11.19.02

Exxon Valdez Oil Spill Trustee Council

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

DRAFT AGENDA
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
March 17, 2008 8:30 a.m.
Anchorage, Alaska

DRAFT 3/6/08

Trustee Council Members:

TALIS COLBERG
Attorney General
Alaska Department of Law

JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service

LARRY HARTIG
Commissioner
Alaska Department of Environmental Conservation

RANDALL LUTHI
Director
U.S. Minerals Management Service

DENBY S. LLOYD
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)

State Chair

1. Call to Order – 8:30 a.m.

2. Consent Agenda
   - Approval of Agenda*

- Approval of Meeting Notes*
  November 9, 2007

3. Public Advisory Committee comments

4. Public comment (no reopener comments accepted) – 9:15 a.m. (3 minute per person)

5 Status of Herring Restoration Plan — Michael Baffrey

6. Proposed policy changes* — Michael Baffrey and Michael Schlei
   - Data Management
   - Financial Procedures

7. Habitat Protection Program* — Carol Fries, ADNR
   - Small Parcels KAP 3002, KEN 3002, Mutch/Jacobs, and PWS 05
   - Northern Afognak
   - Port Graham

8. Media Rollout - 20th Anniversary Message* — Michael Baffrey

9. Public Advisory Committee Charter renewal* — Doug Mutter, Designated Federal Officer

10. FY09 Invitation* — Michael Baffrey

11. Lingering Oil Projects* — Michael Baffrey

Executive Session if necessary

Adjourn

* Indicates action items

Proposed Motions relative to Habitat Protection Agenda Items 3/17/08:

KAP 3002, Capjohn.

I move that we authorize $192,000 for the purchase of KAP 3002, owned by Ralph Capjohn, located in the North Arm of Kiliuda Bay, Kodiak by the State of Alaska.

KEN 3002, Russell Long Parcel

I move that we authorize $629,000 for the purchase of the reconfigured Russell/Long parcel, Lot 1 containing 3 acres and fronting the Kenai River by the State of Alaska.

Mutch/Jacobs Matching Funds

I move that we reauthorize $175,000 in matching funds to be used in conjunction with North American Wetlands Conservation Act grant funds for the purchase of the Mutch and Jacobs parcels located at the mouth of the Anchor River by the State of Alaska.

PWS 05, USS 349, Valdez Duck Flats

I move that we request the Department of Natural Resources to use existing FY08 funds for due diligence activities related to the purchase of USS 349.

alternatively:

Based upon the previously approved resolution 01-02 in which the Council has already offered to pay $125,000 for this parcel and a court secured appraisal estimating the market value of the parcel at $150,000, I move that we reauthorize $125,000 as a contribution to the purchase of USS 349 by The Conservation Fund for ultimate transfer to the State of Alaska.

Northern Afognak

In November 2002, the Trustee Council authorized $10,450,000 for the purchase of lands in the Perenosa Bay area of Northern Afognak. Based upon the resource values documented in Resolution 02-02, I move that we authorize $10,000,000 for the purchase of lands in the Perenosa Bay region of Northern Afognak, including lands owned by Shuyak and Uganik previously authorized in Resolution 03-01 and the Portage Lake parcel owned by Natives of Kodiak subject to a variety of terms and conditions including (1) the purchase price be based upon Fair Market Value as determined by an approved appraisal and (2) final approval of each purchase by the Trustee Council.

Port Graham

I move that we authorize $32,700 for due diligence activities associated with Port Graham PTG 01 located in Ailik Bay in Kenai Fjords National Park to be conducted by the National Park Service.

Nov 9, 2007 Meeting
Notes

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

November 9, 2007

DRAFT 11/9/07 **DRAFT**

Chaired by: Steve Zemke
Trustee Council Member

Trustee Council Members Present:

• Steve Zemke, USFS *	Talis Colberg, ADOL
Hans Neidig, USDOI **	Tom Brookover, ADF&G ****
Craig O'Connor, NOAA ***	Larry Hartig, ADEC

• Chair
* Steve Zemke alternate for Joe Meade
** Hans Neidig alternate for Randall Luthi
*** Craig O'Connor alternate for James Balsiger
**** Tom Brookover alternate for Denby Lloyd

The meeting convened at 9:06 a.m. by teleconference, November 9, 2007 in Anchorage at the EVOS Library.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the draft agenda dated November 9, 2007, distributed on November 7, 2007.

Motion by Hartig, second by Colberg

2. Approval of October 12, 2007 meeting notes

APPROVED MOTION: Motion to approve the October 12, 2007 meeting notes

Motion by O'Connor, second by Hartig

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

Three public comments were received.

Public comment closed at 9:15 a.m.

3. FY 08 Draft Work Plan

APPROVED MOTION: Motion to approve project 080821 – Linley as resubmitted

Motion by O'Connor, second by Niedig

4. FY 08 – Project Management Fees

APPROVED MOTION: Motion to approve adding one month's salary to project 080821 for ADF&G project management fee

Motion by O'Connor, second by Hartig

Meeting adjourned at 9:45 a.m.

APPROVED MOTION: Motion to adjourn O'Connor, second by Brookover

PAC MTG SUMMARY

Meeting Summary

A. GROUP: *Exxon Valdez* Oil Spill (EVOS) Public Advisory Committee (PAC)

B. DATE/TIME: January 24 and March 5, 2008

C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE: (T = via teleconference)

January 24:

Name	Principal Interest
Torie Baker (T)	Marine Transportation
Jason Brune (T)	Public-at-Large
Gary Fandrei (T)	Aquaculture/Mariculture
Stacy Studebaker (T)	Recreation Users
Martha Vlasoff	Subsistence Users
Ed Zeine (T)	Local Government

March 5:

Name	Principal Interest
Torie Baker (T)	Marine Transportation
Jason Brune (T)	Public-at-Large
Kurt Eilo (T)	Sport Hunting/Fishing
Gary Fandrei (T)	Aquaculture/Mariculture
RJ Kopchak (T)	Commercial Fishing
Martin Robards (T)	Science/Technical
Ed Zeine (T)	Local Government

E. NOT PRESENT:

Name	Principal Interest
Larry Evanoff	Native Landowners
Mark King	Tribal Government
Pat Lavin	Conservation/Environmental
Steve Lewis	Regional Monitoring
Vern McCorkle	Public-at-Large
Ron Peck	Commercial Tourism

F. OTHER PARTICIPANTS:

Name	Organization
Michael Baffrey	Executive Director, Trustee Council
Doug Mutter	Designated Federal Officer, Dept. of the Interior
Cherri Womac	Trustee Council Staff
Catherine Boerner	Trustee Council Staff
Barbara Hannah	Trustee Council Staff
Michael Schlei	Trustee Council Staff

Shane Sinclair	Trustee Council Staff
Barat LaPorte	Patton Boggs
Sarah Curtis (T)	Patton Boggs
Steve Zemke (T)	U.S. Forest Service
JoEllen Lottsfeldt	Trustee Council Staff
Carol Fries (T)	Alaska Department of Natural Resources
Dede Bohn (T)	U.S. Geological Survey
Jennifer Kohout	U.S. Fish and Wildlife Service
Marilyn Sigman (T)	Center for Alaska Coastal Studies
Linda Robinson	Prince William Sound Regional Citizens' Advisory Council
Tom Ribbenou (T)	
Theresa Obermeyer	Public
Pete Hagan	National oceanic and Atmospheric Administration

G. SUMMARY:

At 9:05 a.m. on January 24, Stacy Studebaker, PAC Chairperson, opened the session with a welcome and introductions. Mutter conducted a roll call, a quorum was not present.

In the absence of Baffrey, Boerner provided the Executive Director's report. She said the Alaska Marine Science Symposium just wrapped up and included 9 EVOS Principal Investigator presentations and 11 EVOS project poster sessions. Coordination with the PWS Ocean Observing System group was useful and will continue. A meeting of the EVOS Herring Work Groups was convened. Plans are underway to participate in the Symposium again next year.

Boerner reported that the first draft of the herring plan was distributed January 10 for a 30-day public review. They have received 6 comments thus far. A writing session will be convened to address comments and pull together the action plan, followed by another public review. Baker commented that it was a good Herring Committee meeting and that Gary Fandrei did an excellent job as chair.

Boerner said the FY2009 Invitation to Bid was on hold pending a retreat of the Trustee Council members in March or April. Brune asked how this might affect the proposed meeting in Valdez and if the retreat might occur there right before a meeting—as he needs to coordinate with Alyeska. Womac said things were up in the air.

Womac reported that the Alaska Forum on the Environmental agenda for February 14 includes 4 EVOS breakout roundtable discussion sessions: 1) on the history and background of EVOS and the restoration program, 2) on the use of Traditional Ecological Knowledge in restoration, 3) on the work being done for herring, and 4) on local involvement and community-based restoration.

Studebaker noted that the last Trustee Council meeting was cancelled so she had not had a chance to report on PAC recommendations.

The group discussed the draft information prepared by Marilyn Sigman for inclusion in the FY2009 Invitation that was related to community involvement in restoration projects. Baker noted that Sigman's presentation on the topic at the Symposium went well and was well attended.

The new EVOS Environmental Program Specialist, JoEllen Lottsfeldt, was introduced.

Public comment was offered by Obermeyer. She commented on the public participation process and the EVOS Supreme Court case.

The meeting was recessed at 9:43 a.m., to resume at 9:00 a.m. on March 5, 2008.

The meeting was recalled to order on March 5, at 9:02 a.m. by Doug Mutter, Designated Federal Official (chairing the meeting in the absence of the chair and vice-chair). Roll call was taken, a quorum was not present.

Baffrey gave an update on the status of the Herring Plan. The February 28, 2008, draft is out for a 30-day review and comment period. It will then be submitted to the Trustee Council for action. Baker asked if the Science Panel had reviewed it. Baffrey said they are reviewing it now as individual reviewers. Boerner noted that this will be a living document, added to as new information becomes available.

Baffrey reviewed 3 proposals being considered for additional work on lingering oil (abstracts were previously emailed to PAC members). These are on a tight schedule, as work is to begin in 2008. They have not been peer reviewed, but the Science Panel has reviewed them and made recommendations. The Trustee Council is expected to make a decision on funding at their March 17 meeting. Baffrey said he wanted these projects' Principal Investigators to interact and coordinate their efforts. Discussion of each proposal follows:

1. Rosenberg harlequin duck studies. $40K. The Science Panel recommended funding contingent on preparing a better scope of work. Robards said it seemed to be a continuing project and that he would rather see it as a stand-alone effort.
2. Ballachey, Bodkin, Miles, and Esler nearshore otter and duck studies. $599K. The Science Panel recommended funding, except for objective #5. Baffrey noted that Esler was delinquent in providing a report on a previous EVOS-funded project. He said the project seemed expensive for 1 year and that he would review the cost. Brune noted that cost control was an important fiduciary responsibility. Fandrei said that we needed to hold firm on the PAC and Trustee Council policy of no more funds if reports were not delivered on time. Kohout asked about clarifying objective #5, since it seemed worthwhile. The group discussed the value of projects including species that were not on the injured list, but were part of a more comprehensive ecosystem approach. Kopchak noted the continuing need for more temporal and spatial data on ecosystems interrelationships.
3. Hollman and Springman harlequin duck studies. $148K. The Science Panel was very supportive of this project and recommended funding. Kopchak asked how this would help with restoration. Baffrey said it could link lingering oil to ongoing injury. Robards said he like this proposal the best, the others needed integrated.

Brune asked how much was being spent in 2008 on projects. Boerner estimated about $4 million. Baffrey said that the Trustee Council was keeping lingering oil projects outside the spending cap calculation, since there may be reimbursement from the re-opener.

Baffrey went over several concepts for discussion in framing the FY2009 Invitation to Bid. He said the Trustee Council would have a retreat March 15-16 and a meeting on the 17th. He asked

for comments on the following suggested topics:

1. Synthesis of work done by a variety of organizations, not just EVOS, on the health of the ecosystem, changes in resources, cumulative effects of post-spill work, gaps in knowledge, revisions to recovery objectives, baseline data and protocols for use, etc. Kopchak liked the concept, but wanted to look at different ways of analyzing information from what has been done in the past, possibly using AAAS or NSF models. Zeine said this should be done.
2. Community involvement, based on the Sigman report on the elements to be considered—implementation of these concepts. Kopchak liked the idea. Robards asked if there was a specific plan for implementation. Baffrey said things like the Youth Area Watch could work if more students were connected, e.g., a whole school was involved. Kopchak noted that there were oil spill curricula and resources available and they should be put to use, rather than reinventing them.
3. Monitoring what really needs tracked to determine recovery and integration with other organizations' efforts. Brune noted that future spills were not within the purview of the Trustee Council. Robards said that we needed to look at the health of the ecosystem. Kopchak agreed with both, noting that recovery and health needed tracked, but not for the purpose of use in future spills, although this could be a beneficial by-product. Brune agreed with Kopchak.
4. An ecosystem approach to examining the nearshore environment (intertidal and shallow waters) and integrating studies. Robards asked if this would be specific to non-recovered species. Baffrey said yes.
5. Commercial fisheries and socio-economic changes resulting from the spill. Kopchak noted that this has not been done for this injured service and that it needed to be.
6. Habitat protection and acquisition, comparing protected versus un-protected areas and how resources have responded.
7. 20th anniversary historical perspective of the spill and the restoration effort, the results over time, in a multi-media format. This would be a summary of what we know. Zeine said it sounds good.
8. Forage fish biomass and the relation to birds.
9. Biomarkers that could be used to identify environmental health and contamination, which can/should we use, what is the suite of tools available and how well do they work.. Robards asked if this related to the 3 proposed projects. Baffrey said he would not hold them up for this. Kopckak suggested using the Herring Restoration Plan as a model for accomplishing this work. Baffrey noted there may be a legal question on the use of some techniques.
10. Stormwater/wastewater. In 2007 15 pre-proposals were received on this. ADEC is examining criteria that could be used to evaluate them. Kopchak said it did not make sense to fund normal agency work. Fandrei agreed.

Baffrey said he hopes the invite will go out the end of March.

Fries gave a status report on habitat protection and acquisition efforts underway that are going to be considered by the Trustee Council:

1. Two small parcels, one a Native Allotment in the Northern Arm, the second the Russell Long property along the Kenai River in Soldotna. Both provide stream access.
2. Parcels at the mouth of the Anchor River, in partnership with other funding sources and

The Nature Conservancy.
3. Valdez Duck Flats, which is now overseen by the Court.
4. Northern Afognak acquisitions revisited—appraisal is underway.
5. Aialik Bay parcel, within Kenai Fjords National Park boundaries.

The meeting adjourned at 10:37 a.m.

H. FOLLOW-UP:

1. Womac will send information to PAC members, and add information to the EVOS web site, on the upcoming Alaska Forum on the Environment sessions.
2. PAC members are to get comments on the draft herring plan to Boerner by February 10.
3. PAC members are to get comments on the draft community involvement section of the 2009 invitation to Sigman by January 31.
4. Baffrey will ensure the Science Panel has the opportunity to review the latest draft Herring Plan (February 28, 2008 version).

I. NEXT MEETINGS:

--Possibly a late April/early May field trip and/or meeting in Cordova and/or Valdez.

J. ATTACHMENTS (handed out at the meeting): None

K. CERTIFICATION:

_____ _____

PAC Chairperson **Date**

Exxon Valdez Oil Spill Trustee Council

PRINCE WILLIAM SOUND HERRING RESTORATION PLAN

DRAFT Issued February 28, 2008

Exxon Valdez Oil Spill Trustee Council

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

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EXECUTIVE SUMMARY

PLAN GOALS

The Exxon Valdez Oil Spill (EVOS) Trustee Council has classified the Prince William Sound (PWS) population of Pacific herring (*Clupea pallasi*) as a resource that has not recovered from the effects of the 1989 oil spill. The PWS herring population was increasing prior to 1989 with record harvests reported just before the spill. The 1989 year class was one of the smallest cohorts of spawning adults recorded, and by 1993, the fishery had collapsed with only 25% of the expected adults returning to spawn. The PWS fishery was closed from 1993 – 1996 but reopened in 1997 and 1998 based on an increasing population. Numbers again declined and the fishery was closed from 1999 through 2006. Reasons for the population collapse and failure to recovery remain largely unknown.

The main goal of this plan is to determine what, if anything can be done to successfully recover Pacific herring in Prince William Sound from the effects of the *Exxon Valdez* Oil Spill. In order to determine what steps can be taken, this plan will examine the reasons for the continued decline of herring in the Sound, identify and evaluate potential recovery alternatives, and establish a course of action for achieving restoration.

BACKGROUND

The Pacific herring is one of 180 species of fish classified within the family Clupeidae and the order Clupeiformes. They occur in waters of the continental shelf from northern Baja California to arctic Alaska, westward to Russia and south to Japan and the west coasts of Korea. They also occur along the Arctic Ocean from the White Sea eastward to Ob Inlet (Hay 1985) (Fig. 1).

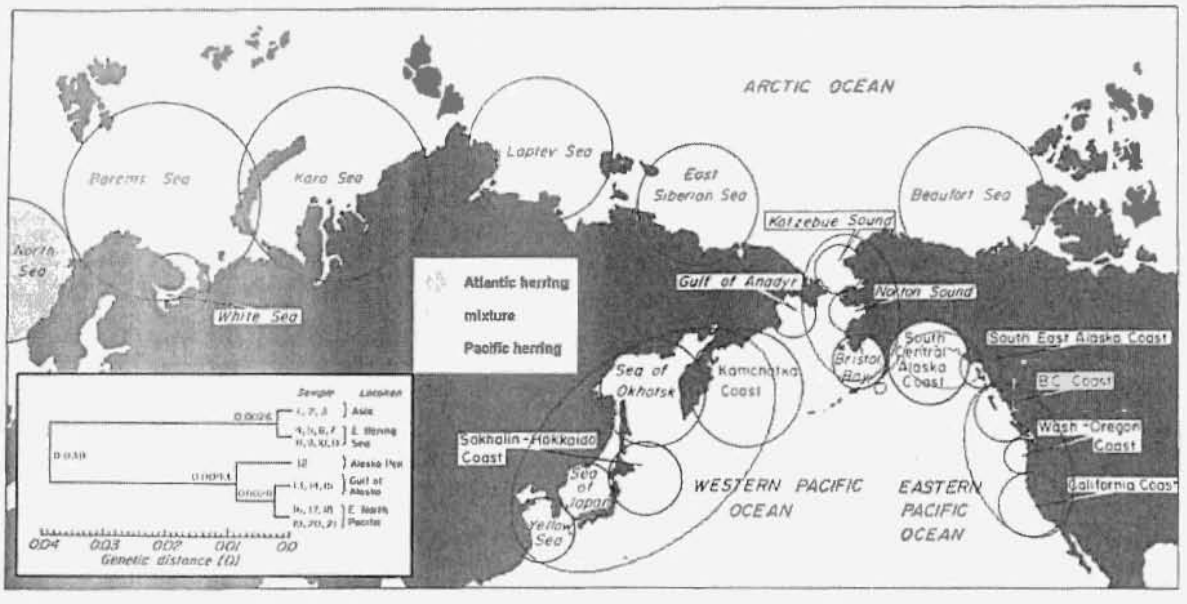

Fig.1. Global distribution of Pacific herring (adapted from Hay 1985)

The four Pacific herring life stages, eggs, larvae, juveniles and adults, are all found in PWS in various seasons and locations (Brown and Carls 1998). Spawning in PWS typically takes place in April and the spawning season varies from five days to three weeks. Pacific herring typically spawn along the same beaches each year, although the volume of eggs and shoreline distances varies (Brown and Carls 1998; Carls et al. 2002). For example, from 1994 to 1997, the annual spawning beach length ranged from 23.3 to 68.5 km (Willette et al. 1998). Figure 2 shows Pacific herring spawning beds located throughout PWS based upon 1973 - 2006 data from the Alaska Department of Fish and Game (Moffitt 2006, pers. comm.)

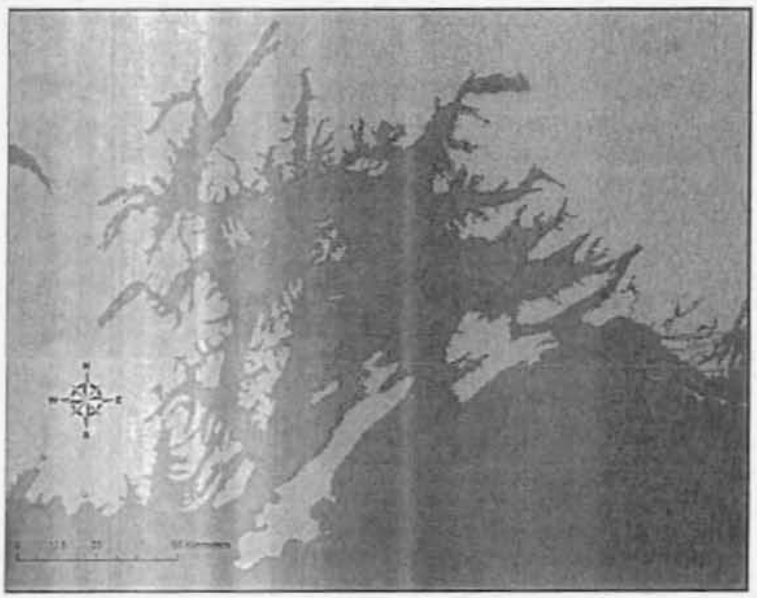

Fig.2. Pacific herring spawning beds located throughout PWS based upon 1973 - 2006 data from the Alaska Department of Fish and Game (Moffitt 2006, pers. comm.)

During spawning, the eggs attach to eelgrass, rockweed (*Fucus* sp) and kelp in shallow subtidal and intertidal areas. The eggs hatch in May, about 24 days after spawning depending on temperature (Hart 1973; Brown and Carls 1998). After hatching the larval herring migrate to the surface, congregate nearshore and continue to grow. Initially, the larvae have yolks that will last a few days, are poor swimmers and currents significantly affect their distribution. The larvae become juveniles in July, about 10 weeks after hatching. In the fall, the juveniles move into deeper water but nearshore habitat remains important for at least the first year, and they may spend up to two years in nearshore areas or bays before joining the adult population residing in deeper waters (Brown and Carls 1998).

In PWS, adult Pacific Herring rarely spawn before their third year and may live up to 15 years. The average life span of a PWS herring is 9 years. After spawning in the spring, adult Pacific herring disperse from the spawning aggregations to multiple schools in deeper waters, presumably close to the entrance of PWS (Brown and Carls 1998). In the fall, adult and two year old fish return from summer feeding areas and over-winter in central and eastern PWS.

Newly hatched larvae carry a yolk sac that is typically depleted in the first week. The earliest larval stages begin feeding on invertebrate eggs and small zooplankton such as copepods. While the larval Pacific herring grow and congregate nearshore through their first summer, they continue to live mainly on copepods but may also eat other crustaceans, barnacle larvae, mollusk larvae or young fishes (Brown and Carls 1998). As they move into deeper waters, copepods remain an important food for both juvenile and adult pacific herring, but adults also feed on larger crustaceans and small fish. During winter, as temperature and light decrease, food supply becomes limited and both young and adult year classes stop feeding functionally. Survival of young herring through the winter depends on the amount of food that was available in the preceding summer and their ability to store sufficient lipid reserves to sustain them over the winter. For the older age classes, winter is less limiting on direct survival, but may affect their reproductive condition and spawning capacity in the spring (Carls et al. 2001).

The Exxon Valdez Oil Spill

The PWS herring population was increasing prior to 1989 with record harvests reported just before the oil spill (Fig. 3).

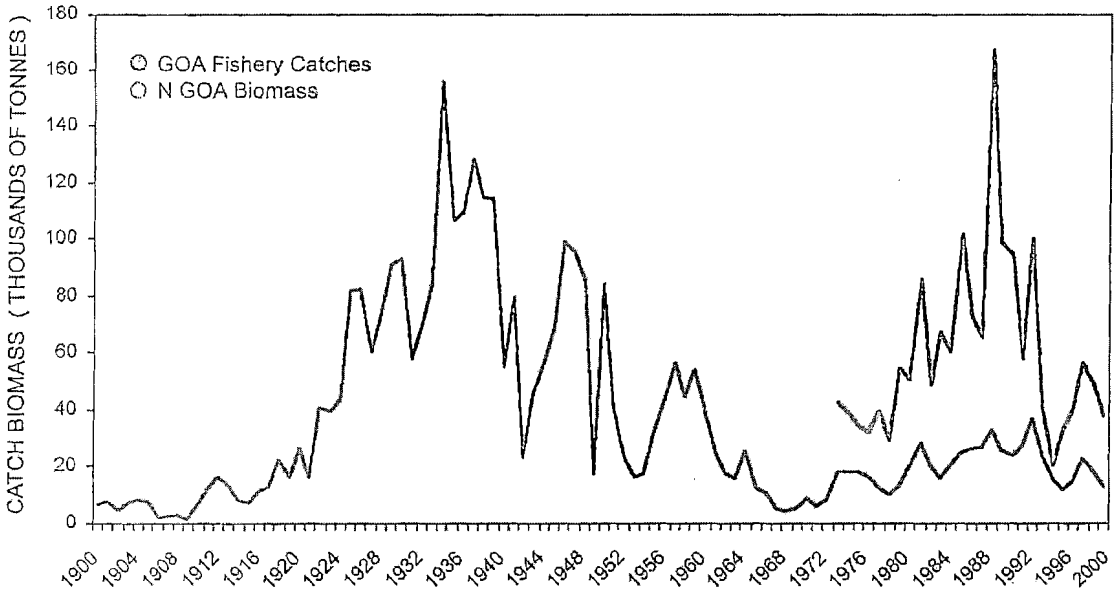

Fig. 3. Pacific herring fishery catches in the Gulf of Alaska (blue line) and estimated annual biomass of herring in PWS (red line) (Brown, 2007).

After the oil spill, the 1989 year class of herring was one of the smallest cohorts of spawning adults recorded, and by 1993, the fishery had collapsed with only 25% of the expected adults returning to spawn.

