

11.17.06



Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 276 7178

AGENDA

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

July 28, 2006 8:00 a.m.

Anchorage, Alaska

DRAFT 7/27/06

DRAFT

Trustee Council Members:

DAVID W. MÁRQUEZ

Attorney General

Alaska Department of Law

JAMES BALSIGER

Administrator, Alaska Region

National Marine Fisheries Service

KURT FREDRIKSSON

Commissioner

Alaska Department of

Environmental Conservation

DRUE PEARCE

Senior Advisor to the Secretary
for Alaskan Affairs

U.S. Department of the Interior

McKIE CAMPBELL

Commissioner

Alaska Department of Fish
and Game

JOE MEADE

Forest Supervisor

U.S. Department of Agriculture
Forest Service

Meeting in Anchorage, Trustee Council Office, 441 West 5th Avenue, Suite 500

Teleconference number: 800.315.6338 (contact EVOS for code)

_____ Federal Chair

1. Call to Order – 8:00 a.m.
2. Consent Agenda
 - Approval of Agenda*
 - Approval of May 23, 2006 Trustee Council meeting notes*

Federal Trustees

U.S. Department of the Interior

U.S. Department of Agriculture

National Oceanic and Atmospheric Administration

State Trustees

Alaska Department of Fish and Game

Alaska Department of Environmental Conservation

Alaska Department of Law

3. Public Advisory Committee comments
4. Public comment (no reopener comments accepted) – 8:10 a.m.
5. Executive Director's Report Michael Baffrey
 - FY 2004-05 Audit
 - Status of STAC
 - Status of solicitation for PAC nominations
6. Building Lease Renewal*
7. Report Writing Procedures*

Executive Session if necessary *

8. Adjourn

* Indicates action items

TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

May 23, 2006

DRAFT - 7/27/06

DRAFT

Chaired by: McKie Campbell
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS
Drue Pearce, DOI
Craig O'Connor, NMFS *

• McKie Campbell, ADF&G
Kurt Fredriksson, ADEC
David Márquez, ADOL

• Chair

* Craig O'Connor alternate for James Balsiger

The teleconferenced meeting convened at 8: 35 a.m., May 23, 2006 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Approval of the May 23, 2006 agenda

Motion by O'Connor, second by Márquez

APPROVED MOTION: Amend the agenda to move discussion of the FY 07 Invitation to follow the executive director's report

Motion by Fredriksson, second by O'Connor

APPROVED MOTION: Amend the agenda moving discussion of FY 07 Invitation to follow the herring workshop report but before monitoring projects

Motion by O'Connor, second by Fredriksson

2. Approval of March 29 and May 9, 2006 meeting notes

APPROVED MOTION: Approval of the March 29 and May 9, 2006 Trustee Council meeting notes, noting inclusion of a motion by the Trustees in the May 9 notes to appoint Michael Baffrey as Executive Director

Motion by Fredriksson, second by Márquez

Public Advisory Committee (PAC) comments: Stacy Studebaker reported on the recently revised Public Advisory Committee Charter for the 2006-2008 term.

Public comment period began at 9:10 a.m.

One public comment was received.

Public comment closed at 9:15 a.m.

3. Integral Reports

WITHDRAWN MOTION: Motion to approve release of Integral's report for the peer review and to the public simultaneously and have EVOS staff compile the input to modify the report to create an update on the injured resources and services

Motion by Fredriksson, second by Márquez

4. Implementation of Herring Restoration Plan

DEFERRED MOTION: Motion to implement a Herring Restoration Plan effective to run in tandem with FY 07

Motion by Meade, no second

Deferred until of FY 07 Invitation discussion

Off the record: 10:10 a.m.

On the record: 10:28 a.m.

5. Implementation of Herring Restoration Plan

APPROVED MOTION: \$75,000 will be spent by the Trustee Council Restoration Office to develop a Pacific Herring Restoration Plan (Plan) for Prince William Sound. Funds will be used to support travel and logistics work sessions needed by a 6 – 8 person Restoration team to initiate planning efforts. Funds will also be used to pay for services of non-agency personnel to write, edit and review drafts of the Plan as it is developed. Finally, if remaining funds are available, they will be used to print, bind and distribute the Plan when completed. Initial efforts including

selection of a Restoration team will begin in summer of 2006.

Motion by Meade, second by O'Connor

6. FY 07 Invitation – Trustee Council staff directed to revise the FY07 Invitation for Proposals with the suggestions from the Trustee Council, circulate it for final concurrence and issue it

Off the record: 11:58 a.m.

On the record: 1:00 p.m.

7. Monitoring projects

APPROVED MOTION: Motion to include the four monitoring projects in the FY 07 Invitation

Motion by Márquez, second by Pearce

APPROVED MOTION: Motion to fund monitoring projects 040624 - Batten, 040699 - Cokelet, 040614 - Okkonen, and 040340 - Weingartner in the absence of alternative funding, between the end of FY 06 and the date upon which FY 07 funding is made available so that there is no disruption in collecting information for this period of time. FY 07 funding pursuant to the invitation is subject to approval by the Trustee Council.

Motion by O'Connor, second by Meade

8. Public Advisory Committee (PAC) Charter

APPROVED MOTION: Motion to approve submitting the PAC Charter for the term of October 2006-September 2008 to the Secretary of the Interior for approval

Motion by Pearce, second by Fredriksson

9. Small Parcel

FAILED MOTION: Motion to review parcels KEN 3001 – Corr, KEN 3002 – Russell/Long, KAP 3001 – Chokwak, and KAP 3002 – Capjohn and

consider them in the broader context of the FY 07 Invitation

Motion by Fredriksson, no second

APPROVED MOTION: Motion to move forward with appraisals and HAZMAT inspections on parcels KEN 3001 – Corr, KEN 3002 – Russell/Long, KAP 3001 – Chokwak, and KAP 3002 – Capjohn (\$44,000)

Motion by O'Connor, second by Pearce

10. Trustee Travel Funds

APPROVED MOTION: Motion to approve additional \$4,800 for DOI, \$3,000 for ADF&G, and \$1,000 for ADEC travel funds

Motion by Meade, second by Fredriksson

APPROVED MOTION: Motion to amend previous motion to include \$4,500 for NOAA

Motion by O'Connor, second by Meade

11. Executive Session

APPROVED MOTION: Motion to move into executive session to discuss legal issues

Motion by Pearce, second by O'Connor

Off the record: 3:25 p.m.

Adjourned

NOTE: The Trustees adjourned from executive session at 4:00 p.m. without going back on the record or taking further action.

Motion
Exxon Valdez Oil Spill Trustee Council
Telephonic Meeting of July 28, 2006

The Exxon Valdez Oil Spill Trustee Council exercises the Renewal Option contained under Item No. 5 of the US Government Lease for Real Property GS 10B-06346 for Building AK3351ZZ, located at 441 W. 5th Ave., Suite 500; thus selecting Option No. 1 contained within the Memorandum of June 26, 2006 to Michael Baffrey from Dede Bohn and Barbara Hannah in regard to the Lease Options for EVOS office space.

The terms approved are to remain in the current location and keep the full occupied space of 6,112 square feet for a 5-year period beginning January 1, 2007 and ending on December 31, 2011; with a 120-day cancellation right anytime after December 31, 2006. The option is at an annual rental rate of \$157,689.60 (\$13,140.80 per month) for the five-year period from January 1, 2007 through December 31, 2011. Utilities (except telephones) are included with this agreement, as well as three parking spaces. Additional costs include the Department of Homeland Security fees of \$178.27 per month and the GSA Public Building Services fees of 8%.



United States Department of the Interior

U. S. GEOLOGICAL SURVEY
ALASKA BIOLOGICAL SCIENCE CENTER
1011 E. Tudor Rd.
Anchorage, Alaska 99503

June 26, 2006

MEMORANDUM

To: Michael Baffrey, Executive Director EVOS Trustee Council
From: Dede Bohn, DOI Liaison and Barbara Hannah, Administrative Manager
Subject: Lease for Trustee Council Office Space

We have met with the current building owners, General Services Administration (GSA) staff, and USGS space management staff about options for space rental for the Trustee Council Office after your current lease expires at the end of December 2006. The Trustee Council members will need to make a decision by **July 28, 2006** on which lease option they would like us to pursue. Below are the options we have discussed.

Option 1: Remain in current space, exercising the option to renew the existing lease

- Commitment: 5-years beginning 1/1/07 and ending 12/31/11, with a 120-day cancellation right anytime after 12/31/06
- Office space: 6112 sq-ft
- Parking spaces: 3
- Utilities except phone are included
- Projected cost: \$13,140.80/month (\$25.80/sq-ft) plus \$178.27/month mandatory Department of Homeland Security fees. Annual cost = \$ 159,828.84
- Agency sponsor: DOI/USGS
- Comments:
 - For comparison, GSA has provided recent comparable rental lease costs for nearby downtown buildings at \$30 to \$42/sq-ft, for an average cost of \$36/sq-ft
 - Lease costs (\$26.80/sq-ft) remain constant for the 5-year period. The Department of Homeland Security fees may be adjusted slightly.
 - Renewal option and occupancy agreement must first be processed by USGS and GSA, and then submitted to the building owner 120 days prior to 12/31/06

Option 2: Remodel and downsize the existing space

- Commitment: 5-years beginning 1/1/07 and ending 12/31/11 with no cancellation right

- Office space: TBD, possibly 4112 sq-ft
- Parking spaces: 3
- Utilities except phone are included
- Projected cost: \$25.80/sq-ft. For an estimated 4112 sq-ft including DHS fees, \$108,228.84.
- Additional costs: TBD
- Agency sponsor: DOI/USGS
- Comments:
 - If the details can be worked out, the building owner is willing to pay for walling off some part of the existing space, reducing the amount of our rental, and providing new space to be rented out to someone else. However, there are significant complications to overcome, including whether building security can be maintained to federal standards and logistics for existing bathroom facilities.

Option 3: Find new space

- Commitment: TBD
- Office space: TBD
- Projected cost: TBD
- Additional costs: Moving, Tenant improvements as necessary
- Agency sponsor: TBD--although DOI/USGS would not be a candidate

Draft

Procedures for the Preparation & Distribution of Reports

Updated: June 26, 2006

Exxon Valdez Oil Spill Trustee Council
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Exxon Valdez Oil Spill Trustee Council
Procedures for the Preparation & Distribution of Reports

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Ratti, J. and L. Smith. 1998. Manuscript guidelines for the Journal of Wildlife Management, 62 (1. Supplement), The Wildlife Society.

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Exxon Valdez Oil Spill Trustee Council

Procedures for the Preparation & Distribution of Reports

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INTRODUCTION

These *Procedures for the Preparation and Distribution of Reports* provide instructions regarding the preparation, peer review, printing and distribution of final and annual reports for projects funded by the Exxon Valdez Oil Spill Trustee Council. Quarterly reports address administrative reporting requirements. Principal investigators shall work with their agency liaisons to fulfill their quarterly reporting obligations as outlined in the *Invitation for Proposals* and the *General Operating Procedures of the Trustee Council*.

Unless otherwise specified by the Trustee Council Office, each project funded by the Trustee Council shall ultimately produce a final report that has been subjected to the Trustee Council's peer review process. In the case of multi-year projects, an annual report shall also be prepared each year until the project is completed, at which time a final report shall be prepared. Subject to the approval of the Trustee Council Office, on a project-by-project basis, journal articles or manuscripts may be used to fulfill requirements for the preparation of final reports (See page 7).

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These *Procedures for the Preparation and Distribution of Reports* update and supersede earlier versions of this document and should be read together with the report writing guidelines published by the *Journal of Wildlife Management* (Ratti, J. and L. Smith, 1998). ([Appendix 1](#)) To the extent that there are any inconsistencies between these *Procedures for the Preparation and Distribution of Reports* and the guidance provided by Ratti, J. and L. Smith (1998), the instructions provided in these *Procedures* shall be followed.

The primary changes in these *Procedures*, as compared to the previous version of this document (July 2002), clarify the peer review process and apply consistency to final report procedures for all projects funded by the Trustee Council.

The Trustee Council encourages principal investigators to publish the results of their work in peer-reviewed journals. All manuscripts shall include the Disclaimer Statement on page 8. Manuscripts or journal articles may be used to help satisfy final report requirements. (See Use of Manuscripts for Final Report Writing, page 7.)

FINAL REPORTS

Purpose: A final report for a project must be a comprehensive report addressing all the objectives identified over the course of the entire study. The final report shall address the original objectives of the study as identified in the approved proposal and account for any changes in the objectives. The principal investigator for a project is responsible for the submission and production of a final report. To ensure report obligations are met, future project funding is dependent upon completion of project deliverables.

Deleted: Final Natural Resource Damage Assessment (NRDA) reports shall be viewed as both the first and last word on the subject for the purpose of damage assessment under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and its amendments.

Project Numbers: For purposes of identification each project is assigned a number. Natural Resource Damage Assessment (NRDA) projects are designated by alpha-numeric project numbers (e.g., MM6 for "Marine Mammal Study 6" or FS2 for "Fish/Shellfish Study 2"). Restoration projects, Gulf Ecosystem Monitoring and Research Program (GEM) projects, and other projects funded by the Trustee Council each have a five or six-digit project number (e.g., 95225, 030452). The first two digits identify the fiscal year in which the project was authorized; the last three or four digits provide a specific project identifier. Those projects funded between FY 1993 and FY 2002 have five digits; those funded for FY 2003 and after have six digits.

