED
JUL 9 1997

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Reader:

Attached for your information is a copy of *A Report Concerning Open Season for Certain Native Alaska Veterans for Ailotments*, dated June 1997. This report has been prepared for Congress by the Department of the Interior in response to Section 107 of Public Law 104-41.

Sincerely,

Deborah L. Williams
Special Assistant to the Secretary
for Alaska



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUN 24 1997

Honorable Ted Stevens
Chairman, Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed you will find a copy of "A Report Concerning Open Season for Certain Native Alaska Veterans for Allotments," prepared for Congress by the Department of the Interior in response to Section 106 of Public Law 104-42.

Sincerely,

Bob Cunningham
Assistant Secretary

**A REPORT CONCERNING OPEN SEASON
FOR CERTAIN NATIVE ALASKA
VETERANS FOR ALLOTMENTS**

**Prepared for Congress
by the Department of the Interior
In Response to
Section 106 of Public Law 104-42**

JUNE 1997

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I. Statutory Basis for Report

On November 2, 1995, President Clinton signed Public Law 104-42, an Act Amending Various Provisions of the Alaska Native Claims Settlement Act (ANCSA). Section 106, entitled "REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS," requires

(a) In General—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam Era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Act (94 Stat. 2375)

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

Background information and a statement of the possible need for legislation was contained in House Report 104-73, a report of the House Committee on Resources which accompanied H.R. 402, the bill that eventually became P.L. 104-42. The Committee report specifically addressed the fact that many Alaska Natives were serving in the Armed Services during the period immediately prior to the repeal of the Alaska Native Allotment Act in 1971 and may have missed their opportunity to apply for Native allotments as a consequence of their military service. At the time P.L. 104-42 was passed, the Vietnam Era was defined in Section 101 of Title 38 U.S.C. as beginning August 5, 1964, and ending May 7, 1975.

II. Summary of Findings

Because of significant anomalies in computer records and other data available for this report, statistics reflect estimates and ranges rather than precise numbers. Where appropriate, we explain our rationale for using a given set of data.

Using the Bureau of Indian Affairs (BIA) list of all Alaska Natives enrolled in ANCSA Corporations, this report finds that there were approximately 2,290 eligible enrolled Alaska Native Vietnam Era veterans who did not apply for allotments. Based on unsolicited information from individuals during preparation of this report and other data, there may be several hundred additional individuals who were not enrolled but otherwise eligible for an allotment during the Vietnam Era.

The report also calculated that during the period of January 1, 1970 to December 18, 1971, when a major effort was undertaken to encourage Natives to perfect their allotment applications before the Alaska Native Allotment Act was repealed in 1971, over 600 Alaska Natives who had served in active military service for more than one year during the period did not apply for allotments.

Depending on final eligibility criteria, we estimate that the number of Alaska Native Vietnam Era veterans who did not apply for allotments could range from about 500 to about 2,800.

Using this range, the report finds that an open season could result in allotment applications on from 40,000 to 448,000 acres of Alaska lands.

Using this range, the costs to the Federal government of implementing an open season program could be from \$18 million to \$186 million. Costs are discussed throughout the report in the sections on potential impacts to each Department of the Interior bureau. See Table 8, page 39, for a consolidated estimate of minimum and maximum ranges of possible total costs.

The Department understands that Congress may choose to develop a renewed allotment program for Alaska Native Vietnam veterans, or some portion of them according to criteria it may choose, because it determines that some such veterans were or may have been prevented from applying for an allotment by reason of service and that is the fairest way to deal with the issue. Congress may also consider that such a partial renewal of the allotment program could create new inequities both internal and external to the Native community, could result in high costs both in cash and in land that would be transferred from Federal ownership, and could potentially delay settlements in process or disrupt settled arrangements and uses of land.

III. A History of the Alaska Native Allotment Act

The Alaska Native Allotment Act, as amended, 43 U.S.C. Sections 270-1 through 270-3 (1970), gave the Secretary of the Interior authority to convey not more than 160 acres of "vacant, unappropriated, and unreserved nonmineral land in Alaska" to "any Indian, Aleut, or Eskimo of full or mixed blood who resided in and was a [N]ative of Alaska." Following the amendment of the Allotment Act in 1956, land valuable for coal, oil or gas could be conveyed as long as those valuable minerals were reserved to the United States. In addition, an applicant was required to provide satisfactory proof of substantially continuous use and occupancy of the land for a 5-year period. The implementing regulation, 43 C.F.R. section 2561.0-5(a), provided that:

The term "substantially continuous use and occupancy" contemplates the customary seasonality of use and occupancy by the applicant of any land used by him for his livelihood and well-being and that of his family. Such use and occupancy must be substantial actual possession and use of the land, at least potentially exclusive of others, and not merely intermittent use.

While the five-year requirement was initially interpreted to require that all five years of use and occupancy had to be completed while the land was available for entry, this interpretation was later changed to only require that qualifying use and occupancy began while the land was available for entry. To be eligible for a Native allotment, an applicant had to meet all of the statutory and regulatory requirements pertaining to the qualifications of an applicant, land status, and satisfactory proof of use and occupancy.

By 1970, only about 2,400 applications had been filed under the Act, and only about 245 allotments had been approved. Beginning in June 1970 the Bureau of Indian Affairs (BIA), the Rural Alaska Community Action Program (RurAL CAP), and the Alaska Legal Services Corporation (ALSC), anticipating that the Alaska Native Allotment Act would soon be repealed, initiated an effort to assist Alaska Natives in filing allotment applications.

The Alaska Native Allotment Act was repealed with the passage of the Alaska Native Claims Settlement Act (ANCSA) on December 18, 1971. By the time the Allotment Act was repealed, approximately 10,000 applications had been filed for more than 15,000 parcels of land, primarily through the efforts of BIA, RurAL CAP, and ALSC to locate and assist applicants.

On December 2, 1980, the Alaska National Interest Lands Conservation Act (ANILCA) was passed which had a significant impact on the Alaska Native allotment program. Section 905 of ANILCA was designed to eliminate many of the obstacles to processing and conveyance of Native allotments by allowing a legislative approval of those applications pending before the Department on or before December 18, 1971, when the Allotment Act was repealed. There were a number of significant exceptions to this legislative approval. Although some applications have been approved and conveyed under the provisions of Sec. 905 of ANILCA, a great many fall within the excepted categories and must be fully adjudicated under the criteria of the Alaska Native Allotment Act.

In an attempt to break loose this backlog of unapproved allotments, Secretary Babbitt has recently asked for public comments on a proposal to legislatively approve all allotments for which protests have been withdrawn. Although an allotment may not exceed 160 acres, many applications have been filed for multiple, noncontiguous parcels, including applications for two 80-acre tracts or four 40-acre tracts. However, 1.6 is the average number of parcels in an application. The current count of parcels claimed since 1906 is nearly 16,000, of which 6,000 have not yet been conveyed or rejected. Survey is required for 4,000 of the 6,000. (See page 22 for more on impacts on workload.) Public land entry statutes have been generally construed to authorize only one parcel

per entry unless expressly provided otherwise. From 1906 to 1964, Alaska Native allotments were confined to one parcel. By regulation, multiple parcels were permitted from 1964 through 1971.

IV. Processes Used to Gather Data for This Report

A data file of all Alaska Natives enrolled in ANCSA corporations was obtained from the BIA. This file includes over 103,000 records. The Veterans Administration (VA) has a data file of all veterans who served in the Vietnam Era, August 5, 1964, to May 7, 1975. This file contains over 40,000,000 records. These two files were analyzed by the VA to develop a list of enrolled Alaska Natives who served in the Armed Services during that period. The resulting list was then compared to BIA and Bureau of Land Management (BLM) allotment application lists to determine which of these Vietnam Era veterans have already applied for an allotment.

ANCSA enrollment files were used as the primary source of reliable data to determine the scope of the issue. The ANCSA enrollment files, although representing a large majority of Alaska Natives, do not reflect the total number of Alaska Natives who might be eligible for an allotment. The enrollment process required by ANCSA enrolled only individuals with one-fourth or more of Native blood. The Alaska Native Allotment Act only required individuals to be Alaska Native. We did receive unsolicited phone calls or correspondence from over 200 individuals who may be Alaska Natives who were not enrolled as shareholders of Alaska Native corporations.

Notably, of the approximately 10,000 applications for allotments received prior to repeal of the Act, 8,420 were enrolled. Roughly 16 percent of the total were unenrolled; or, put another way, unenrolled applicants numbered just under 20 percent of enrolled applicants. During the data gathering we also found that there are enrolled individuals who do not appear on the master enrollment list for a variety of reasons, so the computerized enrollment records are themselves incomplete.

Because of our lack of reliable data as to the number of unenrolled Native veterans or enrolled but unlisted veterans, precise numbers would be possible only after a formal allotment application procedure. For these and other reasons, the numbers of veterans reflected in this report are intended to be indicators, not absolutes.

See Appendix A for complete details of the data gathering process. See Appendices B and C for actual enrollment data by region and village.

V. Numbers of Native Veterans Who Did Not Apply for an Allotment

Because of statistically significant anomalies in computer records and other data available for this report, statistics reflect trends and ranges rather than precise numbers. Our primary data source for Alaska Natives was the BIA's computerized ANCSA enrollment record. We analyzed the basic data of enrolled Vietnam Era veterans who did not apply for an allotment to cover a variety of time periods as reflected below. The first period is the total designated time for the Vietnam Era. The

second period is the Vietnam Era from August 5, 1964 through December 18, 1971, the passage of ANCSA which repealed the Alaska Native Allotment Act. The third period, January 1970 through December 1971, is when the major effort was undertaken by the BIA and others to accelerate application filings. The fourth through sixth periods are subsets of the third period to determine how many veterans may have had time to apply during the third period, because they were not in active military service over the entire period. Overall, 179 of 2,469 enrolled Alaska Native Vietnam Era veterans applied for allotments. The numbers of deceased (from the VA records) are shown for information (these numbers are included in the totals).

To account for the significant numbers of veterans not enrolled or not listed, adding 20 percent (see Section IV) to the number of *enrolled* veterans who did not apply (number 1 below) equals about 2,750. To account for possible additional unforeseen applicants, we have adopted a figure of 2,800 as the likely top estimate of possible applicants.

TOTAL ALASKA NATIVE ENROLLED VETERANS
WHO DID NOT APPLY FOR AN ALLOTMENT

Service Period	No. Who Did Not Apply	No. Deceased
1. 8/64-5/75 (total Era)	2290	264
2. 8/64-12/71	1601	225
3. 1/70-12/71	1036	121
4. > 1 year served (70/71)	632	68
5. < 1 year served (70/71)	404	53
6. < 6 months served (70/71)	203	23

VI. Outreach and Consultation

Section 106 requires consultation with the Secretary of Agriculture, the State of Alaska, and appropriate Native corporations and organizations. Our consultation efforts were directed towards gathering viewpoints and concerns of what should be included in the report.

In early December 1995, at a meeting of realty service providers, the legislation was discussed. The "realty service providers" are 25 tribal realty offices, operating under P.L. 93-638 contracts or compacts and BIA realty offices. A format was developed to use in documenting contacts made by individuals to record anecdotal and other information.

On January 12, 1996, a status report on the implementation of 1995 ANCSA amendments was sent to all ANCSA Corporations and Alaska tribes by the Office of the Secretary. As a result of this report, and subsequent outreach by ANCSA Corporations and realty service providers, individuals began to contact the BLM and realty service providers. These contacts were made by telephone, in person, and by letter. When contacted, basic information was obtained from the

individual, such as name, address, date of birth, social security number, dates of service, probable location of land, etc.

Meetings were held with some ANCSA Corporations, the Alaska Federation of Natives (AFN), the Alaska Inter-Tribal Council (AITC), and realty service providers on July 9 and 10, 1996. Appendix D contains the notes from these meetings. Common concerns expressed were that:

- ▶ Legislation would be drafted in such a way that few veterans would be eligible.
- ▶ There would be insufficient funding to properly implement the program, especially for cadastral surveys.
- ▶ The high cost of the program would be used as a reason to *not* enact enabling legislation.
- ▶ People want to avoid the lengthy adjudication process of Native allotments. One suggestion was to include the same opportunity for legislative approval of the applications, absent legal defects and certain type of conflicts. It was also recommended that there be no opportunity given for blanket protests.
- ▶ The interests of deceased Native veterans should be protected.
- ▶ What Federal lands would be available? Much of the land surrounding Native villages is not owned by the Federal government. The possibility of voluntary reconveyances from ANCSA Corporations to the BLM was raised as a solution. The acreage would then be credited back to the corporation.

Most groups wanted the opportunity to review this report. The AFN Land Managers Committee will want to discuss the potential impacts on Interim Conveyed lands. The realty service providers recommended a statewide meeting of realty service providers, AFN, AITC, and ANCSA Corporations to review and discuss the report.

Comments received from the Alaska Region of the U. S. Forest Service conclude that there would be no impacts to the National Forest System lands in Alaska attributable to Section 106. This is based on the assumption that the Native veterans would not be eligible to apply for allotments within the Chugach and Tongass National Forests because of the early withdrawal dates of the forests from land entry.

Our consultation with the State of Alaska was through the Governor's Office in Washington. The State wished to express no position at this time on this issue.

This report has not been circulated for comment prior to submitting it to Congress. However, affected interests will be provided a copy at the same time the report is delivered to Congress.

VII. Potential Impacts on Conservation System Units (CSUs) and on Bureau Operations

A. Introduction

In analyzing potential impacts, we determined the following to be reasonable assumptions to guide our preparation of the report:

1. Only Alaska Native Vietnam veterans enrolled to a *village* are used in the analysis to assess the potential impacts of new Native allotments on CSUs. We have no data on which to base estimates of where veterans enrolled to a *region* might apply for an allotment within the region. There are significant numbers of veterans enrolled only for a Region (see Appendix B). Also, there are significant numbers of veterans not enrolled. Therefore impacts on CSUs are underestimated and cannot reflect regional enrollees or unenrolled applicants for whom impacts are difficult to appraise.
2. For the purposes of this impact analysis we assume new allotment selections would be within a 25-mile radius of the enrollment village of eligible veterans. The decision to use a 25-mile radius was based on an analysis of existing Native allotment applications and certificates on the Yukon Delta, Kodiak, and Yukon Flats refuges which found that over 90 percent of allotments were within 25 miles of a village recognized by ANCSA. We are unable to do a geographic analysis of impacts of new applications by eligible veterans enrolled in the 13th Region or at large in the other Regions.
3. Applicants from villages located within or adjacent to a CSU with little other Federal land within 25 miles would select an allotment in that CSU.
4. The duty station(s) of the veteran during the Era could have impacted their ability to apply. Duty in Alaska, in the continental U.S., in the Vietnam theater, or elsewhere overseas each provides different opportunities and limits. For the purpose of this report, however, we make no distinctions based on duty stations.
5. If Alaska Native Vietnam Era veterans are authorized to apply for land allotments, it will be because they were unable to apply for a Native Allotment prior to the repeal of the Native Allotment Act by ANCSA December 18, 1971 because of their period of service.

The report will focus on two time periods; August 5, 1964, to May 8, 1975, and January 1, 1970 to December 18, 1971. The first period reflects the statutory period of the Vietnam Era which is required by P.L. 104-42. The second period coincides with the period when a major effort was made by the BIA and others to publicize the allotment program and assist Natives in completing their applications. December 18, 1971, is the

date of repeal of the 1906 Native Allotment Act by the passage of ANCSA. For purposes of the second time period, veterans on active duty prior to 1970 are presumed to have had the same opportunity as other Alaska Natives to apply prior to the deadline; and veterans entering service after December 18, 1971, are presumed not eligible for an allotment because they did not apply before the repeal of the Allotment Act, and their service had no bearing on their opportunity to apply.

6. At a minimum, land available for new applicants must currently be Federally owned and must have been otherwise unappropriated and unreserved Federal land available to the applicant before December 18, 1971 at the time of the beginning of their use and occupancy.

7. For the purpose of impact analysis we assumed that applicants may select up to a total of 160 acres, comprised of one parcel. (See Item 10 of Legislative Considerations, page 38.)

The assessment of the potential impacts of additional allotments on CSUs is discussed below by each Department of Interior bureau that could be impacted.