The population collapse stopped the commercial fishery, and ignited debate about the cause. Some are convinced that the spill was the cause; others believe it was caused by natural systems (Rice and Carls 2007). Unfortunately, we will never know with certainty what the cause was or when it started, as the there is a conflict between data interpretations (Hulson et al. 2008, Thorne and Thomas 2008). Unhealthy fish were detected at the same time as the crash, but disease surveillances were not underway in the previous years. Hydro-acoustic estimates of over wintering populations were initiated in 1993, after the decline in population was detected, and hence are not available during or prior to the decline or crash. The spill certainly affected the 1989 year class; as eggs and as larvae, resulting in one of the poorest recruitments ever observed. While oil continues to linger on some beaches in PWS, lingering exposures to new year classes is not suspected because there is little or no overlap of present day spawning sites with lingering oil. There is no known mechanism for continued oil exposures to this species. Direct oil effects were no longer detectable after 1990 in herring (Pearson, Elston et al. 1999; Carls, Marty et al. 2002) and strong recruitment of the 1988 year-class (in 1991) suggested that oil effects were restricted to the 1989 year class. No plausible oil-related mechanisms have been developed to explain a delayed response after intervening years of no response. Understanding the cause of the population decline or crash, and when it started, is no longer possible with certainty.

FACTORS POTENTIALLY LIMITING RECOVERY

Many herring populations ebb and flow, but only a few remain depressed for long time periods. Many factors likely contribute, so this is a complex issue. Natural factors, including climate changes, inter-species competition, sub-optimal recruitment, disease, and predation may be reasons for the continued population depression.

Disease

A significant factor in the inability of the Pacific herring population in PWS to recover is age-dependent mortality from three pathogens: mesomycetozoan Ichthyophonus hoferi, viral hemorrhagic septicemia virus (VHSV), and filamentous bacteria (associated with cutaneous ulcers). Beginning in 1993 with a severe outbreak of VHSV and ulcers, epidemics have cycled through the Pacific herring population in PWS about every 4 years. Epidemics of VHSV-ulcers in 1993 and 1998 were followed by epidemics of I. hoferi that peaked in 2001 and 2005. Unfortunately there are no long-term disease data sets for other herring populations, or other species with which to make comparisons.

Prince William Sound Pacific herring had a major VHSV-ulcer disease outbreak in 1993, moderate disease in 1997–1998, and mild disease in 2002. However, as the VHSV-ulcer outbreaks have decreased in severity, the significance of I. hoferi has increased. An original hypothesis was that disease was a sporadic event associated with exceeding carrying capacity (Marty et al. 1998), but the 1998, 2001, 2002, and 2005 disease events occurred when the population was relatively low.

The causes for sustained disease problems are not apparent. Immune suppression can be caused after acute exposure to oil, but no herring living today in PWS were alive and exposed in 1989, and no continuing exposure to lingering oil is suspected. At present, the relationship among disease and other factors, such as the lack of food, is not apparent. The PWS Pacific herring population remains too low to allow commercial fishing and there is no hypothesis to explain the continuing disease or adequate information to predict when disease problems will abate.

Predation

Previous research has not eliminated predators as a potential factor in limiting Pacific herring recovery in PWS. Herring are of great importance in the PWS ecosystem; as roughly second- or third-order consumers, they transfer energy from zooplankton to a wide variety of consumers including humpback whales, harbor seals, birds, and other fish. Herring may also significantly influence or control the grazing pressure exerted on lower trophic levels (Cole & McGlade 1998). The relationships between herring and multiple predators is complex, with ample opportunity for large or increasing predator populations to significantly influence the herring population.

Oceanographic changes

Pacific herring stocks have been shown to respond to climatic changes, with increases in populations during warm conditions when plankton production is generally better than during cold years. The Gulf of Alaska populations have increased during the positive phase of the Pacific Decadal Oscillation, when the Gulf of Alaska is stormy, warm and the water is well-mixed (Brown 2006). The favorable conditions for these populations appear to be related to higher plankton production, as there are larger fish at equivalent ages when zooplankton are more abundant. However, anomalously cold conditions have been detected in PWS beginning in 2006 which may have a negative impact on herring populations (Weingartner 2007).

Contaminants in habitat

The waters and majority of the PWS shoreline are among the cleanest habitats in the world. Polynuclear aromatic hydrocarbon loads in the water are very low (Carls et al. 2002). Less than 0.2% of the shoreline has evidence of oil contamination, the current and historical human habitation sites and areas where *Exxon Valdez* oil remains (Boehm et al. 2004; Short et al. 2002 report). Only trace concentrations of persistent organic pollutants (e.g., pesticides and polychlorinated biphenols) are detectable in intertidal areas (Short et al. 2006 report).

Lingering oil toxicity does not appear to be limiting Pacific herring recovery in PWS. For oil exposure to be a cause of the current population depression, 1) lingering oil must have continued to exert new effects, or 2) the oil exposures of 1989 must have caused a persistent biological effects.

1. *Lingering oil effects are not suspected.* There is no evidence of significant herring exposure to oil in PWS after 1990. Unlike the habitat of certain other species (pink salmon, sea otters, and harlequin ducks), oil did not persist in herring habitat (open water and intertidal shorelines), thus the herring population is not affected by a chronic source of lingering oil. Northeastern spawning areas were not affected by the *Exxon Valdez* oil spill, nor were north-central spawning grounds (which are not currently utilized by the herring). There was little overlap between shoreline oiling and herring spawning on Montague Island and in the Naked Island group (another area not currently utilized by herring).

2. *Persistent effects from the initial oil spill in 1989 are speculative.* For oil exposures in 1989 to have a continuing effect in PWS herring, either of two criteria would have to be met: a) long-term oil impacts in exposed individuals, or b) a possible cascade effect. Potential long-term impacts include morphological defects, genetic changes, poorer growth, and immune suppression. Fish with morphological defects, such as reduced cardiac function, were probably eliminated by natural selection rather quickly. Reduction in genetic diversity as a result of exposure to oil is unlikely; the population had little time to adapt to oil because exposure was not chronic for the PWS herring population. There is no evidence of reduced genetic diversity in PWS herring. Long term growth reductions were not evident; mass at age increased for several years after 1992. The remaining hypothesis, long-term immune suppression is also unlikely. While disease continues to cycle in PWS herring and is probably limiting herring recovery, there are no studies (in PWS or elsewhere) linking a long-term immune suppression in fish to contaminant exposure. The plausibility of immune-compromised individuals surviving for long periods is small. Disease challenge would likely remove impaired individuals from the population, particularly after annual winter starvation events when fish are least resistant. Each fall VHSV drops to undetectably low levels only to rebuild in the spring. This natural cycling does not require individuals damaged as a result of oil exposure to introduce disease into the population.

Possible cascade effects are highly speculative. We are unaware of any reports of oil-related cascade effects in pelagic fish species or their prey. The primary support for a cascade effect is the persistent population depression, coupled with the persistent association with disease. The causes for the persistent disease are not understood, suggesting an unknown cascade effect. Also supporting a cascade effect is the simultaneous collapse in the pink salmon population in PWS in 1992 - 1993. Populations of two species with very different life histories and survival strategies collapsed in the same localized region (PWS) but did not collapse elsewhere in Alaska. Thus, these collapses appear to be a PWS phenomenon. This fuels speculation of a cascade effect linked to the oil spill with no known mechanism.

Lack of recruitment

Following a population crash in 1993, Prince William Sound herring experienced very low recruitment from the 1995 through 1998 year classes. The current history of low herring recruitment in PWS is not without precedent in other west coast herring populations, though these consecutive low recruitment events are relatively rare. Simultaneous poor recruitment was not observed in other North American herring populations during the late 1990s. However, four-year to six-year runs of low recruitment have occurred at other times in other herring populations, including Togiak (2000-2003), Sitka (1971-1973) and Craig (1971-1975) in Alaska, Prince Rupert (1963-1966), Queen Charlottes (1990s), Vancouver (1960s), Strait of Georgia (1960s) in British Columbia, and Cherry Point (1970s) in Washington. The timing of low recruitment events appears to vary randomly among the sampled North American herring

populations.

The low recruitment events in PWS in the 1990s broke down a strong correlation between PWS and Sitka recruitments. Prince William Sound has experienced 3 modest recruitment events since the 1993 population collapse (the 1993, 1994, and 1999 year classes), but biomass has yet to increase above low levels. Strong recruitment from the lowest biomass levels has not been observed at PWS or Prince Rupert, but five of the ten examined herring populations (Togiak, Sitka, Craig, Queen Charlotte Islands, and West Coast of Vancouver Island) have generated extremely strong recruitment events from the lowest biomass levels. While the low recruitments from the 1995 to 1998 year classes are within the range of natural variability, recovery of PWS herring will require further recruitment events, combined with increased adult survival from disease and other sources.

The continued existence of herring populations is threatened when the number of consecutive low recruitments approaches the reproductive lifespan. Herring in PWS came dangerously close to the reproductive lifespan threshold with 4 successive years of near-zero recruitment in the late 1990s, following previous low recruitment in the early and mid-1990s. Moderate recruitment in 1999 may sustain the population provided adult mortality is not excessive, at least for the short term. Recovery of PWS herring will require further above-average or strong recruitment events, combined with increased adult survival from disease and other sources. Because we do not know the cause of the current series of low recruitment events, it is not possible to predict if recruitment will get better or worse.

CURRENTLY FUNDED HERRING RESEARCH

Predators

Predation is likely contributing to the suppression of herring populations in Prince William Sound and marine mammals and seabirds are major predators on these fish. Any restoration effort must understand whether or not increased herring production will merely result in more predators rather than more herring. Fisheries management models currently use broad and highly uncertain estimates of natural mortality. Predation is the major source of mortality, even if underlying causes are disease or starvation.

Juvenile herring are heavily predated by multiple species of seabirds including five species injured by the EVOS (Bishop 2007). Research will focus on the spatial and temporal abundance of seabird predators in and around juvenile herring schools, as well as the physical and biological characteristics of the schools used for feeding. The estimates of juvenile herring consumption produced by this work will aid in planning future restoration efforts as well as in assessing the role of seabird predation on herring recruitment by providing data to both herring and ecosystem modeling.

Ongoing studies of killer whales and their effect on Pacific herring will be broadened to include a satellite tagging program to examine habitat preference and to aid in a more extensive examination of feeding habits using observational and chemical techniques (Matkin 2007). Killer whale research will more clearly delineate the role of killer whales in the nearshore ecosystem and possible effects on the restoration recovery of herring.

Long-term systematic disease monitoring and research since 1994 has suggested a relationship between disease and the continuing population decline of herring in the Sound. A comprehensive three-year Herring Disease Program will begin in 2007 to examine the epizootic mortality resulting from infectious and parasitic diseases (Hershberger 2007). This program will provide predictive metrics that can forecast future disease epidemics and offer empirical relationships useful in developing adaptive management policies to mitigate the effects of epizootic and chronic diseases.

Ecological Factors

Any effort to restore or enhance herring production will require understanding of the ecological factors that may be affecting recruitment success including oceanographic changes, food scarcity, chemical pollution/changes, and habitat loss or compromise.

Food may be a limiting factor for juvenile herring. An understanding of the variability in abundance and distribution of herring prey may lead to a greater understanding of why certain nursery bays are more productive than others (Batten 2007). Recent Continuous Plankton Recorder data has shown large differences in mesozooplankton biomass on the Alaskan shelf from 2004 and 2005 (Batten 2006). Understanding changes in herring food supply from year to year, whether a shift in distribution, or timing, of zooplankton abundance could help understand the fluctuations in the population and, in turn, support management of this resource. Recruitment may also be contingent on young of the year herring attaining, from zooplankton, sufficient whole body energy content (WBEC) to survive their first winter (Kline 2007). The high rate of disease, as well as predation pressures, may also require young herring to have an increased energy demand in the winter that is not currently being met. A detailed study of the energy consumption rates of overwintering herring in the Prince William Sound in comparison to herring in other parts of Alaska may provide information on the high level of recruitment failures that will provide valuable information to managers for a recovery strategy (Vollenweider 2007).

Oceanographic factors also play a large role in the success or failure of a herring year class. Recruitment is highly influenced by conditions within nursery sites which affect survival within the first year. Studies of the physical oceanography of nursery fjords has indicated that each site has a unique set of hydrographic conditions that are influenced by both local processes and water exchange between the Gulf of Alaska and Prince William Sound (Gay and Vaughan 2001). A hydrographic time series within nursery fjords will collect high resolution data on currents and hydrography to determine the dominant mechanisms of water exchange and circulation within two experimental fjords; one located in a highly productive sub-region and one located in less productive sub-region influenced by tidewater glacial outflow (Gay 2007). This will provide critical information on where the most productive potential nursery bays would be located if a direct intervention approach is suggested by the Herring Recovery Plan.

The Alaska Coastal Current (ACC) is also an important focus habitat for herring as it links Prince William Sound and continental shelf marine habitats. Terrestrial runoff from around the Gulf of Alaska affects ACC dynamics and its nutrient and sediment load although oceanic processes substantially modify these influxes. The GAK 1 line has been monitoring the ACC continually for 36-years and data collected from provides the long-term temporal context of the natural variability of the ACC and Prince William Sound (Weingartner 2007). The data will also be essential in understanding how herring are affected by variations in temperature, salinity, and density and how this variability could affect recovery.

In addition to the oceanographic data collected, *ShoreZone* mapping will be conducted in the Sound to provide a single mapping protocol that includes geomorphology, substrate type, and biological substrate on all beaches. *ShoreZone* mapping, in addition to the data from research on other ecological factors, will fill data gaps by providing a contiguous data set from across the entire spill area using a standard protocol (Lindeberg 2007). The data set will be useful to the recovery process, as it combines photographs of the entire beach area and provides information that can be sorted by location, substrate type, and other factors.

Global Influence

Information on abundance, distribution and condition of key herring life stages is a critical part of a successful herring recovery plan. There is, however, a general lack of scientific information on the life

history of Pacific herring in Prince William Sound. More information is required for the success of future enhancement efforts designed to improve the survival rate of juveniles into adulthood.

Barometers of the PWS herring population are the adult abundance and condition, as monitored in March, and the juvenile abundance and condition going into and coming out of the long winter period (Thorne 2007). A direct capture effort in March 2007 and March 2008 will not only fill data gaps for herring at this important time, but will provide biological samples that can be utilized for disease, marking, and stable isotope research projects that are currently underway.

Chemical analysis of trace element concentrations in herring otoliths will provide key geographic signatures of natal habitats that, in combination with *ShoreZone* mapping and ongoing oceanographic projects, will clearly define where the productive herring habitats are located. This will allow for the protection of the most important populations and identify those environmental variables needed to enhance other populations (Bickford/Norcross 2007). As a comparison to the PWS herring stock, Sitka Sound's herring stocks remain healthy and relatively intact. Otolith chemistry collected from this population will be used as a control group, providing baseline data to compare to the depleted herring stocks in PWS (Meuret-Woody 2007). This comparison will be essential in crafting the herring recovery program as it provides a clear picture of threats effecting the depressed PWS herring population that could potentially be limited or removed.

In addition to otolith chemistry, fatty acid analysis (FAA) of herring cardiac tissue will be help in determining herring stock structure at fine spatial scales and will establish if otolith chemistry methods can be used to corroborate FAA techniques (Otis/Bickford 2007). Results should allow researchers to better define ecologically significant stock boundaries likely affecting how commercially exploited herring populations are assessed and managed.

Databases and Modeling

The ability to process and make historical and current herring data available to researchers will play a large role in the success of a herring recovery plan. The development of a life-stage specific, ecosystem based model of the PWS herring that will aid in the integration of ecological data that has been gathered on herring over the last two decades and will be able to simulate the processes that cause the chronic decrease in herring stocks (Kiefer 2007). More specifically, it can be used to test the unresolved hypotheses of why the herring have not recovered to pre-spill densities. The model will be housed in a geographic information system developed specifically for marine applications and will be available for interactive viewing and downloading of files over the Internet.

A web portal will provide assess to modeling data and GIS visualizations for the researchers and the pubic (Moffitt 2007). Researchers will utilize the web portal as a resource to assist in consolidating, accessing, and synthesizing herring data. Currently, herring related data sets are not widely available and are not shared among herring researchers. The new web portal will facilitate the sharing of spatial and temporal herring data that will be important during the development and implementation of the herring recovery plan.

POTENTIAL RESTORATION ACTIONS

It may be possible to restore herring populations in Prince William Sound through the use of direct restoration or intervention methods such as the moving of fertilized eggs to habitats more favorable for survival or the release of juveniles reared in hatcheries. However, the efficacy of these or other direct restoration methods need to be proven and may be technically infeasible or too costly. Furthermore, the

use of direct restoration activities may cause unintended adverse environmental outcomes such as the increase in incidence of disease to herring or other fishes.

Regardless of whether active restoration methods are used, monitoring will play an important role in the restoration process. Monitoring will be required as part of any active restoration program to evaluate the efficacy of various active restoration methods, the status of recovery, and the potential occurrence of unintended adverse impacts.

No action – allow natural recovery

If direct restoration activities are found to be impractical, too costly, or too risky, then monitoring may be the only viable means of helping to restore herring populations. Monitoring in itself can be an effective restoration tool that enables the natural recovery of populations by detecting and ameliorating impediments to the natural recovery. For example, monitoring might lead to a better understanding of the role of disease, predictability of disease outbreaks, and disease management practices that reduce disease impacts. Monitoring of herring populations and critical life-history attributes might also allow for the development of better predictive models of herring stocks, more protective fisheries management practices, and longer-term sustainability of the stock. Furthermore, monitoring might reveal unknown sources of human-induced impacts on herring that, if identified, could be ameliorated and removed as an impediment to natural recovery.

Active enhancement program

Enhancement is the release of cultured herring to supplement natural recruitment so as to assist recovery or restoration of the population to historical levels. Therefore, the purpose of enhancement is to increase numbers and biomass of herring to levels exceeding natural carrying capacity. That is, something is done so that combined effects of disease, food supply and predation are overcome. This usually means adding young herring raised in captivity, where survival rates can exceed those in the wild, back to the environment.

The issue of enhancement of marine fish populations is controversial. There is an influential part of the fisheries science community, mainly from the ecological side, that is steadfastly opposed to the concept of marine finfish enhancement. There is another component, mainly the practitioners, who are comfortable with the concept and worry little about biological implications. However, even the detractors of the concept suggest that the activity may be warranted when all other conventional management procedures fail. Even then there are reservations about the efficacy of the approach if density-dependent factors regulating recruitment occur after the release of cultured fish. This is a focal point for this issue in Prince William Sound.

A decision to investigate the feasibility of enhancement does not necessarily mean that the EVOS Trustee Council is committed to the concept or determined to engage in enhancement activity. Instead, the intention is to examine the implications of the concept, as it applies to herring in Prince William Sound. Full scale enhancement activity would require several years of preparation, mainly to develop and determine some technological issues, such as mass marking of young fish prior to release. Mass marking and other technological activities are fundamental pre-requisites of enhancement activity. Therefore, because the development of these technological issues will take time, it is important that some investigations begin immediately. It also is important to understand that these investigations also could result in a definitive conclusion the enhancement of herring is impractical or far too expensive.

We suggest a sequential three-phase plan that could lead to full scale enhancement within five years. Each phase consists of several concurrent steps of complementary activities. Phase I will consist of three activities, each of which could resulting a conclusion that enhancement of herring is not warranted,

because of technological or biological issues. Therefore we reiterate: the first components of a restoration plan are to determine the technological and logistical feasibility of the plan. These steps will not necessarily lead to enhancement activity.
Herring restoration in PWS could proceed in three distinct consecutive phases, each of which has several distinct but concurrent activities or 'steps'. The three phases and suggested durations are:

Year 1 - Justification, decision rules and feasibility
Year 2-5 - Pilot scale enhancement and methodology tests
Year 5-9 - Full scale enhancement

Each phase would have several steps or activities that could be conducted concurrently within the duration of each phase. Please see Appendix B – Enhancement Review for more detail on each phase.

1. Develop decision rules and reference points
Write and define a contract to prepare a report that: (i) presents data on the past and present state of Prince William Sound herring, with comments on the strengths and weaknesses of the information; (ii) defines criteria, such as abundance levels, that would be a basis for initiating enhancement activity and suspending or stopping such activity following favorable responses of the population; (iii) defines criteria where possible extinction is a concern and that would warrant implementation of 'conservation hatcheries.

2. Assessment and development of mass marking technology
Write and define a contract to prepare a report that will provide definitive approaches and/or methodology to mass marking. This report would include detailed review and analysis of the Japanese work and experience with mass marking of herring. The report(s) should comment on the success rates for establishing marks and the costs related to different marking scenarios, at both ends of the process (marking and reading the marks at later stages).

3. Recapture and mark-detection methodology – a pre-application statistical guide concerned with issues of scale.
There is a need for a dedicated report that comments on the feasibility of marking and different mark-recapture rates. Some relatively simple modeling and statistical analyses should investigate the options and financial costs of several release-recapture scenarios and relate this to the cost of rearing herring, prior to release.

RESEARCH NEEDS

Research is in progress on many of the issues addressed above affecting Pacific herring in PWS. These efforts have only begun to address the complex interactions that are affecting herring populations and more questions have come to light as the research progresses. The questions that still need to be answered in order to move herring toward restoration include:

1. Are there credible ways, other than cumulative distance (spawn miles and mile-days) that herring spawn may be quantified, or made into an index, that would be biologically realistic?

2. Can retrospective analysis of growth during the first and second years of life, estimated from analyses of archival collections of herring scales, be used to comment on inter- and intra-annual variation in growth and survival of herring in PWS? Could such retrospective analyses be used to explain more about the biological events that occurred during the last two decades?

3. What are the key competitor species of herring and how do they affect each life stage?

4. What effects are oceanographic changes in PWS having on each life stage of herring?

5. What is the distribution of larvae and juveniles and the factors that are quantitatively important to determining year class strength?

6. What are the parameters that are significant to herring recruitment?

7. Is disease causal and impacting the population, or is it symptomatic and reflecting poor body condition?

8. Could their potentially be a relationship between larval release and disease effects in the general population?

9. Are there any suitable mass marking techniques for Pacific herring eggs, larvae or juveniles in PWS that are feasible, practical and affordable?

10. What ranges of marked animals must be released in order to have sufficient recaptures to evaluate success?

11. Can criteria or reference points be established that can be used to govern potential enhancement activity of herring in Prince William Sound? Specifically, biological or assessment what criteria would be used to initiate, suspend or stop enhancement activities?

12. How much would it cost to implement a pilot-scale enhancement facility in the spill area?

13. How much would it cost to implement a full-scale enhancement facility in the spill area?

14. What would be the annual costs of maintaining an enhancement program and would the EVOSTC remain the sole funding source for the program?

15. What permitting would be required for an enhancement program?

16. Is egg translocation a viable alternative to a hatchery program?

A STRATEGY AND DECISION MAKING FRAMEWORK

The restoration program for PWS herring can be managed adaptively as portrayed in Fig. 4, where the problem evaluation, policy decisions, research, monitoring and outcomes are all related in way that leads to logical decision making and provides order and context for the various program activities.

The strategy begins with definition of the problem and establishing objectives for restoration. Next the conceptual model is specified then the options are evaluated along with their uncertainties. If the there are many uncertainties, as there are with herring, then targeted research needs to be carried out, the first step in the restoration ladder. That research then tells us more about the survival of herring in the PWS ecosystem and we can evaluate the conceptual model and possibly change it to complete the loop. At some level of certainty we will perhaps undertake a pilot release of juvenile herring to test predictions of survival from a quantitative version of the conceptual model. The outcome is monitored, results are evaluated, and we complete the adaptive loop again with model revision, take further action, or stop the

program depending on the outcome. Finally we may reach a stage that either the system is on its way to restoration (known from monitoring) or large-scale intervention is implemented based on what has been learned adaptively and the predicted chances of success. The suggested annual cycle of program activities is shown in Fig. 5.

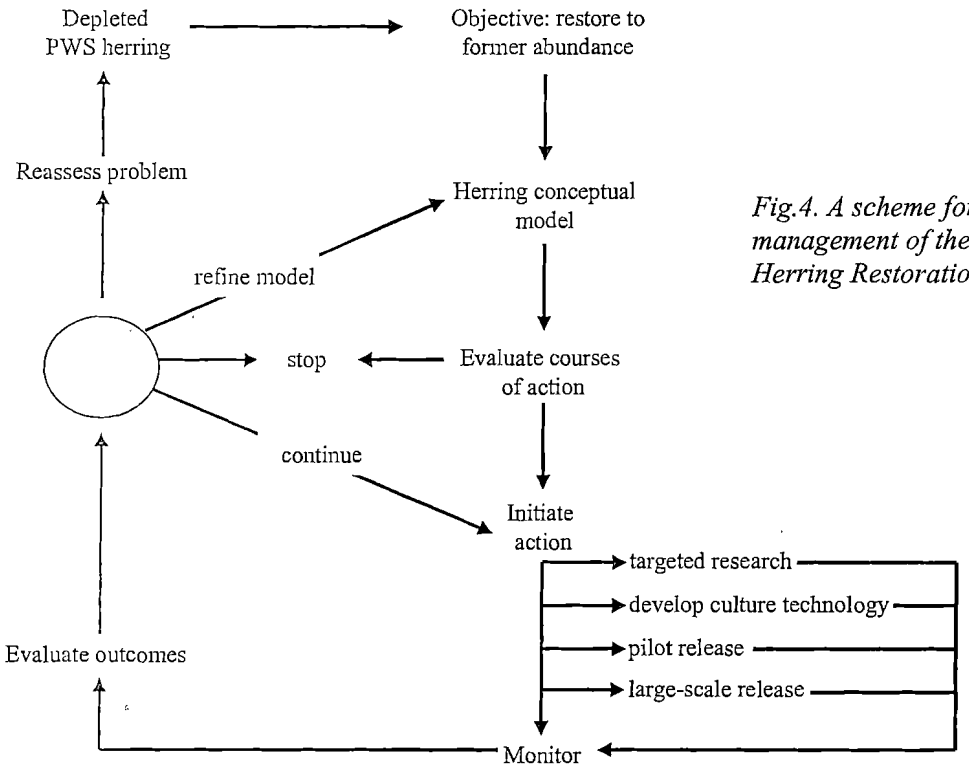

Fig.4. A scheme for adaptive management of the PWS Herring Restoration Program.