I. Preparation: Final Reports

A. **Final Report Format** – Authors shall follow the format set out below to prepare final reports. Reports shall meet normal scientific standards of completeness and detail that shall permit an independent scientific reader to evaluate the reliability and validity of the methods, data and analyses.

Deleted: Reports and Project Funding: To ensure report obligations are met, future project funding is dependent upon completion of project deliverables.

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Deleted: nt upon completion of project deliverables. Before any project funds may be expended, a principal investigator (PI) for each project must submit a signed form to the Executive Director indicating his/her agreement to abide by the Trustee Council's data and report requirements. If a principal investigator has an overdue report or manuscript from the previous year, no funds may be expended on the project involving the PI unless the report is submitted or a schedule for submission is approved by the Executive Director. ¶

1. **Report Cover** – The report shall have a front and back cover of quality cover stock. To ensure consistent appearance, the color shall be goldenrod. An example of a final report cover is provided. (Attachment A) A final report cover shall:

a. identify the report, using the appropriate series title, as a

- (1.) Restoration Project final report – series title: *Exxon Valdez* Oil Spill Restoration Project Final Report, or
- (2.) Gulf Ecosystem Monitoring and Research Project final report – series title: *Exxon Valdez* Oil Spill Gulf Ecosystem Monitoring and Research Project Final Report, or
- (3.) other series that may be designated by the Trustee Council;

- b. provide the report title;
- c. include the project identification number;
- d. identify the author(s) with appropriate affiliation(s);
- e. include the date (month and year) of publication; and
- f. include the following non-discrimination statement toward the bottom of the page on the inside front cover:

“The *Exxon Valdez* Oil Spill Trustee Council administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The Council administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972. If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information, please write to: EVOS Trustee Council, 441 West 5th Avenue, Suite 500, Anchorage, Alaska 99501-2340; or O.E.O. U.S. Department of the Interior, Washington D.C. 20240. “

- 2. **Title Page** – The Title Page of the report shall immediately follow the report cover page on white bond paper and be identical in terms of content and format to the front of the report cover page. (Attachment A)
- 3. **Study History, Abstract, Key Words, Project Data and Citation** – Following the Title Page, the report shall include, on not more than two pages: (1) a study history; (2) an abstract; (3) key words; (4) summary of data gathered during the project; and (5) a recommended citation for the final report. (Attachment A)
 - a. **Study History** – A brief study history shall include reference to any prior project numbers; changes in the title of the project or report over time; annual reports or other reports which contributed to the final report; and citation of publications that have preceded publication of the final report.
 - b. **Abstract** – An abstract, with a maximum length of 200 words (limit for processing through the National Technical Information Service), shall enable readers to quickly identify the basic content of the report, determine its relevance to their interests and thus decide

whether to read the document in its entirety. If the final report consists of several chapters or manuscripts (See Use of Manuscripts for Report Writing, page 7), the abstract shall summarize the entire report. Do not use abbreviations or acronyms in the abstract.

- c. **Key Words** – A short list of key words (up to 12 in alphabetical order) shall be provided. Include words from the title and others that identify: (1) common and scientific names of principal organisms, if any; (2) geographic area or region; (3) phenomena and entities studied (e.g., behavior, reproduction); (4) methods (only if the report describes a new or improved method); and (5) other words not covered above but useful for indexing.
 - d. **Project Data** – A summary of the data collected during the project shall be provided in order to preserve the opportunity for other researchers and the public to access this data in the future. The summary shall: (1) describe the data; (2) indicate the format of the available data collections; (3) identify the archive in which the data have been stored or the custodian of the data (including contact name, organization, address, phone/fax, e-mail, and web address where data may be acquired); and (4) indicate any access limitations placed on the data. Limiting access requires pre-approval by the Trustee Council Office.
 - e. **Citation** – A recommended citation for the final report shall be provided. See Attachment A for the correct citation format.
4. **Remainder of Report** – After the Study History, Abstract, Key Words, Project Data and Citation, the report shall continue as follows:
- a. **Table of Contents, including Lists of Tables, Figures and Appendices.**
 - b. **Executive Summary** – The executive summary shall:
 - (1.) consolidate principal points of the report in one place and provide enough detail for the reader to digest the significance of the report without having to read it in full;
 - (2.) be written so that it can stand independently of the report (i.e., it must not refer to figures, tables or references contained elsewhere and all acronyms, uncommon symbols, and abbreviations must be spelled out);
 - (3.) not exceed four single-spaced pages;
 - (4.) concisely state the objectives, methods, results and conclusions of the report; and

(5.) be organized in the same manner as the report it summarizes.

c. Introduction – The introduction shall:

- (1.) present first, with all possible clarity, the nature and scope of the problem investigated, including the general area in which field activities were conducted; and
- (2.) review pertinent literature, state the method(s) of investigation and briefly state principal results.

d. Objectives – The statement of objectives shall be the same as the objectives identified in the approved proposal. If the objectives have changed, describe what has changed and why.

e. Methods – The discussion of methods shall include a clear description of the study area. To the extent the methodology differs from that described in the proposal, explain the reason for the deviation.

f. Results – The presentation of results shall provide an objective and clear presentation of the data collected.

g. Discussion – The discussion section shall:

- (1.) interpret the study results and explore the meaning and significance of the findings, including alternative interpretations of the results;
- (2.) discuss whether the study hypotheses are upheld or disproven;
- (3.) note where there are unanswered questions; and
- (4.) where appropriate, cite relevant findings from other *Exxon Valdez* oil spill restoration studies, including GEM studies, and published literature.

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Deleted: <#>provide an objective and clear presentation of the data collected; and¶
<#>in the case of damage assessment studies, present information in a manner that will make clear to the reader: (1) evidence of injury found, and (2) evidence that the injury found was or was not caused by the *Exxon Valdez* oil spill.¶

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h. **Conclusions** – This shall be a brief, clear statement of the conclusions that are apparent from the discussion. Major unanswered questions shall be identified.

i. **Acknowledgments**

j. **Literature Cited**

k. **Other References** – If there is a need to list references other than the literature cited (e.g., personal communications), these references shall be identified in this section.

B. Technical Format – The following guidelines shall help provide consistent formatting:

1. Word Processing Conventions

a. Standard Settings

Line

Line spacing: single
Hyphenation: off (i.e., do not hyphenate at right margin)
Justification: left (i.e., do not right-justify margins)
Margins: 1 inch at top, bottom
1 inch left, right
Tabs: every 0.5"
Widow Protection: yes

Page

Page numbering: bottom center
Header: none

Font

Times: 12 point

Note: If Times is not available, some other serif font shall be used (e.g., Palatino, Bookman or New Century Schoolbook).

b. Literature Citations – In the Literature Cited section, start each citation with a hanging indent as shown below:

Byrd, G.V., D. Gibson, and D.L. Johnson. 1974. The birds of Adak Island, Alaska. Condor 76:288-300.

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2. Other Conventions

- a. Use italics, rather than underlining, for Latin names and for *Exxon Valdez*.
- b. Use good quality white paper 8.5 x 11" (215 x 280mm) or metric size A4.
- c. Do not use dot matrix printers to print the report.
- d. When referring to the oil spill that occurred because the *Exxon Valdez* ran aground, use *Exxon Valdez* oil spill. After the first mention of the *Exxon Valdez* oil spill, refer to it simply as the spill.
- e. Clearly define any acronyms. Avoid the use of acronyms completely in the Abstract and Executive Summary.
- f. Use the terms "damages" and "injury" as defined by CERCLA regulations (See 43 CFR 11.14):
 - (1.) "Damages" means the amount of money sought by the natural resource trustee as compensation for injury, destruction or loss of natural resources.
 - (2.) "Injury" means a measurable adverse change, either long or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil. Injury encompasses the phrases "destruction" and "loss."
 - (3.) "Destruction" means the total and irreversible loss of a natural resource.
 - (4.) "Loss" means a measurable adverse reduction of a chemical or physical quality or viability of a natural resource.

C. Use of Manuscripts for Final Report Writing – The Trustee Council encourages principal investigators to publish the results of their work in peer-reviewed journals. *With the approval of the Science Director, on a project-by-project basis, manuscripts or journal articles may be used to help satisfy project final report writing requirements. When a manuscript is used to fulfill report requirements, it is strongly preferred that the manuscript be in draft form before it has been submitted to a journal to allow duplication without violation of copyright or publication rights. (See the section on Copyright and Publication Rights page 8.)*

Comment [PH1]: Pete Hagen suggests that portions from the 1998 edition of the procedures be included here.

Comment [KF2]: Kurt Fredriksson does not support requiring the PIs to publish their results in journals.

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Comment [JK3]: Jenifer Kohout supports this.

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1. **Authority to Use Manuscripts** – Principal investigators shall contact the Science Director at the Trustee Council Office to request authority to use a manuscript(s) as the body of a final report.
2. **Objectives** – Because final reports are the primary and permanent record of how Trustee Council funds have been spent and what has been accomplished with those funds, it is necessary that these reports address all of the objectives for which the Trustee Council has provided funds.
 - a. If all of the project's objectives are completely described within one or more manuscripts being prepared for publication, a copy of the manuscript(s) may be submitted as the entire body of the report. (See Standard Format requirements in the next section.)
 - b. If a project's objectives are not all described completely within one or more manuscripts, the manuscript(s) may serve as a portion of the report. For example, if only two of five project objectives are addressed in a manuscript, the report shall include – in addition to the manuscript – information on the three objectives not covered in the manuscript. The two objectives covered by the manuscript shall be referenced in the report as appropriate (e.g., in the Methods and Results sections) and substantially integrated into the Discussion section, where there shall be an overall discussion of the project. In such cases, the combination of the manuscript and additional report material shall present an organized, integrated and complete account of project activities and results.
3. **Standard Format** – Every report, regardless of whether it is in the standard format or includes manuscripts, shall adhere to the formatting prescribed for the Report Cover, Title Page, Study History, Abstract, Key Words, Project Data and Citation (See Final Report Format, page 2).
4. **Copyright and Publication Rights** – When a manuscript is used to fulfill report writing requirements, it must be in a form that can be duplicated freely and posted on the Trustee Council website. This may require obtaining permission from the publisher. When appropriate:
 - a. The author shall provide the Trustee Council Office with a copy of the publisher's written permission to duplicate and post the article as part of the report.
 - b. The statement “This article is reprinted with permission from the publisher.” shall precede the journal article(s) in the report.
5. **Disclaimer Statement** – Investigators seeking to publish the results of Trustee Council sponsored projects shall include the following statement with all manuscripts:

Comment [KF4]: Kurt Fredriksson wants the Trustee Council to retain the publishing rights and require publishers to seek approval from the Council subject to a profit sharing agreement.

Comment [ch5]: Carrie Holba – Publishers' requirements concerning copyright and publication rights differ from journal to journal. It is expected that the author will comply with the publisher's requirements. Some publishers require the author to sign over copyright. Other publishers require exclusive publication rights, but allow the author to retain copyright. Most require a written request to use the article in another publication. The federal government has certain non-exclusive rights to use a federally funded work for non-commercial, governmental purposes. Questions regarding interpretation of copyright law should be directed to the attorneys.

Comment [ch6]: Carrie Holba – This is prudent and formalizes the current practice. Copies of these statements are kept on file at the EVOS office and ARLIS. Many publishers provide online permission request forms for convenience.

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"The research described in this paper was supported by the Exxon Valdez Oil Spill Trustee Council. However, the findings and conclusions presented by the author(s) are their own and do not necessarily reflect the views or position of the Trustee Council."

6. **Reprints** – Investigators who publish the results of Trustee Council sponsored projects shall provide the Trustee Council Office (attention: Science Director) 3 reprints of any published manuscript. The Trustee Council Office shall provide 1 of the reprints to the Alaska Resources Library and Information Services (ARLIS).

- D. **Due Date** – Draft final reports shall be submitted for peer review by April 15 of the year following the fiscal year in which project work was completed unless a different date is specified in the approved proposal or contract. If this due date cannot be met, the principal investigator or liaison shall file an extension request with the Science Director at least 15 days prior to the due date. The request must be in writing and state a reason the report will be late. With approval of the Executive Director, an alternative final report due date may be identified. Draft final reports will undergo the peer review process outlined below. Principal investigators shall address peer review comments as appropriate for the final report. A final report shall be delivered to the Trustee Council office 30 days after receipt of review comments.

II. Review Process

- A. **Submission of Draft Final Reports for Peer Review** – The principal investigator shall submit 1 paper copy and 1 electronic copy of the draft final report to the Science Director for peer review. The electronic copy shall be submitted as a word processing document (most recent version of Microsoft Word for Windows or WordPerfect) with any figures and tables imbedded.

Science Director
Trustee Council Office
441 W. 5th Ave., Suite 500
Anchorage, AK 99501

phone: (907) 278-8012
fax: (907) 276-7178
science_director@evostc.state.ak.us

- B. **Draft Final Report Peer Review and Acceptance Process** – Draft final reports shall be scientifically or technically peer reviewed under the direction of the Science Director:

1. The Science Director shall secure the services of a minimum of two qualified reviewers who will provide comments, identify questions, and suggest revisions as appropriate for the report.

Deleted: F

Comment [PH7]: Pete Hagen – if a report is undergoing peer review for a journal submission, will it still need an EVOS peer review? What about non-scientific reports for deliverables such as maps, databases, etc.? Are they subject to peer review?