B. Bureau of Indian Affairs

The Bureau of Indian Affairs has the responsibility for assisting Native allotment applicants perfect title to their claims. This responsibility is handled directly through agency realty staff and through P.L. 93-638 contracts and compacts. There are a total of 25 realty service providers in Alaska. This responsibility has been funded through the tribal priority allocation and nonrecurring funds. Depending upon the application criteria, this portion of the program will cost a minimum of \$1,200,000 annually above available budgets for a limited duration of 2-3 years.

Once allotments are certificated, then the full range of real estate management activities begins in meeting the BIA's trust management responsibilities. Included are functions of writing wills, probates, processing rights-of-way, land sales, gift deeds, leases and permits, HUD leases, and so forth. We estimate BIA's responsibilities for managing additional allotments will cost a minimum of \$400,000 annually above current budgets, but could be from \$1-2 million. (See Table 8, page 39.) Additional realty services must be supported by field activities such as appraisals, archeological clearances, trespass abatement and so forth, for which we can not estimate costs at this time. BIA's current trust fund management accounting problems will be exacerbated by increasing the numbers of allotments and future fractionated ownership.

C. Fish and Wildlife Service

Currently, Native allotments occur on all 16 National Wildlife Refuges in Alaska with approximately 3,800 either conveyed or pending within refuge boundaries. The passage of

legislation authorizing new allotments for Alaska Native veterans could add to this number by 15-30 percent, with the potential to affect from 64,000 to 110,000 acres of refuge lands.

Existing allotments and conveyed Native corporation lands limit the amount of available lands around many Native villages. In addition, lands within several Alaska Refuges, which were created by Executive Order prior to 1971, were not available for selection as Native allotments depending on the withdrawal date and the initial time of use by the applicant.

The following discussion centers on the availability of lands within refuges for selection and the potential impacts to fish and wildlife resources.

Number and distribution of potential applicants: A total of 76 villages with potential Vietnam Era, veteran Native allotment applicants are found within the boundaries of the 16 Alaska Refuges. There are an additional 83 villages within 25 miles of refuge boundaries with potential applicants.

For purposes of this report we discuss two likely scenarios for the volume of new applications. Scenario 1 assumes a new application opening that encompasses all Vietnam Era veterans (1964-1975). Such an opening could allow about 1,111 applications distributed throughout the sixteen Wildlife Refuges with the potential to affect from 64,064 to 110,784 acres of refuge lands.

Scenario 2 assumes an opening restricted to veterans on active duty for at least a year during the period from January 1, 1970, to December 18, 1971. This time period coincides with a major effort by RuralCap and others to publicize the repeal of the Allotment Act by the passage of ANCSA and to help Natives perfect their claims for an allotment. Under Scenario 2, an estimated 463 new allotment applications could be filed with the potential to affect from 26,720 to 46,720 acres of refuge lands. Tables 1 and 2 list the maximum number of potential applicants in and within 25 miles of a refuge, and total acres affected in each refuge, using Scenarios 1 and 2, respectively.

The selection of multiple parcel allotments would extend the impacts on refuges because applicants could select small parcels in several areas. From 1964 to 1971, regulations allowed the selection of several noncontiguous parcels and this option was chosen by a number of applicants. In one case on Kodiak Refuge an applicant obtained three coastal parcels of land. Two of these parcels are 30 miles apart. Smaller parcels are easier to sell or develop on the open real estate market and would probably be preferred by applicants today.

Table 1 Potential Number of Village-Enrolled Vietnam Veteran Native Allotment Applicants Who Served between 1964 and 1975 and the Estimated Amount of Refuge Land

Table 1 Potential Number of Village-Enrolled Vietnam Veteran Native Allotment Applicants Who Served between 1964 and 1975 and the Estimated Amount of Refuge Land Affected if Legislation Allowing New Applications for These Alaska Native Veterans were Enacted.

REFUGE	Villages within Refuge with potential applicants	Max. No. of Native Vietnam veterans from these villages	Affected acres: 160 acres X Max. No. of Vietnam veterans	Additional villages within 25 miles of refuge with potential applicants	Max. No. of Native Vietnam Veterans from these villages	Range of additional affected acres: 160 acres X 10 and 60 percent ¹
Alaska Maritime ²	12	32	2,720 ³	26	303	4,848-29,088
Alaska Peninsula/Becharof	5	22	3,520	9	33	528-3,168
Arctic	2	4	640	1	2	32-192
Innoko	0	0	0	6	26	416-2,496
Izembek	0	0	0	1	8	128-768
Kanuti	0	0	0	3	5	80-480
Kenai	1	4	0 ³	11	156	0 ³
Kodiak	5	15	2400	5	65	1,040-6,240
Koyukuk/Nowitna	1	3	480	3	21	336-2,016
Selawik	3	23	3,680	3	57	912-5,472
Tetlin	1	7	1,120	1	1	16-96
Togiak	5	19	3,040	4	30	480-2,880
Yukon Delta	37	220	33,600 ³	8	26	416-2,496
Yukon Flats	4	22	3,520	2	7	112-672
TOTAL	76	371	54,720	83	740	9,344-56,064

¹ Estimates of 10 and 60 percent were used for the minimum and maximum affected area calculations, respectively, when the enrollment village was located outside of the refuge.

² All offshore rocks, spires, and islets may not be accounted for in the total affected area for Alaska Maritime Refuge.

³ The affected acreage from potential allotments within old refuges is not included in these figures.

Table 2 Potential Number of Village-Enrolled Vietnam Veteran Native Allotment Applicants Who Served for One Year or More between January 1, 1970, and December 18, 1971, and the Estimated Amount of Refuge Land Affected if Legislation Allowing New Applications for These Alaska Native Veterans were Enacted.

REFUGE	Villages within Refuge with potential applicants	Max. No. of Native Vietnam veterans from these villages	Affected acres: 160 acres X Max. No. of Vietnam veterans	Additional villages within 25 miles of refuge with potential applicants	Max. No. of Native Vietnam veterans from these villages	Range of additional affected acres: 160 acres X 10 and 60 percent ¹
Alaska Maritime ²	7	13	960 ³	20	106	1,696-10,176
Alaska Peninsula/Becharof	4	9	1,440	8	15	240-1,440
Arctic	1	1	160	1	1	16-96
Innoko	0	0	0	6	16	256-1,536
Izembek	0	0	0	1	3	48-288
Kanuti	0	0	0	3	4	64-384
Kenai	1	1	0 ³	8	60	0 ³
Kodiak	4	8	1,280	4	35	560-3,360
Koyukuk/Nowitna	1	3	480	3	16	256-1,536
Selawik	3	11	1,760	1	26	416-2,496
Tetlin	1	4	640	0	0	0
Togiak	3	3	480	3	14	224-1,344
Yukon Delta	28	83	12,800 ³	7	13	208-1,248
Yukon Flats	3	17	2,720	1	1	16-96
TOTAL	56	153	22,720	66	310	4,000-24,000

¹ Estimates of 10 and 60 percent were used for the minimum and maximum affected area calculations, respectively, when the enrollment village was located outside of the refuge.

² All offshore rocks, spires, and islets may not be accounted for in the total affected area for Alaska Maritime Refuge.

³ The affected acreage from potential allotments within old refuges is not included in these figures

Impacts on natural values: Allotments are traditionally located at sites on coastlines and inland waterways which offer the best subsistence resources with easy access from rural villages. New applications would presumably follow this same pattern. However, conflicts with conveyed land may

lead to the selection of alternative sites. These sites may be a further distance from villages than is normally traveled for subsistence purposes. Private land could be created in largely untouched wildlands. Future activities that occur on these remote sites could adversely affect existing natural values.

Subdivision and Commercial Activities: The majority of existing Native allotments on Alaska Refuges are used by the original allottees or their heirs for subsistence or recreational purposes. At this time these uses are largely compatible with the purposes of each refuge and conflicts are few. However, the passage of time and a changing lifestyle has brought new demands to a few of Alaska's remotest places. Private lands, such as Native allotments, surrounded by public land and near prime fishing and hunting locations are being sought out for sale and development. Exclusive use of the best resource locations is very attractive to potential buyers. Many original allottees are elderly and no longer use the allotments. The heirs to allotments often live away from the region. New allotments would be highly susceptible to development pressure. It is also well known that the Federal government is actively acquiring inholdings on a willing seller basis on some refuges.

Case Studies: Yukon Delta and Kodiak National Wildlife Refuges

To gain a better understanding of potential impacts to individual refuges, we analyzed the effect of a new application opening on two of Alaska's refuges. In the following case studies, the total acreage affected under the two scenarios is identified, and the potential impacts on natural resources are discussed.

YUKON DELTA REFUGE

The Yukon Delta National Wildlife Refuge is the largest refuge in Alaska and has the most Native villages within its boundary, consequently, additional allotments could have a significant impact on refuge resources and management. Under Scenario 1 (1964-1975), about 246 potential applicants could each select a 160 acre allotment within the boundaries of the refuge (Table 3, page 16). An estimated 34,016 to 36,096 acres of refuge lands could be selected. The potential impact of selections by the 15 veterans that enrolled to Calista Regional Corporation could not be assessed because the veterans did not identify a home village. However, if we assume that all 15 potential applicants selected allotments within the Refuge, an additional 2,400 acres of refuge lands could be affected.

Under Scenario 2, veterans who served for at least 1 year during the time period from January 1, 1970, to December 18, 1971, a maximum of 96 applicants could select allotments within the Refuge (Table 3). This is approximately 39 percent of the total number of Native Vietnam Era veterans that could select an allotment within the Refuge. Approximately 13,008 to 14,048 acres of refuge lands could be affected (Table 3). The potential effect of selections by the 4 veterans that enrolled to Calista Regional Corporation could not be assessed because the veterans did not identify a home village. However, if we assume that all 4 applicants selected allotments within the Refuge, an additional 640 acres of refuge lands would be impacted.

Table 3

Effect of Proposed Vietnam Veterans Native Allotment Act on Alaska Refuges Using the Number of Village-Enrolled Native Vietnam Veterans on Active Duty during 1964-1975 and the Number that Served for at Least One Year between January 1, 1970 and December 18, 1971.

REFUGE	Number of villages with potential applicants		Maximum number of potential applicants		Estimated affected acreage		Date of withdrawal of refuge from availability	Resources and refuge management issues that may be affected by new native allotments. ¹
	1964-1975	1970-1971	1964-1975	1970-1971	1964-1975	1970-1971		
Alaska Maritime	38	27	335	119	7,568-31,808	2,656-11,136	1942—portion of refuge ³ 1971—remainder of refuge	None. The lands are not available for selection of allotments. Seabird and marine mammal habitat
Alaska Peninsula/Becharof	14	12	55	24	4,048-6,688	1,680-2,880	1971—entire refuge	Caribou, brown bear and anadromous fish habitat
Arctic	3	2	6	2	672-832	176-256	1971—entire refuge ⁴	Caribou calving habitat, Wilderness values
Innoko	6	6	26	16	416-2,496	256-1,536	1971—entire refuge	Waterfowl nesting and anadromous fish habitat
Izembek	1	1	8	3	128-768	48-288	1960—entire refuge	Waterfowl staging and nesting habitat.
Kanuti	3	3	5	4	80-480	64-384	1971—entire refuge	Waterfowl nesting habitat, Fire management
Kenai	12	9	160	61	0	0	1941—entire refuge	None. The lands are not available for selection of allotments.

REFUGE	Number of villages with potential applicants		Maximum number of potential applicants		Estimated affected acreage		Date of withdrawal of refuge from availability	Resources and refuge management issues that may be affected by new native allotments. ¹
	1964-1975	1970-1971	1964-1975	1970-1971	1964-1975	1970-1971		
Kodiak	10	8	80	43	3,440-8,640	1,840-4,640	1958— One mile shoreline buffer area ⁵	Anadromous fish habitat and brown bear habitat. Current acquisition program - reacquisition of selected parcels in critical areas.
Koyukuk/Nowitna	4	4	24	19	816-2,496	736-2,016	1971— entire refuge	Moose habitat, Fire management
Selawik	6	4	80	37	4,592-9,152	2,176-4,256	1971— entire refuge	Caribou and waterfowl habitat
Tetlin	2	1	8	4	1,136-1,216	640	1971— entire refuge	Fire management
Togiak	9	6	49	17	3,520-5,920	704-1,824	1969— Cape Newenham Refuge 1971— remainder of refuge	Anadromous fish spawning, brown bear habitat and marine mammal rookeries. Sport fishing and commercial guiding.
Yukon Delta	45	35	246	96	34,016-36,096	13,008-14,048	1971— remainder of refuge 1960— Clarence Rhode Unit 1929— Nunivak Island and 1937— Hazen Bay	Arctic nesting geese and other waterfowl, marine mammals, and anadromous fish resources. Federally listed threatened spectacled eider habitat None. The lands are not available for selection of allotments.

REFUGE	Number of villages with potential applicants		Maximum number of potential applicants		Estimated affected acreage		Date of withdrawal of refuge from availability	Resources and refuge management issues that may be affected by new native allotments. ¹
	1964-1975	1970-1971	1964-1975	1970-1971	1964-1975	1970-1971		
Yukon Flat	6	4	29	18	3,632-4,192	2,736-2,816	1971—entire refuge	Waterfowl habitat, Fire management
TOTAL	169	122	1,111	463	64,064-110,784	26,720-46,720		

¹ This is a limited review of management and resource issues that could potentially be effected.

² The affected acreage includes duplicate counts because two refuges fell within the same 25-mile buffer area around a village. Extent and location of duplicate counts are shown in Tables 1 and 2.

³ This includes the Bering Sea Unit, Pribilof Unit, St. Lazaria Island, Tuxedni, and Bogoslof all reserved in 1906; Forrester Island, Hazy Islands, Chamisso Island reserved in 1912; the Aleutian Islands reserved in 1913; Unalaska Island reserved in 1941 and the Semidi Islands reserved in 1942.

⁴ Lands within Arctic Refuge previously owned by the U.S. Navy were reserved in 1960.

⁵ All Refuge lands interior of the 1-mile shoreline buffer zone were reserved in 1941. The Ban Island Unit of the Refuge, previously the Afognak Island Forest and Fish Culture Reserve was reserved in 1894.

We calculated the average land status within the 25-mile radius area around each village with potential applicants in and within 25 miles of the refuge boundary (Table 4). Of the approximately 14,430,600 acres of lands within the buffer area, approximately 9,694,500 (67 percent) acres are either Federal lands or selected lands and would be available for selection by potential applicants. The 25-mile radius area around the villages would appear to be sufficient to meet the needs of the potential applicants with the possible exception of Bethel and adjacent villages. However, there are also areas of Federal lands not open to selection (Table 4). Nunivak Island and Hazen Bay were reserved in 1929 and 1937, respectively. The potential applicants who enrolled in the village of Mekoryuk on Nunivak Island would not be able to select an allotment on the island.

The villages with potential applicants that served during 1964-1975 and 1970-1971 are located along the Refuge's coastline and the Yukon and Kuskokwim rivers. These areas contain high value fish and wildlife habitats. The numerous drainages of the Refuge provide spawning and rearing habitat and serve as migration corridors for all five species of Pacific salmon. The coastal plain provides high value nesting, molting and staging habitat for waterfowl and nesting habitat for shorebirds. The coastal areas of the Refuge are considered important nesting areas for tundra swans, spectacled eiders, Pacific brant, emperor geese, and cackling Canada geese. Increased development and human activity in these coastal areas could threaten the critical waterfowl habitat of the Yukon-Kuskokwim Delta.

Selection of allotments away from villages (beyond the 25-mile radius) and deep within the Refuge could also affect refuge resources and management. A new allotment in an undeveloped part of the refuge could have a greater impact on resources and management than an additional allotment in an area with existing developments.

Table 4 Land Status within 25-Mile Radius Buffer Areas around Home Villages of Enrolled Native Vietnam Era Veterans on the Yukon Delta National Wildlife Refuge (Active Duty, 1964-1975).