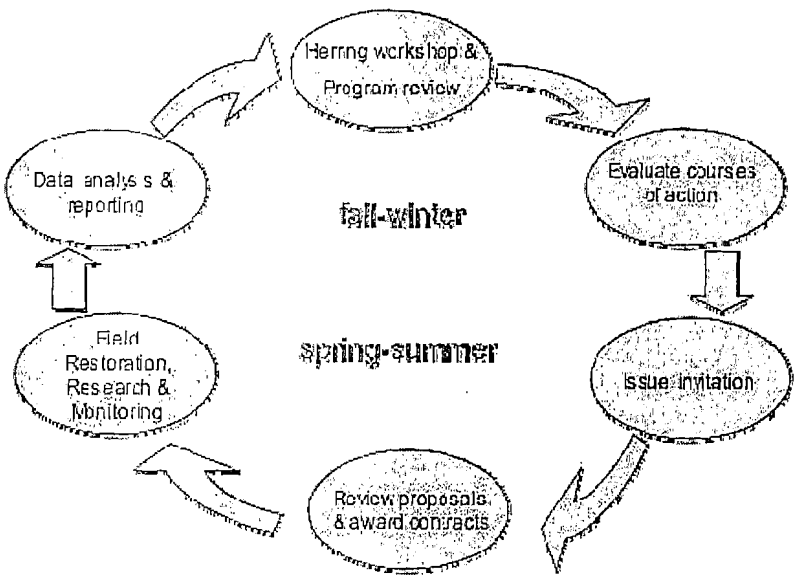

Fig. 5. The annual cycle of program activities for the Pacific herring program.

The annual cycle starts in the fall-winter period with an evaluation of the ongoing program activities for Pacific herring being carried out in Prince William Sound that includes peer reviewers. The reviewers recommend courses of action along with the Herring Committee and the Executive Director. If new activities are warranted they are requested in the annual invitation issued in late winter. If ongoing programs need to be modified they are also adjusted through the Executive Director using the peer review guidance. New and modified work is proposed to the Trustee Council for their consideration during the summer.

NEXT STEPS

The Herring Restoration Plan will need to be implemented in several steps that coincide with data gathered from ongoing research and monitoring efforts.

1. The FY09 Invitation for Proposals should specifically request projects that seek to answer the questions included in this document under "Research Needs".

2. The Herring Steering Committee should be reduced in size, but include a representative from each of the stakeholders. This will allow for more efficient and cost effective operation of the Committee while ensuring that each interested group has a seat at the table.

3. The third annual Herring Roundtable should be focused on results from FY08's research and its incorporation into an updated Herring Restoration Plan.

4. After meeting with Japanese researchers, who have been successfully raising Pacific herring for commercial uses, and analyzing data gathered by funded PI's, the Herring Steering Committee should make a recommendation to the Executive Director and the Trustee Council regarding a full-scale enhancement program.

5. A pilot-scale enhancement program would be beneficial in determining the feasibility of a larger scale program, identifying potential issues before significant funds are spent, and establish a relationship for permitting with the Alaska Department of Fish and Game.

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APPENDIX A – SCIENCE REVIEW

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
DATA POLICY

DRAFT February 15, 2008

PURPOSE

The purpose of this policy is to facilitate access to, and the confident use of, data and information used in and produced by projects funded by the *Exxon Valdez* Oil Spill Trustee Council (EVOSTC or "Trustee Council").

This policy has the following objectives, to:

1. ensure the preservation and availability of project information in well-documented, accessible, and understood formats to scientists and the public in a timely manner; and
2. protect the right of investigators who collect data, develop models, or who apply models to generate significant new insight to be cited whenever the data, models, or insights are used.

AUTHORITY

This policy is written in accordance with the *Exxon Valdez* Oil Spill Restoration Plan (Chapter 2, Section 20), and the General Operating Procedures (Page 4) of the *Exxon Valdez* Oil Spill Trustee Council.

APPLICABILITY

This policy applies to project personnel – including investigators and the staff members and contractors thereof – who are funded by the EVOSTC to perform collection, processing, modeling, analysis, or interpretation of scientific data. Such persons agree to follow this policy as a condition of receiving funding.

This policy has been developed in accordance with known current guidelines and standards for environmental data collection activities. In practice, this policy must comply with Federal laws and the laws of the State of Alaska and be consistent with policies of sponsoring agencies.

The Trustee Council's Executive Director will be notified of any instances where this policy is not being followed, and which cannot be resolved by the parties directly involved. The Executive Director will review the situation and recommend a course of action to the Trustee Council, which could include notification of parent agencies of principal investigators who have not complied with this policy and/or precluding funding for future projects.

DATA PRESERVATION

By court order, all documents (including written, electronic, photographic, and magnetic) or physical evidence (such as tissue samples) produced or collected as part of any Trustee Council-funded project must be preserved, unless authorization is given by both the Alaska Department of Law and the U.S. Department of Justice to destroy items no longer necessary for restoration or other purposes. Any requests to destroy documents or physical evidence must follow the Trustee Council's Procedures for State and Federal Agencies and Their Contractors for Destroying Documents or Physical Evidence Related to the *Exxon Valdez* Oil Spill, available at http://www.evostc.state.ak.us/Policies/other.cfm.

DATA & METADATA PROCEDURES

For the purposes of this policy, data is defined as quantifiable values that are collected by humans or machines, processed for quality assurance/quality control (QA/QC) by a trained observer, likely to be useful for future scientific analysis, and documented with appropriate metadata.

Once the Trustee Council approves project funds and the Trustee Council's Executive Director provides spending authorization, the Trustee Council's Data Systems Manager will contact the principal investigator (PI) to establish a Data Management Plan (DMP). The DMP will supplement information in the project proposal developed by the PI. The DMP will include procedures to process, format, document, and migrate all data to the chosen archive location, and identify a schedule for delivery.

A metadata ("data about data") record must be created for each dataset. The metadata format must comply with the Federal Geographic Data Committee (FGDC) Content Standard for Digital Geospatial Metadata (CSDGM). Metadata records may be created using any available method, so long as an FGDC-compliant metadata record (specific to each dataset) is produced. A list of popular metadata creation tools and information on creating FGDC-compliant metadata records can be found on the Trustee Council's website at http://www.evostc.state.ak.us/Policies/data.cfm.

Principal investigators of projects producing models are also responsible for archiving those models. Archived computer models must include the computer source code in a commonly used computer language. Documentation, sufficient to allow use of the model by persons having the knowledge and abilities typical of numerical modelers, must be submitted. Model products must include sufficient explanation so that persons having knowledge and abilities typical of Trustee Council-funded principal investigators can understand them.

DATA & MODEL ARCHIVING

Principal investigators are required to work with the Trustee Council's Data Management staff to identify and permanently archive datasets (data and metadata) that may be useful for future scientific analysis, and to submit metadata for such datasets to the Trustee Council's data archive. The data itself must be archived in either the Trustee Council's data archive or in another archive approved by the Data Systems Manager. A list of

approved data archive locations can be found on the Trustee Council's website at http://www.evostc.state.ak.us/Policies/data.cfm. Principal investigators may request approval of additional data archives from the Trustee Council's Data Systems Manager.

In general, the Data Systems Manager will approve a data archive for storage of EVOSTC datasets provided it:

1. is an appropriate location for the type of data to be archived;
2. is actively maintained by an agency or organization capable of providing access to datasets for the foreseeable future; and
3. provides continuous public (unrestricted) access to datasets electronically (e.g. via a website).

The Trustee Council's Data Management staff will provide web-based tools and instructions to principal investigators for use in submitting digitized data, metadata, and models to the Trustee Council's data archive. Principal investigators are encouraged to use these tools throughout the course of their project for information sharing between project personnel and for collaboration with other EVOS principal investigators, even if the data will be archived in a different location upon project completion. Before a dataset is shared, an FGDC-compliant metadata record must be provided and proper QA/QC procedures must be applied.

The final version of the data must be archived in one of the following formats: Microsoft Excel, Microsoft Access, CSV, XML, KML, or ESRI Shapefiles. Other formats may be used if approved by the Data Systems Manager. For Excel and CSV files, descriptive header information must be included. Archived computer models must include the computer source code in a commonly-used computer language along with documentation as described above.

Prior to the submission of a project final report to the Trustee Council office, principal investigator(s) are responsible for ensuring that final versions of all models and/or datasets (with appropriate metadata) have been archived in the chosen location. After a project final report has been finalized and published (in accordance with the Trustee Council's Procedures for the Preparation and Distribution of Reports), all archived datasets and models will be made available to the public.

In the interest of expanding knowledge in the scientific community, principal investigators are encouraged to provide copies of datasets to other national and regional data archives in addition to the requirements of this policy, and consistent with the requirements of their sponsoring agencies.

DATA PUBLICATION & CITATION

Data acquired under Trustee Council funding is considered public information and, as such, will be made available to the public via electronic means and otherwise. Copyright to such data is owned by the State and/or Federal agencies sponsoring the project.

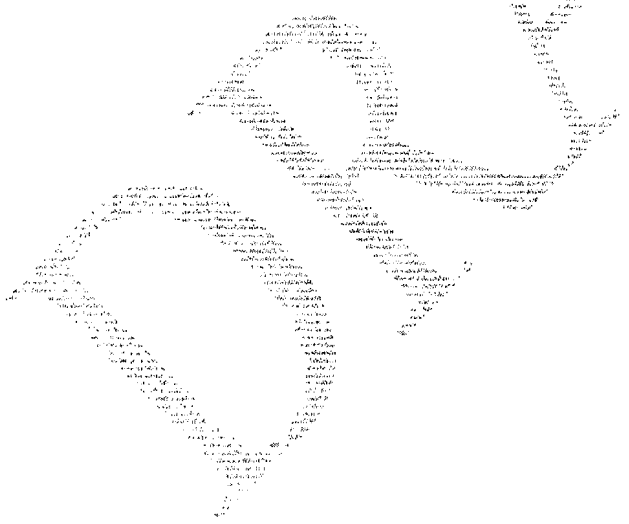
Following academic courtesy standards, principal investigators must include the following statement with any publically-distributed or otherwise published datasets or manuscripts, including refereed scientific journals or other public presentations:

"This material is based upon work funded by the *Exxon Valdez* Oil Spill Trustee Council under Project No. (enter number). Any opinions, findings, conclusions, or recommendations expressed herein are those of the author(s) and do not necessarily reflect the views or positions of the Trustee Council."

Principal investigator(s) retain the right to be fully credited for having collected and/or processed the data. Persons who acquire data, models, or model products produced with Trustee Council funding are responsible for communicating with the originating investigator(s). If a substantial use of the data is planned, collaboration and co-authorship with the originating principal investigator(s) is expected for any resulting publications. However, originating principal investigators may not unreasonably impede use or publication of archived data, models, or model products, provided they receive due credit for their contribution. Principal investigators are specifically authorized and encouraged to publish the results of their own research.

DATA LIABILITY

Datasets are only as good as the methods and QA/QC procedures used for collection. The user bears all responsibility for their use or misuse of information produced or collected with Trustee Council funding, including the use of any and all datasets, models, model products, reports, research, comparisons, or analyses. The Trustee Council, Trustee agencies, principal investigators, project personnel, and their staff do not assume liability for any claims, injuries, or damages in any manner related to the use or misuse of such information.



Financial Procedures

Project Authorization – Pg. III-3

2. *Fiscal Year:*

Add:

a. Projects are provided one additional full federal fiscal year for the draft, revision, finalization and publication of final project reports. Project specific scientific presentations will only be funded during this final report year, as detailed or required within the original invitation. The receipt of funding will be contingent upon the receipt of current and acceptable quarterly and annual reports, as detailed within the *Procedures for the Preparation and Distribution of Reports*.

b. The additional final project report year does not change the project from a single year project to a multi-year project. The project time-line for project research and field work, as approved by the Trustee Council determines the year(s) of the project. The additional final deliverable year is strictly to ensure sufficient time and available funding for the formal scientific presentation, as detailed within the original invitation, and the complete final report processes, as detailed within the *Procedures for the Preparation and Distribution of Reports.*

Lapse

Add between #2 & #3, Pg. III-5

No-cost Extension

At the discretion of the Executive Director, and as deemed necessary to complete approved project scopes, project lapse dates may be extended through an approved no-cost extension. The request must be made in writing and sent electronically by the Principal Investigator through the Trustee Agency Project Manager to the EVOS Program Coordinator for Executive Director consideration. The revised lapse date will be documented by the Program Coordinator within Project View. Granted no-cost extensions include the authorization to expend remaining project funds as budgeted

MEMORANDUM
Department of Natural Resources

State of Alaska
Office of Project Management

TO: Michael Baffrey
Executive Director

DATE: February 29, 2008

FILE NO.:

PHONE NO.: 269-8425
FAX: 269-8918

FROM: Carol Fries
Large Project Coordinator
EVOS Liaison/Project Manager

SUBJECT: EVOS Habitat Program Status
for Trustee Council Consideration

Attached please find documentation for five action items for consideration by the Exxon Valdez Oil Spill Trustee Council at their March 17th meeting. A brief summary of each of these items follows. Details regarding benefits, costs and locations are included in the materials for each parcel. Please do not hesitate to contact me if there are any questions or concerns.

Small Parcels:

Parcel	Location	Acreage	Requested Authorization
KAP 3002, Capjohn	Kiliuda Bay, Kodiak	160 acres	$192,000
KEN 3002, Russell/Long	Kenai River, Soldotna	3 acres	$629,000
Mutch / Jacobs	Anchor River, Kenai	57 acres	Previous authorization $175,000
PWS 05, USS 349	Duck Flats, Valdez	21 acres	Pursue due diligence

KAP 3002, Capjohn

The Capjohn parcel is a native allotment located on the north shore of Kiliuda Bay on Kodiak Island. The parcel is surrounded by state lands and provides protected access to the adjacent state lands for hunting, fishing, and subsistence activities. An approved appraisal has established a purchase price of $192,000. The landowner through BIA has agreed to sell at this price. The parcel will be managed by the State of Alaska, Division of Mining, Land and Water.

Requested Action: Authorization to purchase KAP 3002 at $192,000.
Attachment: Draft resolution with benefits report and map for Trustee Council consideration.

KEN 3002, Russell/Long

The Russell/Long parcel is located on the Kenai River and provides a valuable opportunity to connect public land and facilities at the Soldotna Visitor's Center with Centennial Park. The owners have agreed to subdivide the property offering the Trustee Council the opportunity to purchase the undeveloped river front portion of the property. They will retain approximately one acre with a small house fronting Kalifornsky Beach Road that is more suitable for commercial development. This reduces the purchase price and allows the Council to purchase habitat most important to injured resources and services. This parcel will be managed jointly by ADF&G and ADNR. An approved appraisal has established the fair market value of this reconfigured parcel at $629,000. The landowner has agreed to sell at this price.

Requested Action: Authorization to purchase KEN 3002, the reconfigured Russell/Long parcel, Lot 1, at $629,000
Attachment: Draft resolution with benefits report and map for Trustee Council consideration.

Mutch/Jacobs Match

The Trustee Council approved $175,000 in matching funds to be used in conjunction with a North American Wetlands Act grant to purchase the Mutch/Jacobs parcels in August 2005 through Resolution 06-02. This authorization expired before all due diligence activities could be completed. Due to erosion and accretion quiet title actions were necessary.

Requested Action: Reauthorization of matching funds for the purchase of the Mutch/Jacobs parcels in the amount of $175,000.
Attachment: Draft resolution with previously approved resolution 06-02, benefits report and map for Trustee Council consideration.

PWS 05, USS 349

In December 2000, the Trustee Council authorized $125,000 for the purchase of small parcel PWS 05, USS 349 located on the Duck Flats near the Valdez harbor. This transaction could not be completed due to court action resulting from the death of one of the owners. The court case has been resolved and the court appointed referee has offered the parcel for sale to the State. The State is working with The Conservation Fund to pursue this transaction. The Conservation Fund is willing to assist the State and contribute to this transaction on an interim basis in order to facilitate a timely closing. The State wishes to pursue due diligence activities associated with this parcel.

Requested Action: Approve the use of existing 2008 funds for due diligence activities.
Attachment: Draft resolution and previously approved resolution 01-02, a benefits report and maps for Trustee Council reference.

Northern Afognak

In June 2007, the Trustee Council authorized 174,000 for due diligence activities associated with ongoing conservation efforts on Northern Afognak Island.

Parcel	Location	Acreage
Portage Lake, Natives of Kodiak, Inc.	Northern Afognak	~2,000 acres
Perenosa Bay, Parcels 2A and 2B Shuyak Natives, Inc.	Northern Afognak	~2,000 acres
Perenosa Bay, Parcels 3A and 3B Uganik Natives, Inc.	Northern Afognak	~1,750 acres

The State and the Afognak Conservation Partners are pursuing due diligence activities associated with these transactions. A timber valuation has been completed and reviewed and provided to the appraiser. The appraiser and the review appraiser have been engaged in consultations and the appraiser is in the process of completing the appraisal and the review of the appraisal is underway. A preliminary commitment for title insurance has been secured.

A variety of funding sources have been secured. The partners have secured two National Coastal Wetlands grants totaling approximately $1.7 million and a Forest Legacy grant was recently awarded in the amount of $1.1 million. Additional and matching contributions have also been secured in the form of timber rights, small coastal wetlands grants, and staff time from partner organizations.

An indication of intent on the part of the Trustee Council at this point in time would facilitate negotiations with landowners. The partners are requesting a commitment of funds to facilitate the implementation of Forest Legacy and National Coastal Wetlands grants on Northern Afognak with the condition that all purchases will come back to the Council for final review and approval prior to purchase.

Requested Action: Direction for Departments of Natural Resources and Law and U.S. Department of the Interior to enter into negotiations regarding the Lands subject to a variety of terms and conditions, a not to exceed amount and requirement for final Trustee Council approval of purchase.
Attachments: Status report and previously approved resolution 02-02 documenting benefits and map of the project area.

Port Graham Lands in Aialik Bay, PTG 01 Kenai Fjords National Park. 4,710 acres

In 1994 the EVOS Trustee Council authorized the National Park Service (NPS) to contract for an appraisal of the Port Graham Corporation (PGC) lands within Kenai Fjords National Park. PGC was a willing seller and wanted to pursue a sale of some or all of its lands within the Park. An appraisal was completed and an offer made. PGC declined the offer, and after extended negotiations, in 1997 suspended its participation in the EVOS process.

PGC is again interested in the sale of some of its lands within the Park to the NPS. PGC owns 4710 acres at the head of Aialik Bay—Tract PTG 01. Aialik Bay is at the north end and the most accessible part of the Park. It is visited by thousands of people every year, mostly on tour boats from Seward, Alaska, but others on privately owned boats and kayaks. It has become one of the most popular tourism destinations in Alaska.

Tract TPG 01 was rated "high" for restoration purposes in the EVOS ranking system in the mid-1990s.

PGC is arranging to lease 10 acres at Pederson Lagoon, on the west side of Aialik Bay, for a wilderness lodge. PGC is interested in selling its other lands in Aialik Bay to the NPS, either as a conservation easement or in fee simple.

Requested Action: The NPS and PGC request that the EVOS Council authorize funding for conducting due diligence for the possible purchase of Tract PTG 01, including an appraisal and environment site assessment, with the possibility of an EVOS-funded purchase of these lands.
Attachments: Original benefits report for Port Graham lands, 1994, vicinity map and parcel map.

Proposed Motions relative to Habitat Protection Agenda Items 3/17/08:

KAP 3002, Capjohn.

I move that we authorize $192,000 for the purchase of KAP 3002, owned by Ralph Capjohn, located in the North Arm of Kiliuda Bay, Kodiak by the State of Alaska.

KEN 3002, Russell Long Parcel

I move that we authorize $629,000 for the purchase of the reconfigured Russell/Long parcel, Lot 1 containing 3 acres and fronting the Kenai River by the State of Alaska.

Mutch/Jacobs Matching Funds

I move that we reauthorize $175,000 in matching funds to be used in conjunction with North American Wetlands Conservation Act grant funds for the purchase of the Mutch and Jacobs parcels located at the mouth of the Anchor River by the State of Alaska.

PWS 05, USS 349, Valdez Duck Flats

I move that we request the Department of Natural Resources to use existing FY08 funds for due diligence activities related to the purchase of USS 349.

alternatively:

Based upon the previously approved resolution 01-02 in which the Council has already offered to pay $125,000 for this parcel and a court secured appraisal estimating the market value of the parcel at $150,000, I move that we reauthorize $125,000 as a contribution to the purchase of USS 349 by The Conservation Fund for ultimate transfer to the State of Alaska.

Northern Afognak

In November 2002, the Trustee Council authorized $10,450,000 for the purchase of lands in the Perenosa Bay area of Northern Afognak. Based upon the resource values documented in Resolution 02-02, I move that we authorize $10,000,000 for the purchase of lands in the Perenosa Bay region of Northern Afognak, including lands owned by Shuyak and Uganik previously authorized in Resolution 03-01 and the Portage Lake parcel owned by Natives of Kodiak subject to a variety of terms and conditions including (1) the purchase price be based upon Fair Market Value as determined by an approved appraisal and (2) final approval of each purchase by the Trustee Council.

Port Graham

I move that we authorize $32,700 for due diligence activities associated with Port Graham PTG 01 located in Ailik Bay in Kenai Fjords National Park to be conducted by the National Park Service.

RESOLUTION 08-0X OF THE
***EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL**
REGARDING SMALL PARCEL KAP 3002

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after review and consideration of relevant information regarding restoration of resources injured by the *Exxon Valdez* oil spill ("EVOS") find as follows:

1. The owner of small parcel KAP 3002 has indicated an interest in selling said parcel.

2. An appraisal of the parcel, approved by the state review appraiser, determined that the fair market value of the parcel is $192,000.

3. As set forth in Attachment A, if acquired, this small parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Parcel KAP 3002 also provides an important access point for sport hunting, sport fishing, camping and bear viewing and is important for subsistence use by residents of Old Harbor.

4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the *Exxon Valdez* oil spill present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a

beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.

5. There has been widespread public support within Alaska as well as on a national basis for the acquisition of lands.

6. The purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of this parcel is consistent with the Final Restoration Plan.

7. The purchase of small parcels is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all the seller's rights and interests in the small parcel KAP 3002 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director"), and approved by the Trustee Council and pursuant to the following conditions:

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska shall be one-hundred ninety-two thousand dollars ($192,000) for small parcel KAP 3002;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by June 30, 2009;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury ("Investment Fund"), and transfer of the

necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources;

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

(e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States prior to purchase of this parcel;

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

(g) compliance with the National Environmental Policy Act; and

(h) a conservation easement on parcel KAP 3002 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.

It is the intent of the Trustee Council that the above-referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to pre-spill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director ("Executive

Director") of the Trustee Council that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Approved by the Council at its meeting of March 17, 2008 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

Joe L. Meade
Forest Supervisor
Forest Service Alaska Region
U. S. Department of Agriculture

Talis J. Colberg
Attorney General
Alaska Department of Law

Randall Luthi
Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

James Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game

Larry Hartig
Commissioner
Alaska Department of Environmental Conservation

ATTACHMENT A

KAP 3002, Capjohn

Owner:	Mr. Ralph Capjohn
Location:	Kiliuda Bay, Shearwater Peninsula, Kodiak Island
Legal Description:	Lots 1 & 2, U.S. Survey No. 10878 AK, located in Secs. 28, 29, 32, & 33, T.32S., R.24W., SM
Acreage:	159.97 acres
Agency Sponsor:	DNR
Appraised Fair Market Value:	$192,000

Background: This 160-acre Native allotment is located on the north shore of Kiliuda Bay on the east side of Kodiak Island. The Capjohn tract is adjacent to State land and just west and north of land received through a land exchange between the State and the Old Harbor Native Corporation, a component of the larger Old Harbor acquisition package acquired by USFWS. Before undertaking the exchange, the State identified the inholdings on the north shore of Kiliuda Bay as priorities under the small parcel program. The Old Harbor Exchange has been completed. The objectives of the Old Harbor exchange and subsequent acquisition of inholdings were to improve public access to State lands and protect and restore species and associated services injured by the *Exxon Valdez* oil spill.

The Capjohn tract is located in the northwestern end of Kiliuda Bay at the end of North Arm. Mr. Capjohn made the parcel available for sale after completing BIA requirements. Mr. Capjohn has approached the State as a willing seller through the EVOS Small Parcel Program.

The following comment received, and response provided, are part of the public record created during the public comment period relative to the Old Harbor Land Exchange:

> *Comment:*
> The Alaska Department of Fish and Game (ADF&G) commented that the most used access points in the lands to be acquired by the State were native allotments that would remain in private hands. ADF&G requested that efforts be undertaken to acquire these in holdings.
>
> *Response to the comment*:
> Owners of two of the allotments have already approached the State to sell their allotments. The allotments could be purchased using funds from the *Exxon Valdez* Oil Spill Trustee Council or other sources. The State would like to acquire the other native allotments if they become available.