Comment [DP8]: Drue Pearce supports these procedures and the current practice of allowing public comment on TC decisions, not draft scientific reports.

Comment [KF9]: Kurt Fredriksson recommends using the OPM Bulletin on peer review, adding a step for public review, and making peer reviewer names and comments publicly available.

Comment [JK10]: Jennifer Kohout supports these procedures.

2. Reviewers will be selected based upon experience, expertise, availability, and objectivity.
3. Reviewers will be screened to avoid conflicts of interest and shall sign a conflict of interest disclosure form before being selected for a peer review.
4. Peer reviews will be confidential. Comments will be submitted in writing to the Science Director.
5. Peer reviewers will be anonymous to the authors of the report and the general public.
6. The Science Director shall consolidate the peer review comments and provide the consolidated comments and any recommendations in writing to the principal investigator(s).
7. Final reports shall be revised by the principal investigator to address peer review comments within 30 days of receiving them. The final report shall be resubmitted for final acceptance, as above, by the Science Director. (1 paper copy and 1 electronic copy of the revised final report to the Science Director).
8. Once the final report is accepted, the Science Director shall notify the principal investigator in writing and send a copy of the letter of acceptance to the project manager and ARLIS.
9. Final reports will not be distributed from the Trustee Council Office until peer review is complete.

Comment [c11]: Gina Belt – can we tie these requirements more directly to the project being reviewed?

Comment [DP12]: Drue Pearce supports this practice.

C. Final Report Review of Format – Once the content of the report is accepted by the Science Director, the principal investigator shall prepare the final report for publication.

1. **Format Review** – Within 30 days of the date on which the Science Director accepts the final report, the principal investigator shall remove all references to “draft” from the report and submit the first several pages of the approved final report to ARLIS for format review (i.e., Cover, Title Page, Study History, Abstract, Key Words, Project Data and Citation). These pages can be mailed, faxed, or e-mailed to ARLIS (attention: Carrie Holba):

Carrie Holba
ARLIS
Suite 111, Library Bldg.
3211 Providence Drive
Anchorage AK 99508

phone (907) 786-7660
fax (907) 786-7652
carrie@arlis.org

2. **Revisions** – Within 15 days of receipt of the first several pages of the final report, ARLIS staff shall review it for compliance with the report format standards and notify the principal investigator in writing regarding any changes that need to be made.
3. **Approval** – To be certain that format revisions are made correctly, the principal investigator shall fax or e-mail a copy of the corrected version to ARLIS within 30 days of the format review. The principal investigator shall not reproduce the report until format approval is confirmed in writing by ARLIS.

III. Printing and Distribution Process

- A. **Reproduction and Number of Copies** – Within 60 days of the date of the written confirmation from ARLIS indicating approval of the final report format, the principal investigator shall produce final copies as follows:
 1. **Two-sided Pages** – The body of the report shall be printed in two-sided format to reduce the space needed to store reports.
 2. **Number of Copies** – The principal investigator shall provide a total of 20 paper copies and 2 electronic copies, as follows:
 - a. **8 bound copies, 2 camera-ready copies and 1 electronic copy** of the approved final report to ARLIS, which shall include a copy for the Science Director and a copy for the Trustee Council's official record. A camera-ready copy is an unbound copy of the report as it will appear in its final format, except that it is single-sided with blank pages inserted as appropriate. The electronic copy shall be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document (using the most recent versions of Acrobat, Word, or Word Perfect) with all figures and tables imbedded. The preferred Acrobat file format is 'formatted text with graphics' format. Minimally, "PDF searchable image" format may be used if pre-approved by the Trustee Council Office. In either case, the PDF file shall not be secured or locked from future editing, or contain a digital signature from the principal investigator; and
 - b. **1 electronic copy** to the Science Director. The electronic copy shall be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document, according to the requirements listed in the previous section.
- B. **Binding** – Copies of final reports shall be bound using PERFECT binding. Smaller reports may be bound with black tape or comb binding. Very small reports may be bound with staples in three places along the spine, but only

when other binding options are not available. Questions regarding binding shall be directed to ARLIS (attention: Carrie Holba; see address, page 10).

- C. **Distribution of Final Reports** – ARLIS shall distribute the bound and camera-ready copies of final reports to the appropriate individuals and libraries. (Attachment C) Final reports shall be posted on the Trustee Council website at www.evostc.state.ak.us.

ANNUAL REPORTS

Purpose: In the case of multi-year projects, an annual report shall be prepared each year until the project is completed, at which time a final report shall be prepared. All NRDA annual reports have been completed, and so are not addressed in this section of the *Procedures*. The principal investigator for a project is responsible for the submission and production of an annual report.

I. Preparation of Annual Reports

Comment [c13]: Gina Belt has concerns about annual reports being publicly available.

- A. **Annual Report Format** – Annual reports shall be brief documents (2-3 pages) that include the information listed below. An example of the annual report form, available for downloading from the Trustee Council's web site (www.evostc.state.ak.us) or from the Trustee Council Office upon request, is provided. (Attachment B)

1. **Project Number**
2. **Project Title**
3. **Principal Investigator's Name(s)**
4. **Time Period Covered by the Report**
5. **Date of Report**
6. **Summary of Work Performed** – This section shall include a brief summary of work performed during the reporting period, including any results available to date and their relationship to the original project objectives. Any deviation from the original project objectives, procedures or statistical methods, study area, or schedule shall be included. Any known problems or unusual developments, and any other significant information pertinent to the project, shall also be described.
7. **Summary of Future Work to be Performed** – This brief summary shall describe work to be performed during the upcoming year, if changed from the original proposal. A description of any proposed

changes in objectives, procedural or statistical methods, study area, or schedule shall be included.

8. **Coordination/Collaboration** – This section shall describe efforts undertaken during the reporting period to achieve the coordination and collaboration provisions of the proposal, if applicable.
9. **Community Involvement/TEK and Resource Management Applications** – This section shall describe efforts undertaken during the reporting period to achieve the community involvement/TEK and resource management application provisions of the proposal, if applicable.
10. **Information Transfer** – This section shall list (1) publications produced during the reporting period, (2) conference and workshop presentations and attendance during the reporting period, and (3) data and/or information products developed during the reporting period.
11. **Budget** – This section shall explain any differences and/or problems between actual and budgeted expenditures, including any substantial changes in the allocation of funds among line items on the budget form. Any new information regarding matching funds or funds from non-Trustee Council sources for the project shall be included.

B. **Due Date** – Annual reports shall be submitted by September 1 of each fiscal year for which a project receives funding, with the exception of the final funding year in which a final report shall be prepared. The information in the annual reports shall be a key component in the Trustee Council's annual decision to continue funding a project. Failure to submit an annual report by September 1 of each year, or unsatisfactory review of an annual report, will result in withholding of additional project funds, and may result in cancellation of the project or denial of funding for future projects.

II. **Review Process: Annual Reports**

A. **Submission of Annual Report for Review** – The principal investigator shall electronically submit the annual report to the Science Director, care of science_director@evostc.state.ak.us. The subject line of the e-mail transmitting the report must include the project number and the words "annual report" (e.g., "035620 Annual Report"). Electronic reports shall be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document (using the most recent versions of Acrobat, Word, or Word Perfect) with all figures and tables imbedded. The preferred Acrobat file format is 'formatted text with graphics' format. Minimally, "PDF searchable image" format may be used if pre-approved by the Trustee Council Office. In either

case, the PDF file shall not be secured or locked from future editing, or contain a digital signature from the principal investigator

- B. Annual Report Review Process** – Annual reports shall be reviewed by the Science Director. Under the guidance of the Science Director, annual reports may also be reviewed by qualified outside peer reviewers. The review process shall be used to determine whether continued funding of the project is warranted and to guide further work on the project. Any written comments on annual reports shall be provided to the principal investigator and kept on file at the Trustee Council Office, available upon request.

III. Distribution of Annual Reports

Annual reports shall be kept on file as public documents at the Trustee Council Office, available upon request. Annual reports shall also be posted on the Trustee Council's website at www.evostc.state.ak.us.

QUARTERLY REPORTS

Quarterly reports address administrative reporting requirements. Principal investigators shall work with their agency liaisons to fulfill their quarterly reporting obligations as outlined in the Invitation for Proposals and the General Operating Procedures of the Trustee Council.

DRAFT

ATTACHMENT A

Exxon Valdez Oil Spill
Restoration Project Final Report

Responses of River Otters to Oil Contamination:
A Controlled Study of Biological Markers

Restoration Project 99348
Final Report

**NOTE: The Report
Cover must be
quality cover stock,
goldenrod in color.**

Merav Ben-David
R. Terry Bowyer
Lawrence K. Duffy

Institute of Arctic Biology
311 Irving Building
University of Alaska Fairbanks
Fairbanks, Alaska 99775

for:

Alaska Department of Fish and Game
Habitat and Restoration Division
333 Raspberry Road
Anchorage, Alaska 99518

September 1999

**NOTE: The statement
below must be printed on
the back of the goldenrod
Report Cover.**

The *Exxon Valdez* Oil Spill Trustee Council administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The Council administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972. If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information, please write to: EVOS Trustee Council, 441 West 5th Avenue, Suite 500, Anchorage, Alaska 99501-2340; or O.E.O. U.S. Department of the Interior, Washington, D.C. 20240.

Exxon Valdez Oil Spill
Restoration Project Final Report

Responses of River Otters to Oil Contamination:
A Controlled Study of Biological Markers

Restoration Project 99348
Final Report

**NOTE: The Title
Page must be on
white bond paper.**

Merav Ben-David
R. Terry Bowyer
Lawrence K. Duffy

Institute of Arctic Biology
311 Irving Building
University of Alaska Fairbanks
Fairbanks, Alaska 99775

for:

Alaska Department of Fish and Game
Habitat and Restoration Division
333 Raspberry Road
Anchorage, Alaska 99518

September 1999

Responses of River Otters to Oil Contamination:
A Controlled Study of Biological Stress Markers

Restoration Project 99348
Final Report

Study History: Project 99348 originated from the need to better understand the effects of contamination by crude oil on biomarkers in river otters (*Lontra canadensis*). Previous studies demonstrated elevated levels of biomarkers in river otters from oiled areas compared with those from non-oiled areas throughout Prince William Sound, Alaska, shortly following the *Exxon Valdez* oil spill (EVOS). Although the data collected to date strongly indicated a correlation between oil contamination and physiological stress in river otters, this evidence required verification through controlled experiments as identified by the EVOS Trustee Council review process (1997). This 2-year project was conducted at the Alaska SeaLife Center in Seward, Alaska, USA, between April 1998 and March 1999. Additional funding was provided by the Council for completion of 3 manuscripts in FY 2000 for publication in a peer-reviewed journal.

Abstract: In this study, we experimentally determined the effects of oil contamination on river otters. Fifteen wild-caught male river otters were exposed to 2 levels of weathered crude oil (i.e., control, 5 ppm/day/kg body mass, and 50 ppm/day/kg body mass) under controlled conditions in captivity at the Alaska SeaLife Center in Seward, Alaska. Responses of captive river otters to oil ingestion provided mixed results in relation to biomarkers. Although hemoglobin, white blood cells, alkaline phosphatase, and possibly interleukin-6 immunoreactive responded in the expected manner, other parameters did not. Aspartate Aminotransferase Alanine Aminotransferase haptoglobin did not increase in response to oiling or decrease during rehabilitation. In addition, although expression of P450-1A increased in captive river otters during oiling, several inconsistencies in the data complicated data interpretation. Nonetheless, we were able to establish that reduction in hemoglobin led to increase in energetic costs of terrestrial locomotion, decrease in aerobic dive limit, and potential increase in foraging time due to a decrease in total length of submergence during each foraging bout. We offer a theoretical physiological model to describe interactions between the different biomarkers and advocate the exploration and development of other biomarkers that will be independent of the heme cycle.

Key Words: Aerobic dive limit, Alaska, captivity, CYP1A, crude oil, hemoglobin, immuno-histochemistry, liver enzymes, *Lontra canadensis*, lymphocytes, oxygen consumption, quantitative RT-PCR.

Project Data: *Description of data* – data was collected from live animals held in captivity at the Alaska SeaLife Center. Blood and other tissues were sampled and processed in different laboratories. Additional samples are archived at the Institute of Arctic Biology, UAF. *Format* – All data were entered as Excel spreadsheets. *Custodian* – contact Merav Ben-David, Institute of Arctic Biology, 311 Irving Building, University of Alaska Fairbanks, Fairbanks, Alaska 99775.

Citation:

Ben-David, M., R.T. Bowyer, and L.K. Duffy. 1999. Responses of river otters to oil contamination: A controlled study of biological stress markers, *Exxon Valdez* Oil Spill Restoration Project Final Report (Restoration Project 99348), Alaska Department of Fish and Game, Habitat and Restoration Division, Anchorage, Alaska.

DRAFT

EVOS ANNUAL PROJECT REPORT

All recipients of funds from the *Exxon Valdez* Oil Spill Trustee Council must submit an annual project report in the following format by September 1 of each fiscal year for which project funding is received, with the exception of the final funding year in which a final report must be submitted. Satisfactory review of the annual report is necessary for continuation of multi-year projects. Failure to submit an annual report by September 1 of each year, or unsatisfactory review of an annual report, will result in withholding of additional project funds and may result in cancellation of the project or denial of funding for future projects.