	Acres within 25-mile buffer around home villages	Percent of total buffered area	Notes
Native Conveyed	4,201,900		Includes certificated allotments
State Conveyed	59,000		
Other Private Conveyed	4,700		
Total Conveyed	4,265,600	30	
Non-FWS Federal Withdrawal	4,900		Mostly military lands, some small FAA
Refuge lands in buffer, but not available because of withdrawal date, i.e., Hazen Bay and Nunivak Island	6,900 458,700		Hazen Bay Refuge was withdrawn in 1937. Nunivak Island Refuge was withdrawn in 1929.
Federal lands not available	470,500	3	
Native Selected	2,727,700		Includes allotment applications.
State Selected	10,000		
Other Selected	100		
Total Selected	2,737,800	19	
Refuge lands within buffer	6,956,700	48	Includes the Clarence Rhode Refuge which was withdrawn in 1960

KODIAK REFUGE

There are approximately 80 conveyed or selected Native allotments currently within Kodiak Refuge. These parcels are generally located along coastline and inland waterways and contain

prime fish and wildlife habitats. Spawning streams for five species of Pacific salmon, important feeding grounds for bald eagles, and high concentrations of coastal brown bears are found on or near many allotments. Salmon stocks produced in part on these properties are the mainstay of one of the largest commercial fisheries in the world.

Several Native allotments within the Refuge have been offered on the real estate market in recent years. The parcels have been subdivided or offered in their entirety for hunting and/or fishing lodges and other developments which threaten the long-term health of this unique ecosystem. Brown bear-human conflicts are on the rise with new cabins appearing every summer. Cabin and lodge construction directly on an archaeological site is common.

Because of this threat to the integrity of the Kodiak Refuge, Congress has appropriated \$4.5 million from the Land and Water Conservation Fund to buy small parcels from willing sellers. The Fish and Wildlife Service has also received \$3 million from the *Exxon Valdez* Oil Spill settlement accounts for this purpose. The bulk of this money has been spent to acquire Native allotments. If Scenario 1 is implemented, about 80 Vietnam Era veteran applicants could select allotments on the Refuge (Table 3). All potential applicants enrolled in villages on the Kodiak Archipelago would be able to select lands within the Refuge because of the overlap of the 25-mile radius areas with Refuge lands. An estimated range of 3,440 to 8,640 acres of refuge lands could be affected. The potential effect of selections by the 21 veterans that enrolled to Koniag Incorporated could not be assessed because the veterans did not identify a home village. However, if we assume that all 21 applicants selected allotments within the Refuge, an additional 3,360 acres of Refuge lands could be impacted.

Under Scenario 2, veterans who served for at least a year during the time period from January 1, 1970, to December 18, 1971, 43 potential applicants could select allotments within the Refuge. This is approximately 54 percent of the total number of Native Vietnam Era veterans that could potentially select an allotment within the Refuge. Approximately 1,840 to 4,640 acres of refuge lands could be affected (Table 3). The potential effect of selections by the 5 veterans that enrolled to Koniag Incorporated could not be assessed because the veterans did not identify a home village. However, if we assume that all 5 applicants selected allotments within the Refuge, an additional 800 acres of Refuge lands could be impacted.

If use and occupancy requirements are not applied in some manner in new legislation, the Federal government may find itself bidding for land that it just recently bought from another allottee.

Not all new applicants would be interested in immediately selling their land holdings. However, the active real estate market on Kodiak Island, including private and government sales, assures that some applicants would select lands in areas with the highest economic value. At current land values, up to \$14 million would be required to buy back 80 full allotments under Scenario 1.

The 25-mile radius area around the villages would appear to be sufficient to meet the needs of the potential applicants under the two scenarios; however, there are areas of Federal lands not open

to selection within the Refuge. The Ban Island Unit of the Refuge, previously the Afognak Island Forest and Fish Culture Reserve, was reserved in 1892 and all Refuge lands on Kodiak Island with the exception of a one-mile shoreline buffer were reserved in 1941. In addition, lands recently acquired with *Exxon Valdez* Oil Spill funds from Kodiak Island Native Corporations would not be available for new selections because of the terms of the purchase contracts.

Potential Impacts Outside of Refuge Boundaries:

The Service is responsible for managing populations of migratory birds, marine mammals and endangered species. This regulatory trust extends throughout the range of these animals on public and private lands. New Native allotments patented within sensitive fish and wildlife habitats throughout the State may have a significant impact on these trust species.

Potential Cost to the Fish and Wildlife Service

Under Scenario 2 (the 1970-1971 limited period), the addition of 463 new Native Allotments within the refuge boundaries would lead to increased land management costs. The potential impacts to adjoining refuge lands and the increase in trespass and access issues could cost up to \$250,000. The cost of wild fire suppression would increase on many interior refuges where fire is an important component of the ecology. Fires are generally allowed to burn naturally if life or private property is not endangered. Under Scenario 2, there is the potential for 63 new allotments in fire-prone areas. The potential cost of increased fire suppression could exceed \$1.5 million. The total cost of updating the Service's computerized land status database is projected to be approximately \$40,000.

In some cases it might be necessary for the Service to acquire new Native Allotments in order to protect the integrity of surrounding refuge lands. Allotments located near fish and wildlife concentration areas would be the most susceptible to development pressure. Acquisitions would be evaluated on an individual basis and limited to willing sellers. However, if the Service were to acquire 50 percent of the new allotments possible under Scenario 2, the estimated fair market value could exceed \$26 million. This does not include transfer costs or other buy-out costs.

Under Scenario 1, with 1,100 possible applications as opposed to 463, costs would be commensurately greater.

Impacts on Refuges Would Be Reduced by Offering Lands outside CSUs or a Cash Settlement:

Impacts on refuges would be reduced by offering either an allotment on other available lands or a cash settlement as an alternative to an allotment that would have been inside the boundary of an existing Refuge. Because of the location of other lands in relation to applicant residences (Table 9 in Appendix E, page 67), it is anticipated that many potential allottees would select the cash settlement.

The cost of a cash settlement could be substantial. For example, under Scenario 2, the cost could range from 8 to 12 million dollars (Table 11 in Appendix E, page 70), if all veterans who are enrolled in villages located more than 25 miles from available BLM lands decided to choose a cash settlement equivalent to \$400 per acre. If the cash settlement was based on fair market value rather than a predetermined sum, the cost could range from 9 to more than 26 million dollars (Table 12 in Appendix E, page 72).

Summary of Refuge Impacts

An opening restricted to veterans on active duty for at least one year between January 1, 1970, and December 18, 1971, could account for 463 new allotment applications with the potential to affect 26,720 to 46,720 acres of refuge lands (Table 5, page 23).

This time period was critical in the accelerated effort to inform Natives of the pending repeal of the Alaska Native Allotment Act. Allotments selected by veterans enrolled to a Region could also affect refuge lands; however, potential impacts could not be assessed because veterans did not identify a home village. However, if we assume that a percentage of those enrollees similar to the percentage of Federal lands in Alaska Refuges (35 percent) selected allotments in refuges, an additional 32,872 and 9,016 acres of refuge lands could potentially be affected by potential applicants on active duty during 1964-1975 and 1970-1971.

Allotments are traditionally located at sites on coastlines and inland waterways with easy access from rural villages and which offer the best subsistence resources. The majority of existing Native allotments on Alaska Refuges are used by the original allottees or their heirs for subsistence or recreational purposes. At this time these uses are largely compatible with the purposes of each refuge and conflicts are few. However, the passage of time and a changing lifestyle have brought new demands to a few of Alaska's remotest places. Private lands, such as Native allotments, surrounded by public land and near prime fishing and hunting locations are being sought out for sale and development. New allotments would be highly susceptible to development pressure and could potentially affect refuge management and resources.

Table 5 Effects of Proposed Vietnam Veterans Native Allotment Act on Alaska Refuges Using the Number of Enrolled (Village and Region) Native Vietnam Veterans on Active Duty during 1964-1975 and the Number That Served at Least One Year between January 1, 1970 and December 18, 1971.

16 National Wildlife Refuges	Number of villages in or within 25 miles of a refuge with potential applicants		Maximum number of potential applicants enrolled to a Village		Number of potential applicants enrolled to a Region ¹		Estimated affected acreage of new Native allotments on refuges (Village enrollees only)	
	1964-1975	1970-1971	1964-1975	1970-1971	1964-1975	1970-1971	1964-1975	1970-1971
TOTAL	159	122	1,111	463	587 ²	161 ²	64,064-110,784 ³	26,720-46,720 ³

¹ The effect of allotment selections by veterans enrolled to a Region was not determined because we could not identify an area of potential impact.

² These totals include 217 and 53 veterans enrolled to the 13th Landless Region during 1964-1975 and 1970-1971, respectively.

³ An additional 32,872 and 9,016 acres of refuge lands could potentially be effected by potential applicants on active duty during 1964-1975 and 1970-1971 if veterans enrolled to Regions are included.

D. National Park Service

NUMBER OF POTENTIAL VETERAN NATIVE ALLOTMENTS

There are currently Native allotments within all 16 CSUs managed as national park system units in Alaska except Sitka National Historical Park. In four of these units there are no pending allotment applications; all the allotments have either been approved (awaiting survey) or have been conveyed. There are pending allotment applications in the remaining 11 units as well as approved and conveyed allotments.

Enactment of legislation to allow certain Vietnam Era veterans a second opportunity to file Native allotment applications would result in varying levels of impact on these conservation system units depending on the criteria established by Congress.

While the assumptions listed earlier in this report were used in arriving at a projected number of allotment applications within National Park Service (NPS) units, it will be discussed later that other important factors need to be taken into account that could alter the number considerably. As shown in the following Table 6, using the stated assumptions, 115 new applications are projected to be filed within national park system units if considering the entire Vietnam Era, between August 5, 1964 and May 7, 1975. Using one or more years of active service between January 1, 1970 and December 18, 1971 as the eligibility period, 26 new applications are projected.

As mentioned earlier, other factors could alter the number of applications dramatically. It is assumed that the applicants would apply for allotments within the twenty-five mile radius of the applicant's enrollment village. For most units of the national park system, this would probably be 85-90 percent accurate. However, Lake Clark National Park and Preserve could very well be an exception. Currently, there are 112 allotment parcels within this unit. Of these, only 70 applicants are from Nondalton and Iliamna, the two villages in the vicinity of the park; this is only 62 percent of the total number. The rest are from the Anchorage area, Kenai Peninsula and other more remote villages. Therefore, it is highly likely that some of the Cook Inlet regional enrollees (47), the at-large veterans (217) and the Anchorage and Kenai area enrollees (148) would file applications for allotments in Lake Clark NP&P, especially since the Anchorage and Kenai Peninsula areas are generally lacking in available lands. Based on these figures, it is estimated that approximately 11 veterans could be expected to apply in the first column above rather than only 3. In the second column, approximately eight veterans could be expected to apply.

While not as significant, other units would also be impacted by the at-large and regional enrollment numbers.

POTENTIAL IMPACTS OF ADDITIONAL ALLOTMENTS ON NATIONAL PARK SYSTEM UNITS

The Alaska National Interest Lands Conservation Act (ANILCA) established or expanded 14 of the 16 national park units in Alaska to maintain and protect lands and waters that contain nationally significant natural, scenic, archaeological, geological, scientific, wilderness, cultural, recreational and wildlife values.

Table 6 The Number of Projected Applications in Each National Park System Unit.¹

NATIONAL PARK UNIT	SERVICE PERIOD 8/5/64-5/7/75		SERVICE PERIOD 1/1/70-12/18/71	
	NUMBER OF POTENTIAL APPLICANTS/ACREAGE		(W/1 YR. OF SERVICE) NUMBER OF POTENTIAL APPLICANTS/ACREAGE	
Alagnak WR	0	0	0	0
Aniakchak NM&P	1	160	0	0
Bering Land Bridge NP	6	960	3	480
Cape Krusenstern NM	24	3,840	5	800
Denali NP&P	1	160	0	0
Gates of the Arctic NP&P	3	480	1	160
Glacier Bay NP&P	12	0*	3	0*

¹ The number of veterans within the 25-mile radius of a village determined to be partially within a park unit was determined by what percentage (between 10-100 percent) of all Federal lands within the circle was in the park unit. When the 25-mile radius area overlapped more than one park unit, the number of veterans was apportioned among the units.

NATIONAL PARK UNIT	SERVICE PERIOD 8/5/64-5/7/75		SERVICE PERIOD 1/1/70-12/18/71	
	NUMBER OF POTENTIAL APPLICANTS/ACREAGE		(W/1 YR. OF SERVICE) NUMBER OF POTENTIAL APPLICANTS/ACREAGE	
Katmai NP&P	5	800	2	320
Kenai Fjords NP	4	640	1	160
Klondike Gold Rush NHP	4	640	1	160
Kobuk Valley NP	2	320	0	0
Lake Clark NP&P	3	480	0	0
Noatak NP	22	3,520	4	640
Sitka NHP	7	0*	1	0*
Wrangell-St. Elias NP&P	20	3,200	5	800
Yukon-Charley Rivers NP	1	160	0	0
Total:	115	15,360	26	3520

* While potential applicants are listed for these two park units, because of their early withdrawal dates, it is not anticipated that these allotments would be approved.

Currently, there are 717 Native allotment parcels within the boundaries of national park system units in Alaska. Using the figures in column one of the table above, there would be approximately a 16 percent increase in the total. Using the 1970-1971 time frame, there would be an 4 percent increase. There will be certain units more affected than others. For instance, in Kenai Fjords and Klondike Gold Rush, the number of allotments could double. Although the numbers are small, so are the sizes of both of these units and the impact would be just as great as a large increase in larger units. Wrangell-St. Elias, the largest park unit, currently has 41 allotments, as does Noatak. Both of these units would see an increase by approximately 50 percent using column one figures of the above table or 10-12 percent using column two. Cape Krusenstern has one of the highest projected numbers of applications with 24, a 24 percent increase.

Personal use of Native allotments for residence and subsistence has been largely compatible with park, preserve and monument purposes and management objectives. At this time, most of the allotments within the boundaries of parks are still held by the original owners. However, as the allotments are passed on to subsequent generations or sold to other individuals, it is anticipated that more will be developed for commercial use. Abrupt changes in type and intensity of land use can diminish or significantly impair park resources and public use of parks.

Additional Native allotment claims within park system units would increase the acreage subject to development that could diminish or impair park resources and public use and enjoyment. This generally occurs as a result of intensified use through residential subdivision and commercial activity.

Residential Subdivision

The possibility of subdivision of tracts into multiple ownerships for residential purposes is of particular concern. Forty to one hundred sixty-acre tracts may be divided into smaller acre lots with individual residences on each. Subdivisions are a particular threat in areas with high resource or recreation values. They can impair the scenic quality and wilderness character of surrounding Federal lands. Construction of access roads, airstrips and other surface disturbance can accelerate erosion, and increase runoff and sediment loads in adjacent water bodies. Development of small tracts threatens the long-term protection and possible interpretation of significant cultural sites. Waste generated by residents can contaminate groundwater and create a need for landfills to accommodate refuse. Concentrated human habitation can result in increased hunting, changes in wildlife distribution and changes in migration patterns. Human presence may attract and habituate bears to humans and human refuse, thus increasing the possibility of human-bear confrontations.

Commercial Activity

Isolated parcels in remote areas may be developed for camps and lodges. Some developments may have primary emphasis on fishing and hunting, resulting in increased harvests of fish and wildlife and direct impacts on subsistence activities. Commercial activity can concentrate client use, causing impacts to vegetation and soils, cultural resources, opportunities for solitude and the enjoyment of scenic vistas. Additionally, timber may be harvested and gravel may be extracted from conveyed allotments.

Native allotments are generally located in the more usable, accessible and resource rich lands in any given area. New allotments would displace existing public use from many of these locations. Additionally, it can be expected that some new applicants would apply for locations in park system units with the greatest potential for commercial development.

IMPACTS ON SELECTED NATIONAL PARK SYSTEM UNITS

Cape Krusenstern National Monument

Cape Krusenstern National Monument has one of the highest projected numbers of new applications (24 additional allotments using the entire Vietnam Era or 5 using the 1970-71 time frame). It can be expected that any new applications in this unit will occur along the resource rich coastline, where internationally recognized cultural sites are located. Approximately 85 percent of the 102 applications already filed are along the coast. Any further conveyances along the shoreline will severely diminish the Park Service's ability to manage the monument for the purposes for which it was established, which include protection and interpretation of a series of archeological sites depicting every known cultural period in arctic Alaska, providing scientific study of the process of human population of the area from the Asian Continent, and preserving and interpreting evidence of prehistoric and historic Native cultures.