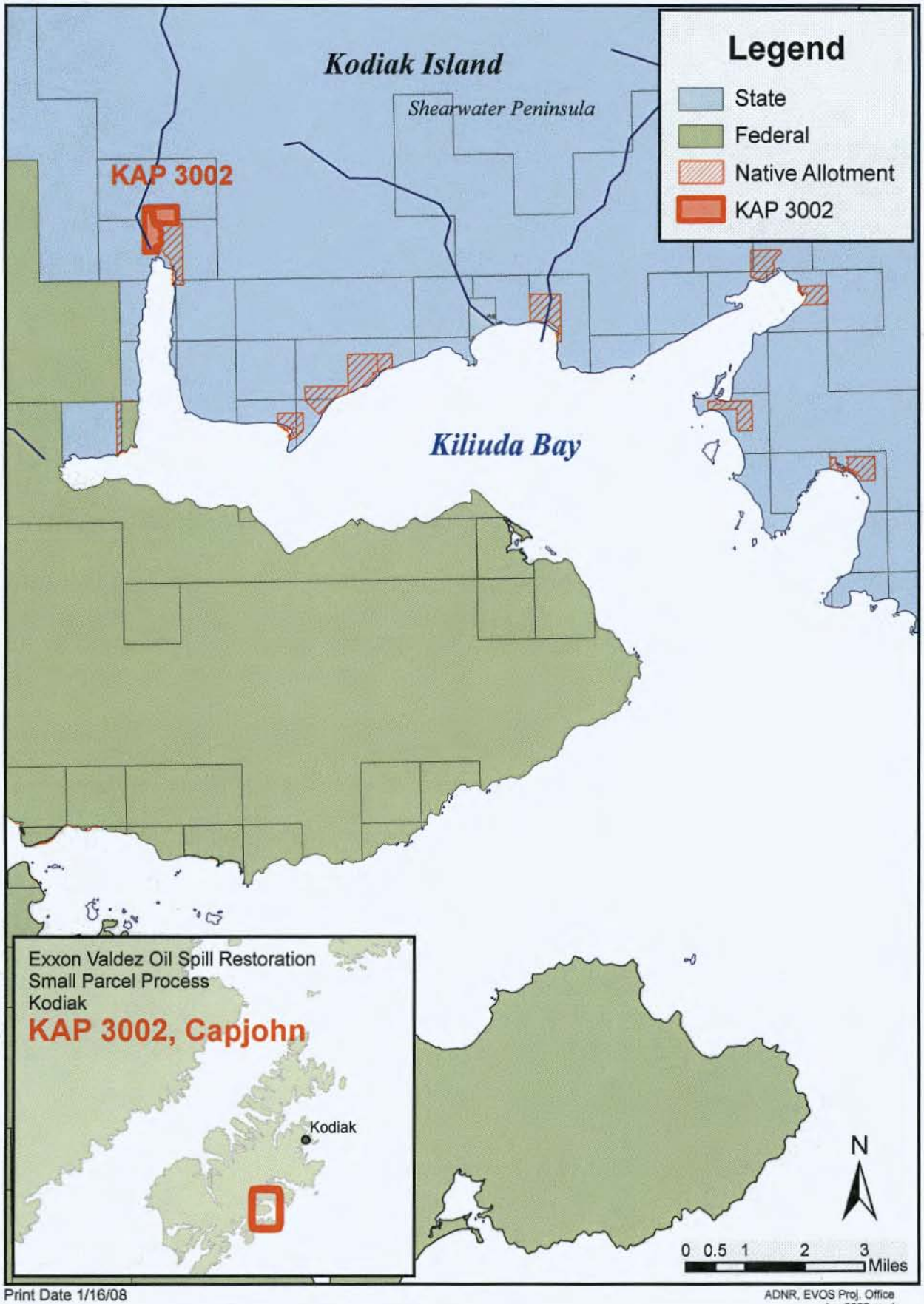
Physical Description: The Capjohn property is located in Kiliuda Bay just north of Old Harbor. The Bay has notable wilderness qualities and the parcel is in its natural condition absent permanent buildings or continuous human habitation. Anadromous Stream #258-20-100 6 0 flows through the parcel, a portion of which is a marsh identified as a waterfowl concentration area, to a rich intertidal, providing valuable riparian and intertidal habitat as well as important access to the adjacent State-owned uplands.

Linkage to Restoration: The property has particular habitat value to injured species and services including bald eagles, harlequin ducks, pink salmon, Sockeye salmon and Dolly Varden, as well as Pacific herring that spawn in the North Arm of Kiliuda Bay. Marine bird nesting colonies of cormorants and pigeon guillemots are found in Kiliuda Bay and likely utilize this area for feeding. The area is also identified as a winter waterfowl concentration area and harlequin ducks are likely to be found in this area. The parcel is an important access point for sport hunting, sport fishing, camping and bear viewing. This area is also very important for subsistence use by residents of Old Harbor. The wildlife and habitat values of the Capjohn parcel support subsistence, recreation, sport fishing, and passive use, services impacted by the *Exxon Valdez* Oil Spill.

Proposed Management: Acquisition of this parcel will enhance access to State lands acquired through the Old Harbor Exchange and enhance the protection of important intertidal and riparian habitat in this area. This parcel, should it be acquired, will be managed consistent with the management of the lands acquired by the State through the Old Harbor Exchange. The surrounding lands are managed as wildlife habitat consistent with the terms of the Terror Lake Hydro Agreement.

Attachments:

Parcel Map, KAP 3002



Print Date 1/16/08

ADNR, EVOS Proj. Office
kap3002.mxd

RESOLUTION 08-0X OF THE
***EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL**
REGARDING SMALL PARCEL KEN 3002

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after review and consideration of relevant information regarding restoration of resources injured by the Exxon Valdez Oil Spill ("EVOS") find as follows:

1. The owners of small parcel KEN 3002 have indicated an interest in selling said parcel.

2. An appraisal of the parcel approved by the state review appraiser determined that the fair market value of the parcel is $629,000.

3. As set forth in Attachment A, if acquired, this small parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Parcel KEN 3002, because of its location, on the river near the Soldotna Visitor's Center, adjacent to the previously acquired Shilling/Roberts parcel where the Sterling Highway crosses the Kenai River, provides highly visible and convenient access to recreational anglers and residents utilizing Centennial Park and the Soldotna Fish Walk. Acquisition of this parcel will protect approximately 250 linear feet of riverfront and provides an important connection between public riverfront lands. Public ownership of this parcel will allow for managed access to the Kenai River and thereby protect habitat for pink salmon and Dolly Varden and enhance the recovery of recreational services such as sport fishing, commercial fishing and tourism.

4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the *Exxon Valdez* oil spill ("EVOS") present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best

professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.

5. There has been widespread public support within Alaska as well as on a national basis, for the acquisition of lands.

6. The purchase of small parcels is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

7. The purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of this parcel is consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all the seller's rights and interests in small parcel KEN 3002 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director"), and approved by the Trustee Council and pursuant to the following conditions:

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska shall be six-hundred twenty-nine thousand dollars ($629,000) for small parcel KEN 3002;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by June 30, 2009;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury ("Investment Fund"), and transfer of the necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources;

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

(e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States prior to purchase of this parcel;

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

(g) compliance with the National Environmental Policy Act; and

(h) a conservation easement on parcel KEN 3002 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.

It is the intent of the Trustee Council that the above-referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to prespill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for

withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Approved by the Trustee Council at its meeting of March 17, 2008 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

Joe L. Meade
Forest Supervisor
Forest Service Alaska Region
U. S. Department of Agriculture

Talis J. Colberg
Attorney General
Alaska Department of Law

Randall Luthi
Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

James Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game

Larry Hartig
Commissioner
Alaska Department of Environmental Conservation

Attachment A - Restoration Benefits Report and Map

ATTACHMENT A

KEN 3002, Russell/Long Parcel

Owner:	Alex B. Russell, Jr. and William E. Long
Physical Location:	The parcel is located on the Kenai River adjacent to the previously purchased Roberts parcel near the Soldotna Visitors Center at the intersection of the Sterling Highway and Kalifornsky Beach Road.
Acreage:	3.04 acres
Description	450 Centennial Park Road, Soldotna, AK
Legal Description:	T5N, R10W, Sec 32, KM, that portion of Government Lot 8 as per WD 102@274 lying north of Kalifornsky Beach Road. Lot 1 of Russell Subdivision.
Agency Sponsor:	ADNR and ADF&G
Appraised Value:	$629,000.

Parcel Description. This parcel is located on the Kenai River between the Roberts parcel previously purchased by EVOS, and the City of Soldotna's Centennial Park. The Roberts/Shilling parcel is adjacent to the Kenai Peninsula Visitors Center. The parcel slopes from Kalifornsky Beach Road to the Kenai River, is vegetated with spruce and birch trees, and has approximately 250 feet of Kenai River frontage.

Linkage to Restoration:
Restoration Benefits. Public ownership of this parcel will allow for managed access to the Kenai River and thereby protect habitat for pink salmon and Dolly Varden and enhance the recovery of recreational services such as sport fishing, commercial fishing, and tourism.

Key habitat and other attributes of the parcel include the following:

- *Pink salmon, sockeye salmon, and Dolly Varden.* Pink salmon spawn and Dolly Varden spawn and rear in this stretch of the Kenai River. The streamside vegetation afforded by this and other parcels along the Kenai River stabilize riverbanks, protect water quality, moderate temperatures and provide cover for fish. Unfortunately, increasing bank fishing along the Kenai River is destroying riverside brush and grasses.
- *Recreation/tourism.* This parcel has the potential for increasing levels of use for recreational fishing because of its location near the Kenai Peninsula Visitors Center, its gentle slope toward the Kenai River, and the existence of a public use "fishwalk" on a 10-foot easement along the river on the EVOS purchased Roberts/Shilling parcel.

This parcel connects to the larger Kenai River ecosystem and contributes to previous Council and State efforts focused on the health of the Kenai River, its riparian habitat and the various species of fish, such as pink, sockeye, and king salmon and Dolly Varden, that commercial and sport fishing industries depend upon. Acquisition of this parcel will provide restoration benefits to Dolly Varden, subsistence, commercial fishing, passive use, and recreation and tourism.

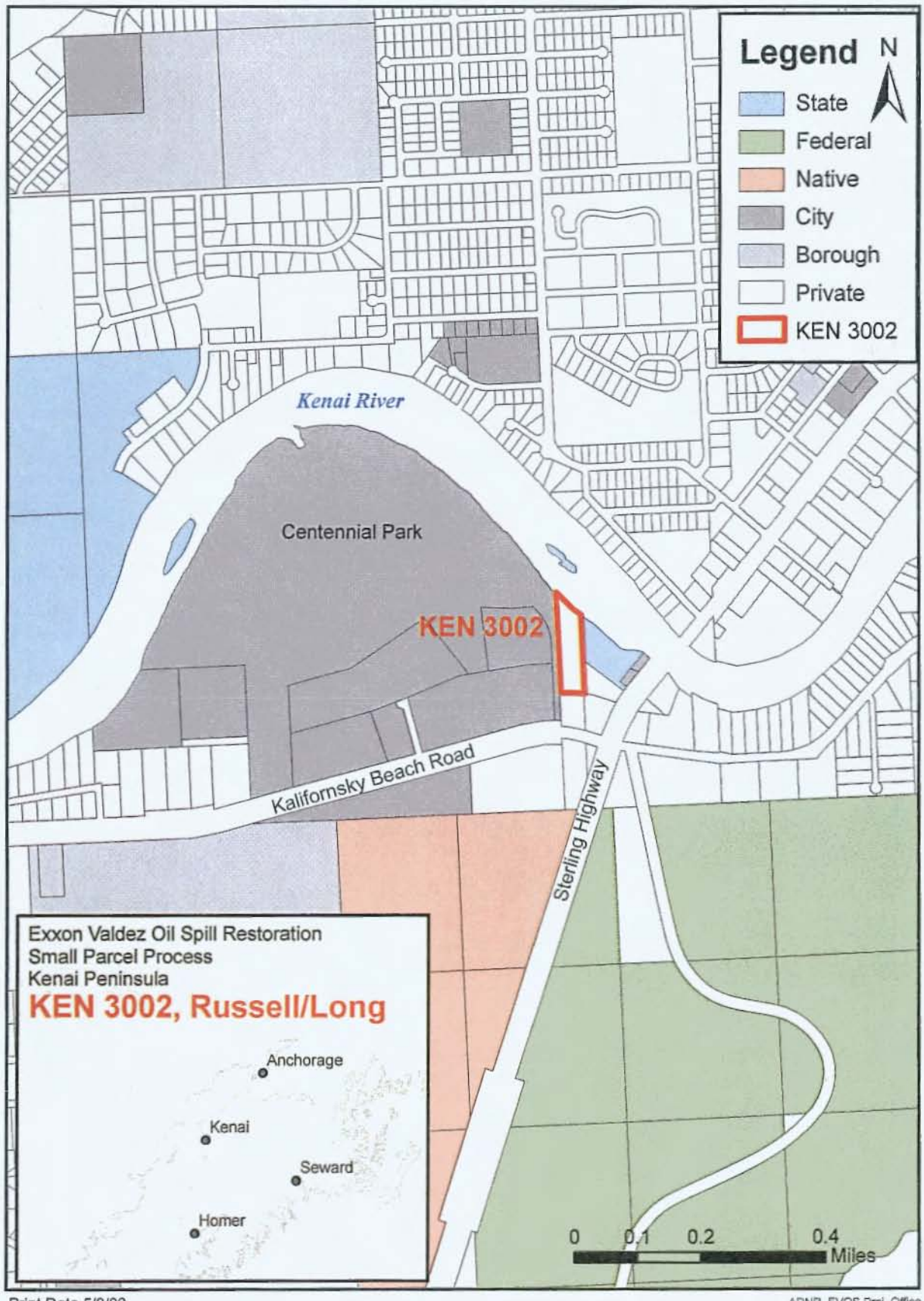
Potential Threats. This parcel has the potential to be converted to profitable commercial use or multi-family housing development. In addition, a significant threat to restoration results from

uncontrolled access to the Kenai River, which damages habitat by trampling streambanks and denuding them of vegetation. Similar habitat on adjacent parcels has been protected through acquisition and on-the-ground restoration efforts including bank stabilization and the construction of elevated light penetrating gratewalk and access stairs designed to provide fishing access while minimizing bank trampling and destruction of riparian habitat. Acquisition of this parcel provides ADF&G/ADNR with the ability to protect contiguous riparian habitat, and if warranted, through bank stabilization and managed recreational access, to contribute to the restoration of pink salmon and Dolly Varden.

Proposed Management. The purpose of acquisition is to preserve and protect in perpetuity the ecological, natural, physical and scenic values of the subject property for the benefit of fish and wildlife resources and services that were injured in the *Exxon Valdez* oil spill. If this parcel is acquired, ADNR, in cooperation with ADF&G, will manage it to protect environmentally sensitive river frontage and provide recreational opportunities for the public as appropriate on the remainder of the parcel. The parcel will probably be classified Habitat/Public Recreation Land. The seller has specified "This parcel is to be managed by Alaska State Parks in the interest of maintaining riverine habitat in a natural state on the Kenai River." It is possible that this parcel will be considered for inclusion in the Kenai River Special Management Area providing additional focused management.

Appraised Value. The parcel has been subdivided to provide the State with an opportunity to purchase the undeveloped portion of the original five-acre parcel. Lot 1, the parcel being considered by the Trustee Council, is appraised at $629,000 based upon a highest and best use of single or multi-family residential development. The remaining parcel, Lot 2, provides the seller with 1.24 acres of marginally improved property suitable for commercial use.

Public Comment. The Restoration Office has received letters of support for acquisition of this parcel from the Kenai River Sportfishing Association, the City of Soldotna and Kenai Peninsula Borough.



Print Date 5/9/06

ADNR, EVOS Proj. Office
Kenai Peninsula Borough Parcel Data
(carolf\c\mxdfiles\ken3002.mxd)

RESOLUTION 08-0X OF THE
***EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL**
REGARDING THE
JACOBS AND MUTCH ANCHOR RIVER SMALL PARCELS

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after review and consideration of relevant information regarding restoration of resources injured by the Exxon Valdez Oil Spill ("EVOS") find as follows:

1. The owners of Lots 7 and 8 in Section 33, Township 4 south, Range 15 West, Seward Meridian, Homer Recording District (the Jacobs parcel) and the owners of Tract A, according to the plat of HMS Resolution Ridge, filed under Plat Number 2002-23, Records of the Homer Recording District, Third Judicial District, State of Alaska (the Mutch parcel), approached the Council and The Nature Conservancy, indicating an interest in selling these parcels, consisting of 38 acres (Jacobs) and 46 acres (Mutch), to the State of Alaska as part of the Council's program for restoration of natural resources and services that were injured or diminished as a result of the *Exxon Valdez* oil spill.

2. An appraisal approved by state and federal review appraisers estimates the fee simple fair market value of the Jacobs parcel to be $215,000 and the Mutch property to be $235,000. The total cost to purchase these parcels, including due diligence activities involving quiet title, is $540,000, of which $365,000 will be funded by an approved federal National Coastal Wetland Conservation Act grant and private donations.

3. Trustee Council Resolution 06-02 authorized funds in the amount of eighty thousand dollars ($80,000.00) for the acquisition of the Jacobs small parcel and ninety five thousand dollars ($95,000.00) for the acquisition of the Mutch small parcel to

be used in conjunction with the funding identified above. The resolution required that acquisition be completed by December 30, 2006.

4. The two parcels are contiguous and are located at the mouth of the Anchor River. The Anchor River is one of the most heavily fished rivers in Alaska. As set forth in Attachment A, the Jacobs and Mutch Anchor River parcels have attributes that will restore, replace, enhance, and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. In particular, the parcels will provide important public access for sportfishing, a service injured by the spill, and rearing habitat for injured species such as Dolly Varden. The parcels are adjacent to land already owned by the State and managed for sportfishing.

5. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the *Exxon Valdez* oil spill ("EVOS") present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.

6. There has been widespread public support within Alaska as well as on a national basis for the acquisition of these lands.

7. The purchase of these parcels is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of these parcels is consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds for the State of Alaska to acquire all the seller's rights and interests in the Jacobs and Mutch Anchor River parcels pursuant to the following conditions:

(a) the amount of funds to be provided by the Trustee Council to the State of Alaska shall be eighty thousand dollars ($80,000) for the Jacobs small parcel and ninety five thousand dollars ($95,000) for the Mutch small parcel;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by December 31, 2009;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury ("Investment Fund"), and transfer of the necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources;

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

(e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States prior to purchase of these parcels;

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

(g) compliance with the National Environmental Policy Act; and

(h) a conservation easement on the Jacobs and Mutch parcels shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.

It is the intent of the Trustee Council that the above-referenced conservation easement will provide that any facilities or other development on the foregoing parcels shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to pre-spill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director of the Trustee Council ("Executive Director:") that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural

Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced parcels from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Approved by the Trustee Council at its meeting of March 17, 2008 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

Joe L. Meade
Forest Supervisor
Forest Service Alaska Region
U. S. Department of Agriculture

Talis J. Colberg
Attorney General
Alaska Department of Law

Randall Luthi
Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

James Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game

Larry Hartig
Commissioner
Alaska Department of Environmental Conservation

Attachment A – Resolution 06-02 with attachments including Benefits Report

ATTACHMENT A
RESOLUTION 06-02 WITH ATTACHMENTS
including
BENEFITS REPORT AND MAP

RESOLUTION 06-02 OF THE *EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL REGARDING THE JACOBS AND MUTCH ANCHOR RIVER SMALL PARCELS

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Council"), after extensive review and after consideration of the views of the public, find as follows:

1. The owners of Lots 7and 8 in Section 33, Township 4 South, Range 15 West, Seward Meridian, Homer Recording District (the Jacobs parcel) and the owners of Tract A, according to the plat of HMS Resolution Ridge, filed under Plat Number 2002-23, Records of the Homer Recording District, Third Judicial District, State of Alaska (the Mutch parcel), have indicated an interest in selling these parcels, consisting of 38.45 acres (Jacobs) and 46.24 acres (Mutch), to the State of Alaska as part of the Council's program for restoration of natural resources and services that were injured or diminished as a result of the Exxon Valdez oil spill (EVOS).

2. An appraisal approved by the state and federal review appraisers estimates the fee simple fair market value of the Jacobs parcel to be $215,000.00 and the Mutch property to be $235,000.00. The total cost to purchase these parcels is $540,000, of which $365,000 will be funded by an approved federal Coastal Wetlands Act grant and private donations.

3. The two parcels are contiguous and are located at the mouth of the Anchor River. The Anchor River is one of the most heavily fished rivers in Alaska. As set forth in Attachment A (Appraisal Summary Review), the Jacobs and Mutch Anchor River parcels have attributes that will restore, replace, enhance, and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. In particular, the parcels

will provide important public access for sportfishing, a service injured by the spill and rearing habitat for injured species such as Dolly Varden. The parcels are adjacent to land already owned by the state and managed for sportfishing.

4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing laws and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on the recovery of injured resources and lost or diminished services provided by these resources.

5. There is widespread public support for the acquisition of these parcels.

6. The purchase of these parcels is an appropriate means to restore a portion of the injured resources and services in the spill area. Acquisition of these parcels is consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds for the State of Alaska to acquire all of the sellers' rights and interests in the Jacobs and Mutch Anchor River property, pursuant to the following conditions:

(a) the amount of funds to be provided by the Trustee Council to the State of Alaska shall be eighty thousand dollars ($80,000.00) for the Jacobs small parcel and ninety five thousand dollars ($95,000.00) for the Mutch small parcel;

(b) authorization for funding for the acquisitions described in the foregoing paragraph shall terminate if purchase of the property is not completed by December 30, 2006;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and, if necessary, with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury and transfer of the necessary monies from the appropriate account designated by the Executive Director of the Trustee Council (Executive Director);

(d) completion of the following to the satisfaction of the State of Alaska and the United states for each parcel:

(i) title search;

(ii) a determination that the seller is willing and able to convey title in a form satisfactory to the State of Alaska and the Office of the Solicitor of the United States Department of the Interior;

(iii) an executed purchase or option agreement and conveyance documents that are ready for execution;

(iv) hazardous materials survey;

(v) statement of compliance with the National Environmental Policy Act; and

(vi) approval of the appraisals by the review appraiser(s);

(f) conservation easements on the Jacobs and Mutch parcels, satisfactory in form and substance to the United States and the State of Alaska Department of Law, shall be conveyed by the sellers to the United States;

(g) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States;

(h) receipt by the State of Alaska of such other monies as are described in this resolution and necessary for completion of the purchases; and

(i) a determination that the State of Alaska has the legal authority to expend such monies as are required to complete these purchases.

It is the intent of the Council that the conservation easements referenced above will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be neither commercial timber harvest nor any other commercial use of the small parcel excepting such limited commercial use as may be consistent with applicable state or federal law and the goals of restoration to pre-spill conditions of any natural resource injured, lost or destroyed as a result of the EVOS and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected resources as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Final Restoration Plan as approved by the Trustee Council.

By unanimous consent, following written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the amounts described above to be paid from joint settlement

funds for the above-referenced parcels from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the State of Alaska and the United States to be funded from the joint trust funds, and no additional amounts or interest is herein authorized to be paid to the sellers from such joint funds.

Approved by the Council at its meeting of August 10, 2005 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

JOE MEADE
Forest Supervisor
Chugach National Forest
USDA Forest Service

SCOTT NORDSTRAND
Deputy Attorney General
State of Alaska

JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries Service

McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game

DRUE PEARCE
Senior Advisor to the Secretary
for Alaska Affairs
Department of Interior

KURT FREDRIKSSON
Commissioner
Alaska Department of Environmental
Conservation

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for JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries Service

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Alaska Department of Fish and Game

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Commissioner
Alaska Department of Environmental
Conservation

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JOE MEADE
Forest Supervisor
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USDA Forest Service

SCOTT NORDSTRAND
Deputy Attorney General
State of Alaska

JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries Service

McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game

DRUE PEARCE
Senior Advisor to the Secretary
for Alaska Affairs
Department of Interior

KURT FREDRIKSSON
Commissioner
Alaska Department of Environmental Conservation

funds for the above-referenced parcels from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the State of Alaska and the United States to be funded from the joint trust funds, and no additional amounts or interest is herein authorized to be paid to the sellers from such joint funds.

Approved by the Council at its meeting of August 10, 2005 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

JOE MEADE
Forest Supervisor
Chugach National Forest
USDA Forest Service

SCOTT NORDSTRAND
Deputy Attorney General
State of Alaska

JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries Service

McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game

DRUE PEARCE
Senior Advisor to the Secretary
for Alaska Affairs
Department of Interior

KURT FREDRIKSSON
Commissioner
Alaska Department of Environmental
Conservation

Anchor River - Mutch

Location: Anchor River, Kenai Peninsula
Legal Description: KEN ____ (Mutch) parcel: Tract A, according to the plat of "HMS RESOLUTION RIDGE", filed under Plat Number 2002-23, Records of the Homer Recording District, Third Judicial District, State of Alaska
Agency Sponsor: ADF&G w/ ADNR as a cooperator
Landowner: Paul Mutch
Appraised Fair Market Value: $235,000 (per 3/31/05 appraisal)
Total Project Cost: $280,000
Cost Breakdown: $235,000 (Purchase price); $20,000 (estimated direct costs including appraisal ($11,000), due diligence ($4000), title insurance/closing fees ($5000); $ 25,000 (estimated indirect costs including staff time and overhead)
Total Cost to EVOS: $95,000 (estimated)
Estimated Closing Date: December 2005

The Mutch parcel is one of three remaining private parcels located along the Anchor River estuary on the southern Kenai Peninsula – an ecologically important salt marsh that supports a large and popular sport fishery. The Mutch parcel is located 1± mile west of Anchor Point at the north end of Anchor Point Beach Road, fronting on Cook Inlet and intersected by the Anchor River. The parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Acquisition of this small parcel will assure protection of approximately 46.24 acres.

The parcel consists of 13.6± acres of relatively level and elevated sandy/gravelly beach and grassy berm to the west of the Anchor River and an additional 5± acres of low elevation beach sloping to the mean high tide line of Cook Inlet. The remaining 27.5± acres are part of a larger salt marsh/estuary complex with high ecological significance. The parcel will contribute to the restoration of the sport fishing and tourism industries, both of which were impacted by the *Exxon Valdez* Oil Spill ("EVOS"). The parcel is also important to the restoration or preservation of healthy populations of several species of salmonids (Dolly Varden, steelhead, coho salmon, king salmon).

The property is bounded to the south by existing State Park lands. The proposed acquisition will be complemented by planned purchase of the other two remaining private parcels (Jacobs and McGee, totaling 46± acres) within the Anchor River estuary. 67.6% of the total project costs for acquisition of the Mutch and Jacobs parcels is being provided by an approved federal Coastal Wetlands Act grant and private donations. The EVOS Trustee Council is being asked for the remaining 32.4%. Funding for the McGee parcel acquisition was previously approved by the EVOS Trustee Council.

Protection of these tracts supports restoration of species and services injured by the Exxon Valdez Oil Spill by protecting recreational and tourism uses and habitat for salmonids and other fish species.