PLEASE NOTE: Significant changes in a project's objectives, methods, schedule, or budget require submittal of a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.

Project Number:

Project Title:

PI Name:

Time Period Covered by Report:

Date of Report:

1. **Work Performed:** Summarize work performed during the reporting period, including any results available to date and their relationship to the original project objectives. Describe and explain any deviation from the original project objectives, procedural or statistical methods, study area, or schedule. Also describe any known problems or unusual developments, and whether and how they have been or can be overcome. Include any other significant information pertinent to the project.
2. **Future Work:** Summarize work to be performed during the upcoming year, if changed from the original proposal. Describe any proposed changes in objectives, procedural or statistical methods, study area, or schedule. **[PLEASE NOTE:** Significant changes in a project's objectives, methods, schedule, or budget require submittal of a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.]
3. **Coordination/Collaboration:** Describe efforts undertaken during the reporting period to achieve the coordination and collaboration provisions of the proposal, if applicable.

4. **Community Involvement/TEK & Resource Management Applications:**

Describe efforts undertaken during the reporting period to achieve the community involvement/TEK and resource management application provisions of the proposal, if applicable.

5. **Information Transfer:** List (a) publications produced during the reporting period, (b) conference and workshop presentations and attendance during the reporting period, and (c) data and/or information products developed during the reporting period. [PLEASE NOTE: Lack of compliance with the Trustee Council's data policy and/or the project's data management plan will result in withholding of additional project funds, cancellation of the project, or denial of funding for future projects.]

6. **Budget:** Explain any differences and/or problems between actual and budgeted expenditures, including any substantial changes in the allocation of funds among line items on the budget form. Also provide any new information regarding matching funds or funds from non-EVOS sources for the project. [PLEASE NOTE: Any request for an increased or supplemental budget must be submitted as a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.]

Signature of PI: _____

Project Web Site Address: _____

SUBMIT ANNUAL REPORTS ELECTRONICALLY TO science_director@evostc.state.ak.us. THE REPORTS WILL BE POSTED ON THE TRUSTEE COUNCIL'S WEB SITE AND SHOULD ALSO BE POSTED ON THE PI'S WEB SITE. The subject line of the e-mail transmitting the report must include the project number and the words "annual report" (e.g., "035620 Annual Report"). Electronic reports must be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document (using the most recent versions of Acrobat, Word, or Word Perfect) with all figures and tables imbedded. The preferred Acrobat file format is 'formatted text with graphics' format. Minimally, "PDF searchable image" format may be used if pre-approved by the Trustee Council Office. In either case, the PDF file shall not be secured or locked from future editing, or contain a digital signature from the principal investigator.

ATTACHMENT C

Distribution of Final Reports

The Alaska Resources Library and Information Services (ARLIS) receives and distributes 18 bound copies and 2 camera-ready copies of the final reports as follows:

ARLIS collection (6 bound, 1 electronic and 1 camera-ready copy)*
Alaska State Library (4 bound copies)**
Holmes Johnson Library (Kodiak) (1 bound copy)
National Marine Fisheries Service Auke Bay Laboratory (1 bound copy)
National Library of Canada (Ottawa) (1 bound copy)
National Technical Information Service (1 bound copy and 1 camera-copy for reproduction upon request)
University of Alaska Anchorage (1 bound copy)
University of Alaska Southeast (Juneau) (1 bound copy)
University of Washington Library (1 bound copy)
Valdez Consortium Library (1 bound copy)

*ARLIS distributes its 6 bound copies as follows:

1 to the Trustee Council's Science Director
1 to the Trustee Council's official record
4 to the ARLIS permanent collection

** The Alaska State Library distributes its 4 copies as follows:

Alaska State Library
Alaska Historical Library
E. E. Rasmuson Library (University of Alaska Fairbanks)
Library of Congress

Draft

Procedures for the Preparation & Distribution of Reports

Updated: June 26, 2006

Exxon Valdez Oil Spill Trustee Council
441 West 5th Avenue, Suite 500
Anchorage, Alaska 99501-2340
Phone: 907-278-8012
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Outside Alaska: 800-283-7745
E-mail: restoration@evostc.state.ak.us
www.evostc.state.ak.us

Exxon Valdez Oil Spill Trustee Council
Procedures for the Preparation & Distribution of Reports

Effective __/__/__

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Ratti, J. and L. Smith. 1998. Manuscript guidelines for the Journal of Wildlife Management, 62 (1. Supplement), The Wildlife Society.	

Exxon Valdez Oil Spill Trustee Council

Procedures for the Preparation & Distribution of Reports

DRAFT

Effective / /

INTRODUCTION

These *Procedures for the Preparation and Distribution of Reports* provide instructions regarding the preparation, peer review, printing and distribution of final and annual reports for projects funded by the Exxon Valdez Oil Spill Trustee Council. Quarterly reports address administrative reporting requirements. Principal investigators shall work with their agency liaisons to fulfill their quarterly reporting obligations as outlined in the *Invitation for Proposals* and the *General Operating Procedures of the Trustee Council*.

Unless otherwise specified by the Trustee Council Office, each project funded by the Trustee Council shall ultimately produce a final report that has been subjected to the Trustee Council's peer review process. In the case of multi-year projects, an annual report shall also be prepared each year until the project is completed, at which time a final report shall be prepared. Subject to the approval of the Trustee Council Office, on a project-by-project basis, journal articles or manuscripts may be used to fulfill requirements for the preparation of final reports (See page 7).

These *Procedures for the Preparation and Distribution of Reports* update and supersede earlier versions of this document and should be read together with the report writing guidelines published by the *Journal of Wildlife Management* (Ratti, J. and L. Smith, 1998). (Appendix 1) To the extent that there are any inconsistencies between these *Procedures for the Preparation and Distribution of Reports* and the guidance provided by Ratti, J. and L. Smith (1998), the instructions provided in these *Procedures* shall be followed.

The primary changes in these *Procedures*, as compared to the previous version of this document (July 2002), clarify the peer review process and apply consistency to final report procedures for all projects funded by the Trustee Council.

The Trustee Council encourages principal investigators to publish the results of their work in peer-reviewed journals. All manuscripts shall include the Disclaimer Statement on page 8. Manuscripts or journal articles may be used to help satisfy final report requirements. (See *Use of Manuscripts for Final Report Writing*, page 7.)

FINAL REPORTS

Purpose: A final report for a project must be a comprehensive report addressing all the objectives identified over the course of the entire study. The final report shall address the original objectives of the study as identified in the approved proposal and account for any changes in the objectives. The principal investigator for a project is responsible for the submission and production of a final report. To ensure report obligations are met, future project funding is dependent upon completion of project deliverables.

Project Numbers: For purposes of identification each project is assigned a number. Natural Resource Damage Assessment (NRDA) projects are designated by alpha-numeric project numbers (e.g., MM6 for "Marine Mammal Study 6" or FS2 for "Fish/Shellfish Study 2"). Restoration projects, Gulf Ecosystem Monitoring and Research Program (GEM) projects, and other projects funded by the Trustee Council each have a five or six-digit project number (e.g., 95225, 030452). The first two digits identify the fiscal year in which the project was authorized; the last three or four digits provide a specific project identifier. Those projects funded between FY 1993 and FY 2002 have five digits; those funded for FY 2003 and after have six digits.

I. Preparation: Final Reports

A. Final Report Format – Authors shall follow the format set out below to prepare final reports. Reports shall meet normal scientific standards of completeness and detail that shall permit an independent scientific reader to evaluate the reliability and validity of the methods, data and analyses.

1. Report Cover – The report shall have a front and back cover of quality cover stock. To ensure consistent appearance, the color shall be goldenrod. An example of a final report cover is provided. (Attachment A) A final report cover shall:

- a. identify the report, using the appropriate series title, as a
 - (1.) Restoration Project final report – series title: *Exxon Valdez* Oil Spill Restoration Project Final Report, or
 - (2.) Gulf Ecosystem Monitoring and Research Project final report – series title: *Exxon Valdez* Oil Spill Gulf Ecosystem Monitoring and Research Project Final Report, or
 - (3.) other series that may be designated by the Trustee Council;

- b. provide the report title;
- c. include the project identification number;
- d. identify the author(s) with appropriate affiliation(s);
- e. include the date (month and year) of publication; and
- f. include the following non-discrimination statement toward the bottom of the page on the inside front cover:

“The *Exxon Valdez* Oil Spill Trustee Council administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The Council administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972. If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information, please write to: EVOS Trustee Council, 441 West 5th Avenue, Suite 500, Anchorage, Alaska 99501-2340; or O.E.O. U.S. Department of the Interior, Washington D.C. 20240. “

- 2. **Title Page** – The Title Page of the report shall immediately follow the report cover page on white bond paper and be identical in terms of content and format to the front of the report cover page. (Attachment A)
- 3. **Study History, Abstract, Key Words, Project Data and Citation** – Following the Title Page, the report shall include, on not more than two pages: (1) a study history; (2) an abstract; (3) key words; (4) summary of data gathered during the project; and (5) a recommended citation for the final report. (Attachment A)
 - a. **Study History** – A brief study history shall include reference to any prior project numbers; changes in the title of the project or report over time; annual reports or other reports which contributed to the final report; and citation of publications that have preceded publication of the final report.
 - b. **Abstract** – An abstract, with a maximum length of 200 words (limit for processing through the National Technical Information Service), shall enable readers to quickly identify the basic content of the report, determine its relevance to their interests and thus decide

whether to read the document in its entirety. If the final report consists of several chapters or manuscripts (See Use of Manuscripts for Report Writing, page 7), the abstract shall summarize the entire report. Do not use abbreviations or acronyms in the abstract.

- c. **Key Words** – A short list of key words (up to 12 in alphabetical order) shall be provided. Include words from the title and others that identify: (1) common and scientific names of principal organisms, if any; (2) geographic area or region; (3) phenomena and entities studied (e.g., behavior, reproduction); (4) methods (only if the report describes a new or improved method); and (5) other words not covered above but useful for indexing.
- d. **Project Data** – A summary of the data collected during the project shall be provided in order to preserve the opportunity for other researchers and the public to access this data in the future. The summary shall: (1) describe the data; (2) indicate the format of the available data collections; (3) identify the archive in which the data have been stored or the custodian of the data (including contact name, organization, address, phone/fax, e-mail, and web address where data may be acquired); and (4) indicate any access limitations placed on the data. Limiting access requires pre-approval by the Trustee Council Office.
- e. **Citation** – A recommended citation for the final report shall be provided. See Attachment A for the correct citation format.

4. **Remainder of Report** – After the Study History, Abstract, Key Words, Project Data and Citation, the report shall continue as follows:

- a. **Table of Contents, including Lists of Tables, Figures and Appendices.**
- b. **Executive Summary** – The executive summary shall:
 - (1.) consolidate principal points of the report in one place and provide enough detail for the reader to digest the significance of the report without having to read it in full;
 - (2.) be written so that it can stand independently of the report (i.e., it must not refer to figures, tables or references contained elsewhere and all acronyms, uncommon symbols, and abbreviations must be spelled out);
 - (3.) not exceed four single-spaced pages;
 - (4.) concisely state the objectives, methods, results and conclusions of the report; and

(5.) be organized in the same manner as the report it summarizes.

c. Introduction – The introduction shall:

- (1.) present first, with all possible clarity, the nature and scope of the problem investigated, including the general area in which field activities were conducted; and
- (2.) review pertinent literature, state the method(s) of investigation and briefly state principal results.

d. Objectives – The statement of objectives shall be the same as the objectives identified in the approved proposal. If the objectives have changed, describe what has changed and why.

e. Methods – The discussion of methods shall include a clear description of the study area. To the extent the methodology differs from that described in the proposal, explain the reason for the deviation.

f. Results – The presentation of results shall provide an objective and clear presentation of the data collected.

g. Discussion – The discussion section shall:

- (1.) interpret the study results and explore the meaning and significance of the findings, including alternative interpretations of the results;
- (2.) discuss whether the study hypotheses are upheld or disproven;
- (3.) note where there are unanswered questions; and
- (4.) where appropriate, cite relevant findings from other *Exxon Valdez* oil spill restoration studies, including GEM studies, and published literature.

- h. **Conclusions** – This shall be a brief, clear statement of the conclusions that are apparent from the discussion. Major unanswered questions shall be identified.
- i. **Acknowledgments**
- j. **Literature Cited**
- k. **Other References** – If there is a need to list references other than the literature cited (e.g., personal communications), these references shall be identified in this section.

B. Technical Format – The following guidelines shall help provide consistent formatting:

1. Word Processing Conventions

a. Standard Settings

Line

Line spacing: single
Hyphenation: off (i.e., do not hyphenate at right margin)
Justification: left (i.e., do not right-justify margins)
Margins: 1 inch at top, bottom
 1 inch left, right
Tabs: every 0.5"
Widow Protection: yes

Page

Page numbering: bottom center
Header: none

Font

Times: 12 point

Note: If Times is not available, some other serif font shall be used (e.g., Palatino, Bookman or New Century Schoolbook).

- b. Literature Citations** – In the Literature Cited section, start each citation with a hanging indent as shown below:

Byrd, G.V., D. Gibson, and D.L. Johnson. 1974. The birds of Adak Island, Alaska. Condor 76:288-300.