Klondike Gold Rush National Historical Park

The two units not established or expanded by ANILCA are Klondike Gold Rush National Historical Park and Sitka National Historical Park. Klondike Gold Rush encompasses the Chilkoot Trail. Currently there are four allotments conveyed along this trail corridor. One allotment has been sold to a helicopter company. The owners of another have indicated their desire to harvest the timber. The NPS actively sought to acquire three of the allotments but negotiations were unsuccessful. Private ownership along the trail can threaten the historic and cultural resources and destroy the scenic value and recreational use. The projected number of allotment applications would double the allotments along the trail to eight. This impact is significant given the narrow width of the trail corridor and the fact that a significant amount of the State land within the corridor will soon be conveyed to the City of Skagway. The NPS expends approximately \$100,000 per year maintaining the trail and improving various sites along the trail. The impact would be less if the 1970-1971 period is used.

Lake Clark National Park and Preserve

While the above table shows few new applications in Lake Clark National Park and Preserve, the numbers could be high based on the number of Cook Inlet Region, Inc. (CIRI) regional, at-large and other veterans from south central Alaska, and past trends. If 11 new allotments are filed in this unit, the current number would be increased by 10 percent. The majority of the current allotments are concentrated around Lake Clark itself and other high public use areas. It is anticipated that these same areas would be impacted with new applications.

POTENTIAL COSTS TO THE NATIONAL PARK SERVICE

The major costs to the NPS and the public of additional allotments, would be for acquisition of allotment parcels to assure park protection and public use. Should all 96 potential allotments be acquired (the 115 total less the Glacier Bay and Sitka allotments), the total cost in 1996 dollars is, using a variety of regionally based fair market values, projected to be in excess of \$18,000,000. The total cost of \$4,000,000 would be needed for the 22 allotments (the 26 total less the Glacier Bay and Sitka allotments) in the more restrictive category. These estimates include the purchase price, the costs to obtain appraisals, preliminary title reports, and employees' time to process the acquisitions.

E. Bureau of Land Management

The BLM administers eight Conservation System Units (CSUs) in Alaska designated by ANILCA; the Steese National Conservation Area, the White Mountain National Recreation Area, and six components of the Wild and Scenic Rivers System. Other significant congressionally designated management units include the Utility Corridor, the National Petroleum Reserve-Alaska (NPR-A), and the Iditarod National Historic Trail.

The following are some of the potential impacts of additional Native allotment applications.

1. Resource Issues

a. Inholdings that are later developed for commercial purposes could impact access and areas set aside for recreation, preservation of cultural resources, hunting, fishing, and other public uses.

b. There is a potential for private land ownership within sensitive areas that are being managed to preserve their resource values.

2. Management Issues

a. Potential impacts on administrative sites where BLM has expended funds for development and maintenance, including a wide range of sites that are maintained for recreational, cultural, educational, administrative, and other purposes. These sites include, but are not limited to, BLM campgrounds such as Paxson Lake and Sourdough, the Tangle Lakes Archaeological District and the Mesa archaeological site, BLM facilities located along the Dalton Highway, and many others. Potential issues include access, costs of relocating sites if necessary, protection of recreational and cultural resources, etc.

b. Increased BLM workload in adjudication, survey, and field examination of Native allotment parcels. The current pending workload of 6,000 parcels, 4,000 of which still require field survey or platting, could be increased by 500 to 2,800 applications if applicants are restricted to single 160-acre parcels. New cases would have to be merged with existing workload, which is addressed geographically. Geographic distribution of workload may necessitate processing new veteran applications ahead of existing applications filed many years ago, which raises questions about equitable treatment of existing applications.

c. If future legislation requires compliance with use and occupancy criteria similar to those of the Alaska Native Allotment Act, the logic follows that lands no longer in Federal ownership could be applied for by individuals showing prior rights to the land. If recovery of title from private landowners becomes necessary, the administrative burden increases dramatically with the introduction of fact finding hearings to ensure the due process rights of the parties involved, complicated negotiations of title recovery agreements, and the many steps involved in the normal acquisition of title by the United States, including additional field examination requirements and title clearances. It appears reasonable to assume that many veterans would claim land in the vicinity of villages that has already been conveyed to ANCSA corporations. Although it is possible that these corporations might be willing to reconvey title to the United States so that a conveyance could be made to a Native veteran applicant, it is unclear at this time whether the ANCSA corporations favor this approach or not. State ownership may be similarly impacted.

d. It will be necessary to freeze conveyance actions during the veteran filing period so that we can retain lands in Federal ownership until we know what lands will be applied for by individual Native veteran applicants. The application process and selection of alternate lands could

also impact the processing of applications for withdrawal of lands for the particular uses of other Federal agencies, the issuance of leases and permits, and other land management actions.

3. Client Issues and Potential Impacts on Other Land Transfer Clients if Additional Allotments Were Allowed for Native Veterans:

a. If veterans were allowed to claim lands already selected by the State of Alaska or by an ANCSA corporation, it might become necessary to suspend new land title transfers to those entities until the period established for filing of veteran applications ends. New inholdings hinder resolution of land patterns and finalizing of land entitlements to ANCSA and State clients.

b. If use and occupancy criteria are incorporated into enabling legislation, and veterans are allowed to claim conveyed lands, land ownership statewide could become increasingly complicated until the lengthy and uncertain process of proving prior rights is concluded. Title recovery opportunities appear to be limited to willingness of land owners to return title. Substantial acreage has been conveyed in the vicinity of Native villages where veterans are likely to apply for lands.

c. There are 28 currently identified villages that do not have enough validly selected acreage to satisfy their ANCSA entitlements. If additional Native allotments were to be claimed by Vietnam Era veterans within areas already selected by these 28 villages, the selected acreage available for conveyance under ANCSA would decrease accordingly and the underselection problem would become more acute. In addition, some villages which currently have adequate validly selected acreage could become underselected if allotment parcels are claimed nearby. This will, in some cases, further impact existing CSUs.

4. Potential Costs to the Government if Eligible Veterans Were to be Allowed to Apply for Allotments

The three major categories of costs associated with BLM's processing of Native allotment applications are in the areas of survey adjudication and field examination.

Very few Native allotment applications describe lands previously surveyed under the rectangular net survey system. Special surveys are normally required to delineate boundaries for conveyance of allotments and to meet the legal requirements for survey of adjoining lands to be conveyed to the State and to ANCSA corporations. These special surveys are usually performed under contract and reviewed and approved by BLM, at no cost to the applicant. Costs of individual surveys vary according to such factors as remoteness of a site, terrain, concentration of parcels in one area, etc.

For more than a decade BLM has processed allotment applications according to the Patent Plan Process, a methodology for prioritizing the adjudication, examination, and survey of parcels in logical geographic groups to allow for maximum efficiency and optimum use of resources. Many of the

remaining 6,000 Native allotment parcels are within established geographic *windows* and many are already scheduled for survey in the next few years.

Adjudicative costs of processing Native allotment applications are difficult to estimate because there are numerous variables to be considered. The majority of the routine applications have long been completed. An application on complex land status requires more time to process than a singular client's application. Land status may be extremely complex, involving conflicting claims to the same land; additional evidence may need to be gathered to support an applicant's claim in cases where the applicant is deceased and witnesses are scarce; and land descriptions may change or locations may be redescribed following survey.

Costs associated with field examination and survey of Native allotment applications are tied to factors such as remoteness, terrain, and proximity to other parcels. If parcels can be addressed in groups, the cost per parcel is less than it would be if a single isolated parcel required field work. Most of the pending allotment parcels have already been field examined, so it is not likely that additional parcels would fit easily into future field schedules, particularly not as logical geographic groupings. As is the case with survey, the cost of examining isolated parcels could be expected to be higher than the average. Given that any future legislation to allow Native veterans to apply for allotments would necessarily be based on commonality of military service rather than on any geographic commonality, it is reasonable to assume that most claimed parcels would not occur in groups. As a result, the cost of field examination and survey would likely be higher than the average. Although the timing might be right for some veterans' parcels to be added to prioritized work groups, it is likely that a majority of the parcels would be in geographic areas where adjudication, land examination, and survey have already occurred.

It is also important to reiterate that any new program to allow applications for any category of individuals would invariably impact the processing of current workload for individuals and State and ANCSA entities, most of which have already been pending for many years. Additional Native allotments would necessarily slow a process that has been increasingly subject in recent years to declining budgets, decreased staffing, and aging individual applicants.

Estimated Costs:

(See Table 8, page 39.) The average cost to process a single routine Native allotment parcel to conveyance is nearly \$17,500, including adjudication, survey, and field examination costs. As noted above, for geographic and other reasons, costs related to this group would likely be higher than average. If conflicts between allotment applicants occur, the added effort to resolve these conflicts will cause the average parcel cost to exceed \$20,000. If legislation is passed which allows application on lands no longer in Federal ownership, and title recovery from a landowner is required because the applicant shows proof of a prior right, the average parcel cost for uncontested recovery could rise to at least \$27,000.

Under Scenario 2, possible costs for processing 632 applicants, the number of applicants estimated for the 1970-1971 period:

Approximate estimated cost of processing 632 parcels at \$17,500 per parcel:	\$11.0 million
Approximate <u>additional</u> cost of processing 632 parcels if one-half (50 percent) require conflict resolution:	\$0.8 million
Approximate <u>additional</u> cost of processing 632 parcels if one-half (50 percent) require title recovery	\$3.2 million
Total estimated cost of processing 632 parcels with both additions:	\$15 million

5. Assessment of Potential Impacts by Individual CSUs

Table 7 on this page summarizes the potential impacts on CSUs managed by BLM. Although the 25-mile buffers used for this impact study did not reveal any potential Native veteran applicants in the vicinity of White Mountain National Recreation Area, Steese National Conservation Area, or Beaver Creek Wild and Scenic River, it should be noted that impacts to those units could still occur if Native veterans were to apply for lands outside the 25-mile zone or if any of the individuals enrolled to a regional corporation but not to a particular village were to apply in these areas. Many of the lands in these units were not withdrawn until 1970 or later, and it would have been possible for a Native Vietnam Era veteran to begin use and occupancy before that time.

The potential for the greatest impacts of additional Native allotments appears to be along the Unalakleet Wild and Scenic River corridor. Most of the land immediately surrounding the village of Unalakleet, within the 25-mile radius circle used for this study, has been conveyed to the ANCSA village corporation. The lands on both sides of the river for a distance of approximately 20 miles from the village are in private ownership, and many private parcels are conveyed to individual Natives. Based on the land ownership patterns in the Unalakleet area and on traditional concentrations of allotments along the river, it is not unreasonable to anticipate that additional veterans' allotments could impact the Wild and Scenic River portions of the Unalakleet within the 25-mile radius of the village.

Table 7 Potential Impacts of CSUs Managed by BLM

[WSR=Wild and Scenic River; NRA=National Recreation Area; NCA=National Conservation Area]

UNIT DESIGNATION	NUMBER OF POTENTIAL APPLICANTS 1964-1975	NUMBER OF APPLICANTS 1970-1971
Delta WSR	5 (800 acres)	3 (480 acres)

UNIT DESIGNATION	NUMBER OF POTENTIAL APPLICANTS 1964-1975	NUMBER OF APPLICANTS 1970-1971
Gulkana WSR	5 (800 acres)	3 (480 acres)
Fortymile WSR	4 (640 acres)	2 (320 acres)
Unalakleet WSR	35 (5,600 acres)	7 (1,120 acres)
Birch Creek WSR	1 (160 acres)	None
Beaver Creek WSR	None	None
White Mountain NRA	None	None
Steese NCA	None	None

IDITAROD NATIONAL HISTORIC TRAIL

Currently, when an allotment is adjudicated under the criteria of the Alaska Native Allotment Act, the conveyance of the allotment is made subject to the Trail if use and occupancy does not predate its establishment. The United States Army began brushing the Iditarod Trail in 1908, and it would not be possible for an eligible Native Vietnam Era veteran to predate this activity. As long as future allotment conveyances are made subject to the Iditarod Trail, the management issues that BLM currently faces would not be significantly impacted.

NATIONAL PETROLEUM RESERVE-ALASKA (NPR-A)

The Naval Petroleum Reserves Production Act of 1976 authorized the Secretary of the Interior to assume control of the former Naval Petroleum Reserve No. 4, which was established February 27, 1923, and to regulate these lands in a manner consistent with the total energy needs of the Nation and for other purposes. These other purposes include protection of the environmental, fish and wildlife, subsistence, historical, and scenic values of the lands.

There are 48 Alaska Native Vietnam Era veterans enrolled to the four ANCSA villages within the exterior boundaries of NPR-A (Wainright: 4; Atkasuk: 1; Barrow: 41; Nuiqsut: 2). Of these, 9 served in the Armed Forces for at least one year during the period January 1, 1970 through December 18, 1971, the crucial period prior to the repeal of the 1906 Allotment Act (Barrow: 8; Nuiqsut: 1).

UTILITY CORRIDOR

The Trans-Alaska Pipeline Utility Corridor was withdrawn by Public Land Order (PLO) 5150 on December 30, 1971, to protect the route of the Trans-Alaska Pipeline. The primary function of the Corridor is the transportation of energy resources; therefore, actions or activities potentially

adverse to existing and future energy transportation systems are avoided. The PLO withdrew the corridor from mineral leasing and location, settlement, and State and Native selections.

Although there are a number of Native villages along the Utility Corridor route, the numbers of Native Vietnam Era veterans enrolled to those villages do not appear to be substantial, either for the period January 1, 1970 through December 18, 1971, or for the entire Vietnam Era between 1964 and 1975. Nonetheless, it is BLM's position that land disposals should only be considered when found to be in the national interest. If this is not done, new landowners would be in a position to charge or collect rents for use of the land for pipeline or other related purposes.

F. Forest Service

The number of Vietnam Era veterans identified in each of the regional corporations from the BIA ANCSA Enrollment, with apparent addresses within the Chugach and Tongass National Forests, totals 578. There are 498 veterans within the Tongass NF that are members of the Sealaska Corporation; 60 veterans within the Chugach NF are members of the Chugach Alaska Corporation; and 20 are members of Koniag, Inc.

Section 106(a)(1) of P.L. 104-42 requires we identify the veterans who were eligible but did not apply for allotments under the Native Allotment Act of May 17, 1906, as the Act was in effect before December 18, 1971. Of the total 578 veterans identified as eligible under Section 191 of Title 38, U.S.C., within Chugach, Sealaska, or Koniag regional boundaries, we do not anticipate any will be eligible for allotments on National Forest land. One hundred fifty-four of the 632 enrolled veterans who served more than one year during the period January 1, 1970-December 18, 1971 were enrolled from southeast Alaska.

The Alaska Native Allotment Act restricts allotments to vacant, unappropriated, and unreserved lands. Occupancy of allotments on national forest lands must have commenced prior to establishment of the particular forest. Since the impacted forests were withdrawn for the most part in 1902 and 1907, the five years of continuous use and occupancy required by the Native Allotment Act would have had to begin prior to those dates. At a minimum to then qualify, the Vietnam Veteran would have to be over 60 years of age at the time of service. We do not believe that any of the veterans identified would have been that old or could have met the pre-forest occupancy requirements. It is possible that some of the veterans identified within the three corporations may have had some occupancy on lands that are public domain land within the national forest boundaries which might qualify them as an applicant. However, the probability for this is very low.

For the above reasons, there would be no impact to the National Forest System lands in Alaska if the requirements of the Alaska Native Allotment Act were applied today.

VIII. Legislative Considerations

We offer the following considerations which should be specifically addressed by the Congress in determining whether or what form of legislation should be provided to renew opportunity for Alaska Native Vietnam Era veterans to apply for a land allotment.