Anchor River - Jacobs

Location: Anchor River, Kenai Peninsula
Legal Description: KEN ____ (Jacobs) parcel: That portion of Lots 7 and 8 in Section 33, Township 4 South, Range 15 West, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska, lying southwest of Anchor Bluff Estates
Agency Sponsor: ADF&G w/ ADNR as a cooperator
Landowner: Paul Jacobs
Appraised Fair Market Value: $215,000 (per 3/31/05 appraisal and federal review)
Total Project Cost: $260,000
Cost Breakdown: $215,000 (Purchase price); $20,000 (estimated direct costs including appraisal ($11,000), due diligence ($4000), title insurance/closing fees ($5000); $ 25,000 (estimated indirect costs including staff time and overhead)
Total Cost to EVOS: $80,000 (estimated)
Estimated Closing Date: December 2005

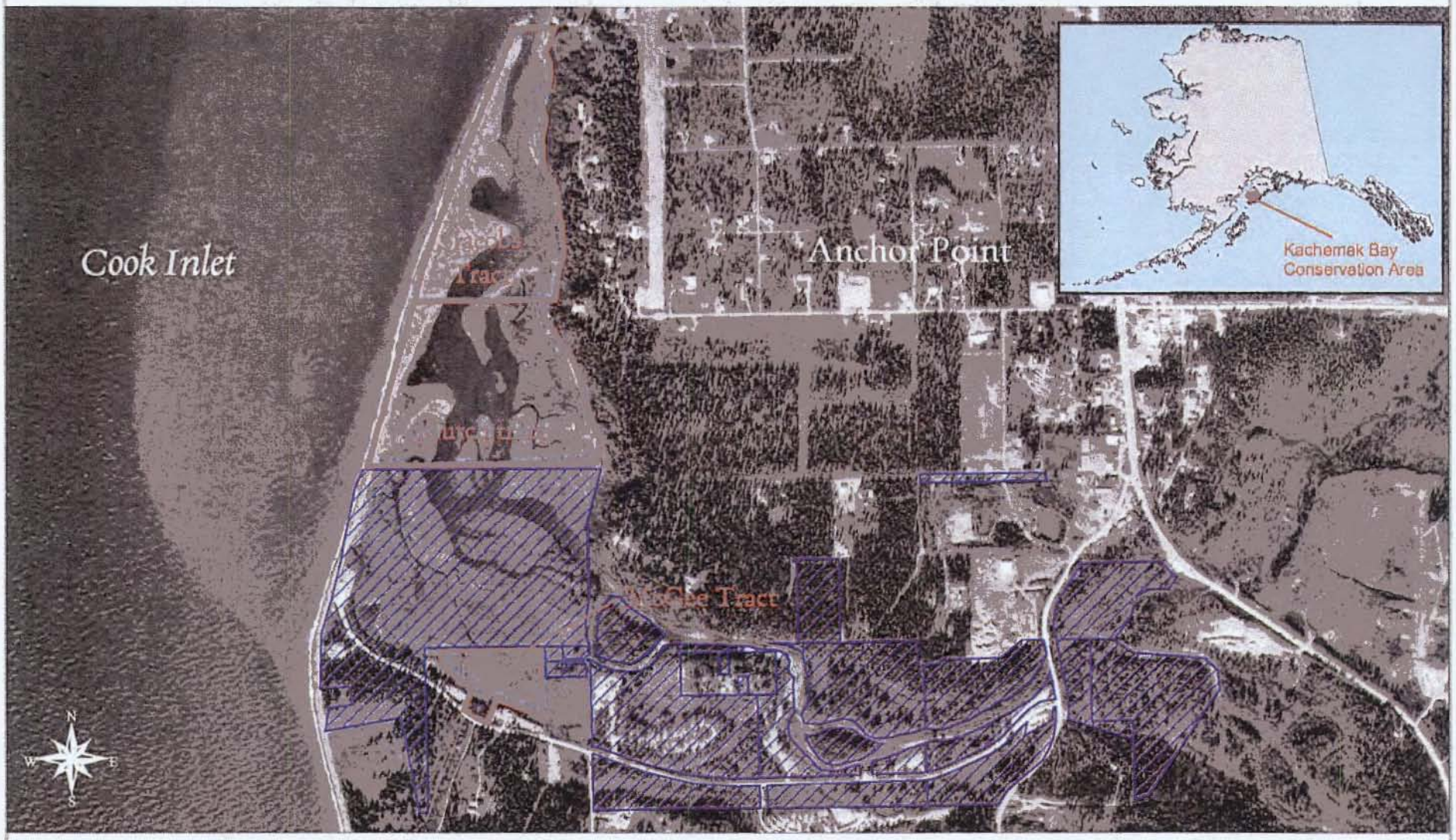
The Jacobs parcel is one of three remaining private parcels located along the Anchor River estuary on the southern Kenai Peninsula – an ecologically important salt marsh that supports a large and popular sport fishery. The Jacobs parcel is located 1± mile west of Anchor Point to the north along the beach at the end of Anchor Point Beach Road. It fronts on Cook Inlet and is intersected by the Anchor River. The parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Acquisition of this small parcel will assure protection of approximately 38.45 acres.

The parcel consists of 12.9± acres of relatively level and elevated sandy/gravelly beach and grassy berm to the west of the Anchor River and an additional 8.1± acres of low elevation beach sloping to the mean high tide line of Cook Inlet. The remaining 17.5± acres are part of a larger salt marsh/estuary complex with high ecological significance. The parcel will contribute to the restoration of the sport fishing and tourism industries, both of which were impacted by the *Exxon Valdez* Oil Spill ("EVOS"). The parcel is also important to the restoration or preservation of healthy populations of several species of salmonids (Dolly Varden, steelhead, coho salmon, king salmon).

The property is bounded to the south by the Mutch parcel. The proposed acquisition will be complemented by the planned purchase of the other two remaining private parcels, the McGee and Mutch parcels (totaling 53.7± acres) within the Anchor River estuary. 67.6% of the total project costs for acquisition of the Mutch and Jacobs parcels is being provided by an approved federal Coastal Wetlands Act grant and private donations. The EVOS Trustee Council is being asked for the remaining 32.4%. Funding for the McGee parcel acquisition was previously approved by the EVOS Trustee Council.

Protection of these tracts supports restoration of species and services injured by the Exxon Valdez Oil Spill by protecting recreational and tourism uses and habitat for salmonids and other fish species.

Kachemak Bay : Mouth of the Anchor River Tracts



Map prepared by The Nature Conservancy of Alaska (v 05 07 2003)

The Nature Conservancy

SAVING THE LAST GREAT PLACES ON EARTH

Potential TNC acquisitions

Conservation Area Boundary

State of Alaska lands

0.25 0 0.25 0.5 0.75 1 1.25 Kilometers

RESOLUTION 08-0X OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING
VALDEZ DUCK FLATS SMALL PARCEL PWS 05

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after review and consideration of relevant information regarding restoration of resources injured by the *Exxon Valdez* oil spill ("EVOS") find as follows:

1. The court-appointed referee in Case No. 3VA-04-25 CI in the Superior Court for the State of Alaska, Third Judicial District At Valdez, has indicated an interest in selling PWS 05, consisting of 20.9 acres, to The Conservation Fund for conveyance to the State.

2. The Trustee Council previously authorized $125,000 for the purchase of sellers' rights and interests in small parcel PWS 05 in Resolution 01-02, December 4, 2000.

3. As set forth in Trustee Council Resolution 01-02 (attached) and as described in the Final Report for Restoration Project 97230, Conceptual Plan for the Valdez Duck Flats, the Valdez Duck Flats have attributes that will restore, replace, enhance, and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. The Duck Flats are important habitat for a large number of out-migrating pink salmon in Port Valdez. Harbor seals and sea otters are known to feed in the Duck Flats and the mid to lower intertidal habitats at the mouth of the Flats support mussels, which have been heavily impacted by the oil spill. Mussels constitute an important food source for several species

injured by the spill such as harlequin ducks and black oystercatchers. This parcel is located near the site of the U.S. Forest Service visitor center and fish viewing area, which receives 120,000 visitors each year.

4. Existing laws and regulations, including, but not limited to, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act, and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the Lands. However, restoration, replacement, and enhancement of natural resources, and acquisition of equivalent resources and services injured, lost or reduced as a result of the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, biologists, scientists, and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will likely have a beneficial effect on recovery of injured resources and lost or reduced services provided by these resources.

5. There has been widespread public support within Alaska as well as on a national basis for the acquisition of lands.

6. The purchase of this small parcel is an appropriate means to restore a portion of the injured resources and reduced services in the oil spill area. Acquisition of this parcel is consistent with the Final Restoration Plan.

7. The Conservation Fund has offered to purchase PWS 05 in fee on an interim basis for ultimate transfer to the State. Additional funds are required for the completion of title work, hazardous materials assessment and closing costs.

THEREFORE, we resolve to authorize the use of previously authorized funds for the State of Alaska to pursue due diligence activities as necessary such as title review, appraisals and hazmat surveys to facilitate the acquisition and transfer of small parcel PWS 05 from The Conservation Fund to the State.

Approved by the Trustee Council at its meeting of March 17, 2008 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

Joe L. Meade
Forest Supervisor
Forest Service Alaska Region
U. S. Department of Agriculture

Talis J. Colberg
Attorney General
Alaska Department of Law

Randall Luthi
Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

James Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game

Larry Hartig
Commissioner
Alaska Department of Environmental Conservation

Attachment A - Restoration 01-02 and Vicinity Map

ATTACHMENT A

RESOLUTION 01-02

RESOLUTION OF THE
***EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL**
REGARDING
VALDEZ DUCK FLATS SMALL PARCEL PWS 05

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill ("EVOS") Trustee Council ("Council"), after extensive review and after consideration of the views of the public, find as follows:

1. The owners of one of the Valdez Duck Flats small parcels, PWS 05, have indicated an interest in selling PWS 05, consisting of 32.66 acres, to the United States as part of the Council's program for restoration of natural resources and services
that were injured or reduced as a result of the EVOS. A State highway right-of-way encumbers 9.42 acres of this parcel.

2. An appraisal approved by the state and federal review appraisers estimates the fee simple fair market value of PWS 05 is $125,000.

3. As set forth in Attachment A (Restoration Benefits Report) and as described in the Final Report for Restoration Project 97230, Conceptual Plan for the Valdez Duck Flats, the Valdez Duck Flats have attributes that will restore, replace, enhance, and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. The Duck Flats are important habitat for a large number of out-migrating pink salmon in Port Valdez and the and this parcel supports spawning populations located in a small stream that flows through the parcel. Harbor seals and sea otters are known to feed in the Duck Flats, and the mid to lower intertidal habitats at the mouth of the flats supports mussels,

which are heavily impacted by the EVOS. Mussels constitute and important food source for several species injured by the spill such as harlequin ducks and black oystercatchers. This parcel is the site of the Forest Service visitor center and fish viewing area, which receive 120,000 visitors each year.

4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgement on the adequacy or inadequacy of existing laws and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgement, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on the recovery of injured resources and lost or diminished services provided by these resources.

5. There is widespread public support for the acquisition of this parcel.

6. Purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the spill area. Acquisition of this parcel is consistent with the Restoration Plan and Final Environmental Impact Statement.

7. The purchase of small parcels is an appropriate means to restore a portion of the injured resources and services in the spill area.

THEREFORE, we resolve to provide funds for the United States to purchase all of the seller's

rights and interests in the small parcel PWS 05 and to provide funds necessary for closing costs recommended by the Executive Director of the Council ("Executive Director") and approved by the Trustee Council, pursuant to the following conditions:

(a) the amount of funds to be provided by the Trustee Council to the United States shall be one hundred and twenty five thousand dollars ($125,000) for small parcel PWS 05;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by June 21, 2001;

(c) completion of a title search satisfactory to the State of Alaska and the United States and the seller is willing and able to convey fee simple title by general warranty deed;

(d) no timber harvest, road development or alteration of the land will be initiated by the owner prior to the purchase without the express agreement of the State of Alaska and the United States;

(e) completion of a hazardous materials survey satisfactory to the State of Alaska and the United States;

(f) compliance with the National Environmental Policy Act; and

(g) a conservation easement on parcel PWS 05, satisfactory in form and substance to the United States and the State of Alaska Department of Law, shall be conveyed by the seller to the State of Alaska. It is the intent of the Council that, except as described below, any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration and that there shall be no commercial timber harvest nor any other commercial use of the small parcel excepting such limited commercial use as may be consistent with applicable state or federal law and the goals of restoration to prespill conditions of any

natural resource injured, lost or destroyed as a result of the EVOS and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected resources as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 ("MOA") and the Restoration Plan as approved by the Trustee Council ("Restoration Plan"). The conservation easement will allow for the continued operation and maintenance of the Crooked Creek Visitor Center and fish viewing area by the Forest Service and may provide for improvement of the facilities consistent with local zoning and the protection of the natural resources and services provided by this parcel.

By unanimous consent, following execution of the purchase agreement between the seller and the United States and written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the United States to be funded from the joint trust funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Approved by the Council at its meeting of December 4, 2000 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

DAVE GIBBONS
Alaska Region
USDA Forest Service

CRAIG TILLERY
Assistant Attorney General
State of Alaska

MARILYN HEIMAN
Special Assistant to the
Secretary for Alaska
U.S. Department of the Interior

JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries
Service

FRANK RUE
Commissioner
Alaska Department of
Fish and Game

Dan Easton for
MICHELE BROWN
Commissioner
Alaska Department of
Environmental Conservation

PWS 05, Valdez Duck Flats

Owner:	Court Appointed Referee
Physical Location:	The parcel is located 0.5 miles north of the city of Valdez, Richardson Highway, Valdez, Alaska. U.S. Survey 349
Acreage:	20.9
Legal Description:	Parcel 1 of USS 349 T. 8 S., R. 6. W., Section 32 Copper River Meridian
Agency Sponsor:	ADF&G
Appraised Value:	Trustee Council offered $125,000 based on an approved appraisal in 2000.

Parcel Description. The parcel fronts the east side of the Richardson Highway due east of the Valdez Townsite located in an area near the city harbor known as the Valdez Duck Flats. The parcel is located adjacent to a parcel previously purchased by EVOS.

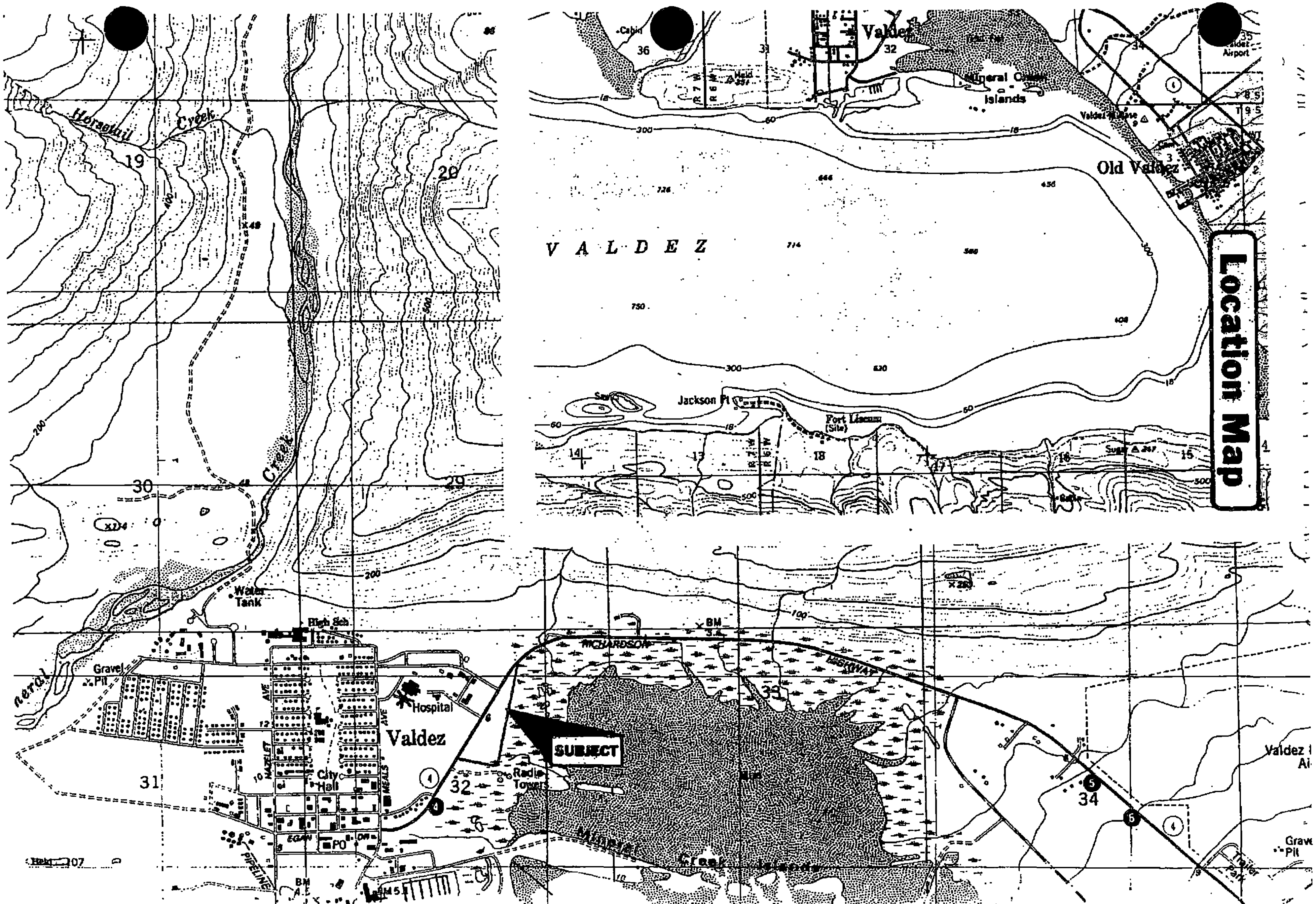
The Valdez Duck Flats are a large and unique complex of intertidal mud flats and salt marsh covering approximately 1,000 acres. The flats are flooded regularly by incoming tides that mix with seven freshwater streams creating a productive estuary environment. Millions of salmon fry from these streams and the nearby Solomon Gulch hatchery feed and rear throughout the Duck Flats, assisted by the counter-clockwise currents that flow through Port Valdez. The Duck Flats also provide nesting, molting and staging habitat for 52 species of marine birds, 8 species of waterfowl, 18 species of shorebirds and numerous other passerines and raptors. Harbor seals and sea otters also forage throughout the area for mussels and clams.

The injured resources and services that potentially benefit from acquisition of this parcel include pink salmon, intertidal/Subtidal habitats and recreation/tourism.

Potential Threats. Threats to the resources on this parcel are based largely on facilities expansion. Facilitates expansion may include filling of wetlands for parking or public access, highway improvements and interpretive site development. Public ownership of this site would ensure continued public access and visitor enhancements consistent with restoration goals.

Proposed Management. The purpose of acquisition is to preserve and protect in perpetuity the ecological, natural, physical and scenic values of the subject property for the benefit of fish and wildlife resources and services that were injured in the *Exxon Valdez* oil spill. If this parcel is acquired, ADF&G will manage the parcel to protect environmentally sensitive estuarine habitat.

Appraised Value. The Trustee Council via Resolution 01-02 offered $125,000 for the parcel based upon an approved appraisal in December 2000.



Location Map
VALDEZ
Valdez
Old Valdez
Mineral Creek Islands
Jackson Pt
Fort Liscum (Site)
Valdez Airport
Horsetail Creek
Creek
Water Tank
High Sch
Gravel Pit
Hospital
City Hall
PO
Radio Towers
SUBJECT
RICHARDSON
HIGHWAY
Mineral Creek Islands
HAZELETT AVE
MEALS AVE
EGAN DR
PIPELINE
Trailer Park
Gravel Pit
Cabin

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STATE
of
ALASKA

150'
150'

US 3 49

RICHARDSON HIGHWAY

STATE OF ALASKA

N07°58'00"E
2221.56'(BLM)

N07°55'00"E
1319.06'(BLM)

*BEARINGS/DIST

*N.89°21'41"E

453.67'

20' Temporary Construction Easement

SUBJECT

N07°55'00"E
1320.00'(BLM)

GALENA – NIKOLAI
HOLDING COMPANY

158.79'(D)
189.47'(D)
S.82°02'00"E.
752.13'(D)

S.01°28'17"W.
276.26'(D)

N.07°55'19"E.
333.30'(D)

N.32°06'07"E.
328.66'(D)

Tract D

299.90'(D)
S.07°58'00"W.

323.85'(D)
N.82°02'17"W.

N.07°50'19"E.
20.42'(D)

S.81°50'38"E.
200'(FAA)

N.08°09'22"E.
200'(FAA)

FAA
SITE

200'(FAA)
S.81°50'38"E.

DRAFT

Northern Afognak Habitat Protection Efforts

Goal: Further Trustee Council restoration objectives for Northern Afognak Island by protecting lands previously identified as being of high restoration value for resources and services injured by the Exxon Valdez Oil Spill consistent with Trustee Council Resolutions of December 11, 2001 and November 8, 2002.

Benefits:

- Protection of habitat for injured resources: pink salmon, Dolly Varden, Pacific herring, bald eagles, black oystercatchers, harbor seals, harlequin ducks, marbled murrelets, pigeon guillemots, river otters, and sea otters.
- Protection of habitat benefiting additional species such as bear, deer, and elk.
- Protection of contiguous tracts of land provides further protection of wildlife movement corridors, consistency in land management strategies, and facilitates public recreational use in concert with protection of injured species and supporting habitats.
- Protection of documented anadromous streams supporting populations of pink salmon, coho salmon, sockeye salmon, rainbow trout and steelhead which have significant importance to commercial fishing, subsistence fishing, sportfishing, guiding, as well as bears, eagles, and marine mammals.
- Minimizing disturbance to nearshore habitats where Pacific herring spawn and feed.
- Six species of birds injured by the Exxon Valdez oil spill – marbled murrelet, pigeon guillemot, black oystercatcher, harlequin duck, bald eagle and common murres – use northern Afognak and the protected offshore waters for all or parts of the lifecycles.
- Maintaining water quality and riparian habitat for anadromous fish, river otters and harlequin ducks, maintaining nesting opportunities for bald eagles, marbled murrelets, and pigeon guillemots, minimizing disturbance to nearshore and intertidal habitat used by a variety of species and maintaining opportunities for recreational use by Alaskans and tourists alike.[1]
- Protection of the northern tier of Afognak provides for uninterrupted public access, minimizing the potential for trespass and facilitating consistent management of human use of the area.
- Protection of cultural resources including nine identified sites on Portage River.

Background

In 1993 the Trustee Council purchased the Seal Bay and Tonki Cape parcels, totaling 41,549 acres on the eastern side of Northern Afognak. In 1994, the Alaska Legislature designated these lands as Afognak Island State Park. In November 1998, AJV transferred to the state and federal governments surface title to approximately 41,376 acres located to the west of the Seal Bay and Tonki Cape transactions. There remains however, significant acreage separating the acquisitions. In 2005, the Conservation Partners purchased 2,185 acres in this area as well as the remaining timber rights on 2,258 acres of the original Afognak Joint Venture acquisition using grant funds and private donations.

Access from the eastern side of northern Afognak Island to the western side of northern Afognak Island is not possible without trespass, securing a permit, or using a boat. The lands surrounding Perenosa Bay are owned by a variety of Native corporations and include lands conveyed to the Native Corporations under ANCSA and ANILCA. ANCSA lands do not provide for public access. Natives of

[1] Trustee Council Resolution 02-02, December 12, 2001.

Kodiak own lands located just to the south of the areas previously considered for acquisition by EVOS. The lands (approximately three and a half sections) surround Portage Lake and the stream leading into the lake and, in conjunction with a trail easement would secure public access from Afognak Island State Park on the east to the western portion of Afognak Island. In addition, Shuyak Natives, Inc. and Uganik Natives, Inc. are interested in selling their lands located adjacent to previously acquired EVOS parcels and the recently acquired Little Waterfall parcel.

The American Land Conservancy (ALC) and Rocky Mountain Elk Foundation (RMEF), representing the conservation partners, have consulted with state and federal land managers and habitat professionals to identify agency priorities and secure guidance in the development the conservation partners' overall strategy on Northern Afognak and this proposal. The current proposal includes a combination of six parcels owned by three Native corporations in the Perenosa Bay area. All parcels are proposed for fee simple acquisition, with an additional area included for a proposed trail easement to ensure connectivity.

Landowner	Parcel Name	Acres
Natives of Kodiak, Inc.	Portage Drainage	2,240
Natives of Kodiak, Inc.	Trail easement	~300
Shuyak Natives, Inc.	Little Waterfall Lake (2A)*	1,678
Shuyak Natives, Inc.	Delphin Pt (2B)*	439
Uganik Natives, Inc.	Big Waterfall Lake (3A)*	1,606
Uganik Natives, Inc.	Delphin Pt (3B)*	147

*Parcel identifiers on attached map.

In addition, the partners in consultation with the State and USFWS, are considering the purchase of approximately 2,000 acres in the Thorsheim drainage located on the south side of Paramanoff Bay from Uyak Native Corporation using a mix of EVOS criminal funds and possibly civil funds. USWS would be the logical land manager for this effort. All the lands targeted for acquisition have been discussed with the Alaska Department of Natural Resources and US Fish and Wildlife Service. The Native corporation landowners above have signed option agreements or letters of intent with the Conservation Partners.

The Conservation Partners have successfully brought additional funds to the table and recently purchased 2,200 acres in fee in the Perenosa Bay area and 2,258 acres of timber rights in a previously acquired EVOS parcel using a combination of grant funds and $2,500,000 in private sector donations. The Conservation Partners have secured additional grant funds to continue their efforts in this area working with State, federal and native landowners. The Conservation Partners were recently awarded, through the Department of Natural Resources, two additional National Coastal Wetlands grants totaling $1,805,000 based upon an evaluation of the Portage Lake area. The partners will be utilizing private sector donations, donated timber rights in the Paul's and Laura Lake area, and two smaller Coastal grants to leverage Trustee Council funding. A Forest Legacy Grant in the amount of $1,100,000 was awarded in January 2008.

Funding Summary:

National Coastal Wetlands Grants

Phase III	**$ 888,000**
Phase IV	**$ 917,000**

Small USFWS Coastal Grants

Phase III	**$25,000**
Phase IV	**$25,000**

Forest Legacy Grant

Portage Lake	**$1,100,000**

Note: Phase I and II National Coastal Wetlands Grants funded the purchase of the Waterfall tract indicated on the attached map.

The Conservation Partners include The American Land Conservancy, The Rocky Mountain Elk Foundation, The Kodiak Brown Bear Trust, The Paul Allen Foundation, National Fish and Wildlife Foundation, Thorsen Foundation, Vital Ground Foundation and Johnny Morris Creel Foundation.

Phase III and IV Potential Funding

In June, the conservation partners indicated that the Perenosa Bay proposal was submitted to the Forest Legacy Program for consideration in the FFY 2008 competition. The partners were successful in securing Forest Legacy funds as noted above. Remaining oil spill dollars, congressionally appropriated funds, additional government grants such as Forest Legacy and National Coastal Wetlands, and private donations are being sought to complete the purchases, the cost of which could exceed $12,000,000.

Current Status

The Conservation Partners working in conjunction with the Department of Natural Resources and the US Fish and Wildlife Service, through the National Coastal Wetlands Grant program, have partnered successfully on two previous National Coastal Wetlands grants and are building on the State/ Federal/Private working relationships previously established.

The Trustee Council authorized $160,000 for due diligence activities in June, 2007. The Partners have completed a timber valuation and review of that evaluation. The appraisal is nearing completion and discussions with the review appraiser regarding scheduling and other requirements are ongoing.