2. Other Conventions

- a. Use italics, rather than underlining, for Latin names and for *Exxon Valdez*.
- b. Use good quality white paper 8.5 x 11" (215 x 280mm) or metric size A4.
- c. Do not use dot matrix printers to print the report.
- d. When referring to the oil spill that occurred because the *Exxon Valdez* ran aground, use *Exxon Valdez* oil spill. After the first mention of the *Exxon Valdez* oil spill, refer to it simply as the spill.
- e. Clearly define any acronyms. Avoid the use of acronyms completely in the Abstract and Executive Summary.
- f. Use the terms "damages" and "injury" as defined by CERCLA regulations (See 43 CFR 11.14):
 - (1.) "Damages" means the amount of money sought by the natural resource trustee as compensation for injury, destruction or loss of natural resources.
 - (2.) "Injury" means a measurable adverse change, either long or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil. Injury encompasses the phrases "destruction" and "loss."
 - (3.) "Destruction" means the total and irreversible loss of a natural resource.
 - (4.) "Loss" means a measurable adverse reduction of a chemical or physical quality or viability of a natural resource.

C. Use of Manuscripts for Final Report Writing – The Trustee Council encourages principal investigators to publish the results of their work in peer-reviewed journals. *With the approval of the Science Director, on a project-by-project basis, manuscripts or journal articles may be used to help satisfy project final report writing requirements. When a manuscript is used to fulfill report requirements, it is strongly preferred that the manuscript be in draft form before it has been submitted to a journal to allow duplication without violation of copyright or publication rights. (See the section on Copyright and Publication Rights, page 8.).*

1. **Authority to Use Manuscripts** – Principal investigators shall contact the Science Director at the Trustee Council Office to request authority to use a manuscript(s) as the body of a final report.
2. **Objectives** – Because final reports are the primary and permanent record of how Trustee Council funds have been spent and what has been accomplished with those funds, it is necessary that these reports address all of the objectives for which the Trustee Council has provided funds.
 - a. If all of the project's objectives are completely described within one or more manuscripts being prepared for publication, a copy of the manuscript(s) may be submitted as the entire body of the report. (See Standard Format requirements in the next section.)
 - b. If a project's objectives are not all described completely within one or more manuscripts, the manuscript(s) may serve as a portion of the report. For example, if only two of five project objectives are addressed in a manuscript, the report shall include – in addition to the manuscript – information on the three objectives not covered in the manuscript. The two objectives covered by the manuscript shall be referenced in the report as appropriate (e.g., in the Methods and Results sections) and substantially integrated into the Discussion section, where there shall be an overall discussion of the project. In such cases, the combination of the manuscript and additional report material shall present an organized, integrated and complete account of project activities and results.
3. **Standard Format** – Every report, regardless of whether it is in the standard format or includes manuscripts, shall adhere to the formatting prescribed for the Report Cover, Title Page, Study History, Abstract, Key Words, Project Data and Citation (See Final Report Format, page 2).
4. **Copyright and Publication Rights** – When a manuscript is used to fulfill report writing requirements, it must be in a form that can be duplicated freely and posted on the Trustee Council website. This may require obtaining permission from the publisher. When appropriate:
 - a. The author shall provide the Trustee Council Office with a copy of the publisher's written permission to duplicate and post the article as part of the report.
 - b. The statement "This article is reprinted with permission from the publisher." shall precede the journal article(s) in the report.
5. **Disclaimer Statement** – Investigators seeking to publish the results of Trustee Council sponsored projects shall include the following statement with all manuscripts:

“The research described in this paper was supported by the *Exxon Valdez* Oil Spill Trustee Council. However, the findings and conclusions presented by the author(s) are their own and do not necessarily reflect the views or position of the Trustee Council.”

6. **Reprints** – Investigators who publish the results of Trustee Council sponsored projects shall provide the Trustee Council Office (attention: Science Director) 3 reprints of any published manuscript. The Trustee Council Office shall provide 1 of the reprints to the Alaska Resources Library and Information Services (ARLIS).

- D. **Due Date** – Draft final reports shall be submitted for peer review by April 15 of the year following the fiscal year in which project work was completed unless a different date is specified in the approved proposal or contract. If this due date cannot be met, the principal investigator or liaison shall file an extension request with the Science Director at least 15 days prior to the due date. The request must be in writing and state a reason the report will be late. With approval of the Executive Director, an alternative final report due date may be identified. Draft final reports will undergo the peer review process outlined below. Principal investigators shall address peer review comments as appropriate for the final report. A final report shall be delivered to the Trustee Council office 30 days after receipt of reviewer's comments.

II. **Review Process**

- A. **Submission of Draft Final Reports for Peer Review** – The principal investigator shall submit 1 paper copy and 1 electronic copy of the draft final report to the Science Director for peer review. The electronic copy shall be submitted as a word processing document (most recent version of Microsoft Word for Windows or WordPerfect) with any figures and tables imbedded.

Science Director
Trustee Council Office
441 W. 5th Ave., Suite 500
Anchorage, AK 99501

phone: (907) 278-8012
fax: (907) 276-7178
science_director@evostc.state.ak.us

- B. **Draft Final Report Peer Review and Acceptance Process** – Draft final reports shall be scientifically or technically peer reviewed under the direction of the Science Director:

1. The Science Director shall secure the services of a minimum of two qualified reviewers who will provide comments, identify questions, and suggest revisions as appropriate for the report.

2. Reviewers will be selected based upon experience, expertise, availability, and objectivity.
3. Reviewers will be screened to avoid conflicts of interest and shall sign a conflict of interest disclosure form before being selected for a peer review.
4. Peer reviews will be confidential. Comments will be submitted in writing to the Science Director.
5. Peer reviewers will be anonymous to the authors of the report and the general public.
6. The Science Director shall consolidate the peer review comments and provide the consolidated comments and any recommendations in writing to the principal investigator(s).
7. Final reports shall be revised by the principal investigator to address peer review comments within 30 days of receiving them. The final report shall be resubmitted for final acceptance, as above, by the Science Director. (1 paper copy and 1 electronic copy of the revised final report to the Science Director).
8. Once the final report is accepted, the Science Director shall notify the principal investigator in writing and send a copy of the letter of acceptance to the project manager and ARLIS.
9. Final reports will not be distributed from the Trustee Council Office until peer review is complete.

C. Final Report Review of Format – Once the content of the report is accepted by the Science Director, the principal investigator shall prepare the final report for publication.

1. **Format Review** – Within 30 days of the date on which the Science Director accepts the final report, the principal investigator shall remove all references to “draft” from the report and submit the first several pages of the approved final report to ARLIS for format review (i.e., Cover, Title Page, Study History, Abstract, Key Words, Project Data and Citation). These pages can be mailed, faxed, or e-mailed to ARLIS (attention: Carrie Holba):

Carrie Holba
ARLIS
Suite 111, Library Bldg.
3211 Providence Drive
Anchorage AK 99508

phone (907) 786-7660
fax (907) 786-7652
carrie@arlis.org

2. **Revisions** – Within 15 days of receipt of the first several pages of the final report, ARLIS staff shall review it for compliance with the report format standards and notify the principal investigator in writing regarding any changes that need to be made.
3. **Approval** – To be certain that format revisions are made correctly, the principal investigator shall fax or e-mail a copy of the corrected version to ARLIS within 30 days of the format review. The principal investigator shall not reproduce the report until format approval is confirmed in writing by ARLIS.

III. Printing and Distribution Process

- A. **Reproduction and Number of Copies** – Within 60 days of the date of the written confirmation from ARLIS indicating approval of the final report format, the principal investigator shall produce final copies as follows:
 1. **Two-sided Pages** – The body of the report shall be printed in two-sided format to reduce the space needed to store reports.
 2. **Number of Copies** – The principal investigator shall provide a total of 20 paper copies and 2 electronic copies, as follows:
 - a. **8 bound copies, 2 camera-ready copies and 1 electronic copy** of the approved final report to ARLIS, which shall include a copy for the Science Director and a copy for the Trustee Council's official record. A camera-ready copy is an unbound copy of the report as it will appear in its final format, except that it is single-sided with blank pages inserted as appropriate. The electronic copy shall be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document (using the most recent versions of Acrobat, Word, or Word Perfect) with all figures and tables imbedded. The preferred Acrobat file format is 'formatted text with graphics' format. Minimally, "PDF searchable image" format may be used if pre-approved by the Trustee Council Office. In either case, the PDF file shall not be secured or locked from future editing, or contain a digital signature from the principal investigator; and
 - b. **1 electronic copy** to the Science Director. The electronic copy shall be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document, according to the requirements listed in the previous section.
- B. **Binding** – Copies of final reports shall be bound using PERFECT binding. Smaller reports may be bound with black tape or comb binding. Very small reports may be bound with staples in three places along the spine, but only

when other binding options are not available. Questions regarding binding shall be directed to ARLIS (attention: Carrie Holba; see address, page 10).

- C. Distribution of Final Reports** – ARLIS shall distribute the bound and camera-ready copies of final reports to the appropriate individuals and libraries. (Attachment C) Final reports shall be posted on the Trustee Council website at www.evostc.state.ak.us.

ANNUAL REPORTS

Purpose: In the case of multi-year projects, an annual report shall be prepared each year until the project is completed, at which time a final report shall be prepared. All NRDA annual reports have been completed, and so are not addressed in this section of the *Procedures*. The principal investigator for a project is responsible for the submission and production of an annual report.

I. Preparation of Annual Reports

- A. Annual Report Format** – Annual reports shall be brief documents (2-3 pages) that include the information listed below. An example of the annual report form, available for downloading from the Trustee Council's web site (www.evostc.state.ak.us) or from the Trustee Council Office upon request, is provided. (Attachment B)

- 1. Project Number**
- 2. Project Title**
- 3. Principal Investigator's Name(s)**
- 4. Time Period Covered by the Report**
- 5. Date of Report**
- 6. Summary of Work Performed** – This section shall include a brief summary of work performed during the reporting period, including any results available to date and their relationship to the original project objectives. Any deviation from the original project objectives, procedures or statistical methods, study area, or schedule shall be included. Any known problems or unusual developments, and any other significant information pertinent to the project, shall also be described.
- 7. Summary of Future Work to be Performed** – This brief summary shall describe work to be performed during the upcoming year, if changed from the original proposal. A description of any proposed

changes in objectives, procedural or statistical methods, study area, or schedule shall be included.

8. **Coordination/Collaboration** – This section shall describe efforts undertaken during the reporting period to achieve the coordination and collaboration provisions of the proposal, if applicable.
 9. **Community Involvement/TEK and Resource Management Applications** – This section shall describe efforts undertaken during the reporting period to achieve the community involvement/TEK and resource management application provisions of the proposal, if applicable.
 10. **Information Transfer** – This section shall list (1) publications produced during the reporting period, (2) conference and workshop presentations and attendance during the reporting period, and (3) data and/or information products developed during the reporting period.
 11. **Budget** – This section shall explain any differences and/or problems between actual and budgeted expenditures, including any substantial changes in the allocation of funds among line items on the budget form. Any new information regarding matching funds or funds from non-Trustee Council sources for the project shall be included.
- B. **Due Date** – Annual reports shall be submitted by September 1 of each fiscal year for which a project receives funding, with the exception of the final funding year in which a final report shall be prepared. The information in the annual reports shall be a key component in the Trustee Council's annual decision to continue funding a project. Failure to submit an annual report by September 1 of each year, or unsatisfactory review of an annual report, will result in withholding of additional project funds, and may result in cancellation of the project or denial of funding for future projects.

II. **Review Process: Annual Reports**

- A. **Submission of Annual Report for Review** – The principal investigator shall electronically submit the annual report to the Science Director, care of science_director@evostc.state.ak.us. The subject line of the e-mail transmitting the report must include the project number and the words "annual report" (e.g., "035620 Annual Report"). Electronic reports shall be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document (using the most recent versions of Acrobat, Word, or Word Perfect) with all figures and tables imbedded. The preferred Acrobat file format is 'formatted text with graphics' format. Minimally, "PDF searchable image" format may be used if pre-approved by the Trustee Council Office. In either

case, the PDF file shall not be secured or locked from future editing, or contain a digital signature from the principal investigator

- B. Annual Report Review Process** – Annual reports shall be reviewed by the Science Director. Under the guidance of the Science Director, annual reports may also be reviewed by qualified outside peer reviewers. The review process shall be used to determine whether continued funding of the project is warranted and to guide further work on the project. Any written comments on annual reports shall be provided to the principal investigator and kept on file at the Trustee Council Office, available upon request.

III. Distribution of Annual Reports

Annual reports shall be kept on file as public documents at the Trustee Council Office, available upon request. Annual reports shall also be posted on the Trustee Council's website at www.evostc.state.ak.us.

QUARTERLY REPORTS

Quarterly reports address administrative reporting requirements. Principal investigators shall work with their agency liaisons to fulfill their quarterly reporting obligations as outlined in the Invitation for Proposals and the General Operating Procedures of the Trustee Council.

DRAFT

ATTACHMENT A

Exxon Valdez Oil Spill
Restoration Project Final Report

Responses of River Otters to Oil Contamination:
A Controlled Study of Biological Markers

Restoration Project 99348
Final Report

**NOTE: The Report
Cover must be
quality cover stock,
goldenrod in color.**

Merav Ben-David
R. Terry Bowyer
Lawrence K. Duffy

Institute of Arctic Biology
311 Irving Building
University of Alaska Fairbanks
Fairbanks, Alaska 99775

for:

Alaska Department of Fish and Game
Habitat and Restoration Division
333 Raspberry Road
Anchorage, Alaska 99518

September 1999

**NOTE: The statement
below must be printed on
the back of the goldenrod
Report Cover.**

DRAFT

The *Exxon Valdez* Oil Spill Trustee Council administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The Council administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Action of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972. If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information, please write to: EVOS Trustee Council, 441 West 5th Avenue, Suite 500, Anchorage, Alaska 99501-2340; or O.E.O. U.S. Department of the Interior, Washington, D.C. 20240.