1. Congress may choose to develop a renewed allotment program for Alaska Native Vietnam veterans or some portion of them according to criteria it may choose, because it determines that some such veterans were or may have been prevented from applying for an allotment by reason of service, and that is the fairest way to deal with the issue. Or Congress may choose not to develop such a partial renewal of the allotment program because of inequities it may create both internal and external to the Native community, because of its potentially high cost in cash and in land that would be transferred from Federal ownership, or because of potential delay of settlements in process or disruption of already settled arrangements and uses of land.
2. Should Congress decide to renew this program, costs are difficult to project at this point because of a wide variety of variables including the unknown number of potentially eligible individuals. Note Table 8 on page 39 for examples of possible scenarios and ranges of costs. Use of alternative compensation could reduce the acreage of land transferred, and could significantly reduce cash costs.

Any program which the Congress may adopt could have Paygo consequences requiring offsets in other existing discretionary appropriations of the Department and its land managing agencies, possibly leading to curtailment or displacement of other land programs. This concern is significant given the recently completed Balanced Budget Agreement.

3. Eligibility could be reserved to those Alaska Native veterans who served more than one year of active duty during the period of January 1, 1970 to December 18, 1971.

This period could be chosen to meet the purpose of section 106 (as explained in the Committee reports underlying section 106 of P.L. 104-42) as a restoration of an opportunity missed due to active military service.

By existing statute, the Vietnam Era period is defined as August 5, 1964-May 8, 1975. The Alaska Native Allotment Act was repealed by ANCSA on December 18, 1971, which means that *anyone* applying for an allotment after that date would have been rejected for failure to file a timely application. Veterans applying between August 5, 1964, and December 18, 1971, would have been eligible if they met all the other criteria for an allotment. Because of their military

service, some veterans may have missed an opportunity to apply for an allotment during the period of January 1, 1970–December 18, 1971, when the BIA and other entities were making a major effort to assist Alaska Natives with the filing of applications for Native allotments. Those who returned from service prior to that time would not have missed the opportunity because of service.

We are aware that P.L. 104-275 recently revised the definition for the Vietnam Era for certain purposes. However, the changes are not applicable to this process.

- 4. Heirs of those veterans who died on active duty during the 1970–1971 period and those eligible veterans who died after 1971 could be eligible to apply for an allotment in the veteran's name.**

Under the Alaska Native Allotment Act, applications had to be based on the personal use of the applicant; heirs could not file applications for ancestors and could not get an allotment of their own based on ancestral use. However, if a timely allotment application was filed by an individual, heirs of the applicant could provide evidence in support of the application and receive title to the approved allotment. Since it is not an existing right, should Congress choose this option, legislation specifically allowing heirs to apply would be necessary.

Heirs could be allowed to apply where deceased veterans would have been eligible under new legislation. In the intervening 25 years, heirs of veteran allottees could have received title to an allotment (or a portion thereof) through the probate process. Heirs should be required to file one joint application in order to be sure that multiple applications are not filed for a common ancestor. There has been a great deal of difficulty in the contiguous 48 states in dealing with fractionated heirships in the management of trust funds and fractionated interests. A joint application requirement would reduce this potential burden. Of course, selecting a time frame larger than the 1970–1971 time band suggested above would complicate dealing with heirs. Also, since an Alaska Native allotment is restricted property, a Department of the Interior probate would be necessary. Therefore, if a position in support of heirs is chosen, any legislation should direct the Department to conduct such probates prior to conveyance of an allotment to heirs in order to insure that the allotment is conveyed to the proper heir(s). It is understood that any such legislation would have to be consistent with any amendments to the Indian Land Consolidation Act, 25 U.S.C. 2201 *et. seq.*

- 5. Lands available for allotment applications could be restricted to vacant and unappropriated Federal lands outside the boundaries of lands reserved for special purposes or uses, such as CSUs, NPR-A, National Forests, Department of Defense installations, administrative sites, sites with federal improvements and lands described in pending Native allotment applications. In addition, to be consistent with the Allotment Act, the applied-for land would have to have been available for entry and application prior to repeal of the Allotment Act and at the time use and occupancy began. Valid existing third party rights, including rights-of-way granted after the**

applicant began use and occupancy, would be protected by conveying the allotments subject to such rights.

This option would prohibit any new allotment application on land that was within the boundaries of currently existing federal reserves, such as CSUs, NPR-A and National Forests and would maintain the requirement that the land be otherwise vacant and unappropriated. Applicants under legislation allowing veterans to file allotment applications currently hold no vested rights in land. Therefore, if the reservation or appropriation exists before the date of application, the land would be considered legally unavailable. The passage of ANILCA after repeal of the Allotment Act defined the public interest in the conservation system units in Alaska and established the intent and legal framework to avoid any additional private lands within their boundaries.

Lands applied for in any location must meet the legal criteria for a Native allotment, including the requirements that the land be nonmineral in character and available for entry as an Alaska Native allotment at the time the applicant claims to have initiated qualifying use and occupancy. If the lands were not eligible at that time, the applicant would not be eligible for legislative relief because there was no missed opportunity.

Also, like prior Native allotment applications, if it is known or believed that the land applied for is valuable for oil, gas or coal, those minerals will be reserved to the United States in the conveyance of the Native allotment.

Lands subject to valid existing third party rights, that are less than full fee interests, should be protected. These rights were created at a time when there was no right to file new allotment applications. Making the conveyance of allotments subject to such rights, allows an allotment applicant to obtain title to the land while protecting valid third party rights. Since these third party rights were validly created, protection may be necessary to avoid claims for just compensation for a taking, as well as to avoid unnecessary litigation over conflicting claims to the land.

- 6. The applicant could select alternative compensation in the form of other available land or a cash payment, if an allotment would be inside the boundary of an existing CSU or NPR-A or for land otherwise unavailable at the time of application. The Secretary of the Interior could be vested with broad discretion that is not reviewable by any court to decide that land is unavailable for an allotment or alternative allotment application because the land is needed for a current or reasonably foreseeable future public purpose or contains essential habitat or resources that the Secretary determines in his discretion should be retained in federal ownership.**

Alternative compensation could be in the form of an allotment up to 160 acres from land available elsewhere in the state, or a \$50,000 tax-free cash payment. Legislation could provide that an applicant receiving cash would be allowed to reinvest that money in other lands and that, at the option of the allotment applicant, the land so purchased would receive the same restricted status as a Native

allotment. The \$50,000 figure (about \$312 an acre) is proposed as a reasonable and manageable figure. (Potentially costly nonetheless. See costs, page 40.) Another alternative would be to establish cash values based on fair market values of lands in each area. This would provide a dollar equivalent to lands that otherwise might have been selected. While this might seem fair, it would also be far more costly to administer in many places, it would provide an incentive to establish claims on the most valuable lands, it would result in the need to resolve valuation disputes, and it would provide great disparities as to the value of a cash buy-out alternative among Natives in different areas.

In selecting areas outside CSUs and NPR-A to be available for alternative allotment applications, the Secretary could be directed to exclude areas that contain exceptional natural or cultural resources, or areas of significant public use, as well as administrative sites such as existing Federal campgrounds, office sites or other withdrawals. The purpose of non-reviewability is to avoid costly and time-consuming litigation delays in allotment decisions and in settling land use arrangements.

See Appendix E for further discussion of alternative compensation, including Tables 11, 12, and 13 as to costs.

- 7. Native or state selected lands could be closed for allotments unless selections are voluntarily relinquished for the benefit of the applicant. Conveyed lands would not be available for new allotment applications.**

Even though ANCSA Corporations are significantly overselected (about 18 million acres) and the state is overselected to a lesser degree, until their entitlement is conveyed, none of their selections can legally be supplanted by a more recent application without concurrence. Consequently, a written relinquishment by the selecting entity would be required prior to conveyance of a Native allotment. It would be best to require that a sufficient relinquishment be obtained by the applicant at the time of filing of the original application.

Under existing DOI policy, no underselected Native Corporation is allowed to become further underselected by voluntary action, as would be the case if an underselected village agreed to give selected lands to an allotment applicant.

If a Native Corporation or the State disapprove an otherwise eligible allotment on Native or State-selected lands, the applicant would be eligible for the alternate compensation described above.

- 8. The applicant could be required to demonstrate use and occupancy by providing a personal affidavit of use for this application process.**

As discussed earlier, the Alaska Native Allotment Act required use and occupancy. Under this option, for cost and administrative reasons, occupancy and use would generally not be verified by a Federal field examination. The applicant would only have to provide a personal affidavit of use and

occupancy, and evidence of ANCSA enrollment or a Certificate of Alaska Native Blood. The application form could indicate an appropriate level of criminal penalties for fraudulent claims.

9. Eligible veterans could have eighteen (18) months from the date of passage of legislation to submit applications for allotments.

Eighteen months would provide adequate time to develop an application process and allow time for submission of the applications without unnecessarily impacting other pending land conveyances. If legislation allowing Vietnam veterans to file applications for Alaska Native allotments is enacted, other land transfer activities may need to be suspended until the veteran's applications are noted to the Federal land records. In addition, veteran applications conflicting with pending claims, title restrictions on Federal lands or interests, or other ownership issues would necessitate resolution of the conflicts before the land involved could be conveyed.

10. Applicants could be limited to one 160-acre parcel.

For most of the history of the Allotment Act, from 1906 to 1964, Alaska Native allotments were confined to one parcel of 160 acres. From 1964 to 1971, four parcels were permitted by regulation within the 160-acre limit. Many applications for multiple parcels were received. Multiple parcels offer much more flexibility, but costs will certainly increase substantially if more than one parcel is permitted now, both as to administrative costs and land transfer and purchase costs, particularly considering the extensive settlements and the great changes in land ownership that have occurred since 1971.

IX. In Conclusion

As directed by Public Law 104-42, this report sets forth the estimated number of eligible Alaska Native Vietnam Era veterans who did not apply for allotments under the Act of May 17, 1906 before that Act was repealed by ANCSA on December 18, 1971; it presents specific potential impacts on CSUs; describes results of our consultations with the Forest Service, the State of Alaska, and Native organizations; and describes matters that Congress should consider in determining whether and what legislation is deemed desirable. The Department is confident that this important issue will generate considerable discussion and debate, and is prepared to work further with Congress on this matter as appropriate.

While responding to statutory requirements of Public Law 104-42, we would point out that any legislation addressing this issue could, as noted in this report, have high costs and impacts on the ongoing programs of the land managing agencies of this Department which the Department has not planned or budgeted for and which are not assumed in the recently completed Balanced Budget Agreement.

Table 8 Scenarios and Costs of Program Implementation

**ESTIMATES OF POSSIBLE RANGES OF MAXIMUM AND MINIMUM COSTS
OF NEW ALASKA NATIVE VIETNAM ERA
NATIVE ALLOTMENT PROGRAM**
(Totals are Rounded)

ITEM		SCENARIO 1 (2,800 Applicants; max. est. no. to apply)	SCENARIO 2 (500 Applicants; min. est. no. to apply)
A.	Any Location¹		
1.	Transfer Cost ²	\$ 56,200,000	\$ 10,000,000
2.	Buy Backs in CSUs ³	128,000,000 ⁴	38,000,000 ⁵
3.	Ongoing Cost ⁶	2,000,000	1,000,000
	Total Estimated Cost	\$186,000,000	\$ 49,000,000
	Acres Transferred	448,000 acres	80,000 acres
B.	Outside CSU Only⁷		
1.	½ take land (transfer cost)	\$28,000,000	\$ 5,000,000
2.	½ take cash	70,000,000	12,500,000
3.	Ongoing Cost	1,000,000	400,000
	Total Estimated Cost	\$99,000,000	\$18,000,000
	Acres Transferred	224,000 acres	40,000 acres

¹ Selection from any available lands, including CSUs.

² Cost of adjudication and survey estimating about \$20,000 average per allotment. Totals assume transfers for 2,800 and 500 applicants respectively, the maximum and minimum number of applicants estimated to apply.

³ Cost to purchase inholding from allottee in CSU assuming a Fair Market Value (FMV) of \$800 per acre x 160 acres = \$128,000 per allotment. Fair Market Value varies considerably for different regions and CSUs: as low as \$150 per acre or as high as \$2,900 per acre. See Tables 11, 12, and 13. \$800 per acre is the lowest regional cost per acre found for the Park Service. See Table 13. The Park Service and the Fish and Wildlife Service have also made certain estimates on a base estimate of \$400 per acre, applied across the board. Obviously, if costs averaged \$400 per acre these buy-back costs would be halved. However, if actual market values are used in each transaction, costs could be far more.

⁴ Assumes 1,000 allotments to be bought.

⁵ Assumes 300 allotments to be bought.

⁶ Ongoing BIA administrative costs for restricted lands.

⁷ Assumes no new allotment applications allowed for lands inside CSUs or NPR-A.

Because of the great uncertainty as to the actual numbers of applicants and the actual cost per transaction, these estimates are necessarily only roughly estimated cost ranges.

POTENTIAL COSTS OF THE CASH BUY-OUT FOR ALL APPLICANTS

We computed the potential cost to the government to buy out all eligible applicants at a flat rate of \$50,000 each. For 632 eligible applicants who served for one year between 1970 and 1971, to receive \$50,000 each for one parcel, the potential cost would be approximately \$32 million. For applicants for the entire Vietnam Era, 1964 to 1975, based on an estimate of 2,290 eligible *enrolled* applicants, at \$50,000 each for one parcel, the potential cost would be approximately \$115 million. Taking the top estimate of 2,800 possible applicants at \$50,000 each, the cost would be about \$144 million.

Appendix A

PROCESS USED TO GATHER DATA:

The list of Alaska Native Veterans was compiled in the following manner:

1. The BIA, Alaska Title Services Center converted certain fields, i.e., last name, first name, middle initial, date of birth, and social security number (SSN) of the Alaska Native Enrollment (ANE) into text format. This text format file, containing about 103,000 records, was provided to the Veterans Data Processing Center (DPC) in Austin, Texas, on February 14, 1996.

The copy of the ANE data provided to the ATSC is not a purified list. It contains duplicate enrollees, ineligible, and typographical errors in dates of birth, social security numbers, etc.

2. The Veterans DPC ran the ANE data through their Beneficiary Information and Records Locator system (BIRLS), which contains approximately 42 million records.

- a. The first run looked for SSN matches.
- b. The second run looked for exact name matches in the BIRLS and also was run through the alternate name data base. The results from this run were run a second time for matches on dates of birth.
- c. The matching records from *a* and *b* were then run again to identify those who had Vietnam Era service.

The results of these runs included 2,857 matches on social security numbers and 79 matches on dates of birth.

3. The Veterans DPC provided BIA with a text file of the matched data that included the following:

- a. Those whose social security numbers and names match in BIA and VA records and:
 1. Whose Release from Active Duty (RAD) is on or before 12/18/71 and VA has no date of death.
 2. Whose RAD is after 12/18/71 and VA has no date of death.
 3. Whose RAD is on or before 12/18/71 and VA has a date of death.

4. Whose RAD is after 12/18/71 and VA has a date of death.
- b. Those whose names and DOB match in BIA and VA records and:
 1. Whose RAD is on or before 12/18/71 and VA has no date of death.
 2. Whose RAD is after 12/18/71 and VA has no date of death.
 3. Whose RAD is on or before 12/18/71 and VA has a date of death.
 4. Whose RAD is after 12/18/71 and VA has a date of death.

In addition to the data the ATSC initially provided VA, all the match records received back from VA included VA claim number, date of death, VA folder location, and type of discharge.

Subsequent to receiving the data back from VA, we asked for and were supplied the actual Entered on Duty (EOD) and RAD for each matching record.

4. The total number of match records received from VA is 2,936.
 - a. Because the ANE data contained duplicates, 380 of the 2,936 VA matches were eliminated as duplicates. Match total now equals 2,556.
 - b. These records were then run against the ATSC's Native allotment data base to search for individuals who had actually applied for an allotment. One hundred seventy-nine (179) of the VA match records were individuals who applied for Native allotments. Match total now equals 2,377.
 - c. The 2,377 records were then reviewed for discharge type. Of these, 87 were deleted because the individual was dishonorably discharged or discharged under other than honorable conditions. Match total now equals 2,290.
5. These matching Veterans names were then rematched with the BIA Alaska Native Enrollment. Each enrollment number is comprised of a series of four fields. The first two digits are a region identifier (which corresponds with an ANCSA region); the second three digits represent a village, which may or may not correspond with an ANCSA village; the third is a family number and consists of five digits; and the fourth is a two digit number which identifies the individual's place in the family (i.e., 01 is normally the head of household).
6. Using the region and village fields, each Veteran was connected to the village (or region, if at large) to which he was enrolled. A number of Veterans were enrolled *at large*. This means that the Veteran is not enrolled to a village. There were also 217 Veterans enrolled

to the 13th Region. Both the at-large and 13th Region enrollees are identified as such in the data. There isn't sufficient information to speculate where they would apply for land.