Request:

Upon completion of the appraisal discussions will take place with the landowners. An indication of intent on the part of the Trustee Council at this point in time would facilitate negotiations with landowners. The partners are requesting a commitment of funds to facilitate the implementation of Forest Legacy and National Coastal Wetlands grants on Northern Afognak with the condition that all purchases will come back to the Trustee Council for final review and approval prior to purchase.

Attachments: Map of Project Area

RESOLUTION 08-0X OF THE
***EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL**
REGARDING NORTH AFOGNAK CONSERVATION PACKAGE

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after review and consideration of relevant information regarding restoration of resources injured by the *Exxon Valdez* oil spill ("EVOS") find as follows:

1. Several Native Corporation landowners in Perenosa Bay ("Landowners") own, or expect to receive title to, the surface estate interest in approximately 6,500 acres of land as more specifically depicted in Exhibit A (collectively, the "Lands"), and have expressed an interest in selling such lands. The Lands were originally conveyed pursuant to the authority in the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA). The subsurface rights associated with the Lands are owned by Koniag, Inc.

2. The Lands are within the oil spill affected area as defined by the Trustee Council in the Final Restoration Plan.

3. Landowners desire to sell the Lands and the EVOS Trustee Council desires to provide a portion of the funds needed for acquisition of the Lands by the State of Alaska for restoration purposes as part of the Trustee Council's program for restoration of the natural resources and services that were injured or reduced as a result of the oil spill. The Landowners have entered into options with The Afognak Conservation Partners (ACP), comprised of the Rocky Mountain Elk Foundation and the American Land Conservancy, that provide an opportunity to acquire the Lands if selling prices are acceptable to Landowners.

4. The Lands include important habitat for various species of fish and wildlife for which significant injury resulting from the oil spill has been documented through the Trustee Council's habitat acquisition analysis. The restoration benefits to oil spill injured species for these Lands are identified in Trustee Council Resolution 02-02 attached as Exhibit B.

5. Existing laws and regulations, including, but not limited to, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act, and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the Lands. However, restoration, replacement, and enhancement of natural resources, and acquisition of equivalent resources and services injured, lost or reduced as a result of the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, biologists, scientists, and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will likely have a beneficial effect on recovery of injured resources and lost or reduced services provided by these resources.

6. There is widespread public support for the conservation of the Lands.

7. The purchase of the Lands is an appropriate means to restore a portion of the injured resources and reduced services in the oil spill area. Acquisition and conservation of the Lands is consistent with the Final Restoration Plan.

8. The Afognak Conservation Partners, have secured, through the State of Alaska, two U.S. Fish and Wildlife Service (USFWS) National Coastal Wetlands grants,

one U.S. Forest Service Forest Legacy grant, private donations, and several small USFWS coastal grants, to contribute approximately $3,000,000 to the current Northern Afognak effort. In addition, ACP contributed approximately $4,000,000 to the Northern Afognak effort and Exxon Valdez high priority habitat restoration lands in 2005 to purchase and protect lands and timber in cooperation with the Alaska Department of Natural Resources.

9. Appraisals of the Lands have been or will be completed by appraisers acceptable to the United States, the State, and the ACP. The appraisals of parcels 1-5 are currently under review. The Habitat and Acquisition Protection Policies of the EVOS Restoration Plan adopted in 1994 state: "In approving the use of joint trustee funds for an acquisition, the Trustee Council will use a standardized appraisal process and specifically consider the restoration benefits to the injured natural resources, services, and the ecosystem relative to the appraised fair market value of the land or interests in land." The Lands provide exceptional habitat for purposes of promoting recovery of natural resources injured by the EVOS, and the Trustee Council concludes that there is a compelling need for and substantial benefit to be obtained from acquiring the Lands to prevent any potential degradation of such habitat in the future.

10. The Trustee Council previously authorized $160,000 as a contribution toward the completion of due diligence activities associated with this project.

Therefore, we resolve to participate as a partner with the U.S. Forest Service, Forest Legacy and U.S. Fish and Wildlife Service National Coastal Wetlands programs in the purchase of a combination of surface estate fee simple and access easements in the Lands as identified in Exhibit A for the State of Alaska and request the Alaska

Departments of Natural Resources and Law and as necessary the U.S. Department of the Interior to enter into negotiations regarding the Lands subject to the following terms and conditions:

(a) Trustee Council funding for each of the parcels described below will not exceed the approved Fair Market Value as determined by an approved appraisal;

Parcel	Approximate Acres
Parcel 2A – Shuyak Inc. Surface Estate (Waterfall)	1,678
Parcel 2B – Shuyak Inc. Surface Estate (Delphin Point)	439
Parcel 3A – Uganik Natives Inc. Surface Estate (Waterfall)	1,606
Parcel 3B – Uganik Natives Inc. Surface Estate (Delphin Point)	147
Natives of Kodiak Surface Estate and access easement (Portage Lake)	2,550
Timber Rights Parcel 5A	1,407
Total approximate acres in project area	7,827

The total amount of Trustee Council funding for all parcels shall not exceed $10,000,000. The ACP and others may provide additional funding;

(b) the extinguishment, including final adjudication, of any claims or potential claims pursuant to sections 14(c), (g) and (h) of the Alaska Native Claims Settlement Act;

(c) approval of the appraisals of these Lands referenced in paragraph 9 by a review appraiser acceptable to the State and Federal governments consistent with Federal Land Acquisition standards and a final purchase approval by the Trustee Council;

(d) a hazardous substances survey completed to the satisfaction of the State of Alaska and the United States;

(e) compliance with the National Environmental Policy Act must be ensured;

(f) a title search and review to the satisfaction of the State of Alaska and the United States for the respective interests acquired by each government must be completed;

(g) no timber harvesting or road development on these Lands prior to closing;

(h) completion of a minerals survey prior to closing that is satisfactory to the State of Alaska establishing that there are no locatable minerals, sand, gravel, oil or gas deposits underlying the Lands that are anticipated to be developed or, in the alternative, simultaneous with the conveyance of the surface estate, conveyance of the subsurface estate of the Lands by Koniag, Inc. to the State of Alaska;

(i) landowners must agree: (a) to promptly undertake all measures necessary to comply with the applicable requirements of AS 41.17 and regulations adopted pursuant thereto concerning reforestation, revegetation, brush, slash, and debris, salvage of trees, and soil erosion and wasting of logged lands and roads; and (b) to place water bars, pull culverts and bridges, and hydroseed roads in accordance with a plan to be developed in cooperation with the State of Alaska, which plan will include provisions for compliance with the applicable road closure requirements of 11 AAC 95.320 and the applicable reforestation requirements of 11 AAC 95.375-390. With respect to actions, including but not limited to reforestation, required by AS 41.17 and applicable regulations to be implemented at specific time periods following completion of timber harvesting activities, Landowners shall agree to complete such actions in a timely fashion, notwithstanding that the time for completing the action may be after conveyance of the Lands pursuant to this Resolution; and

(j) landowners shall grant to the United States a conservation easement similar to that used in other acquisitions funded by the Council which will enable the

United States to enforce on a non-exclusive basis the restoration objectives of this acquisition. The form and substance of this easement and the related warranty deed for the State must also be satisfactory to the Alaska Department of Law and the United States Department of Justice.

Approved by the Council at its meeting of March 17, 2008 held in Anchorage and Juneau, Alaska, as affirmed by our signatures affixed below:

Joe L. Meade
Forest Supervisor
Forest Service Alaska Region
U. S. Department of Agriculture

Talis J. Colberg
Attorney General
Alaska Department of Law

Randall Luthi
Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

James Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game

Larry Hartig
Commissioner
Alaska Department of Environmental Conservation

EXHIBIT A

Parcel 1, Shuyak Inc.

The Surface Estate in the following described lands as described in Patent Number 05-90-0647, located in the Kodiak Recording District, Third Judicial District, State of Alaska, EXCEPTING THEREFROM the subsurface estate, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing to said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971.

Township 21 South, Range 19 West, SM
Section 18: Lot 2
Section 19: Tract B on Plat 2004-14

Township 21 South, Range 20 West, SM
Section 3: South ½
Section 10: ALL
Section 14: SW ¼, S ½ NW ¼
Section 15: Lot 1
Section 24: Lot 3

Parcel 2. Uganik Inc.

The Surface Estate in the following described lands as described in Patent Number 05-90-0647, located in the Kodiak Recording District, Third Judicial District, State of Alaska, EXCEPTING THEREFROM the subsurface estate, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing to said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971.

Township 21 South, Range 19 West, SM
Section 18: Lot 1

Township 21 South, Range 20 West
Section 20: E ½ SE ¼ SE ¼
Section 21: S ½, S ½ NE ¼ Except Tract B Plat No. 2000-20, Lot 2
Section 22: Lots 1 and 2
Section 23: ALL
Section 24: Lots 1 and 2

Parcel 3, Natives of Kodiak

The Surface Estate in the following described lands as describe in Patent Number 05-98-0378, located in the Kodiak Recording District, Third Judicial District, State of Alaska , EXCEPTING THEREFROM the subsurface estate, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing to said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971.

Township 22 South, Range 19 West, SM
Section 5: ALL
Section 8: ALL
Section 17: Lots 1 and 2
Section 18: Lots 1 and 3
Section 20: N ½ N ½

Interests in Parcel 5A

Tract A of the Laura Lake Addition to the Afognak JV Subdivision, as shown on Sheets 4 through 10 of 14 of the Afognak JV Subdivision, according to the official plat thereof filed as Plat No. 99-25 on September 30, 1999 in the Kodiak recording District, Third Judicial District, State of Alaska, amended by the official plat thereof filed as Plat Mo. 2000-17 filed on October 5, 2000 in the Kodiak Recording district, Third Judicial District, State of Alaska.

EXHIBIT B

RESOLUTION 02-02 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
CONCERNING
PROTECTION OF LANDS IN PERENOSA BAY

RESOLUTION 02-02 OF THE *EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL CONCERNING PROTECTION OF LANDS IN PERENOSA BAY

WHEREAS the Trustee Council has invested nearly $156 million to acquire and protect habitat on and near northern Afognak Island that is critical for several species injured by the oil spill, consisting of 41,549 acres along Seal Bay and Tonki Cape acquired from the Seal Bay Timber Company in 1993, 26,665 acres acquired on Shuyak Island from the Kodiak Island Borough in 1996, and 41,750 acres acquired on northern Afognak Island from the Afognak Joint Venture (AJV) in 1998;

WHEREAS the Kodiak Brown Bear Trust, American Lands Conservancy, and Rocky Mountain Elk Foundation are proposing to seek private foundation dollars to leverage public funds to further the habitation protection and restoration efforts begun by the Trustee Council on northern Afognak Island;

WHEREAS the first phase of the effort is focused on 18,000 acres of coastal habitat in Perenosa Bay currently held by AJV;

WHEREAS the AJV lands lie within and near the lands purchased by the Trustee Council that are now within Afognak Island State Park and Shuyak Island State Park, and include timber rights on 2,000 acres of land east of Pauls and Laura Lakes on which the Trustee Council acquired surface title, and their protection would help preserve the integrity of the Trustee Council's investment in the area;

WHEREAS the Trustee Council sought to acquire these additional lands in order to provide contiguity in protection, land management strategies, and ownership but had insufficient funds available to purchase them;

WHEREAS protecting contiguous tracts of land provides further protection of wildlife movement corridors, consistency in land management strategies, and facilitates public recreational use in concert with protection of injured species and supporting habitats;

WHEREAS the AJV lands, as well as the timber reservation near Pauls and Laura Lakes, are among the lands most highly ranked for restoration value and biological significance by the Trustee Council's habitat protection process and support critical habitat for several species injured by the *Exxon Valdez* oil spill including pink salmon, Dolly Varden, Pacific herring, bald eagles, black oystercatchers, harbor seals, harlequin ducks, marbled murrelets, pigeon guillemots, river otters, and sea otters;

WHEREAS the Sitka spruce within the timber reservation represents some of the most valuable habitat for wildlife, particularly marbled murrelets and bald eagles, as well as providing stable riparian zones for pink and sockeye salmon and Dolly Varden;

WHEREAS this area has many documented anadromous streams which support populations of pink salmon, coho salmon, sockeye salmon, rainbow trout and steelhead which have significant importance to commercial fishing, subsistence fishing, sportfishing, guiding, as well as bears, eagles, and marine mammals;

WHEREAS Pacific herring spawn in Perenosa Bay and feed in nearshore waters;

WHEREAS six species of birds injured by the *Exxon Valdez* oil spill – marbled murrelet, pigeon guillemot, black oystercatcher, harlequin duck, bald eagle, and common murre -- use northern Afognak and the protected offshore waters for all or parts of their lifecycles;

WHEREAS the adjacent marine waters are highly productive and are inhabited by northern sea lions, northern fur seals, harbor porpoises, and several species of whales, with the nearshore waters of Perenosa Bay offering feeding, pupping, and calving habitat for many species of marine mammals including harbor seals and sea otters;

WHEREAS in addition to injured species, elk, deer and brown bear utilize the habitats proposed for protection and the resources they support;

WHEREAS the AJV lands in this general area contain significant archaeological and cultural resources, with some sites listed as Important by the State Historic Preservation Office;

WHEREAS protection of this area will further the Trustee Council's restoration objectives by maintaining water quality and riparian habitat for anadromous fish, river otters, and harlequin ducks; maintaining nesting opportunities for bald eagles, marbled murrelets and pigeon guillemots; minimizing disturbance to nearshore and intertidal habitat used by a variety of species; and maintaining opportunities for recreational use by Alaskans and tourists alike;

WHEREAS the Kodiak Brown Bear Trust, American Lands Conservancy, and Rocky Mountain Elk Foundation bring together knowledge of Alaska, successful experience in completing large and complex land acquisitions, private foundation support, and a significant national constituency;

THEREFORE BE IT RESOLVED that the Trustee Council strongly supports and encourages the efforts underway by the Kodiak Brown Bear Trust, American Lands Conservancy, Rocky Mountain Elk Foundation and others to seek funds for protection of the coastal habitat in Perenosa Bay.

Approved by the Council at its meeting of December 11, 2001 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

DAVE GIBBONS
Alaska Region
USDA Forest Service

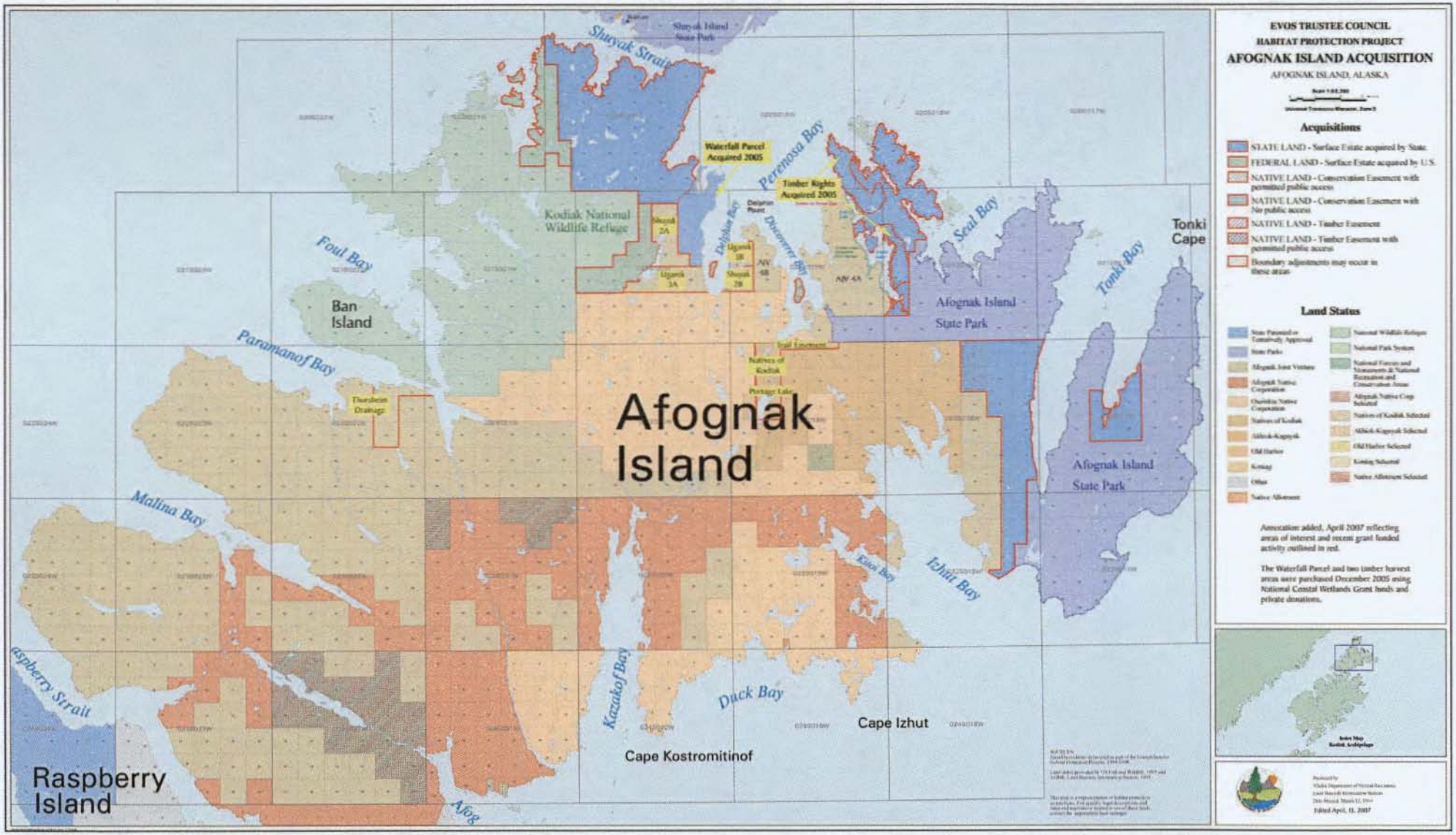
CRAIG TILLERY
Assistant Attorney General
State of Alaska

DRUE PEARCE
Senior Adviser
to the Secretary for Alaskan Affairs
U.S. Department of the Interior

JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries
Service

FRANK RUE
Commissioner
Alaska Department of
Fish and Game

MICHELE BROWN
Commissioner
Alaska Department of
Environmental Conservation


EVOS TRUSTEE COUNCIL
HABITAT PROTECTION PROJECT
AFOGNAK ISLAND ACQUISITION
AFOGNAK ISLAND, ALASKA
Acquisitions
STATE LAND - Surface Estate acquired by State.
FEDERAL LAND - Surface Estate acquired by U.S.
NATIVE LAND - Conservation Easement with permitted public access
NATIVE LAND - Conservation Easement with No public access
NATIVE LAND - Timber Easement
NATIVE LAND - Timber Easement with permitted public access
Boundary adjustments may occur in these areas
Land Status
Annotation added, April 2007 reflecting areas of interest and recent grant funded activity outlined in red.
The Waterfall Parcel and two timber harvest areas were purchased December 2005 using National Coastal Wetlands Grant funds and private donations.
Edited April, 11, 2007
Afognak Island
Raspberry Island
Cape Kostromitinof
Cape Izhut
Kodiak National Wildlife Refuge
Afognak Island State Park
Shuyak Island State Park
Ban Island
Tonki Cape
Waterfall Parcel Acquired 2005
Timber Rights Acquired 2005
Shuyak Strait
Perenosa Bay
Foul Bay
Paramanof Bay
Malina Bay
Raspberry Strait
Kazakof Bay
Duck Bay
Izhut Bay
Kitoi Bay
Seal Bay
Tonki Bay
Delphin Bay
Discoverer Bay
Portage Lake
Thorsheim Drainage
Trail Easement
Natives of Kodiak
Shuyak 2A
Shuyak 3B
Uganik 3B
Uganik 3A
AIV 4B
AIV 4A

RESOLUTION 08 - xx OF THE
***EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL**
REGARDING PORT GRAHAM HABITAT PROTECTION

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings, unanimous agreement has been reached to expend funds received in settlement of State of Alaska v. Exxon Corporation, et al., No. A91-083 CIV, and United States of America v. Exxon Corporation, et al., No. A91-082 CIV, U.S. District Court for the District of Alaska, for necessary Natural Resource Damage Assessment and Restoration activities for fiscal year 2007, as described in Attachment A.

This resolution authorizes the distribution of $32,700 of FY 08 funding for due diligence expenses in support of Port Graham Habitat Protection Efforts focusing on parcel PTG 01, as described in Attachment A, to be distributed according to the following schedule:

Department of Interior, National Park Service	$32,700
TOTAL APPROVED FOR DISTRIBUTION	**$32,700**

Authorization of the approved funding shall run from March 17, 2008 to September 30, 2009.

By unanimous consent, we hereby request the Alaska Department of Law and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary to make funds available in the amount of $32,700 from the appropriate account as designated by the Executive Director.

Approved by the Council at its meeting of March 17, 2008, held in Anchorage, Alaska, as affirmed by our signatures affixed below:

Joe L. Meade
Forest Supervisor
Forest Service Alaska Region
U. S. Department of Agriculture

Talis J. Colberg
Attorney General
Alaska Department of Law

Randall Luthi
Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior

James Balsiger
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game

Larry Hartig
Commissioner
Alaska Department of Environmental Conservation

Attachment A – Port Graham Estimate of Due Diligence Costs; Port Graham Benefits Report 1994; Parcel Maps

ATTACHMENT A

Port Graham
Estimate of Due Diligence Costs

Initial Costs

Appraisal	$20,000
Appraisal review	$3,000
Hazmat	$4,250
Subsurface Assessment	$2,000
Preliminary Commitment for Title Insurance	$750
Total Estimated Initial Costs	**$30,000**

Budget Summary

Budget Category	FY 08-09
Personnel	$0.0
Travel	$0.0
Contractual	$30,000
Commodities	$0.0
Equipment	$0.0
Subtotal	$30,000
General Administratio	$2,700
Total Request	$32,700

Restoration Benefits Report for Habitat Acquisition
Port Graham Corporation
Parcels PTG 01 through 07

Region and Locale

Kenai Peninsula. Parcels are located on the southeast coastline of the peninsula within Kenai Fjords National Park.

Proposed Acquisition Description

Port Graham (PTG) parcels 01 through 07 are located along the deep water fjords of Kenai Fjords National Park. The park is characterized by a highly indented coastline, interspersed protected waters and extremely scenic uplands. The fjords support tide-water glaciers, many that have receded dramatically this century. Upland slopes are predominately steep, though there are relatively flat areas; soils are generally shallow. Coastal parts of the parcels are covered by a temperate rainforest dominated by Sitka spruce and western hemlock. Under story vegetation is typical of that found with this forest type. More inland parts of the parcels are covered with shrub and tundra vegetation types. Parcels PTG 05 and PTG 01 contain Delight, Desire and Addison Creeks that support commercial red and pink salmon fisheries.

Kenai Fjords National Park provides the most dramatic fjord system in the United States that is protected as a national park. Waters adjacent to the park are teeming with marine life and are often occupied with harbor seals, sea otters, Northern sea lions, porpoises and Minke, Humpback, Orca and Gray whales. Several species of salmon, including pink salmon and red salmon injured by the Exxon Valdez Oil Spill (EVOS), are supported by the park's upland habitat. Numerous species of marine and other birds, including harlequin ducks, marbled and Kittlitz's murrelets, pigeon guillemots, black oystercatchers, cormorants, common loons and bald eagles injured by the EVOS, are found throughout the area and use park uplands. The park is a birder's paradise. Upland areas also support black bear, moose, mountain goat, river otter, mink, marten, wolverine, coyote, snowshoe hare, and porcupine.

Although the park was established amidst great controversy in 1980, it is now the major attraction for the city of Seward's booming tourism economy. A 1996 MOU signed by the City, NPS, USFS, State Parks and the Chamber of Commerce supports the construction of an interagency, cooperatively run Visitor Center/Administrative Offices/Conference Center on City-owned land near the Seward Small Boat Harbor. Numerous businesses, related to the park, have been created in the city since that time. Several businesses, such as Kenai Fjords Tours, Major Marine Tours, and Mariah Charters, have matured into companies of significant size. Because of increased demand, companies are still adding capacity to carry more visitors to see the park, its magnificent landscape, and its wildlife. The Anchorage Daily News runs daily advertisements throughout the year for several commercial companies providing

boat tours of the park. The Alaska Railroad runs daily summer trains to Seward, which are scheduled to connect to these tours. National magazines carry monthly advertisements for guided trips to the park. Large cruise ship companies have discovered Seward (110 dockings in 1996) and their passengers fill the park's visitor center as they disembark into town and seek out points of interest. Many of the cruise ship tourists take flight-seeing tours of the park and have helped stimulate yet more jobs. Half the park's 1994 commercial use licenses were for flight-seeing businesses.

The parcels in this package contain most of the resources and services injured from the oil spill. By protecting the habitat upon which these resources depend, the Trustee Council's goal of providing restoration benefits through protective measures can be accomplished on the Kenai Peninsula.

Parcel Acreage and Ratings. All parcels have been appraised. Combined, the parcels total 46,621 acres, more or less. Parcels have been evaluated by the Trustee Council's Habitat Work Group (1993 & 1994) and score from high to low. High and moderate parcels comprise about 29,000 acres; low rated parcels comprise 18,000 acres.

Other Information

Most of these parcels were conveyed to Port Graham Corporation in 1995 and 1996 under the authority of the Alaska Native Claims Settlement Act. Port Graham's remaining acreage entitlement of 4,290 acres is scheduled to be conveyed in future years. All future conveyances will be within Kenai Fjords National Park. Habitat protection would include conveyed lands and future conveyances. The Port Graham Corporation has expressed willingness to negotiate sale of some or all of their lands within the park on a fee simple basis. The subsurface estate of these parcels has or will be conveyed to the Chugach Alaska Corporation. This subsurface estate has been appraised, but an offer will not be presented at this time.

A number of additional parcels have been rated by the Trustee Council's staff on the Kenai Peninsula near the villages of Port Graham and English Bay. Ratings were from moderate to low value. Lands within the boundaries of Kenai Fjords National Park represent the best potential to acquire lands which have the highest potential to contribute to the Trustee Council's restoration goals.