Exxon Valdez Oil Spill
Restoration Project Final Report

Responses of River Otters to Oil Contamination:
A Controlled Study of Biological Markers

Restoration Project 99348
Final Report

**NOTE: The Title
Page must be on
white bond paper.**

Merav Ben-David
R. Terry Bowyer
Lawrence K. Duffy

Institute of Arctic Biology
311 Irving Building
University of Alaska Fairbanks
Fairbanks, Alaska 99775

for:

Alaska Department of Fish and Game
Habitat and Restoration Division
333 Raspberry Road
Anchorage, Alaska 99518

September 1999

Responses of River Otters to Oil Contamination:
A Controlled Study of Biological Stress Markers

Restoration Project 99348
Final Report

Study History: Project 99348 originated from the need to better understand the effects of contamination by crude oil on biomarkers in river otters (*Lontra canadensis*). Previous studies demonstrated elevated levels of biomarkers in river otters from oiled areas compared with those from non-oiled areas throughout Prince William Sound, Alaska, shortly following the *Exxon Valdez* oil spill (EVOS). Although the data collected to date strongly indicated a correlation between oil contamination and physiological stress in river otters, this evidence required verification through controlled experiments as identified by the EVOS Trustee Council review process (1997). This 2-year project was conducted at the Alaska SeaLife Center in Seward, Alaska, USA, between April 1998 and March 1999. Additional funding was provided by the Council for completion of 3 manuscripts in FY 2000 for publication in a peer-reviewed journal.

Abstract: In this study, we experimentally determined the effects of oil contamination on river otters. Fifteen wild-caught male river otters were exposed to 2 levels of weathered crude oil (i.e., control, 5 ppm/day/kg body mass, and 50 ppm/day/kg body mass) under controlled conditions in captivity at the Alaska SeaLife Center in Seward, Alaska. Responses of captive river otters to oil ingestion provided mixed results in relation to biomarkers. Although hemoglobin, white blood cells, alkaline phosphatase, and possibly interleukin-6 immunoreactive responded in the expected manner, other parameters did not. Aspartate Aminotransferase Alanine Aminotransferase haptoglobin did not increase in response to oiling or decrease during rehabilitation. In addition, although expression of P450-1A increased in captive river otters during oiling, several inconsistencies in the data complicated data interpretation. Nonetheless, we were able to establish that reduction in hemoglobin led to increase in energetic costs of terrestrial locomotion, decrease in aerobic dive limit, and potential increase in foraging time due to a decrease in total length of submergence during each foraging bout. We offer a theoretical physiological model to describe interactions between the different biomarkers and advocate the exploration and development of other biomarkers that will be independent of the heme cycle.

Key Words: Aerobic dive limit, Alaska, captivity, CYP1A, crude oil, hemoglobin, immuno-histochemistry, liver enzymes, *Lontra canadensis*, lymphocytes, oxygen consumption, quantitative RT-PCR.

Project Data: *Description of data* – data was collected from live animals held in captivity at the Alaska SeaLife Center. Blood and other tissues were sampled and processed in different laboratories. Additional samples are archived at the Institute of Arctic Biology, UAF. *Format* – All data were entered as Excel spreadsheets. *Custodian* – contact Merav Ben-David, Institute of Arctic Biology, 311 Irving Building, University of Alaska Fairbanks, Fairbanks, Alaska 99775.

Citation:

Ben-David, M., R.T. Bowyer, and L.K. Duffy. 1999. Responses of river otters to oil contamination: A controlled study of biological stress markers, *Exxon Valdez* Oil Spill Restoration Project Final Report (Restoration Project 99348), Alaska Department of Fish and Game, Habitat and Restoration Division, Anchorage, Alaska.

DRAFT

EVOS ANNUAL PROJECT REPORT

All recipients of funds from the *Exxon Valdez* Oil Spill Trustee Council must submit an annual project report in the following format by September 1 of each fiscal year for which project funding is received, with the exception of the final funding year in which a final report must be submitted. Satisfactory review of the annual report is necessary for continuation of multi-year projects. Failure to submit an annual report by September 1 of each year, or unsatisfactory review of an annual report, will result in withholding of additional project funds and may result in cancellation of the project or denial of funding for future projects.

PLEASE NOTE: Significant changes in a project's objectives, methods, schedule, or budget require submittal of a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.

Project Number:

Project Title:

PI Name:

Time Period Covered by Report:

Date of Report:

1. **Work Performed:** Summarize work performed during the reporting period, including any results available to date and their relationship to the original project objectives. Describe and explain any deviation from the original project objectives, procedural or statistical methods, study area, or schedule. Also describe any known problems or unusual developments, and whether and how they have been or can be overcome. Include any other significant information pertinent to the project.
2. **Future Work:** Summarize work to be performed during the upcoming year, if changed from the original proposal. Describe any proposed changes in objectives, procedural or statistical methods, study area, or schedule. **[PLEASE NOTE:** Significant changes in a project's objectives, methods, schedule, or budget require submittal of a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.]
3. **Coordination/Collaboration:** Describe efforts undertaken during the reporting period to achieve the coordination and collaboration provisions of the proposal, if applicable.

4. **Community Involvement/TEK & Resource Management Applications:**
Describe efforts undertaken during the reporting period to achieve the community involvement/TEK and resource management application provisions of the proposal, if applicable.
5. **Information Transfer:** List (a) publications produced during the reporting period, (b) conference and workshop presentations and attendance during the reporting period, and (c) data and/or information products developed during the reporting period. [PLEASE NOTE: Lack of compliance with the Trustee Council's data policy and/or the project's data management plan will result in withholding of additional project funds, cancellation of the project, or denial of funding for future projects.]
6. **Budget:** Explain any differences and/or problems between actual and budgeted expenditures, including any substantial changes in the allocation of funds among line items on the budget form. Also provide any new information regarding matching funds or funds from non-EVOS sources for the project. [PLEASE NOTE: Any request for an increased or supplemental budget must be submitted as a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.]

Signature of PI: _____

Project Web Site Address: _____

SUBMIT ANNUAL REPORTS ELECTRONICALLY TO science_director@evostc.state.ak.us. THE REPORTS WILL BE POSTED ON THE TRUSTEE COUNCIL'S WEB SITE AND SHOULD ALSO BE POSTED ON THE PI'S WEB SITE. The subject line of the e-mail transmitting the report must include the project number and the words "annual report" (e.g., "035620 Annual Report"). Electronic reports must be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document (using the most recent versions of Acrobat, Word, or Word Perfect) with all figures and tables imbedded. The preferred Acrobat file format is 'formatted text with graphics' format. Minimally, "PDF searchable image" format may be used if pre-approved by the Trustee Council Office. In either case, the PDF file shall not be secured or locked from future editing, or contain a digital signature from the principal investigator.

Distribution of Final Reports

The Alaska Resources Library and Information Services (ARLIS) receives and distributes 18 bound copies and 2 camera-ready copies of the final reports as follows:

ARLIS collection (6 bound, 1 electronic and 1 camera-ready copy)*
Alaska State Library (4 bound copies)**
Holmes Johnson Library (Kodiak) (1 bound copy)
National Marine Fisheries Service Auke Bay Laboratory (1 bound copy)
National Library of Canada (Ottawa) (1 bound copy)
National Technical Information Service (1 bound copy and 1 camera-copy for reproduction upon request)
University of Alaska Anchorage (1 bound copy)
University of Alaska Southeast (Juneau) (1 bound copy)
University of Washington Library (1 bound copy)
Valdez Consortium Library (1 bound copy)

*ARLIS distributes its 6 bound copies as follows:

1 to the Trustee Council's Science Director
1 to the Trustee Council's official record
4 to the ARLIS permanent collection

** The Alaska State Library distributes its 4 copies as follows:

Alaska State Library
Alaska Historical Library
E. E. Rasmuson Library (University of Alaska Fairbanks)
Library of Congress

Public Comments to EVOS Trustee Council
July 28, 2006

on

The need to reassert public oversight of SAAMS management of ASLC

John S. French, PhD

Good Morning. For the record I am John S. French. I reside at 506 Fourth Ave., Seward Alaska. Until I retired in 1998 under the State's Retirement Incentive Plan, I was a Professor in the UAF-School of Fisheries and Ocean Sciences. From 1990-1995 I was Director of the UAF-Fishery Industrial Technology Center. I was in Kodiak at the time of the Exxon Valdez oil spill (EVOS), and served two terms as the Science/Academic representative on the Trustee Council's Public Advisory Group (PAG); from its inception until 1996. I am a Founder Member of the Alaska SeaLife Center (ASLC). According to the plaque in the ASLC lobby, the first Founder Member.

I currently represent the City of Seward on the Board of Directors of Prince William Sound Regional Citizens' Advisory Council (PWSRCAC). I also serve as Chair of the PWSRCAC Oil Spill Prevention and Response committee, and am a member of the Scientific Advisory Committee. I serve on several project teams and working groups; including the Dispersants Working Group for NOAA's Coastal Resources Response Center (CRRRC). I also represent the City of Seward on the Cook Inlet Aquaculture Association Board of Directors and previously represented aquaculture on the Cook Inlet Regional Citizens' Advisory Council where I served on the Environmental Monitoring Committee.

Needless to say I have remained closely involved in the prevention of, and responding to, potential oil spills. Fully understanding the effects of EVOS is an important first step knowing what to prevent and how to respond to future spills. I am speaking to you today as a concerned citizen and member of ASLC.

By 1994 it had become apparent to research scientists, resource managers, and policy makers that Alaska lacked the research facilities and other infrastructure to facilitate the research and monitoring programs in State that were needed to properly elucidate the effects of crude oil-derived hydrocarbons on marine organisms and ecosystems. Several EVOS stakeholder entities were working on plans to help develop the needed facilities and infrastructure. Based upon agreements I was not privy to, the Trustee Council approved EVOS Project #94199 "Institute of Marine Science Infrastructure Improvements" As stated in the project DPD (p2.1): "The proposed research facility described in this document has evolved from the original Alaska SeaLife Center (ASLC) project proposed by the Seward Association for the Advancement of Marine Science (SAAMS)." At least in part, this was because, in 1993, the Alaska Legislature appropriated \$12.5M of the state's EVOS criminal restitution funds pursuant to 1993 SLA Chapter 79, Section 2 "for the development of the Alaska Sea Life Center as a recreation and marine mammal rehabilitation center and as a center for education and research related to the natural resources injured by the Exxon Valdez oil spill and to prevention and amelioration of marine oil spills."

In discussions I was privy to, it was agreed that this project would be subjected to a full Environmental Impact Statement (EIS) to be conducted by the Minerals Management Service for the Department of the Interior. The Final EIS, which was published in September 1994, not only discusses alternatives for construction at this or multiple sites, but also provides a detailed analysis of the programmatic needs and identifies weaknesses in the proposed management by SAAMS. To help correct the deficiencies identified in the EIS, it was agreed that the City of Seward should oversee the construction, operation and management of ASLC to assure compliance with applicable public laws and standards, and that the SAAMS Board would be restructured to reflect the broader oil spill restoration stakeholder community. It was further determined that the University of Alaska should provide scientific and programmatic oversight to assure the quality and direction of the ASLC programs.

Pursuant to these objectives, a Cooperative Agreement was signed between the Alaska Department of Fish and Game (ADFG) and the City of Seward for the "Construction, Operation and Maintenance of Research Infrastructure Improvements at the Alaska SeaLife Center in Seward, Alaska" (COOP-95-045, April 25, 1995), followed immediately by a subsequent "Agreement for Financing, Lease, Construction, Operation and Maintenance of the Alaska SeaLife Center" by and between the City of Seward and SAAMS (April 28, 1995). The City's agreement with ADFG states, in part, "The City shall give priority to research related to the EVOS restoration mission....To the extent that revenues collected from the adjacent public education and visitation components of the Alaska SeaLife Center exceed costs excess revenues shall be used to the extent reasonably practicable to subsidize the rent for space to conduct EVOS related research." (COOP-95-045, III, Z). Later in the same agreement "The City shall assure that the Facility is open to the public and dedicated to the mission of research and rehabilitation to further the restoration of resources and services injured by the EVOS." (III, OO), and "Nothing herein is intended to conflict with federal, State, or local laws or regulations." (III, PP).

The agreement between the City and SAAMS reiterates the priority for EVOS related research; "SAAMS shall give priority to research related to the *Exxon Valdez* Oil Spill restoration mission....To the extent that revenues collected from the adjacent public education and visitation components of the Alaska SeaLife Center exceed costs, the excess revenues shall be used to the extent reasonably practicable to subsidize the rent for space to conduct *Exxon Valdez* Oil Spill related research...SAAMS shall meet annually with ADF&G and, for so long as the position exists, the Executive Director of the Trustee Council, to identify the Exxon Valdez Oil Spill research needs for space in the Research Facility and to establish costs of that space." (3.4.5). Furthermore, "SAAMS shall comply with all laws concerning the Property or the Project and SAAMS' use of the Property or the Project, including, without limitation the obligation, at SAAMS' cost, to alter, maintain, or restore the Property [City land] or the Project [ASLC] in compliance and conformity with all laws relating to the condition, use, or occupancy of the Project during the Term." (3.4.3) For use of this agreement "Term" is defined as the duration of the lease of the Property by the City to SAAMS.