7. FWS has data to support the theory that Native allotments are normally concentrated within 25 miles of the allottee's village.
8. Using the 25-mile radius, the number of potential applicants were identified to villages and regions. With this information, maps were created by BIA which identified the concentration of the allotments graphically. (See appendices, both tables and maps.)
9. The maps and data were provided to BLM, NPS, and FWS and used in their analysis.

SUMMARY OF DATA

2,936	Records matched with VA
- 380	Duplicates
= 2,566	Subtotal
- 179	Who had applied for allotments
= 2,377	
- 87	Dishonorable (or other than honorable) discharges
2,290	VA Match total
+ 287	BIA/Tribal Direct Contacts (as of 7/96)
2,577	TOTAL

Appendix B

Two thousand two hundred ninety (2,290) NATIVE VETERANS TOTAL WITH VIETNAM ERA SERVICE (the 179 veterans who applied for allotments are not included).

Two thousand seventy-three (2,073) veterans are enrolled to a village or region within Alaska. Of the 2,073 veterans, 236 are deceased. (Deceased veterans are included in enrolled numbers but shown for information only.)

Two hundred seventeen (217) veterans are enrolled to 13th Landless Region (at large). Of the 217 veterans, 28 are deceased.

AHTNA HAS 35 ENROLLED NATIVE VETERANS TOTAL.

AHTNA HAS 4 NATIVE VETERANS ENROLLED IN REGION.

AHTNA HAS 31 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Ahtna	4	0
Chitina	8	1
Copper Center	9	1
Gakona	2	0
Glennallen	2	0
Gulkana	3	0
Mentasta Lake	3	0
Slana	1	0
Tazlina	3	1

ALEUT HAS 76 ENROLLED NATIVE VETERANS TOTAL.

ALEUT HAS 36 NATIVE VETERANS ENROLLED IN REGION.

ALEUT HAS 40 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Adak Station	1	0
Aleut Corp	36	6
Atka	5	1
False Pass	1	0
King Cove	8	0
Nikolski	1	0
Saint George	2	0
Saint Paul	9	2
Sand Point	3	1
Unalaska	8	1
Unga	2	0

ARCTIC SLOPE HAS 72 ENROLLED NATIVE VETERANS TOTAL.
 ARCTIC SLOPE HAS 5 NATIVE VETERANS ENROLLED IN REGION.
 ARCTIC SLOPE HAS 67 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Anaktuvuk Pass	2	0
Arctic Slope N.A.	5	0
Atkasuk	1	0
Barrow	41	3
Kaktovik	3	0
Nuiqsut	2	0
Point Hope	13	0
Point Lay	1	0
Wainwright	4	0

BERING STRAITS HAS 236 ENROLLED NATIVE VETERANS TOTAL.
 BERING STRAITS HAS 30 NATIVE VETERANS ENROLLED IN REGION.
 BERING STRAITS HAS 206 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
BSNA	30	5
Brevig Mission	8	1
Council	2	0
Diomedes	3	3
Elim	6	0
Gambel	17	1
Golovin	8	1
Koyuk	7	1
Nome	68	16
Saint Michael	2	0
Savoonga	7	0
Shaktolik	9	3
Shishmaref	5	0
Solomon	2	0
Stebbins	4	0
Teller	5	1
Unalakleet	33	4
Ungalik	1	0
Wales	9	0
White Mountain	10	1

BRISTOL BAY HAS 111 ENROLLED NATIVE VETERANS TOTAL.
 BRISTOL BAY HAS 20 NATIVE VETERANS ENROLLED IN REGION.
 BRISTOL BAY HAS 91 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Aleknagik	4	1
Bristol Bay N.A.	20	4
Chignik	6	1
Chignik Lagoon	1	0
Chignik Lake	4	0
Clarks Point	5	1
Dillingham	19	5
Egegik	7	1
Ekwok	1	1
Iliamna	2	1
Kokhanok	2	1
Levelock	2	0
Manokotak	1	0
Naknek	6	0
New Stuyahok	1	0
Nondalton	3	0
Olsonville	1	0
Perryville	3	0
Pilot Point	3	0
Port Heiden	2	0
South Naknek	7	0
Togiak	8	0
Twin Hills	1	0
Ugashik	2	0

CALISTA HAS 257 ENROLLED NATIVE VETERANS TOTAL.
 CALISTA HAS 15 NATIVE VETERANS ENROLLED IN REGION.
 CALISTA HAS 242 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
AVCP Calista	15	2
Akiachak	4	0
Akiak	7	0
Alakanuk	9	0
Andreafsky	2	0
Aniak	7	0
Bethel	31	6

Village Name	Enrolled	Deceased
Bill Moores Slough	1	0
Chefornak	4	0
Chevak	5	0
Chuathbaluk	1	0
Crooked Creek	1	0
Eek	5	0
Emmonak	8	0
Fish Village	1	0
Goodnews Bay	2	0
Hooper Bay	21	2
Kasigluk	3	0
Kipnuk	5	0
Kongiganak	4	0
Kotlik	3	0
Kwethluk	10	1
Kwigillingok	5	0
Marshall	5	1
Mekoryuk	10	0
Mountain Village	16	1
Napakiak	9	0
Napamiute	3	0
Napaskiak	1	0
Nightmute	5	0
Nunapitchuk	4	0
Nyac	1	0
Oscarville	1	0
Paimiut	1	0
Pilot Station	6	0
Pitkas Point	1	0
Quinhagak	8	0
Russian Mission	1	0
Saint Marys	5	1
Scammon Bay	6	0
Sheldons Point	2	1
Toksook Bay	2	0
Tuluksak	4	0
Tuntutuliak	4	0
Tununak	5	1
Upper Kalskag	3	0

CHUGACH HAS 78 ENROLLED NATIVE VETERANS TOTAL.
 CHUGACH HAS 13 NATIVE VETERANS ENROLLED IN REGION.
 CHUGACH HAS 65 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Chenega Bay	4	1
Chugach Native Assoc.	13	0
Cordova	16	5
English Bay	1	0
Eyak	9	2
Grouse Creek	3	0
Port Graham	7	0
Seward	16	1
Tatitlek	5	1
Valdez	3	0
Whittier	1	0

CIRI HAS 210 ENROLLED NATIVE VETERANS TOTAL.
 CIRI HAS 47 NATIVE VETERANS ENROLLED IN REGION.
 CIRI HAS 163 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Anchor Point	3	1
Anchorage	94	12
Caswell	1	0
Chickaloon	2	0
Chugiak	2	0
Cohoe	1	0
Cook Inlet	47	3
Eklutna	4	0
Fort Richardson	1	0
Homer	3	1
Kasilof	1	0
Kenai	20	3
Ninilchik	6	1
Palmer	6	0
Point Possession	4	0
Salamatof	2	2
Seldovia	6	2
Spenard	1	0
Talkeetna	1	0
Tyonek	4	2
Wasilla	1	1

DOYON HAS 217 ENROLLED NATIVE VETERANS TOTAL.
DOYON HAS 40 NATIVE VETERANS ENROLLED IN REGION.
DOYON HAS 177 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Alatna	1	0
Allakaket	2	0
Anvik	5	0
Arctic Village	2	0
Beaver	2	1
Bettles	2	1
Canyon Village	1	0
Chalkyitsik	1	0
Chicken	1	0
Circle	1	0
Delta Junction	1	1
Dot Lake	1	0
Doyon Ltd.	40	3
Eagle	3	0
Fairbanks	28	4
Fort Yukon	16	3
Galena	7	0
Grayling	1	0
Holy Cross	9	0
Hughes	2	0
Huslia	3	1
Kaltag	2	0
Lake Minchumina	1	0
Manley Hot Springs	1	0
McGrath	9	1
Medfra	1	0
Minto	2	1
Nenana	16	3
North Pole	1	0
Northway	7	0
Nulato	6	1
Rampart	3	0
Ruby	9	3
Shageluk	5	1
Stevens Village	3	0
Takotna	1	0
Tanacross	2	1

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Tanana	10	1
Tetlin	1	0
Venetie	6	1
Wiseman	2	0

KONIAG HAS 106 ENROLLED NATIVE VETERANS TOTAL.
KONIAG HAS 21 NATIVE VETERANS ENROLLED IN REGION.
KONIAG HAS 85 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Afognak	8	2
Aiaktalik	1	0
Akhiok	5	1
Kaguyak	1	0
Karluk	5	0
Kodiak	25	3
Larsen Bay	3	0
NANA Koniag	21	3
Old Harbor	3	0
Ouzinkiel	12	0
Port Lions	2	0
Port Williams	1	0
Uyak	1	1
Woody Island	18	1

NANA HAS 116 ENROLLED NATIVE VETERANS TOTAL.
NANA HAS 10 NATIVE VETERANS ENROLLED IN REGION.
NANA HAS 106 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Ambler	2	0
Buckland	8	0
Candle	1	0
Deering	3	2
Kiana	2	0
Kivalina	6	0
Knik	2	0
Kobuk	1	0
Kotzebue	51	8

Village Name	Enrolled	Deceased
NANA	10	1
Noatak	5	1
Noorvik	14	1
Selawik	7	0
Shungnak	4	0

SEALASKA HAS 559 ENROLLED NATIVE VETERANS TOTAL.
 SEALASKA HAS 133 NATIVE VETERANS ENROLLED IN REGION.
 SEALASKA HAS 426 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Angoon	24	3
Auke Bay	1	0
Cannery/Tenakee	5	0
Craig	7	0
Douglas	2	0
Dyea	1	0
Haines	8	1
Hoonah	39	2
Hydaburg	12	0
Juneau	87	9
Kake	16	4
Kasaan	2	1
Ketchikan	64	10
Klawock	15	1
Klukwan	8	0
Metlakatla	21	3
Pelican	1	0
Petersburg	10	2
Saxman	2	1
Sitka	68	8
Skagway	1	0
T & H Sealaska	133	12
Thorne Bay	1	0
Wrangell	18	3
Yakutat	13	1

MAP

Attached is a series E scale map showing the Location and Number of Enrolled Alaska Native Veterans during the Vietnam Era, 8/5/1964 through 5/8/1975.

(Note that the statutory definition of the Vietnam Era closes on 5/7/1975; however the Veterans Administration has used the date 5/8/1975.)

Appendix C

Six hundred thirty-two (632) Enrolled Native Veterans served more than one year of active duty from January 1, 1970 through December 1, 1971.

Five hundred seventy-nine (579) veterans are enrolled to a village or region within Alaska. Of the 579 veterans, 68 are deceased. (Deceased veterans are included in enrolled numbers but shown for information only.)

Fifty-three (53) veterans are enrolled to 13th Landless Region. (At large)

AHTNA HAS 11 ENROLLED NATIVE VETERANS TOTAL.

AHTNA HAS 1 NATIVE VETERANS ENROLLED IN REGION.

AHTNA HAS 10 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Ahtna	1	0
Copper Center	4	0
Gakona	1	0
Glennallen	1	0
Gulkana	2	0
Mentasta Lake	1	0
Tazlina	1	0

ALEUT HAS 24 ENROLLED NATIVE VETERANS TOTAL.

ALEUT HAS 12 NATIVE VETERANS ENROLLED IN REGION.

ALEUT HAS 12 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Aleut Corp	12	2
Atka	1	0
False Pass	1	0
King Cove	1	0
Nikolski	1	0
Saint George	1	0
Saint Paul	1	1
Unalaska	4	0
Unga	2	0

ARCTIC SLOPE HAS 12 ENROLLED NATIVE VETERANS TOTAL.
 ARCTIC SLOPE HAS 2 NATIVE VETERANS ENROLLED IN REGION.
 ARCTIC SLOPE HAS 10 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Arctic Slope N.A.	2	0
Barrow	8	1
Nuiqsut	1	0
Point Hope	1	0

BERING STRAITS HAS 61 ENROLLED NATIVE VETERANS TOTAL.
 BERING STRAITS HAS 10 NATIVE VETERANS ENROLLED IN REGION.
 BERING STRAITS HAS 51 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
BSNA	10	1
Brevig Mission	1	0
Council	1	0
Diomedea	2	2
Elim	3	0
Gambell	2	0
Golovin	2	0
Koyuk	1	0
Nome	7	5
Saint Michael	1	0
Savoonga	2	0
Shaktoolik	3	1
Shishmaref	2	0
Stebbins	2	0
Teller	1	1
Unalakleet	6	1
Ungalik	1	0
Wales	1	0
White Mountain	3	0

BRISTOL BAY HAS 32 ENROLLED NATIVE VETERANS TOTAL.
 BRISTOL BAY HAS 7 NATIVE VETERANS ENROLLED IN REGION.
 BRISTOL BAY HAS 25 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Aleknagik	1	1
Bristol Bay N.A.	7	0

Village Name	Enrolled	Deceased
Chignik Lake	2	0
Clarks Point	2	1
Dillingham	8	3
Egegik	2	0
Kokhanok	1	1
Manokotak	1	0
Naknek	2	0
Perryville	1	0
Pilot Point	1	0
Port Heiden	1	0
South Naknek	1	0
Ugashik	2	0

CALISTA HAS 60 ENROLLED NATIVE VETERANS TOTAL.

CALISTA HAS 4 NATIVE VETERANS ENROLLED IN REGION.

CALISTA HAS 56 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
AVCP Calista	4	0
Akiak	1	0
Alakanuk	1	0
Aniak	3	0
Bethel	11	2
Chevak	3	0
Emmonak	2	0
Hooper Bay	2	0
Kipnuk	2	0
Kongiganak	1	0
Kotlik	1	0
Kwethluk	1	1
Kwigillingok	1	0
Marshall	3	0
Mekoryuk	3	0
Mountain Village	7	1
Napamiute	2	0
Nightmute	1	0
Pilot Station	3	0
Saint Marys	1	1
Scammon Bay	2	0
Tuntutuliak	2	0
Tununak	2	1
Upper Kalskag	1	0

CHUGACH HAS 23 ENROLLED NATIVE VETERANS TOTAL.
 CHUGACH HAS 8 NATIVE VETERANS ENROLLED IN REGION.
 CHUGACH HAS 18 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Chenega Bay	1	0
Chugach Native Assoc.	5	0
Cordova	6	2
Eyak	3	1
Grouse Creek	1	0
Port Graham	2	0
Seward	1	0
Tatitlek	2	1
Valdez	2	0

CIRI HAS 58 ENROLLED NATIVE VETERANS TOTAL.
 CIRI HAS 10 NATIVE VETERANS ENROLLED IN REGION.
 CIRI HAS 48 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Anchorage	33	3
Chickaloon	1	0
Chugiak	1	0
Cohoe	1	0
Cook Inlet	10	1
Fort Richardson	1	0
Kasilof	1	0
Kenai	4	0
Ninilchik	3	0
Palmer	1	0
Spenard	1	0
Talkeetna	1	0

DOYON HAS 80 ENROLLED NATIVE VETERANS TOTAL.
 DOYON HAS 15 NATIVE VETERANS ENROLLED IN REGION.
 DOYON HAS 65 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Alatna	1	0
Allakaket	2	0
Anvik	2	0
Beaver	1	1

Village Name	Enrolled	Deceased
Bettles	1	0
Chicken	1	0
Doyon Ltd.	15	1
Eagle	1	0
Fairbanks	10	3
Fort Yukon	12	3
Galena	1	0
Grayling	1	0
Holy Cross	2	0
Hughes	1	0
Huslia	2	1
Kaltag	1	0
McGrath	3	0
Medfra	1	0
Minto	1	1
Nenana	6	0
Nulato	1	0
Rampart	1	0
Ruby	5	3
Stevens Village	1	0
Takotna	1	0
Tanana	5	0
Venetie	1	0
Wiseman	1	0

KONIAG HAS 37 ENROLLED NATIVE VETERANS TOTAL.

KONIAG HAS 5 NATIVE VETERANS ENROLLED IN REGION.

KONIAG HAS 32 NATIVE VETERANS ENROLLED IN VILLAGES.