Restoration Benefits

Injured Resources and Services. Sixteen of the 19 listed injured resources and services used to rate the parcels are present on or directly associated with the lands in this package. The following list contains those rated by the Trustee Council staff as having high or moderate potential to benefit restoration.[1] Injured resources on or immediately adjacent to these lands

[1]Rating done by the Habitat Protection Work Group (HPWG),

include: spawning pink salmon, spawning red salmon, feeding and likely spawning Dolly Varden, spawning Pacific herring, nesting bald eagles, feeding black oystercatchers, feeding and haulout areas for harbor seals, molting harlequin ducks, intertidal & subtidal biota (including some dense mussel beds, kelp and eelgrass areas), probable nesting marbled murrelets, feeding and probable nesting pigeon guillemots, high use areas and latrine sites for river otters, and feeding sea otters. Public services provided by these lands include: nationally known and advertised recreation and tourism destinations, pristine wilderness settings, and several archaeologic and historic cultural resource sites. Additionally, commercial pink and red salmon fisheries are supported by Delight and Desire Creeks in PTG 05 and Addison Creek in PTG 01. Furthermore, these lands and adjacent coastal waters provide habitat for clams, common loons, cormorants, killer whales, Kittlitz's murrelets, mussels, rockfish, sediments, and passive use, injured resources and services added since the original ratings.

Acquisition of this package will result in habitat protection for not only the lands acquired, but for a much larger area. These lands are within the designated boundaries of Kenai Fjords National Park, an area comprised of 669,000 acres. As such, adding these lands back into park status will ensure that the thousands of acres of protected habitat in the park are not fragmented by various man-made developments and extractive activities. Both the lands acquired, and the lands in the park will provide protection for injured resources and services injured by the oil spill.

Currently, this area is receiving steadily increasing recreational visitation. Both large commercially-operated and small privately-owned boats ply the fjords in greater numbers. The area is well known by sport fishermen who seek out salmon and halibut. Kayakers, campers, photographers and birders from around the world have discovered the park and use it regularly. Flight-seeing is increasingly popular, and a growing number of tourists see the park in this way. The number of commercial users in the park is on a steady upward trend; between 1995 and 1996 the number of businesses operating in Kenai Fjords with a Park Service commercial use license increased from 34 to 43.

Park management will maintain habitat acquired in its natural condition, thereby protecting injured resources and services from further injury. Park rangers, other park staff and volunteers in the park will regularly patrol the park to ensure a high level of compliance with park regulations and Trustee Council restoration goals. At the same time, services like recreation and tourism can continue to occur and increase, in balance with restoration needs. The park already provides some remote visitor cabins. Cultural sites of particular importance to the Native community will be protected consistent with state and federal laws. The commercial red and

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"Comprehensive Habitat Protection Process: Large Parcel Evaluation & Ranking," as presented to the Council November 30, 1993, The list of injured resources and services has been expanded to 30 as of the Trustee Council meeting on 8/29/96.

pink salmon fisheries associated with Delight, Desire and Addison Creeks will be maintained by protection of spawning and rearing habitat.

Should the parcels not be acquired, private management would determine the nature and rate of change to the land. Development could take many forms. While the unspoiled and wild landscape of the park provides protection for injured resources and services and is a prime visitor attraction, the same landscape could be severely altered with lodges, cabins and docks in bays with greatly increased boat and aircraft traffic. Developed parcels would fracture habitat into smaller blocks, and protection for injured resources and services would be diminished. Most biologists agree that large, protected natural areas provide better habitat for populations of animals, such as those injured by the EVOS, than parcels interrupted by human developments.

In future years forested areas of the park could be logged. Logging would begin to impact the habitat of injured resources and services on lands logged and possibly on surrounding lands. Even small logging operations would severely impair the scenic, wilderness and recreational qualities of the otherwise undisturbed area.

Proposed Management Structure. Lands acquired would be managed by the National Park Service pursuant to the National Park Service's Organic Act, 16 USC 1, and the Alaska National Interest Lands Conservation Act (ANILCA), 16 USC 3101. These two laws provide the key legislative mandates for management. For Kenai Fjords National Park, ANILCA section 201 (5) says,

> Kenai Fjords National Park... shall be managed for the following purposes, among others: To maintain unimpaired the scenic and environmental integrity of the Harding Ice Field, its outflowing glaciers, and coastal fjords and islands in their natural state; and to protect seals, sea lions, other marine mammals, and marine and other birds and to maintain their hauling and breeding areas in their natural state, free of human activity which is disruptive to their natural processes....

These mandates from Congress mesh well with the Trustee Council's restoration goals for the injured resources and services. The very core of the Park Service mission is both protection and use. On the one hand, most areas will be left in their natural state thus providing undisturbed habitat for the many species that will benefit from such protection. On the other hand, services like recreation and tourism can continue to occur. People from Alaska, from the rest of the USA, and from around the world could visit the park, marvel at its scenery, and learn about its natural resources.

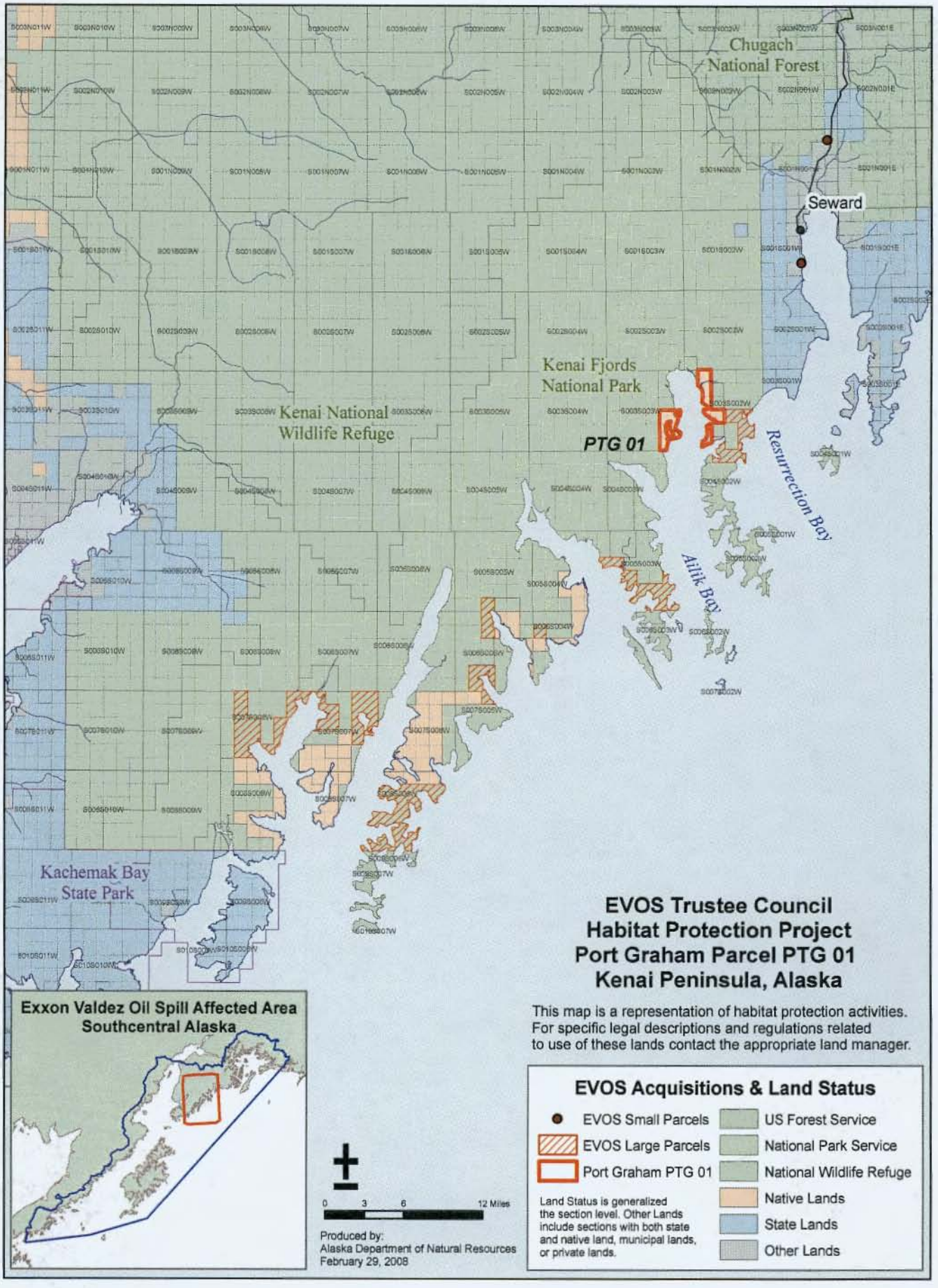
Terms and Conditions

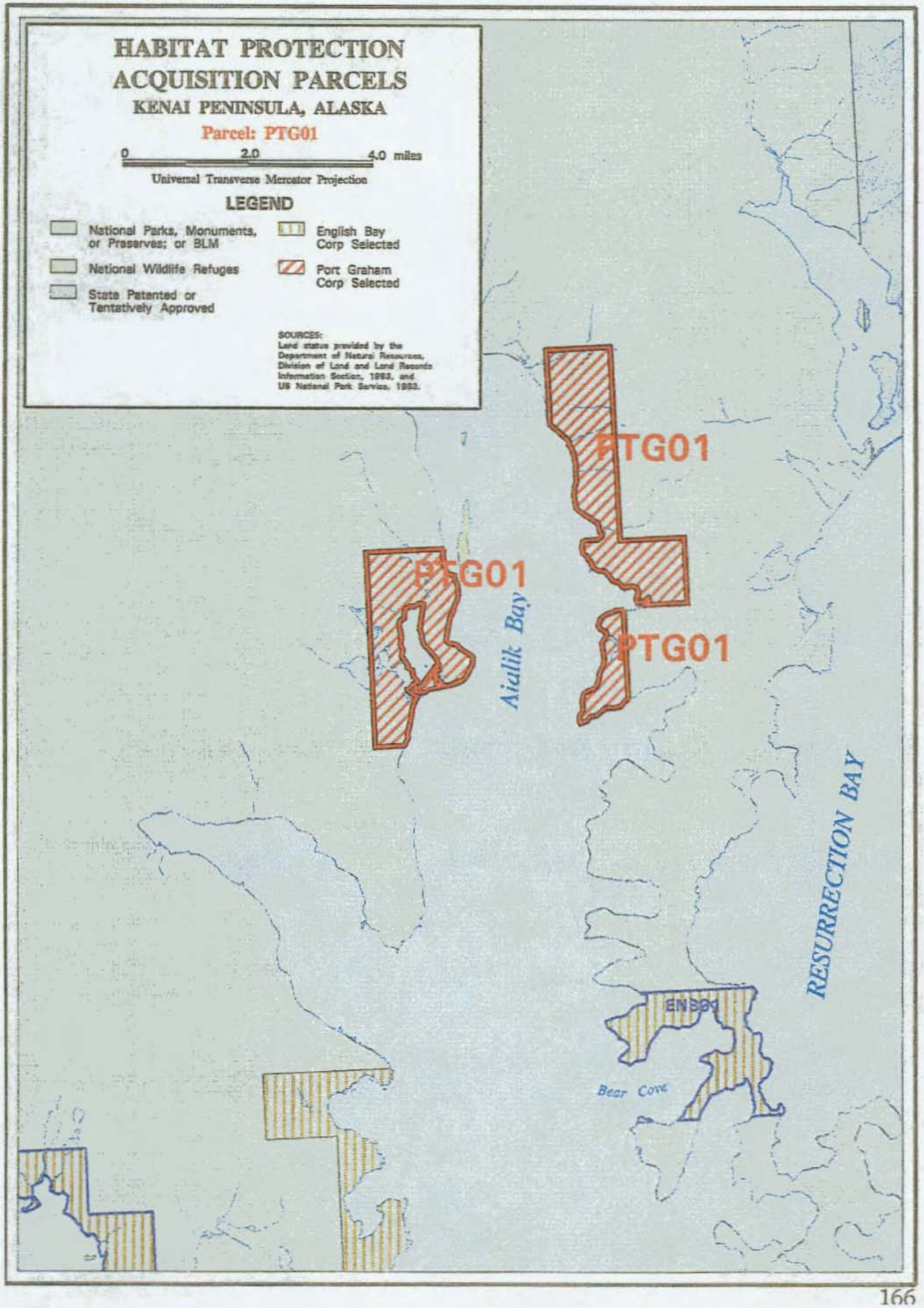
Fee simple acquisition of all parcels.

Sources of Revenue. Civil restoration fund monies.

Recommendation

Fee simple acquisition of all parcels.


Chugach
National Forest
Seward
Kenai Fjords
National Park
Kenai National
Wildlife Refuge
PTG 01
Resurrection Bay
Aialik Bay
Kachemak Bay
State Park
Exxon Valdez Oil Spill Affected Area
Southcentral Alaska
0 3 6 12 Miles
Produced by:
Alaska Department of Natural Resources
February 29, 2008
EVOS Trustee Council
Habitat Protection Project
Port Graham Parcel PTG 01
Kenai Peninsula, Alaska
This map is a representation of habitat protection activities.
For specific legal descriptions and regulations related
to use of these lands contact the appropriate land manager.
EVOS Acquisitions & Land Status
EVOS Small Parcels
EVOS Large Parcels
Port Graham PTG 01
Land Status is generalized
the section level. Other Lands
include sections with both state
and native land, municipal lands,
or private lands.
US Forest Service
National Park Service
National Wildlife Refuge
Native Lands
State Lands
Other Lands


HABITAT PROTECTION
ACQUISITION PARCELS
KENAI PENINSULA, ALASKA
Parcel: PTG01
0
2.0
4.0 miles
Universal Transverse Mercator Projection
LEGEND
National Parks, Monuments, or Preserves; or BLM
National Wildlife Refuges
State Patented or Tentatively Approved
English Bay Corp Selected
Port Graham Corp Selected
SOURCES:
Land status provided by the Department of Natural Resources, Division of Land and Land Records Information Section, 1993, and US National Park Service, 1993.
PTG01
PTG01
PTG01
Aialik Bay
RESURRECTION BAY
ENBAY
Bear Cove

PAC Charter and Nomination info

TO: Trustee Council

FROM: Douglas Mutter
Designated Federal Officer
U.S. Dept of the Interior

DATE: March 7, 2008

SUBJECT: Public Advisory Committee Charter renewal and nomination process for the 2008-2010 term

The Exxon Valdez Oil Spill Trustee Council's Public Advisory Committee (PAC) charter and membership end with the 2008 federal fiscal year this September. The charter will require renewal, pursuant to the Federal Advisory Committee Act (FACA). The PAC membership term has traditionally followed the two-year charter cycle, so the process to nominate and select 15 PAC members for the 2008-2010 term needs to be undertaken. Both processes require substantial lead time to accomplish by October 2008.

Attached is the current charter, developed according to FACA guidelines. I do not envision any modifications. The charter requires approval of the Trustee Council (by August 1, 2008). I will then move it through the FACA charter renewal process.

Attached are four documents outlining the PAC member selection process. This has not been modified from the last process used by the Trustee Council. This process requires approval by the Trustee Council. The nomination effort needs to begin by June 1, 2008.

Douglas Mutter
Regional Environmental Assistant
U.S. Department of the Interior
Office of Environmental Policy and Compliance
1689 C Street, Room 119
Anchorage, Alaska 99501
907-271-5011
(fax: 907-271-4102)
douglas_mutter@ios.doi.gov

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY COMMITTEE CHARTER

1. OFFICIAL DESIGNATION: *Exxon Valdez* Oil Spill Public Advisory Committee (hereinafter referred to as the Committee).

2. SCOPE AND OBJECTIVES: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV (hereinafter referred to as the MOA), the Committee shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

   All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

   a. Planning, evaluation, and allocation of available funds;
   b. Planning, evaluation, and conduct of injury assessments and restoration activities;
   c. Planning, evaluation, and conduct of long-term monitoring and research activities;
   d. Coordination of a, b, and c.

3. DESCRIPTION OF DUTIES: The Committee functions are advisory only, and its officers shall have no administrative authority by virtue of their membership.

4. DURATION: By order of the District Court for the District of Alaska, the Committee is to advise the Trustees appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. The requirement for the Committee will continue throughout the life of the settlement.

5. AGENCY OR OFFICIAL TO WHO THE COMMITTEE REPORTS: The Committee shall report to the *Exxon Valdez* Settlement Trustee Council through the Federal members of the Trustee Council.

6. BUREAU RESPONSIBLE FOR PROVIDING NECESSARY SUPPORT: Support for the Committee shall be provided by the Trustee Council's Executive Director, who shall procure all needed space, supplies, equipment, and support for the Committee. The Executive Director shall prepare an annual budget for the Committee. The budget shall provide for the Committee such funds as the Trustee Council deems appropriate for administrative support for the Committee, from the *Exxon Valdez* Oil Spill Investment

Fund established as a result of the settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation.

7. ESTIMATED ANNUAL OPERATING COSTS: The estimated annual operating cost for the Committee is $70,000.00, including all direct and indirect expenses. It is estimated that .6 staff years will be required to support the Committee.

8. ALLOWANCES FOR COMMITTEE MEMBERS: Members of the Committee serve without compensation. However, while away from their homes or regular places of business, members engaged in Committee business approved by the Trustee Council Executive Director or the Designated Federal Officer will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS: The Committee is expected to meet approximately, and no less than, two times per year.

10. TERMINATION DATE: The Committee is subject to the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2, and shall take no action unless the charter filing requirements of section 9 of FACA have been complied with. The Committee is subject to biennial review and will terminate two years from the date the charter is filed, unless, prior to that time, the charter is renewed in accordance with section 14 of FACA.

11. COMMITTEE MEMBERSHIP: The Committee shall consist of 15 members, including a Chair and Vice-Chair elected by the Committee members. Each member will serve a two-year term and members are eligible for re-nomination and reappointment. One member, and two for public-at-large, will be appointed representing each of the interests identified below.

    a. aquaculturist/mariculturist (e.g., fish hatcheries and oyster/shellfish farming)
    b. commercial fisher (e.g., commercial fishing for salmon, halibut, herring, shellfish and bottom fish; including boat captains and crews, cannery owners/operators, and fish buyers)
    c. commercial tourism business person (e.g., promoting or providing commercial travel or recreational opportunities, including charter boating, guiding services, visitor associations, boat/kayak rental)
    d. recreation user (e.g., recreation activities that occur within the area, including kayaking, power boating, sailing, sightseeing)
    e. conservationist/environmentalist (e.g., organizations interested in the wise use and protection of natural resources)
    f. local government (e.g., incorporated cities and boroughs in the affected area)
    g. Native landowner (e.g., regional or village corporations in the affected area established by the Alaska Native Claims Settlement Act)
    h. tribal government (e.g., federally-recognized tribes in the affected area)

i. scientist/technologist (e.g., organizations, institutions, and individuals involved in, or with expertise in, scientific and research aspects of the affected area/resources and/or the effects of the oil spill and/or the technical application of scientific information)

j. sport hunter/fisher (e.g., hunting and/or fishing for pleasure)

k. subsistence user (e.g., customary and traditional use of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles; and for customary trade)

l. regional monitoring program operator (e.g., monitoring and reporting on environmental conditions in the affected area, including monitoring for pollution and the status of biological resources)

m. marine transportation operator (e.g., transport of goods and services in marine waters, including piloting, tug operations, barge operations, oil tankers and pipelines, shipping companies)

n. public-at-large (e.g., representing the affected area of the oil spill and its people, resources, and/or economics)

12. ETHICS RESPONSIBILITY: No member shall participate in any matter specifically concerning a lease, license, permit, contract, claim, agreement, or related litigation in which the member has a direct financial interest.

13. DESIGNATED FEDERAL OFFICER: The Designated Federal Officer is the U.S. Department of the Interior, Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or his/her designee.

14. SUBGROUPS: The Committee may, upon approval of the Trustee Council, establish such workgroups or subcommittees as it deems necessary for the purpose of compiling information or conducting research. However, such work groups or subcommittees may not conduct business and must report to the full Committee.

15. AUTHORITY: The Committee is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.

_____ _____

Secretary of the Interior Date

_____

Date Filed

Exxon Valdez Oil Spill Trustee Council

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

June XX, 2008

Dear Interested Citizen:

The Exxon Valdez Oil Spill Trustee Council is soliciting nominations for the Public Advisory Committee to serve a 24 month term from October 2008 to October 2010.

Interested persons should follow the instructions on the attached. Be sure to submit a complete packet of the information requested. Nominations are due to the Trustee Council Office by close of business on Friday, August 1, 2008.

Nominations are being solicited using a wide range of media, including newspapers in the affected area, the Federal Register, the Trustee Council newsletter/website, public service announcements, flyers posted in communities in the affected area, the present Public Advisory Committee membership, and persons having expressed an interest in serving on the Public Advisory Committee.

The process is expected to be completed and the appointment of Public Advisory Committee members made in October 2008.

The Exxon Valdez Oil Spill Trustee Council consists of: Joe Meade, Forest Supervisor, Chugach National Forest, Forest Service, U.S. Department of Agriculture; Randall Luthi, Director, Minerals Management Service, U.S. Department of the Interior; Jim Balsiger, Administrator, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce; Talis Colberg, Attorney General, State of Alaska; Denby Lloyd, Commissioner, Alaska Department of Fish and Game; and Larry Hartig, Commissioner, Alaska Department of Environmental Conservation.

For more information on the role of the Public Advisory Committee or the nomination process, or copies of documents relating to the Public Advisory Committee or the work of the Trustee Council,

contact Cherri Womac at the Trustee Council Office, 907/278-8012 (e-mail: cherri.womac@alaska.gov).

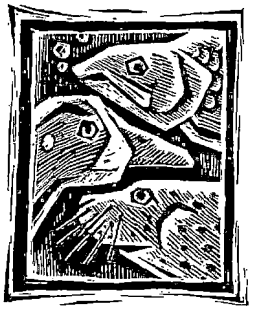
Sincerely,

Michael Baffrey
Executive Director

Enclosure

Exxon Valdez Oil Spill Trustee Council

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



Process for Appointment of 2008-2010 Members Exxon Valdez Oil Spill Public Advisory Committee

The term for all 15 members of the Public Advisory Committee (PAC) ends October 2008. The PAC Charter will be renewed as of October 2008, and it is desirable to have the two-year membership synchronized with the two-year Charter period. The process for selecting PAC members for the next two-year session follows the process the Trustee Council used for past membership selection. This process is based upon the requirements set forth in the PAC Charter. The process involves notifying the public and compiling a list of potential nominees for Trustee Council consideration. Current members of the PAC are eligible for re-nomination and reappointment. The Trustee Council will review the nominations and recommend membership to the Trustees, and upon their approval, to the Secretary of the Interior for official appointment (the Department of the Interior is the designated Federal agency for ensuring compliance with the Federal Advisory Committee Act (FACA)).

Nominations will be solicited using a wide range of media, including newspapers in the affected area, the Federal Register, the Trustee Council newsletter/website, public service announcements, flyers posted in communities in the affected area, the present PAC membership, and persons having expressed an interest in serving on the PAC. About 60 days should be allowed for response. Nominations are due Friday, August 1, 2008.

The "request for nominations" will ask for information presented in the attached solicitation and instructions.

The Trustee Council staff will compile a list of nominees and a summary of information about them, including name, address, telephone number; principal interest; committee affiliations; who they were nominated/endorsed by; if their information packet is complete; and if additional information is required.

The Trustee Council will meet to review the nominees and make their unanimous recommendation for the PAC membership.

The nominees will be notified of the recommendations of the Trustee Council by the Executive Director.

The Designated Federal Official will forward the information for recommended members to the Secretary of the Interior for official appointment (letters will be sent to each appointee). The Designated Federal Official will also submit appropriate reports to the Federal government pursuant to the FACA.

Exxon Valdez Oil Spill Trustee Council

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

Exxon Valdez Oil Spill Public Advisory Committee
Procedure for Member Nomination and Appointment

All Public Advisory Committee members must be unanimously approved by the Exxon Valdez Oil Spill Trustee Council. The information described below should be prepared by the nominee and submitted to the Executive Director of the Exxon Valdez Oil Spill Trustee Council at the following address:

Executive Director
Exxon Valdez Oil Spill Trustee Council
441 West 5th Avenue, Suite 500
Anchorage, Alaska 99501

Email: cherri.womac@alaska.gov
Fax: 907/276-7178

Nominations for membership may be submitted by any source. From these nominations the Trustee Council will make recommendations for membership and forward their recommendations to the Secretary of the Interior who will officially appoint those members approved by the Trustees. When appointed, members serve for a term of two years.

Questions should be directed to Cherri Womac, Trustee Council Staff, at 907/278-8012 or 800/478-7745; or to Doug Mutter, Public Advisory Committee Designated Federal Official, at 907/271-5011.

The Public Advisory Committee

The October 1991 Memorandum of Agreement between the State and Federal governments mandated formation of a public advisory committee. The Public Advisory Committee advises the Trustee Council on decisions relating to the planning, evaluation, allocation of funds, and conduct of injury assessment and restoration activities related to the T/V *Exxon Valdez* oil spill of March 1989.

The Public Advisory Committee consists of fifteen members to reflect balanced representation from each of the following principal interests:

aquaculturist/maricultist	commercial fisher
commercial tourism business person	public-at-large
conservationist/environmentalist	tribal government
local government	native landowner
recreation user	sport hunter/fisher
subsistence user	scientist/technologist
regional monitoring program operator	marine transportation operator

Information Packet

Nominees for membership to the Public Advisory Committee should provide the following information:

- A biographical sketch (education, experience, address, telephone, fax, email);
- Information about the nominee's knowledge of the region, peoples or economic and social activities of the area affected by the T/V *Exxon Valdez* oil spill, or expertise in public lands/resource management/research;
- Information about the nominee's relationship/involvement (if any) with the principal interest or interest groups to be represented;
- A statement explaining any unique contributions the nominee will make to the Public Advisory Committee and why the nominee should be appointed to serve as a member;
- Any additional relevant information that would assist the Trustee Council in making a recommendation; and
- Answers to the conflict of interest questions listed below.

Conflict of Interest Disclosure

Public Advisory Committee members are chosen to represent a broad range of interests. It is possible that action could be taken by the Public Advisory Committee when one or more of the members have a direct personal conflict of interest which would prejudice and call into question the entire public process. To avoid this and to enable the Trustee Council to choose appropriate individuals as members, it is necessary that each nominee provide the following information with their information packet. If the answer to any of these questions is yes, please provide a brief explanation of your answer. A "yes" answer will not necessarily preclude any nominee from being appointed to serve on the Public Advisory Committee.

- Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending, a claim filed before any court or administrative tribunal based upon damages caused by the T/V *Exxon Valdez* oil spill?

- Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council?

- Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council; or be a direct beneficiary of such a proposal?

- Do you know of any other potential actions of the Trustee Council or the Public Advisory Committee to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer?

Project Number: 070808

Project Title: Sea Otter Recovery and Nearshore Synthesis

Principal Investigator: Brenda Ballachey

Affiliation: DOI

Disbursing Agency: USGS

Project Location: Prince William Sound

Project Type: New

Funding Approved by Fiscal Year:

FY07: $154,000.00	**FY08:** $97,700.00	**FY09:** $0.00
FY10: $0.00	**FY11:** $0.00	**FY12:** $0.00

Total Funding Approved: $251,700.00

Abstract:

Sea otters, and other nearshore birds and mammals were severely impacted by the 1989 Exxon Valdez oil spill. In areas where acute effects were greatest and lingering oil persists longest, recovery for some of those nearshore birds and mammals remains incomplete through 2005. We present three objectives in this proposal: (1) Evaluate progress toward sea otter recovery through surveys of abundance and carcass deposition. (2) Evaluate factors contributing to the status of sea otter populations through the synthesis of long-term data sets on individual exposure to oil, health, condition, behavior, and home range in the context of long-term survival. (3) Conduct spatial synthesis of elevated biomarkers in mammals, birds, and fishes. Anticipated outcomes will identify shorelines where lingering oil most likely persists and which may be candidates for restoration or remediation.

Science Panel Comments:

The proposed project will extend long-term data sets on the population abundance and survival that are critical to the continued evaluation of injury and recovery of sea otters. In addition, the project will provide important syntheses of past data on population dynamics of sea otters and exposure of sea otters and other injured nearshore resources to oil. These syntheses will allow further assessment of the relative importance of continued oil exposure to sea otter recovery, provide information that will help in evaluation of the efficacy of potential restoration activities, and help to guide decisions regarding locations where clean up of oiled shorelines might be considered. The panel recognizes the excellent publication record of the Principal Investigators, but urges them to publish results of biomarker work that has yet to be fully addressed in peer reviewed publications.

Science Panel Recommendation: Fund

Science Director Comments:

Objectives in the Study: 1) Evaluate sea otter population dynamics through carcass recovery and surveys 2) Integrate existing data to evaluate constraints to otter recovery 3) Identify areas where otters are exposed to oil and overlap with other injured resources still being exposed to oil. This proposal is directly responsive to the 07 Invitation. The modeling component will address the question regarding the temporal need for sea otter recovery. It will address how the spatial overlap of animals with elevated CYPIA are related. It's cost effective.

Concur with Science Panel. It is necessary to continue the carcass surveys in order to determine age-specific mortality which can be used in a population model. To be useful this information needs to be collected every year. The spatial synthesis of elevated biomarkers in a suite of nearshore species may allow them to identify 'hot spots' of oil exposure which could be beneficial in prioritizing areas of lingering oil.

Science Director Recommendation: Fund

Public Advisory Committee Comments:
Not Available

Public Advisory Committee Recommendation: Fund

Executive Director Comments:
Concur with Science Panel and Science Directors comments and recommend funding.

Executive Director Recommendation: Fund

Trustee Council Comments:
Not Available

Trustee Council Decision: Fund

Project Number: 070750

Project Title: Database Development and Implementation of Long-Term Monitoring for Evaluation of Recovery of Nearshore Resources

Principal Investigator: James Bodkin

Affiliation: DOI

Disbursing Agency: USGS

Project Location: Prince William Sound

Project Type: New

Funding Approved by Fiscal Year:

FY07: $135,300.00	**FY08:** $0.00	**FY09:** $0.00
FY10: $0.00	**FY11:** $0.00	**FY12:** $0.00

Total Funding Approved: $135,300.00

Abstract:

The proposed project is designed to assist in the evaluation of recovery and restoration of injured nearshore resources in Prince William Sound. The project has two tasks. The first is to develop a database management system for nearshore data. The database management system will be developed using a web-based user interface and an underlying relational geodatabase. This database management system will ensure the preservation of existing nearshore monitoring data, allow for more integrated assessments of recovery and restoration of nearshore resources, and provide a structure for data gathered as part of future restoration monitoring. The second task is to initiate long-term recovery and restoration monitoring in the nearshore in Prince William Sound. Many of the data sets used to asses recovery of injured resources in Prince William Sound (e.g. population abundance and survival of sea otters, population abundance of harlequin ducks and other nearshore birds, abundance estimates for mussels, clams, and other intertidal organisms) are also a critical part of a comprehensive nearshore monitoring plan developed by Dean and Bodkin (2006) that is currently being implemented by the National Park Service along the Katmai coast. Funds for conducting most of these studies in Prince William Sound (e.g. aerial surveys of sea otter abundance, bird and mammal surveys, and shore-zone mapping) are being sought by several other proposals submitted to the Trustee Council and are not addressed herein. Our purpose is to fill in missing gaps in the long-term monitoring program in Prince William Sound and to make it comparable to the program being carried out at Katmai. This proposed nearshore sampling in PWS, the similar sampling being conducted on the Katmai coast, and the proposed development of a comprehensive nearshore database management system will provide the backbone of a long-term restoration monitoring program. The goal of this program is to detect and identify sources of change in the nearshore and to foster recovery of nearshore resources by ameliorating adverse effects of human-induced impacts.

Science Panel Comments:

This proposal provides a logical next step in development of a program to determine long-term health of the intertidal community and associated resources that were clearly impacted by the spill. It specifically addresses recovery status of injured intertidal communities for which little current information is available. The proposal builds on work funded by other agencies to provide an important gulf-wide perspective. Also, proposed database development will facilitate future integration and syntheses regarding nearshore resources including intertidal communities, sea otters, oyster catchers, and other nearshore birds.

Science Panel Recommendation: Fund

Science Director Comments:

Concur with Science Panel. This project takes a phased approach to developing a systematic way of assessing the

nearshore environment in which the Trustees have previously invested. Collectively, the overall status of the intertidal environment has not been consistently evaluated. This project will build upon earlier work that developed the methods for assessing the nearshore and more fully implement the program on the ground. It is being done in conjunction with the National Park Service which is a partner in this program. Finally, it will provide a relational database for storing this information, which will allow for a wide range of uses of the data.

Data Manager Comments: Fund The PIs propose to develop a nearshore monitoring system, and to bring on a database developer to assist the National Park Service and the EVOS staff in development of this system. They also propose to initiate long-term recovery and restoration monitoring in the nearshore environment of Prince William Sound.

The nearshore monitoring aspects of this proposal are responsive to the invitation and it appears to address the status of many of the species injured by the spill. The Trustee Council has expressed its desire to see the nearshore data management system developed. Though some initial work on this system has been completed, as documented in the proposal, substantial progress has been delayed due to a lack of resources and staff turnover in the EVOS office. This project will provide the resources necessary to ensure the project's completion and address the need for data management personnel to work closely with the PIs to complete the implementation of standard operating procedures (SOPs). The budget seems reasonable for the work to be done.

Science Director Recommendation: Fund

Public Advisory Committee Comments:
Not Available

Public Advisory Committee Recommendation: Fund

Executive Director Comments:
Concur with Science Panel and Science Director.

Executive Director Recommendation: Fund

Trustee Council Comments:
Not Available

Trustee Council Decision: Fund

Project Number: 070816

Project Title: Evaluating Harlequin Duck Population Recovery: CYP1A Monitoring and a Demographic Population Model

Principal Investigator: Daniel Esler

Affiliation: Non AK University

Disbursing Agency: USGS

Project Location: Prince William Sound

Project Type: New

Funding Approved by Fiscal Year:

FY07: $177,800.00	**FY08:** $23,900.00	**FY09:** $0.00
FY10: $0.00	**FY11:** $0.00	**FY12:** $0.00

Total Funding Approved: $201,700.00

Abstract:

Harlequin ducks are one of the few species defined as "not recovered" from the 1989 Exxon Valdez oil spill. In this document, we propose 2 areas of inquiry to (1) evaluate the status of population recovery, specifically the degree of exposure to lingering oil, and (2) more fully understand the demographic processes underlying population recovery, through application of a quantitative population model.

Cytochrome P4501A (CYP1A) has proven to be an extremely useful tool for documenting the spatial and temporal degree of exposure to lingering oil, and there is a large body of historical CYP1A data (1998 to 2005) for harlequin ducks. The most recent data from March 2005 irrefutably demonstrated that harlequin ducks continued to be exposed to lingering oil. Because population recovery requires cessation of exposure to oil, we propose to resample harlequin ducks from throughout the oiled area of Prince William Sound, along with nearby unoiled areas, to determine whether they continue to be exposed to lingering oil.

A considerable volume of demographic data on harlequin ducks has been collected during research and monitoring efforts since the spill. We propose to assemble these data in a population model, which will be valuable for: (1) identifying the timing and magnitude of oil spill injury, (2) identifying the mechanisms by which injury occurred and population recovery was constrained, (3) evaluating the current status of recovery, including predictions for timing of full recovery, and (4) recommending future restoration activities.

Science Panel Comments:

The proposed project will extend long-term data sets on potential exposure of Harlequin ducks to oil that is critical to the continued evaluation of injury and recovery of harlequin ducks. In addition, the project will provide important syntheses of past data on population dynamics of harlequin ducks. These syntheses will allow further assessment of the relative importance of continued oil exposure to harlequin recovery and provide information that will help in evaluation of the efficacy of potential restoration activities.

Science Panel Recommendation: Fund

Science Director Comments:

This proposal will tie together years of harlequin duck data from the spill area that prior to now has not been synthesized in such a way that leads to a comprehensive understanding of harlequin population dynamics that have occurred as a result of the spill. This project will provide a predictive tool for understanding initial population impacts of the spill and possible population recovery scenarios.

Science Director Recommendation: Fund

Public Advisory Committee Comments:
Not Available

Public Advisory Committee Recommendation: Fund

Executive Director Comments:
Concur with Science Panel and Science Directors comments and recommend funding.

Executive Director Recommendation: Fund

Trustee Council Comments:
Not Available

Trustee Council Decision: Fund

Continuing Projects in FY08

Project #	Principal Investigator	Project Title (abbr.)	FY08 Funding	First Year Funded
070808	Ballachey	Sea Otter Recovery and Nearshore Synthesis	$97,700.00	FY07
070782	Bickford	Herring Restoration: Identifying Natal and Nursery Habitats	$134,600.00	FY07
070836	Boufadel	Factors Limiting the Degradation Rate of EVOS Oil	$552,500.00	FY07
070816	Esler	Evaluating Harlequin Duck Population Recovery	$23,900.00	FY07
070819	Hershberger	PWS Herring Disease Program	$257,100.00	FY07
070853	Irons	Pigeon Guillemot Restoration	$284,300.00	FY07
070810	Kiefer	Ecosystem Model of PWS Herring	$250,800.00	FY07
070805	Lindeberg	ShoreZone Mapping for PWS	$322,300.00	FY07
070801	Michel	Assessment of Lingering Oil in PWS & GAO	$128,600.00	FY07
070830	Thorne	Trends in Adult and Juvenile Herring Distribution and Abundance in PWS	$103,400.00	FY07
070340	Weingartner	Alaska Coastal Current Monitoring	$131,300.00	FY07
FY08 Continuing Project Funding Total			**$2,286,500.00**	

New Projects in FY08

Project Number	Principal Investigator	Project Title (abbr.)	FY08 Funding	FY09 Funding	FY10 Funding	FY11 Funding	FY12 Funding	FY13 Funding
080814	Bishop	Seabird Predation on Juvenile Herring in PWS	$204,300.00	$0.00	$0.00	$0.00	$0.00	$0.00
080100	EVOS Administration	EVOS Administration	$2,184,983.00	$0.00	$0.00	$0.00	$0.00	$0.00
080630-A	EVOS Administration	NOS Grant Funding	$89,040.00	$0.00	$0.00	$0.00	$0.00	$0.00
080817	Gay	Factors Affecting Productivity in Juvenile Pacific Herring Nursery Habitats	$70,100.00	$0.00	$0.00	$0.00	$0.00	$0.00
080751	Irons	PWS Marine Bird Surveys, Synthesis and Restoration	$36,000.00	$0.00	$0.00	$0.00	$0.00	$0.00
080811	Kline	PWS Herring Forage Contingency	$353,700.00	$0.00	$0.00	$0.00	$0.00	$0.00
080821	Linley	Culture Technology to Support Restoration of Herring in PWS	$87,900.00	$0.00	$0.00	$0.00	$0.00	$0.00
080742	Matkin	Killer Whales in PWS/Kenai Fjords	$129,600.00	$0.00	$0.00	$0.00	$0.00	$0.00
080834	Meuret-Woody	Identification of Essential Habitat for Pacific Herring	$23,500.00	$0.00	$0.00	$0.00	$0.00	$0.00
080822	Moffitt	Herring Data and Information Portal	$204,000.00	$0.00	$0.00	$0.00	$0.00	$0.00
080290	Nelson	Hydrocarbon Database	$11,100.00	$0.00	$0.00	$0.00	$0.00	$0.00
080804	Rice	Significance of Whale Predation	$327,800.00	$0.00	$0.00	$0.00	$0.00	$0.00
080759	Rosenberg	Harlequin Duck Population Dynamics in PWS	$117,400.00	$0.00	$0.00	$0.00	$0.00	$0.00
080806	Vollenweider	Are Herring Energetics a Limiting Factor	$187,300.00	$0.00	$0.00	$0.00	$0.00	$0.00
FY08 New Project Funding Totals			**$4,026,723.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**

Total Approved Funding for Continuing Projects in FY08: **$2,286,500.00**

Total Approved Funding for New Projects in FY08: **$4,026,723.00**

Total Approved Funding in FY08: **$6,313,223.00**

FY08 Proposal Funding Recommendations

Project Number	Principal Investigator	Project Title (abbr.)	FY08 Requested	Total Approved	Science Panel	Science Director	PAC	Executive Director	Trustee Council
070808-A	Ballachey	Nearshore Synthesis: Sea Otters and Sea Ducks	$599,100.00	$0.00	Fund Contingent	Not Reviewed	Not Reviewed	Pending	**Pending**
080839	Hollmen	Evaluating Injury to Harlequin Ducks	$148,600.00	$0.00	Fund	Not Reviewed	Not Reviewed	Pending	**Pending**
080759-A	Rosenberg	Amendment to Harlequin Duck Population Dynamics	$40,600.00	$0.00	Fund	Not Reviewed	Not Reviewed	Pending	**Pending**
Total Funds Requested and Approved			**$788,300.00**	**$0.00**					

Trustee Council Use Only Project No. Date Received:

FY08 INVITATION
PROPOSAL SUMMARY PAGE

Project Title: Nearshore Synthesis: Sea otters and sea ducks

Project Period: 1 October 2007 - 31 September 2009

Proposer(s): Brenda E. Ballachey and James L. Bodkin, USGS Alaska Science Center, A. Keith Miles, USGS Western Ecological Research Center, Daniel Esler, Pacific Wildlife Foundation

bballachey@usgs.gov, james_bodkin@usgs.gov, keith_miles@usgs.gov, desler@sfu.ca

Study Location: Prince William Sound, Alaska

Abstract: Sea otters, and other nearshore birds and mammals were severely impacted by the 1989 *Exxon Valdez* oil spill. In areas where acute effects were greatest and lingering oil persists, recovery for some of those nearshore birds and mammals remains incomplete through 2007. We present five objectives in this proposal: (1) Evaluate progress toward nearshore ecosystem recovery through surveys of expression of the Cytochrome P450 1A biomarker; (2) Estimate the frequency of use of oiled intertidal habitats by foraging sea otters; (3) Conduct histopathological examinations of sea otter liver biopsies; (4) Evaluate PCB concentrations in sea otters and sea ducks, and (5) Evaluate expression of an array of genes indicative of injury in sea ducks. Anticipated outcomes will identify the current level of exposure to lingering oil in a suite of nearshore vertebrates, potential pathways of exposure to lingering oil through intertidal foraging by sea otters, the potential contribution of non-EVO contaminants (PCBs) to expression of the P450 biomarker, and the potential for injury at the cellular level in sea otters and sea ducks.

Funding:
EVOS Funding Requested: FY08 $ 599.1K (must include 9%GA)
EVOS Funding Requested: FY09 $ 250.0K (must include 9%GA)
EVOS Funding Requested: FY10 $ 000K (must include 9%GA)
Non-EVOS Funds to be used: FY09 $105K

TOTAL FY08: $704.1K

TOTAL both FY08 & FY09: $954.1K

Note: Work is FY09 will proceed only if warranted based on FY08 findings.

Date: 21 February 2008

Descriptions of New FY08 Proposals

Project Number: 070808-A

Project Title: Nearshore Synthesis: Sea Otters and Sea Ducks

Principal Investigator: Brenda Ballachey

Affiliation: USGS

Co-PIs/Personnel: Jim Bodkin, Dan Esler, Keith Miles

Project Location: Prince William Sound

Funding Requested by Fiscal Year:

FY08: $599,100.00

Abstract:

This is an amendment to Project 070808 (Sea Otter Recovery and Nearshore Synthesis). Sea otters, and other nearshore birds and mammals were severely impacted by the 1989 Exxon Valdez oil spill. In areas where acute effects were greatest and lingering oil persists, recovery for some of those nearshore birds and mammals remains incomplete through 2007. We present five objectives in this proposal: (1) Evaluate progress toward nearshore ecosystem recovery through surveys of expression of the Cytochrome P450 1A biomarker; (2) Estimate the frequency of use of oiled intertidal habitats by foraging sea otters; (3) Conduct histopathological examinations of sea otter liver biopsies; (4) Evaluate PCB concentrations in sea otters and sea ducks, and (5) Evaluate expression of an array of genes indicative of injury in sea ducks. Anticipated outcomes will identify the current level of exposure to lingering oil in a suite of nearshore vertebrates, potential pathways of exposure to lingering oil through intertidal foraging by sea otters, the potential contribution of non-EVO contaminants (PCBs) to expression of the P450 biomarker, and the potential for injury at the cellular level in sea otters and sea ducks.

Science Panel Comments:

This spatial synthesis of elevated biomarkers of multiple species will allow for the identification of areas of oil exposure which could be beneficial in prioritizing areas of lingering oil. However, Objective 5 is very unclear and we recommend that it be removed from the project's scope. We also highly recommend that this project work in coordination with Rosenberg (Harlequin Duck Population Dynamics) and Hollmen (Evaluating injury to harlequin ducks).

Science Panel Recommendation: Fund Contingent

Science Director Comments:

Not Applicable

Science Director Recommendation: Not Reviewed

Public Advisory Committee Comments:

Not Applicable

Public Advisory Committee Recommendation: Not Reviewed

Executive Director Comments:

Not Available

Executive Director Recommendation: Pending

Trustee Council Comments:
Not Available

Trustee Council Decision: Pending

Trustee Council Use Only Project No. Date Received:

FY07 INVITATION
PROPOSAL SUMMARY PAGE

(to be filled in by proposer)

Project Title: Evaluating injury to harlequin ducks (Histrionicus histrionicus) caused by sublethal hydrocarbon exposure in Prince William Sound using species-specific cell lines

Project Period: April 1, 2008 – September 30, 2008 (FY08)

Proposer(s):

Tuula Hollmen, DVM, PhD, Research Associate Professor, Alaska SeaLife Center and University of Alaska Fairbanks, 301 Railway Ave, PO Box 1329, Seward AK 99664-1329, tuula_hollmen@alaskasealife.org, (907) 224-6323.

Kathrine Springman, PhD, P.O. Box 315, Littleriver, CA 95456; krspringman@gmail.com; (707) 937-6212

Study Location: Prince William Sound, Alaska SeaLife Center (Seward)

Abstract:

Evaluation of harlequin duck (*Histrionicus histrionicus*) population trends, survival measures, and biomarker indicators of exposure suggests that the species is recovering, but has not fully recovered from the effects of the 1989 *Exxon Valdez* oil spill (EVOS) in the Prince William Sound (PWS). In areas oiled by the EVOS, elevated cytochrome P4501A biomarker induction has been observed in harlequin ducks as recently as March 2007, providing evidence of continued exposure. The magnitude of injury and its implications for populations of harlequin ducks caused by chronic oil exposure and long-term induction of central enzymatic processes is unknown. This study applies a panel of *in vitro* harlequin duck and surrogate cell line bioassays for a species-specific toxicological assessment of site-specific hydrocarbons from PWS. A combination of bioassays that measure direct effects on cell viability and DNA damage provide a new method to assess and quantify injury. Also, a battery of laboratory bioassays provides a method to link P4501A biomarker induction with other measures of cellular injury, and a comprehensive assessment of potential short- and long-term toxicity.

Funding:

EVOS Funding Requested: FY08 $ 148.6

TOTAL: $ 148.6 (includes 9%GA)

Non-EVOS Funds to be used: $ 0

TOTAL: $ 148.6

Date: February 21, 2008

Project Number: 080839

Project Title: **Evaluating Injury to Harlequin Ducks (Histrionicus histrionicus) Caused by Sublethal Hydrocarbon Exposure in Prince William Sound Using Species-Specific Cell Lines**

Principal Investigator: Tuula Hollmen

Affiliation: Alaska Sealife Center

Co-PIs/Personnel: Kathrine Springman

Project Location: Prince William Sound, Alaska SeaLife Center (Seward)

Funding Requested by Fiscal Year:

FY08: $148,600.00

Abstract:

Evaluation of harlequin duck (Histrionicus histrionicus) population trends, survival measures, and biomarker indicators of exposure suggests that the species is recovering, but has not fully recovered from the effects of the 1989 Exxon Valdez oil spill (EVOS) in the Prince William Sound (PWS). In areas oiled by the EVOS, elevated cytochrome P4501A biomarker induction has been observed in harlequin ducks as recently as March 2007, providing evidence of continued exposure. The magnitude of injury and its implications for populations of harlequin ducks caused by chronic oil exposure and long-term induction of central enzymatic processes is unknown. This study applies a panel of in vitro harlequin duck and surrogate cell line bioassays for a species-specific toxicological assessment of site-specific hydrocarbons from PWS. A combination of bioassays that measure direct effects on cell viability and DNA damage provide a new method to assess and quantify injury. Also, a battery of laboratory bioassays provides a method to link P4501A biomarker induction with other measures of cellular injury, and a comprehensive assessment of potential short and long-term toxicity.

Science Panel Comments:

This is an innovative project that will help ground the CYP1A response to real oil exposure with site specific sampling. The information gathered from this work will be beneficial for use in other species. We highly recommend that this project work in coordination with the Ballachey (Nearshore synthesis) and Hollmen (Evaluating injury to harlequin ducks).

Science Panel Recommendation: Fund

Science Director Comments:

Not Applicable

Science Director Recommendation: Not Reviewed

Public Advisory Committee Comments:

Not Applicable

Public Advisory Committee Recommendation: Not Reviewed

Executive Director Comments:

Not Available

Executive Director Recommendation: Pending

Trustee Council Comments:
Not Available

Trustee Council Decision: Pending

Trustee Council Use Only Project No: ____ Date Received: ____	**PROPOSAL SUMMARY PAGE** **(To be filled in by proposer)**

Title:	Harlequin Duck Population Dynamics in Prince William Sound: Measuring Recovery from the *Exxon Valdez* Oil Spill. Amendment to add Pilot Study to assess transect variability.
Project Period:	April 1, 2008 – September 30, 2008
Proposer(s):	Dan Rosenberg, Alaska Dept. Fish and Game E-mail: dan.rosenberg@alaska.gov
Study Location:	Prince William Sound

Abstract: Since demographic studies were initiated, Cytochrome P450 1A induction studies have documented exposure to EVO at smaller spatial scales than population monitoring studies can measure. This biomarker of oil exposure has been correlated with lower female survival and is consistent with a lower proportion of females in oiled areas. However, broad scale demographic studies indicate population stability in oiled areas and not the decline expected if oil exposure reduces survival rates. This proposal attempts to improve the ability of demographic studies to assess data at smaller spatial scales commensurate with extant oil exposure, lingering oil, and oiling intensity. We will conduct Phase 1 of a Pilot Study to assess the range of variability on our transect counts by conducting replicate surveys of a random subsample of transects based on transect length and oiling history. The Pilot Study (Phase 2) will be continued in FY09.

Funding:	FY 08
EVOS Funding Requested:	$36.3
(must include 9%GA)	$4.3
TOTAL:	$40.6
Non-EVOS Funds to be Used:	$6.4
TOTAL:	$47.0

Date:	February, 22, 2008

Project Number: 080759-A

Project Title: Amendment to Harlequin Duck Population Dynamics in Prince William Sound: Measuring Recovery from the Exxon Valdez Oil Spill

Principal Investigator: Daniel Rosenberg

Affiliation: ADFG

Co-PIs/Personnel: None

Project Location: Prince William Sound

Funding Requested by Fiscal Year:

FY08: $40,600.00

Abstract:

Since demographic studies were initiated, Cytochrome P450 1A induction studies have documented exposure to EVO at smaller spatial scales than population monitoring studies can measure. This biomarker of oil exposure has been correlated with lower female survival and is consistent with a lower proportion of females in oiled areas. However, broad scale demographic studies indicate population stability in oiled areas and not the decline expected if oil exposure reduces survival rates. This proposal attempts to improve the ability of demographic studies to assess data at smaller spatial scales commensurate with extant oil exposure, lingering oil, and oiling intensity. We will conduct Phase 1 of a Pilot Study to assess the range of variability on our transect counts by conducting replicate surveys of a random subsample of transects based on transect length and oiling history.

Science Panel Comments:

This amendment to Rosenberg's previously funded proposal (080759 - Harlequin Duck Population Dynamics in PWS: Measuring Recovery from the Exxon Valdez Oil Spill) will be helpful in reducing the spatial scales for data analysis that will improve the ability to detect changes in abundance and composition at smaller spatial scales. We would like to better understand the spatial scale proposed and request that the PI provide more clarity to the pilot study experimental design. We highly recommend that this project work in coordination with the Ballachey (Nearshore synthesis) and Hollmen (Evaluating injury to harlequin ducks).

Science Panel Recommendation: Fund

Science Director Comments:

Not Applicable

Science Director Recommendation: Not Reviewed

Public Advisory Committee Comments:

Not Applicable

Public Advisory Committee Recommendation: Not Reviewed

Executive Director Comments:

Not Available

Executive Director Recommendation: Pending

Trustee Council Comments:
Not Available

Trustee Council Decision: Pending