Also in 1995, a Memorandum of Agreement was concluded between the University of

Alaska and SAAMS for "Scientific Leadership and Oversight for the Alaska SeaLife Center, Seward, Alaska". Under this agreement, "The University will be responsible for scientific leadership and scientific oversight for the Center [ASLC]" (1). The duties of the University-appointed Science Director include: Direct the research conducted at the Center in a manner which supports and ensures priority for the restoration mission of the EVOS Trustee Council."(3.b.), and "Contribute to annual work plans of the EVOS Trustee Council and periodically confer with its Executive Director and Chief Scientist to determine those areas of the Council's research which most appropriately should be conducted at the Center." (3.c.)

In reviewing these and other agreements binding ADFG, the City of Seward, the University of Alaska, and SAAMS, it is clear that neither ASLC, nor SAAMS, in its role managing and operating ASLC, were not intended to be above either federal, State, or local laws and regulations, or public oversight. Yet this is exactly what ASLC Executive Director Tylan Schrock claimed in a recent Letter to the *Seward Phoenix Log*; at least regarding any requirements beyond those applicable to any private not-for-profit corporation.

Furthermore, SAAMS fails to follow public process in either procurement or hiring. This spring SAAMS used congressional funds appropriated to ASLC to buy property adjacent to ASLC. This was done without concern for public process and SAAMS has claimed that the property belongs to SAAMS and is not restricted by the agreements governing ASLC. To further complicate matters the land in question was owned by a partnership which included present and past SAAMS board members and supporters. In the same time frame SAAMS (a.k.a. ASLC) committed to a sole-source non-competitive arrangement with charter boat company, also with ties to the SAAMS board, to provide exclusive "marine science" cruises for ASLC visitors from the dock at ASLC, on a boat carrying the ASLC logo and ASLC interpretive staff.

A similar situation seems to exist for hiring decisions at ASLC. Although ASLC claims to follow AA/EEO hiring guidelines. When questioned, two successive Human Resource Officers have claimed that they don't have to follow federal "Fair Hiring Practices" or its open recruitment recommendations because they are a private not-for-profit corporation and non-governmental. It seems to matter more who knows who, and who you are related to than the knowledge, skills, abilities, or other merit criteria when it comes to being hired to work at ASLC.

When asked to explain hiring decisions the ASLC Human Resources staff fall back on the non-disclosure statement on their employment application form which the applicant must initial. It reads "I authorize the Alaska SeaLife Center, or its authorized agents, to thoroughly investigate my references, work records, education, and other matters related to my suitability for emolument, and further authorize my current and former employers to disclose all letters, reports, and other information pertaining to my employment with them, without giving me prior notice of such disclosure. In addition, I hereby release the Alaska SeaLife Center, my current and former employers, and all other corporations, partnerships and associations from any and all claims, demands or liabilities arising out of or in any way related to such investigation or disclosure." (ASLC Application for

Employment, p 4). This blanket protection is not consistent with either federal fair hiring guidelines and practices, or requirement for due diligence on behalf of the employer in clarifying any discrepancies between information submitted by the applicant and those who might be the applicant's detractors for personal non-performance related reasons. The indemnification clause in the SAAMS agreement with the University of Alaska specifically states "this provision shall not apply to any claim that arises from alleged negligence or willful misconduct of the person being indemnified." (11) This statement recognizes the possibility of willful misconduct or malicious deceit by past employers or contacts. The blanket ASLC privacy and indemnification clause prevent any way to assure that, ASLC is following the principle of due diligence in validating and verifying any discrepancies between sources of information which occur during the hiring recruitment process; Or even that it is relying solely upon acceptable merit based criteria.

This brings us back to the important ASLC mission and its research program. The last EVOS Trustee Council funded project that I am aware of which was housed within the ASLC facilities was "Pigeon Guillemot Restoration Research at the Alaska SeaLife Center" (#01327). A project to which I provided technical support. Since that time the ASLC research program has clearly shifted away from "research related to the natural resources injured by the Exxon Valdez oil spill and to prevention and amelioration of marine oil spills." This has been done with the knowledge, and apparent concurrence, of the SAAMS board and the ASLC Science Director. During this time PWSRCAC, CRRRC, and the Oil Spill Recovery Institute have all issued requests for proposals in these fields without any proposal submissions forthcoming from ASLC.

We can not wait until the next major oil spill to begin elucidating the remaining natural resource issues relating to oil spills. EVOS related research has made major strides in several areas but there are still many questions and unexpected answers; especially with respect to low level exposures to petrogenic hydrocarbons. The facilities and other infrastructure envisioned at ASLC by EVOS Project #94199 would be ideal to help address many of those questions. We have spent millions in public funds to make that facility a reality (\$12.5M in criminal restitution funds, \$25M+ in civil settlement (EVOS) funds, the directed federal appropriation to pay off the Revenue Bonds, and many million in non-competitive "earmarked" federal grants). Where is the accountability? SAAMS seems to have abrogated its financial, procedural and programmatic responsibilities. Where do we go from here?

Clearly, under the EVOS Trustee's agreement as implemented by and between ADFG and the City of Seward, the City of Seward is the first line in the public oversight of SAAMS. Several citizens and some members of the City administration feel that SAAMS has defaulted on its agreements. However the majority of the City Council, on which SAAMS board member, Willard Dunham, is Vice-Mayor, have instructed the administration not to pursue these concerns with the SAAMS board. This is a clear conflict of interest on the part of Mr. Dunham. Instead the City Council's directive is to "renegotiate" the City of Seward's agreement with SAAMS to remove City oversight of SAAMS. This is not only a bad idea but violates the City of Seward's responsibilities to the EVOS Trustee Agencies; especially ADFG.

What then is the solution? The first line of corrective action under the applicable agreements would be for the City of Seward to address its concerns with SAAMS and, if necessary, declare SAAMS in default, and seek another entity to operate and manage ASLC. Given the current Seward City Council, that seems unlikely to happen without external pressure from ADFG or the EVOS Trustees. The next line of corrective action would be for ADFG to consider the City of Seward in default and take control of ASLC. Under the agreements ADFG has three options, manage the facility, designate another Trustee agency to manage the facility, or identify a responsible third party to manage the facility. None of these options require closing ASLC, only bringing the management into concert with EVOS Trustee intent, public policy, and regulations.

What is the "no action" alternative? If you do nothing, the City of Seward will abrogate its responsibility for the public oversight of SAAMS regarding ASLC. The general public, including oil industry representatives, will become aware the EVOS Trustee agencies were informed of these concerns regarding SAAMS deviation from public policy and programmatic intent and chose to do nothing. ASLC will begin to be painted as an expensive public works project, unrelated to the constraints of the Consent Decree, rather than valuable infrastructure developments which are helping answer EVOS restoration-related questions. I do not believe that SAAMS spokespersons are correct that it was the Trustee Council's intent to leave them unchecked and unfettered by the constraints of public policy and procedures. I have too much respect for the EVOS Trustee Council and their agencies to accept that this was the intent of the Trustee Council. Time is of the essence regarding proposed actions by the Seward City Council and its SAAMS advocates. They could be considering an amended cooperative agreement with SAAMS before the end of September. I encourage the Trustee Council to take immediate corrective action to forestall the City Council's action. In the longer term a complete assessment of SAAMS operation and management of ASLC by the appropriate independent State or federal investigative agency is needed. This investigation should include programmatic and procedural audits as well as a financial audit.

We must find a way to right the Alaska SeaLife Center's ship before she wanders amongst even more dangerous shoals. Thank you for your attention and consideration.

The Alaska SeaLife Center

"The Alaska SeaLife Center is dedicated to understanding and maintaining the integrity of the marine ecosystem of Alaska. We achieve our mission through research, rehabilitation, conservation and public education."

Owned by the City of Seward,
Operated by SAAMS,
For the benefit of all Seward citizens
and all Alaskans



Discussion Outline

- Purpose of this discussion?
- Review ADF&G Cooperative Agreement
- Review City/SAAMS Operating Agreement
- Frequently Asked Questions
- Contractual Obligations
- Where do we go from here?

* Why discuss this relationship?

- Success of Alaska SeaLife Center vital to:
 - Local economy, jobs
 - ASLC employees and families
 - City of Seward and ADF&G
- ASLC is in expansion mode
- By contract, expansion is subject to Planning & Zoning, City Council approval



Why discuss this relationship?

- Address public requests for information
- Several factors necessitate higher level of scrutiny
 - New risks to City
 - Lack of transparency
 - Unwillingness to share information w/administration and public in timely manner
 - Funds appropriated to SeaLife Center for property acquisition have been used to acquire property in name of non-profit SAAMS

* Why discuss this relationship?

- Clear up confusion about SAAMS' operation of ASLC on behalf of City
- City has due diligence obligations to enforce Agreement with SAAMS based on obligations to State and local citizens

* What is due diligence?

"The diligence reasonably expected from, and exercised by, a person who seeks to satisfy a legal requirement or to discharge an obligation."

Failure to exercise diligence may result in liability to the City and to individual members of staff

* Selective due diligence

- Makes City vulnerable to claims of special interest influence
- Leads others to expect special treatment
- Selective due diligence is unacceptable
- Selective due diligence destroys public trust

* Why are we doing this?

- Professional responsibility & duty to gather all information necessary to exercise due diligence
- Due diligence does not have to be unpleasant
- In best case scenario, information is provided prior to being requested, to demonstrate openness
- The City has not recently received information
- City has contractual obligations to State
- Public inquiries must be addressed openly and transparently

* What does City hope to accomplish?

- Comply with State mandates
- Clarify City & SAAMS rights / responsibilities
 - Ensure SAAMS complies with Agreement to provide information and operational transparency
 - Ensure all ASLC revenues used to benefit City's Sealife Center, not non-profit operator
 - Ensure property purchased w/ ASLC revenues becomes property of ASLC, not non-profit
- Amend Agreement to reflect new property as part of "Project"
- Protect valuable community assets
- Proactive involvement to ensure long-term success of ASLC
- Proactive fiduciary oversight of SAAMS' operations of ASLC

* Why now?

Recent SAAMS' actions contrary to City's interests

- Refusal to comply w/requests for information
- Claims that SAAMS owns the ASLC, not City
- Property purchased w/ASLC funds put in SAAMS' name
- Federal earmark benefits non-profit, not community
- Expansion efforts benefit SAAMS, not community

* Why now?

- New Risks City must mitigate
 - No info to ensure adequate reserves as required by Agreement
 - Inability to establish financially self-sustaining Business Plan after 8 years
 - Over-dependence on federal funding
 - Diminishing federal earmarks in future
 - Lack of transparency and information-sharing
 - SAAMS interests in conflict w/ local business and community
- SAAMS' non-compliance with contractual obligations

* Contractual Agreements

- Cooperative Agreement between City and State of Alaska, ADF&G
- Agreement between City of Seward and SAAMS

* ADF&G Cooperative Agreement

- Between City of Seward & ADF&G
- Controlling document dictates structure of ASLC
- Mandates City ownership & operation of ASLC
- State funded construction
 - \$24,846,000 from ADF&G
 - \$12,500,000 from Dept. of Admin.
 - Source of Funds – EVOS civil settlement

* Purpose of ADF&G Agreement

- “The purpose of the Agreement is to provide for the construction, operation, and maintenance of the research and rehabilitation components of the Alaska SeaLife Center.” Page 1.

* Construction & Operation

- “The City shall provide the personnel, subcontractors, equipment, and facilities to...construct, operate, and maintain the Project ... during the practical life of the Facility.” p. 6

* Mandates City ownership

- “The City shall own, operate, and maintain the Project for the practical life of the Facility.” p. 6

* Standard of operation

- “The Facility shall be operated and maintained to a standard that is comparable to that of other well-operated and well-maintained marine research facilities throughout the United States.” p. 6

* City assumes liability

- “the City agrees to assume all responsibility, risk, and liability for maintenance and operation, including ... day-to-day control of the Property...” Appendix 8, p. 1

* Governing structure

- “the Executive Director (of ADF&G) must approve a detailed governing and management structure for the Facility that clearly identifies the role of the University of Alaska in providing the scientific leadership at the Facility and ensures the Facility is managed so that research activities appropriately serve the Trustee Council’s restoration mission.” p. 5

* Public access mandated

- “The City shall assure that the Facility is open to the public and dedicated to the mission of research and rehabilitation...The benefits of the Facility shall be made available to the general public ...” p. 11



Ownership Reversion to ADF&G

- “Should the City elect not to operate the Facility ... ADF&G shall have the option to enter and assume the operation of the Alaska SeaLife Center, including the Facility.” p. 6
- “If ADF&G exercises its option to enter and assume operation of the ASLC, including the Facility, the City shall (i) convey title to the ASLC .. To ADF&G ... and lease to ADF&G for one dollar per year...” p. 7



- If ADF&G does not operate, ownership reverts to federal government (NOAA, U.S. Forest Service, etc.) p. 7
- Requires operational transparency related to financial records, facilities & all activities related to the operation of ASLC



Inspection of facilities/records

- “The City shall allow, in the manner and time ADF&G deems appropriate ... ADF&G inspection of the City’s facilities, records, and all activities pertaining to this Agreement and to audit all related Project records and data.” p. 9
- City must maintain relevant info because City is subject to audit by ADF&G



SUMMARY - ADF&G Agreement

- Establishes City as owner of ASLC
- Establishes manner of operation and requires transparency
- Establishes transfer of ownership to ADF&G if City fails to hire an operator
- Establishes City liability for operations
- SAAMS is never mentioned in State agreements

* City and SAAMS Agreement

- “Agreement for Financing, Lease, Construction, Operation, and Maintenance of the Alaska SeaLife Center”
- Between City of Seward and SAAMS
- SAAMS is a non-profit 501(c)(3)

* “Project” definition

- Defines Project as “the construction of the Alaska SeaLife Center” p. 7
- Definition of Project has been expanded in Amendments to Agreement when new property added (e.g. Fish Pass)

* “Property” definition

- “Property means the real property owned by the City..”
- Four amendments to Agreement
- Proposed 5th amendment amends property to include tidelands lease property
- City recognizes further amendments necessary to incorporate new properties into definition of “Property”

* New properties

- New properties purchased with ASLC funds (Depot Building, Arcade Property)
- SAAMS attorney letter states, “The scope of the Lease Amendment does not extend beyond the Property...”
- If SAAMS had disclosed property purchases, City would have amended agreement to include these properties

* “Property” definition

- City was not informed by SAAMS of property purchases
- Funds for property acquisition came from operations of, and appropriations to, the Alaska SeaLife Center
- New properties are being used for research and potential office space to fulfill primary mission and function of the ASLC

* “Project” definition

- SAAMS attorney letter states, “The Lease Agreement does not pertain to SAAMS’ ability to purchase or sell properties not located on the Property as these are private transactions.”