Village Name	Enrolled	Deceased
Afognak	4	1
Akhiok	2	0
Karluk	3	0
Kodiak	6	2
Larsen Bay	1	0
Ouzinkie	6	0
Woody Island	10	0

NANA HAS 27 ENROLLED NATIVE VETERANS TOTAL.
 NANA HAS 3 NATIVE VETERANS ENROLLED IN REGION.
 NANA HAS 24 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Buckland	1	0
Deering	2	1
Kiana	1	0
Kivalina	1	0
Knik	1	0
Kotzebue	13	1
NANA	3	0
Noorvik	4	0
Selawik	1	0

SEALASKA HAS 154 ENROLLED NATIVE VETERANS TOTAL.
 SEALASKA HAS 34 NATIVE VETERANS ENROLLED IN REGION.
 SEALASKA HAS 120 NATIVE VETERANS ENROLLED IN VILLAGES.

<u>Village Name</u>	<u>Enrolled</u>	<u>Deceased</u>
Angoon	3	0
Auke Bay	1	0
Cannery/Tenakee	1	0
Craig	3	0
Dyea	1	0
Haines	2	1
Hoonah	7	0
Hydaburg	3	0
Juneau	29	2
Kake	3	0
Ketchikan	18	0
Klawock	1	0
Klukwan	2	0
Metlakatla	10	0
Pelican	1	0
Petersburg	3	1
Saxman	1	0
Sitka	24	5
T&H Sealaska	34	4
Wrangell	7	1

Appendix D

REPORT ON CONSULTATION
WITH ANCSA REGIONAL CORPORATIONS,
ALASKA FEDERATION OF NATIVES,
AND THE ALASKA INTER-TRIBAL COUNCIL
HELD JULY 9, 1996, IN ANCHORAGE, ALASKA
REGARDING SECTION 06 OF P.L. 104-42, NOV. 2, 1995

The meeting began at 1:15 p.m. with the following in attendance:

Department of the Interior staff:

Glenda Miller, BIA Area Realty Officer	[phone: 586-7403]
Danielle Jerry, USFWS Wildlife Biologist	[phone: 786-3335]
Ramona Chinn, BLM Conveyance Coordinator	[phone: 271-3806]
Connie Van Horn, BLM Native Allotment Coordinator	[phone: 271-3767]
Jan Sosnowski, NPS Realty Specialist	[phone: 257-2586]

ANCSA Regional Corporation Representatives:

Bristol Bay Native Corporation:	Tom Hawkins	[phone: 278-3602]
	Chester Murphy	[phone: 278-3602]
Calista Corporation:	Felix P. Hess	[phone: 279-5516]
Cook Inlet Region, Inc.:	Candace Beery	[phone: 274-8638]
Koniag, Inc.:	John Merrick	[phone: 561-2668]
AFN Representative:	Nelson N. Angapak	[phone: 274-3611]
AITC Representative:	Bill Viera	[phone: 563-9334]

After introductions, Glenda Miller began the meeting with an overview of the 1906 Native Allotment Act to explain what some assumptions in the study may be:

1. Compliance with use and occupancy requirements
2. Not to exceed four parcels
3. Lands must be in Federal ownership

The current BIA Realty Office directory was handed out. Also distributed and discussed were the BIA Statewide Summary of Native Allotment Numbers (1956-1993) and the current Native allotment statistics by realty service provider.

A copy of Section 106 was handed out and Glenda Miller began discussion of the methods used to gather the data required in subsection (a)(1): "The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971."

Data from the BIA Enrollment Roll was provided to the Department of Veterans' Affairs (VA). This consisted of 103,000 records. The roll used is not the "purified" version. Because of this, there were duplicate names and other inaccuracies.

This data was run against the VA system which consists of approximately 42 million records. The matches were made by (1) social security numbers, (2) exact names and dates of birth. These matches were then narrowed to those who served during the Vietnam Era.

The total number of matches was 2,936. This number further refined by eliminating 380 duplicate names. Also eliminated were the 179 who had applied for Native Allotments. Finally, the 87 who had dishonorable or other than honorable discharges were subtracted. The resulting number of matches is 2,290.

A handout was provided which shows the VA match list broken down by region and by village. This was provided in three sorts: The grand total of 2,290; The number of veterans with one year or less service between 1/1/70 and 12/18/71; The number of veterans with six months or less service between 1/1/70 and 12/18/71. {Note: A missing piece of the data is being worked up now, that is the number of veterans who served between 1/1/70 and 12/18/71, by region and village.}

There were also a number of direct client contacts made to the BIA or realty service providers. Of the 683 contacts (approximately), 346 names matched the VA list. Fifty had applied for Native Allotments. This results in 287 individual contacts made by individuals who don't appear to be on the VA match list and who don't appear to have previously applied for a Native Allotment.

When added to the VA match list, the working grand total is 2,577.

The group reviewed maps and overlays which showed: the overall concentration of number of veterans statewide; the concentration of veterans who served six months or less between 1/1/70 and 12/18/71; the concentration of veterans who served one year or less between 1/1/70 and 12/18/71; and the number of direct client contacts made with the BIA or realty service provider. These maps graphically depict the narrative explained above.

Glenda Miller advised that after the report completed the Office of Management and Budget review, it would be available and distributed to the ANCSA Regional Corporations, AFN, AITC, ANB, etc.

Nelson Angapak provided some insight into the history of the legislation. The need for the legislation was first identified in the 1970's, the idea faded and came up again in the 1980's. The first draft of the enabling legislation was made several years ago. So, this need has been persistently pursued since passage of ANCSA.

Nelson Angapak asked about the Native veterans who, for whatever reason, didn't enroll under ANCSA. Glenda Miller explained that if and when there is enabling legislation, there will be much more publicity and outreach efforts to contact such individuals.

Nelson Angapak expressed the fear of the AFN Land Managers Committee that the legislation would be written in such a way as to narrow eligibility criteria far enough so as to disqualify large number of veterans.

Felix Hess expressed the concern that a one year time period for taking applications is too short.
{Note: This is the time period provided in the original proposed enabling legislation}

Glenda Miller advised that other issues which had been brought up by the realty offices included: the rights of deceased veterans' heirs, dependent spouses who were also unavailable to apply, and other categories of individuals who may not have been able to apply by 12/18/71.

Felix Hess stated that he had been approached by students who were out of state in 1971, wondering if there's any way they can be included.

Nelson Angapak asked what kind of input Native entities have in the development of report recommendations. Glenda Miller responded that the same opportunity would exist as normally does in this type of legislation.

Candace Beery expressed that there is a need to put a deadline on the process, to avoid unintentional foot dragging (e.g., CSU managers wouldn't be too thrilled with new allotments and BIA/BLM are already swamped with work, etc.)

Glenda Miller briefly addressed the BLM Reinvention Laboratory efforts and positive statements made by some Lab Members about this legislation and the potential opportunity to "do it right."

When asked whether any participants had concerns about how the veterans' legislation might impact ANCSA conveyances, John Merrick said that some corporations won't be happy about certain provisions of the enabling legislation.

Nelson Angapak said that the AFN Land Managers group needs to meet to discuss the impacts further. He was also concerned about the possibility of open-ended authority.

When the possibility of a possible suspension of ANCSA/State conveyances during the application period was brought up, Nelson Angapak said that the veterans' legislation shouldn't be used as a vehicle for slowing down the ANCSA conveyances.

Felix Hess said there would be some possible resistance from surface owners, particularly as it may impact IC'd lands.

Nelson Angapak brought up an idea to allow Veterans allotments the same opportunity for legislative approval as section 905 of ANILCA, absent legal defects, and certain types of conflicts. {Note: ANILCA couldn't be used to do it, because these veterans allotments weren't pending on or before 12/18/71, as required by ANILCA}.

As the meeting ended, Glenda Miller said that a copy of these notes and all handouts would be mailed to the ANCSA Regional Corporations, AFN, AITC, and ANB Grand Camp.

REPORT ON CONSULTATION WITH REALTY SERVICE PROVIDERS
HELD JULY 10, 1996, IN ANCHORAGE, ALASKA
REGARDING SECTION 106 OF P.L. 104-42, NOV. 2, 1995

The meeting began at 1:15 p.m. with the following in attendance:

Department of the Interior staff:

Glenda Miller, BIA Area Realty Officer	[phone: 586-7403]
Lesley DeWilde, BIA Fairbanks Realty Specialist	[phone: 456-0223]
Connie Van Horn, BLM Native Allotment Coordinator	[phone: 271-3767]
Brenda Takes Horse, BLM Native Programs Coordinator	[phone: 271-3547]

93-638 Contract/Compact Staff:

Mike Williams, Chief Akiak Native Community	[phone: 765-7755]
John Owens, Realty Officer, Kwethluk IRA Council	[phone: 757-6328]
Walter Johnson, Realty Officer, Yakutat Tlingit Tribe	[phone: 784-3932]
Bert Greist, Maniilaq Association	[phone: 442-3311]
Kathleen Dickinson, Land Director, Arctic Slope Native Association	[phone: 457-2762]
Martina Campbell, Realty Officer, Association of Village Council Presidents	[phone: 543-3521]
Rose Brady, Realty Officer, Alaska Realty Consortium	[phone: 276-2772]
Beth Dexter, Realty Officer, Bristol Bay Native Association	[phone: 842-5257]
Linda Demientieff, Allotment Specialist, Tanana Chiefs' Conference	[phone: 452-8251]

After introductions, Glenda Miller began the meeting with an overview of the 1906 Native Allotment Act to explain what some assumptions in the study may be:

1. Compliance with use and occupancy requirements
2. Not to exceed four parcels
3. Lands must be in Federal ownership

The current BIA Realty Office directory was handed out. Also distributed and discussed were the BIA Statewide Summary of Native Allotment Numbers (1956-1993) and the current Native Allotment statistics by realty service provider.

A copy of Section 106 was handed out and Glenda Miller began discussion of the methods used to gather the data required in subsection (a)(1): "The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971."

Data from the BIA Enrollment Roll was provided to the Veteran's Administration. This consisted of 103,000 records. The roll used is not the "purified" version. Because of this, there were duplicate names and other inaccuracies.

This data was run against the VA system which consists of approximately 42 million records. The matches were made by (1) social security numbers, (2) exact names and dates of birth. These matches were then narrowed to those who served during the Vietnam era.

The total number of matches was 2,936. This number further refined by eliminating the 380 duplicate names. Also eliminated were the 179 who had applied for Native Allotments. Finally, 87 who had dishonorable or other than honorable discharges were subtracted. The resulting number of matches is 2,290.

A handout was provided which shows the VA match list broken down by region and by village. This was provided in three sorts: The grand total; the number of veterans with one year or less service between 1/1/70 and 12/18/71; and the number of veterans with six months or less service between 1/1/70 and 12/18/71. {Note: A missing piece of the data is being worked up now, that is the number of veterans who served between 1/1/70 and 12/18/71, by region and village.}

There were also a number of direct client contacts made to the BIA or realty service providers. Of the 683 contacts (approximately), 346 names matched the VA list. Fifty had applied for Native Allotments. This results in 287 individual contacts made by individuals who don't appear to be on the VA match list and who don't appear to have previously applied for a Native Allotment.

When added to the VA match list, the working grand total is 2,577.

This number continues to change, as individuals continue to contact the BIA and realty service providers. A number of forms were given to Glenda Miller by those present.

The following were the comments given:

Walter Johnson believes that the 1960 date should be used as a beginning date, rather than 1964. This is based on when the U.S. involvement began.

Mike Williams believes that the window should end at the end of the Vietnam era, rather than upon passage of ANCSA.

Bert Greist believes that people who were in the service, but not in Vietnam, should be included.

Lesley DeWilde brought input from Sam Demientieff that students who were out of state at BIA boarding schools should be considered.

Walter Johnson wanted to be sure that the interests of deceased veterans were protected.

Bert Greist was concerned about duplicate adjudication of allotment applications, particularly on the part of the National Park Service. He expressed a concern also about the need for objective field exams which take Native customs into consideration. He also wanted to be sure that there was sufficient funding appropriated for this effort, particularly for surveying the allotments.

Walter Johnson agreed about the funding, but he cautioned against using a lack of funding as a reason not to pass enabling legislation.

Kathleen Dickinson suggested that use and occupancy criteria should take into consideration the age of the veteran at the time of entering on duty.

Walter Johnson talked about the difference in use and occupancy criteria for the 1887 allotments (General Allotment Act) vs. 1906 Alaska allotments.

Bert Greist suggested that the use and occupancy requirement should be prospective, rather than historical. He reiterated that seasonal use and occupancy must be considered. He expressed the concern that the use and occupancy requirement not be orchestrated so as to preclude customary use.

Walter Johnson emphasized the need to keep on top of the legislation.

Bert Greist wanted to know what lands would be available. We discussed that they would probably be Federal lands. He brought up the idea of including State and ANCSA lands. We discussed that Congress could only address lands in Federal ownership. When the issue of National Parks, Refuges, and Forests was discussed, Bert Greist reminded the group that all these lands were Native lands to begin with and that they were taken away.

Kathleen Dickinson suggested the use of legislative approval, with no opportunity for blanket protests. An alternative she also suggested was that, because of the age of the veterans at the time of entering on duty, that family use and occupancy be considered.

Beth Dexter brought up the question of the entitlement of the heirs of deceased veterans. How would each heir's share be identified?

Rose Brady brought up the issue of dependent spouses who were with their spouse and thus unable to apply.

Walter Johnson believes that all Federal lands (including Parks, Refuges, and Forests) should be opened. His belief is based on the fact that the veterans served their country.

Bert Greist suggested if legislative approval isn't given, that credibility be given to witness statements, without field exams.

Lesley DeWilde brought up the issue of veterans who are mentally disabled, particularly as a result of service.

The group as a whole expressed a desire for the draft report, prior to formal release. Glenda Miller said that these notes and the handouts would be sent to all realty service providers.

A suggestion was made that a Statewide meeting of realty service providers, AFN, AITC, and ANCSA Corporations should be held as soon as possible to review and discuss the report.

Another suggestion was made to form a Veteran's Committee under the auspices of AITC.

Kathleen Dickinson suggested that ANCSA Corporations be given the opportunity to voluntarily reconvey lands to the BLM for veterans' allotments. The acreage would be credited to the corporation.

Walter Johnson stated that, speaking on behalf of the veterans in Yakutat, there is now an expectation that the Federal government would act on this legislation.

The group reviewed maps and overlays which showed: the overall concentration of number of veterans statewide; the concentration of veterans who served six months or less between 1/1/70 and 12/18/71; the concentration of veterans who served one year or less between 1/1/70 and 12/18/71; and the number of direct client contacts made with the BIA or realty service provider. These maps graphically depict the narrative explained above.

Glenda Miller advised that the report would be completed for the Office of Management and Budget review by August 1, 1996. After that review, it would be available and distributed to the ANCSA Regional Corporations, AFN, AITC, ANB, etc.

— End —

Appendix E

ADDITIONAL DISCUSSION OF ALTERNATIVE COMPENSATION

Restricting new allotments to available lands outside CSU boundaries would reduce impacts on refuges and National Parks. Applicants whose allotments would have been within the boundaries of a CSU would be given the choice of selecting available public land or a cash settlement in lieu of land they traditionally used.

The following analysis examines the availability of public lands outside of the CSUs and presents a cost projection for offering a cash buy-out.

REFUGES

Impacts on Refuges could be reduced by allowing new allotments only on selected land or outside of refuge boundaries on available BLM lands:

Nearest unreserved BLM Land: New allotments could be located on public land outside of refuge boundaries. The available land would include all vacant, unappropriated, and unreserved BLM land. In some cases BLM land is located near villages close to refuge boundaries. In other cases, the nearest available public land would be more than 800 miles from the village.

We measured the distance from each village within or adjacent to a refuge to the nearest available BLM land (Table 9, page 67). The data reveals that the majority of villages are located at a considerable distance from the nearest available land. Overall, 65 percent of the villages with potential applicants are located greater than 25 miles from the nearest BLM land, and 30 percent of the villages are located at a distance greater than 100 miles. In these cases, the available land may be further away from villages than is normally traveled for subsistence purposes. This would be inconsistent with the location of existing allotments within refuge boundaries. An analysis of existing Native Allotment applications and certificates on three refuges with large numbers of allotments (Yukon Delta, Kodiak, and Yukon Flats) revealed that over 90 percent of allotments were within 25 miles of a village.