* “Project” definition

- City agrees SAAMS has legal right to purchase property if:
 - purchased with SAAMS’ own funds, earned independent of operating the Alaska SeaLife Center on City’s behalf, and not serving primary mission and function of ASLC
 - Funds for purchase have not been co-mingled with funds of the City-owned ASLC

* Federal earmark

- The City does not agree the federal earmark was a “private transaction” between private parties
- Federal earmark language states, “...the National Park Service shall ... immediately transfer to the **Alaska SeaLife Center** for various acquisitions, waterfront improvements and facilities that complement the new Federal facility, any remaining balance of previously appropriated funds.”

* Federal earmark

- This transaction is a public transaction between two public agencies; the federal government, and a publicly-owned entity, the Alaska SeaLife Center
- As a 'public transaction' this transaction is subject to public disclosure
- SAAMS refuses to disclose property information claiming protection as 501(c)(3)

* Federal earmark

- Federal funds clearly intended for public purpose
 - waterfront improvements benefit downtown Seward
 - to complement the Mary Lowell multi-agency facility
 - earmarked to "Alaska SeaLife Center" (owned by City of Seward), not SAAMS

* Contract stipulates that all revenues belong to Project

- “All revenues of the Project shall be deposited in the Revenue Fund. Amounts may be withdrawn ... only to pay operating expenses”, renewal and replacement fund, termination fund, and as authorized in Project Operating Budget, p. 41
- Project is defined as “the Alaska SeaLife Center”, p. 7
- Alaska SeaLife Center is owned by the City of Seward, p. 1
- Earmarks to ASLC become revenues of the Project, not revenues of SAAMS

* City Code Requires City Council Approval for land acquisitions

- City Code requires property acquisition be approved by City Council if City will have an ownership-interest
- City Code is local law
- To comply with City Code, city manager requested info from SAAMS on property acquisition
- SAAMS is required to disclose this info
- SAAMS was 501(C)(3) when signing Agreement agreeing to transparency

* City Code Requires City Council Approval for land acquisitions

- SAAMS' attorney letter states, "SAAMS' purchase of property from another private corporation last year, and its pending purchase of what is referred to as the Arcade Building property, constitute purchases and sales between two private parties."
- This is the justification by SAAMS of failure to provide property information.

* Council Approval for land purchase

- SAAMS uses 501 (C)(3) status not to disclose information
- Administration is requesting SAAMS seek after-the-fact Council approval for purchases, as required by City Code
- Properties should be put in name of Alaska SeaLife Center
- Amend Agreement to expand definition of "Property" to include new parcels

* ADF&G Agreement Controls

- "SAAMS shall use and maintain the Property and the Project in accordance with all requirements of the..." ADF&G Agreement, p. 19

* City approval for Construction

- Construction > \$500,000 "shall be subject to approval by the City." p. 35
- Construction < \$500,000 "or construction related to exhibits, or renewals or replacements shall not be subject to approval by the City." p. 36
- If this were ground lease, City would have no right to approve construction

* Inspection Rights

- “The City may periodically inspect the Property and the Project in order to ascertain the condition of the Property..” p. 37
- If this were ground lease, City would have no such rights

* Compliance with laws

- “The Project shall comply at all times with any and all ...statutes, ordinances, rules, regulations...including...the terms and provisions of the conditional use permit for the Project issued by the City Planning and Zoning Commission” p. 37
- City Code mandates Council approval of property acquisition
- CUP mandated SAAMS’ tidelands lease request go before Planning & Zoning

* Operating Budget

- “At least sixty (60) days before the commencement of each year, SAAMS shall prepare and file with the City a Project Operating Budget...” p. 38
- SAAMS is on September 30 fiscal year which means new budget year begins October 1. City requests budget by November 1.
- If this were ground lease, City would have no right to budget info

* Revised budget

- “SAAMS promptly shall prepare and file with the City a revised Project Operating Budget reflecting any changes to the ...Budget that SAAMS adopts during the year.” p. 38
- Clearly establishes City financial oversight responsibility
- If ground lease, City would have no rights to this level of detailed information

* Balanced budget required

- "SAAMS shall not adopt a Project Operating Budget nor revise the ...Budget in any manner which results in operating expenses and deposits in the Renewal and Replacement Fund and the Termination Fund exceeding revenues for the year." p. 38
- Why can City require balanced budget?
- Budgetary controls reduce City liability and provide operational oversight

* Operating Reserve requirement

- "SAAMS at all times shall maintain an operating reserve of not less than ten percent (10%) of projected annual operating expenses." p. 39
- Operating reserves ensure cash flow and hedge against unexpected lower revenues / higher costs
- If simple ground lease, City could not dictate operating reserve requirements to a lessee

* Fiscal controls ensure accountability

- Due to lack of information, City cannot adequately monitor budgetary, financial reporting and operating reserve requirements to weigh operational risks
- Repair & Replacement Fund protects infrastructure assets so funds not used for operations only
- Termination Fund protects City against risk of operator turnover; sufficient to cover one year operations while closed to research / visitors.

* Mandates Public Use of Facility

- SAAMS acknowledges public use of, and access to, the Project is material factor in determination by City this Agreement is in public interest, p. 43
- Must permit public use of grounds, interior, plaza, bike path, restrooms, p. 43-44
- If owned by SAAMS, City could not require public access

* Mandates Financial Reporting

- SAAMS must provide financials to City within 180 days of year end, p. 44
- SAAMS "books of record" relating to the Project "shall at all times during business hours be subject to the inspection of the City.." p. 44
- Purpose of provision is to provide financial transparency

* Relative Burdens of City/SAAMS

- Examine burdens placed on each entity
- City, as owner of ASLC
- SAAMS, as operator of ASLC
- The most compelling provision of this document, which would never be part of a simple grounds lease:

* In case of SAAMS default

- The City may "with or without judicial process, enter the Property and the Project and take possession of any and all goods, inventory, equipment, fixtures, accounts, general intangibles, and all other personal property of SAAMS situated in or on, or used in connection with, the Project or Property...." p. 51.

* In case of SAAMS default

- If SAAMS defaults, City may:
 - Terminate Agreement
 - Recover monies paid to SAAMS
 - Enter property and take possession
 - Perform obligations of SAAMS
 - Use the property
 - Enter into other Agreements with other operators

* In case of City default

- If the City defaults on Agreement, SAAMS' only recourse is that "SAAMS may elect to terminate this Agreement." p. 54
- SAAMS has no other rights in event of City default

* Why discuss default?

- Demonstrates relative rights/burdens of City/SAAMS
- In the event of default, City must:
 - Assist operator to correct default, or
 - Attempt to operate ASLC, or
 - Find new operator, or
 - Assign facility to ADF&G
 - Recognize City's rights and responsibilities
 - Be prepared; operationally & financially to carry out responsibilities
 - Due diligence is mandatory!

* Transparency Required

- Publicly-owned facilities require openness
- Budgetary transparency required
- Financial transaction transparency required
- Transparency equals accountability
- Transparency reduces City risk

* Transparency Required

- SAAMS shall provide City a copy of all terms and conditions of each sublease. p. 59
 - City has asked for copies of leases and been denied
 - SAAMS claims no subleases, but 'agreements' and refuses to provide to City
- All amounts payable under sublease shall be treated as Project (ASLC) revenues, p. 59

* Who owns the ASLC?

- According to ASLC Exec. Director, "The City owns a building and the City owns land. It does not own the Alaska SeaLife Center.."
- According to SAAMS' 2005 financial statements, "The City owns the ASLC and the property on which it is located." p. 9

* Who owns the ASLC?

- ADF&G Agreement establishes City as owner of ASLC, p. 6
- City/SAAM Agreement establishes City as owner of ASLC, p. 1
- SAAMS' financial statements establish City as owner of ASLC, p. 9

* Why is ownership important?

- Determines who owns original and new assets
- Asset values dictate reserve requirements for repair & replacement
- Dictates which assets reported in City financials
- ASLC revenues should be used to purchase ASLC assets
- City accountable to ADF&G for assets of ASLC
- Determines who controls assets if Agreement terminates
- Ownership determines who controls assets if property reverts

* What is SAAMS role?

- SAAMS is the City's operator of ASLC
- Operating Agreement requires SAAMS:
 - Must maintain facility to specific standards
 - Must maintain adequate reserves: operating, Repair & Replacement, Termination
 - Must prepare balanced budget
 - Must allow public access
 - Must provide timely information to City

* SAAMS Role, continued:

- SAAMS is “dba” as Alaska SeaLife Center
- DBA status does not convey ownership interest
- Both City and SAAMS use the title “Alaska SeaLife Center” to refer to the entity whose mission it is to provide marine research, rehabilitation, education, conservation.
- City *owns* ASLC, SAAMS *operates* ASLC

* Why does this matter?

- SAAMS should be accountable, transparent
- As operator, should be making decisions for benefit of ASLC entity, not non-profit entity
- City has right to review performance of operator to ensure compliance with Agreement
- Recent actions emphasize need for due diligence by City

* Who is financially accountable for viability of ASLC?

- City of Seward based on ADF&G Agreement, or reverts to ADF&G
- City has due diligence responsibilities to:
 - Monitor budget and reserve levels
 - Monitor operations (facility)
 - Monitor financial performance & sustainability
 - Minimize risk to taxpayers

* How is this different from ground lease?

- If a ground lease, City would only own ground and building
- City would have no rights to enter property, request and audit financial records, review budget (and in some cases, approve budget), dictate manner of business, monitor performance, require public access, mandate transparency, and take over operations on event of default, etc.

* How is this different from ground lease?

- City has no such rights under City's many simple ground leases
- *Operating & Management Agreement* substantively different than ground lease
- Gives City substantial rights and responsibilities
- Requires diligence by City

* How is this different from ground lease?

- SAAMS' attorney letter states, "...SAAMS' relationship with the City is the same as any private lessee of City property."
- The City's management & operating Agreement with SAAMS is substantially different than private lease

* How is this different from ground lease?

- ASLC Exec. Director letter to editor states, "The connection between the City and the Alaska SeaLife Center is a lease document – nothing more and nothing less."
- This is not simply a lease document; it is a management & operating agreement with substantial obligations on the part of SAAMS, to operate in manner dictated by State and City

* What are City's risks?

- Financial sustainability
- Over-dependence on federal funds
- Diminishing access to federal funds
- Adequate levels of reserves not demonstrated
- Lack of transparency and information sharing
- Use of ASLC revenues to benefit non-profit SAAMS

* What are City's risks?

- Expansion authorized only when consistent with EVOS and ADF&G funding
- Loss of public confidence in City's due diligence

* Contractual Requirements: What does City seek?

- Complete transparency and accountability
 - Timely information provided to City
 - Property ownership information
 - Subleases and other requested info.
 - Reserve levels disclosed (Operating, Repair & Replacement, and Termination Funds)
- After-the-fact approval of property acquisitions by City Council and amendment of "Property" definition in Agreement
- Future property acquisitions receive Council approval prior to commitments

* Contractual Requirements: What does City seek?

- Property placed in name of Alaska SeaLife Center, the City-owned facility
- All required matters, including future expansion issues come before P&Z per Conditional Use Permit for public vetting
- SAAMS' unrelated business operations disclosed
- Clear disclosure of SAAMS transactions which may conflict with City interests

* Conclusion

- City is proud of Alaska SeaLife Center and its employees, world-class reputation
- City supports growth consistent with ASLC mission and EVOS & ADF&G Agreements
- City has obligation to citizens, State to ensure appropriate management of ASLC and to enforce contractual provisions



Conclusion

- Transparency enhances public trust
- Due diligence ensures public officials are doing their job to protect public interest
- Accountability holds all parties to their obligations under contractual agreements



The End