In many areas of the state BLM land consists of fragmented parcels that were not deemed appropriate for National Parks or Refuges. These lands were intentionally not selected by the State or Native corporations. Generally, the lands are not accessible from rivers, the ocean coastline, or road systems. Specific tracts often encompass mountainsides, glaciers or low wetlands. However, some regions of the state include large, contiguous tracts that could provide suitable lands for Native allotments.

Nearest Selected Land: ANCSA required village corporations to select lands in contiguous blocks adjacent to their village site. Much of this land has been conveyed to the corporations.

However, most Native corporations selected lands substantially in excess of their entitlement. Many corporations have not prioritized these remaining selected lands for conveyance. The State of Alaska also has overselected lands in many locations. Excess, or unprioritized, selected land could be made available for veteran allotments. However, allotments selected on Native or State selected land would be subject to valid selections. The land would only become available to the applicant if the State or Native corporation agreed to relinquish their prior right to the land.

Table 9 Average Distance from Each Village within or adjacent to a Refuge to the Nearest Available BLM Land and the Percentage of Villages, by Refuge, That are Located greater than 25 and 100 Miles from the nearest BLM Land.

REFUGE	Number of villages with potential applicants	Maximum number of potential applicants	Distance to nearest BLM lands (miles)		Percentage of villages greater than 25 miles from BLM land	Percentage of villages greater than 100 miles from BLM land
			Range	Average		
Alaska Maritime	27	119	5-835	166	59%	37%
Alaska Peninsula/Becharof	12	24	20-290	146	83%	58%
Arctic	2	2	85-225	155	100%	50%
Innoko	6	16	4-20	7	0%	0%
Izembek	1	3		290	100%	100%
Kanuti	3	4	4-34	15	33%	0%
Kenai	9	61	20-110	58	89%	11%
Kodiak	8	43	120-166	148	100%	100%
Koyukuk/Nowitna	4	19	4-35	16	25%	0%
Selawik	4	37	15-32	23	50%	0%
Tetlin	1	4		98	100%	0%
Togiak	6	17	6-32	21	17%	0%
Yukon Delta	35	96	3-165	64	74%	23%
Yukon Flats	4	18	25-70	47	75%	0%
TOTAL	122	463			65% average	30% average

Table 10 Average Distance from Each Village within or adjacent to a Refuge to the Nearest Selected Land and the Percentage of Villages, by Refuge, That are Located greater than 25 and 100 Miles from the Nearest Selected Land.

REFUGE	Number of villages with potential applicants	Maximum number of potential applicants	Distance to nearest selected lands (miles)		Percentage of villages greater than 25 miles from selected land	Percentage of villages greater than 100 miles from selected land
			Range	Average		
Alaska Maritime	27	119	1-280	26	15%	7%
Alaska Peninsula/Becharof	12	24	3-80	36	50%	0%
Arctic	2	2	7-12	10	0%	0%
Innoko	6	16	3-17	7	0%	0%
Izembek	1	3		50	100%	0%
Kanuti	3	4	1-4	3	0%	0%
Kenai	9	61	16-70	48	78%	0%
Kodiak	8	43	3-11	4	0%	0%
Koyukuk/Nowitna	4	19	3-12	6	0%	0%
Selawik	4	37	15-25	13	0%	0%
Tetlin	1	4		12	0%	0%
Togiak	6	17	9-10	9	0%	0%
Yukon Delta	35	96	2-9	7	0%	0%
Yukon Flats	4	18	2-44	15	25%	0%
TOTAL	122	463			16%	1%

We measured the distance from each village within or adjacent to a refuge to the nearest available selected land (Table 10, page 68). Our analysis revealed that 84 percent of the villages with potential applicants are located within 25 miles of selected land and 99 percent are within 100 miles.

These lands will most likely contain the most desirable sites for traditional uses, such as fishing and hunting camps, by potential allottees.

Veterans may choose a cash settlement in lieu of an allotment. Available land may be undesirable for subsistence use.

A money alternative may be especially attractive to applicants who live in villages far from the nearest public land or whenever the available land is unsuitable for subsistence purposes. A cash buy-out may also be favored whenever State or Native corporations are unwilling to relinquish previously selected land to the applicant.

We analyzed the cost of offering certain potential applicants a money alternative valued at \$400/acre (Table 11, page 70). The analysis was restricted to those veterans who had served one year or more during the period from January 1, 1990 to December 18, 1991. Potential applicants who are enrolled in villages within refuges that were withdrawn prior to 1971 were excluded. In addition, only those veterans who are enrolled in a village located more than 25 miles from the nearest available public land were included in the analysis. Presumably, these veterans would be the most likely to favor a money alternative. Even with these restrictions, the buy-out program could attract several hundred applicants and cost from 8 million to over 12 million dollars.

Table 11

Estimated Cost of Offering a Money Alternative of \$400/Acre to Potential Vietnam Veteran Native Allotment Applicants Who Served for One Year between 1/1/70 and 12/18/71; only Potential Applicants That are Enrolled in Villages Located more than 25 Miles from the Nearest Available BLM Land are Included in the Analysis; Dollar Values are Rounded to the Nearest Thousand.

REFUGE	Potential applicants enrolled in villages within refuge (> 25 miles from BLM land)	Total acres	Cost at \$400/acre (\$000)	Potential applicants enrolled in villages adjacent to refuge (> 25 miles from BLM land)	Total additional acres X 10 and 60 percent ¹	Range of total cost estimate at \$400/acre (\$000)
Alaska Maritime	10	1,600 ²	640	44	704-4,224	922-2,330
Alaska Peninsula/Becharof	9	1,440	576	10	160-960	640-960
Arctic	1	160	64	1	16-96	70-102
Innoko	0	0	0	0	0	0
Izembek	0	0	0	3	48-288	19-115
Kanuti	0	0	0	1	16-96	6-38
Kenai	0	0 ²	0	60	960-5,760	0 ²
Kodiak	0	0	0	43	688-4,128	275-1,651
Koyukuk/Nowitna	3	160	192	0	0	192
Selawik	1	160	64	26	416-2,496	230-1,062
Tetlin	0	0	0	0	0	0
Togiak	0	0	0	1	16-96	6-38
Yukon Delta	28	12,160 ²	4,864	0	0	4,864
Yukon Flats	17	2,720	1,088	0	0	1,088
TOTAL (X 1000)						\$8,312-12,440

¹ Estimates of 10 and 60 percent were used for the minimum and maximum area calculations, respectively, when the enrollment village was located outside of the refuge.

² Potential allotments within old refuges do not qualify for a cash settlement and were not included in these figures.

We also analyzed the cost of a money alternative if the price per acre varied among different regions of the state. Land values vary greatly throughout Alaska. If all allotments are valued the same (as in the previous analysis) the buy-out offer may seem more than fair to potential applicants from Yukon Delta, but ridiculous to applicants from Kodiak Island. Basing the dollar amount on fair market land values could eliminate this problem, but may increase the number of applicants who choose the buy-out. Using varying costs per acre, the potential cost of the buy-out program ranges from 9 to more than 26 million dollars (Table 12, page 72).

Table 12

Estimated Cost of Offering a Money Alternative Based on Fair Market Value to Potential Vietnam Veteran Native Allotment Applicants Who Served for One Year between 1/1/70 and 12/18/71; only Potential Applicants That are Enrolled in Villages Located more than 25 Miles from the Nearest Public Land are Included in the Analysis; Dollar Values are Rounded to the Nearest Thousand.

REGION	Potential applicants enrolled in villages within refuge ¹ (>25 miles from public land)	Total acres	Cost (\$000) [average cost/acre]	Potential applicants enrolled in villages adjacent to refuge (>25 miles from public land)	Total additional acres X 10 and 60 percent ²	Range of total cost estimate (\$000)
Alaska Peninsula and Aleutian Region	19	3,040	3,344 [\$1,100/ac] ³	57	912-5,472	4,347-9,363
Western Region	29	4,640	696 [\$150/ac] ⁴	27	432- 2,592	761-1,085
Interior Region	20	3,200	1,901 [\$594/ac] ⁵	1	16-96	1,910-1,958
South central Region	0	0	0 [\$1,390/ac] ⁶	103	1,648-9,888	2,291-13,744
Arctic Region	1	160	95 [\$594/ac] ⁷	1	16-9	105-152
TOTAL (X 1000)						\$9,414-26,302

¹ Potential applicants enrolled in villages within old refuges do not qualify for a cash settlement and were not included in these figures.

² Estimates of 10 and 60 percent were used for the minimum and maximum area calculations, respectively, when the enrollment village was located outside of the refuge.

³ Estimate based on the appraised value of one (1) Native allotment acquisition within Alaska Peninsula Refuge.

⁴ There have been no Native allotment acquisitions in the western refuges, however, a 1991 appraisal of Native corporation land in Yukon Delta was valued at \$42.50 per acre. We estimated the value of Native allotments to be at least \$150 per acre.

⁵ Estimate based on the appraised value of one (1) Native allotment acquisition within Innoko Refuge.

⁶ Estimate based on the average appraised value of Native allotment acquisitions within Kodiak Refuge.

⁷ There have been no Native allotment acquisitions in the arctic region. Estimate based on the appraised value of a Native allotment acquisition within Innoko Refuge.

Parks

IMPACT OF BUY-OUT/OTHER LAND OPTION

One option considered is to not allow any further allotments in the CSUs. Instead, if a veteran used land inside a CSU, he/she would be able to select land elsewhere or receive a cash buy-out.

Allowing veterans to select land outside a CSU is problematic at the outset. Public land is scarce and what is available is not necessarily usable or desirable. Where Native veterans are allowed to choose alternate lands outside CSU's, it is likely that there may be conflicts with prior rights to and existing applications for those lands. It is reasonable to expect that high value lands outside CSUs are already subject to application for use or acquisition by other entities.

Offering cash settlements in addition to selection of alternate lands in lieu of CSU lands would help avoid conflicts between new veteran applicants and others who claim prior rights.

Native and State selected lands cannot be considered public land unless the corporation or State relinquishes their selections (preferably their overselections). For those veterans who claim use of land within a CSU but then select land outside the unit, their selection on Native and State selected lands are secondary, or junior, selections and cannot be considered a valid existing right. An analysis of the location of public land and State and Native selected land outside a CSU in relation to each park unit impacted by the more restrictive time period (service period between January 1, 1970 and December 18, 1971) follows.

1. Bering Land Bridge: The closest public land is approximately 60 miles from the two villages considered in the report. State and/or Native selected land can be found within the 25-mile radius of each village.
2. Cape Krusenstern: Public land is approximately 80 miles from Kiviana but can be found within the 25-mile radius of Kotzebue. State and Native selected lands can be found within the 25-mile radius of both villages.
3. Gates of the Arctic: Public land is less than 50 miles from Bettles. There is State selected land within the 25-mile radius of the village.
4. Katmai: There is a small amount of public land within the 25-mile radius of both Naknek and South Naknek although the land is across Bristol Bay from the villages. There is also some public land adjacent to Alagnak Wild River corridor and in the 25-mile radius of Kokhanok. There is State selected land within the 25-mile radius of all villages and some Native selected land near Kokhanok.

5. Kenai Fjords: The closest public land is about 100 miles from Seward; this public land is adjacent to Chugach National Forest. Any State or Native selected land is even further away.
6. Klondike Gold Rush: The public land nearest this park unit is the same public land closest to Wrangell-St. Elias; it is about 200 miles from Skagway. State selected land is within the 25-mile radius. Native selected land is further away than the public land.
7. Lake Clark: There is public land adjacent to the park's northwestern boundary although it is known that this land consists of mountaintops, glaciers, and Mt. Spurr volcano. This public land is about 100 miles from Nondalton and a little further away from Iliamna. There is other public land about 75 miles south of Nondalton (little less from Iliamna). There are small areas of State and Native selected land within the 25-mile radius of Nondalton and Iliamna. Since it is estimated that a fair number of veterans from Anchorage or Kenai areas would apply in Lake Clark, the closest public land is the land adjacent to the Lake Clark's northwestern boundary and land east of Anchorage, about 50 miles.
8. Noatak: Public land can be found within the 25-mile radius of Kotzebue as well as State and Native selected land.
9. Wrangell-St. Elias: The nearest public land is either to the south of the park in the Chugach Region (this is over 100 miles from the closest Ahtna village of Chitna) or northwest of the park (about 100 miles from Mentasta Lake village). Native and State selected land can be found within the 25-mile radius of all Ahtna villages.

The following Table 13, on page 75, shows two possible results of the impact of offering a buy-out: one if all allotments were priced the same at \$400/acre; the second, if prices varied according to the region of the state. These figures only show the impact using the shorter time period (more than one year of service between January 1, 1970 and December 18, 1971), and do not cover the scenario of the maximum number of potential applicants.

Since it is anticipated that the veterans who are projected to make claims in Glacier Bay and Sitka would not be eligible for allotments, those figures from the previous chart have not been included here. However, since it is *highly* likely that a number of veterans outside the 25-mile radius of a village in the Lake Clark NP&P would apply, the figure discussed previously of 8 potential applicants *have* been included.

Table 13 Potential Cost of Buy-Outs¹

NPS UNIT	POTENTIAL APPLICANTS	ACRES	COST AT \$400/AC	COST AT REGIONAL PRICE PER ACRE ²
Bering LB	3	480	\$ 192,000	\$ 384,000 (800/ac)
C. Krusen.	5	800	320,000	640,000 (800/ac)
Gates/Ar.	1	160	64,000	128,000 (800/ac)
Katmai	2	320	128,000	352,000 (1,100/ac)
Kenai Fjords	1	160	64,000	160,000 (1,000/ac)
Klondike	1	160	64,000	176,000 (1,100/ac)
Lake Clark	8	1,280	512,000	3,712,000 (2,900/ac)
Noatak	4	640	256,000	512,000 (800/ac)
Wrangell	5	800	320,000	960,000 (1,200/ac)
TOTALS	30	4,800	\$1,920,000	\$7,024,000

¹ Table 13 contains 8 allotments in Lake Clark that are not included in Table 6. This is because of the 25-mile radius assumption we used in individual sections. For the Lake Clark unit, this assumption is not accurate (as explained in the Report) and we added numbers in Table 13.

² These values are presented here solely to project the magnitude of possible funding requirements for the buy-out option. If regional average figures are to be used as the basis for compensation for the buy-out option, further study is required to finalize a price per acre.

The prices per acre for the regional costs were arrived at by reviewing the past acquisitions of Native allotments in the park units. These average values may or may not represent reasonable estimates of the fair market value of any individual allotment parcels. The market value of any property is dependent on a number of variables, such as location, access, amenities, etc.

While there have been no acquisitions of allotments in Bering Land Bridge and Cape Krusenstern, there have been several in Gates of the Arctic and one in Noatak. The average of those appraised values were used for all the northern park units. Katmai and Lake Clark have had only two acquisitions each. Both of the Lake Clark parcels were in prime areas of the park, where the majority of current allotments already are located (i.e., on the shore of Lake Clark or other significant lakes). The price per acre in Wrangell-St. Elias is based on only one acquisition. There have been no allotment acquisitions by NPS in Klondike Gold Rush or Kenai Fjords. Recently, NPS attempted to acquire three allotments in Klondike Gold Rush; the average cost per acre from the appraisal reports is used here. The price per acre in Kenai Fjords is an extrapolation from regional sales information.

POTENTIAL COSTS OF THE CASH BUY-OUT FOR ALL APPLICANTS

We computed the potential cost to the government to buy out all eligible applicants. For 632 eligible applicants who served for one year between 1970 and 1971, to receive \$50,000 each for one parcel, the potential cost would be approximately \$32 million. We also computed a figure for applicants for the entire Vietnam Era, 1964 to 1975, based on an estimate of 2,290 eligible applicants. At \$50,000 each for one parcel, the potential cost would be approximately \$115 million.

Appendix F

Public Law 104-42
(Enacted November 2, 1995)

Section 106. Report Concerning Open Season for Certain Native Alaska Veterans for Allotments.

(a) In General—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam Era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

(b) Requirement—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

— End —