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RESPONSE TO PUBLIC COMMENTS
ON THE
EXXON VALDEZ OIL SPILL RESTORATION
1992 DRAFT WORK PLAN

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

June 1992

EXXON VALDEZ TRUSTEE COUNCIL
ANCHORAGE, ALASKA

APPENDIX LIST OF COMMENTERS

COMMENT #	NAME	AFFILIATION
2	DeBusman	None
8	Karcz	OSEI
10	van den Berg	None
11	Chenier	None
14	Bronson	None
17	Nowicki	None
19	Provenzo	None
24	Frick	None
26	Powell	None
29	McKay	None
35	Olson	None
36	Booher	None
7	Jennings	None
38	Murray	None
45	Carlisle	Mayor City of Whittier
50	Griffin	Mayor City of Valdez
52	Walker	Hughes Thorsness Gantz Powell & Brundin
53	McMullin	Prince William Sound/Copper Rvr Reg. Salmon Planning Team
55	Harris	Mayor City of Valdez
56	Weaverling	Mayor City of Cordova
58	Otto	NOAA-Alaska Fisheries Science Center
68	Gardner	None
70	Kuizenga	None
71	Brookman	None
72	Bisco	None
73	Brunetti	None
77	Lock	Exxon Company USA
78	Frick	American Petroleum Institute
79	Bishop & Baker	Copper River Delta Institute
81	Charlesdottir	None
82	Hillstrand	None
83	Rott	None
84	Lethcoe	Al Wilderness Recreation & Tourism Association
✓	Janka	Prince William Sound Conservation Alliance
87	Faust	None
88	Brainard	None
89	Osborn	None
90	Latimer	None
92	Harrison	Pacific Seabird Group
93	Kroll	None
94	Sturgulewski	Alaska State Legislature
95	Strassenburgh	None
96	Nowicki	None
101	Komisar	University of Alaska
103	Miller	National Wildlife Federation
104	Orr	Oil Reform Alliance
105	Phipps	Alaska Center for the Environment
106	Sargent	None
107	Tschersich	None
109	Booher	None
110	Kozie, Rوتا	None
111	Parker	Adler, Jameson & Claraval Attorneys
112	Chasis	Natural Resources Defense Council

COMMENT #	NAME	AFFILIATION
113	Morgan	Arizona State University
114	Tileston	None
115	Joyce	None
116	Miller	The Wilderness Society
125	Parker	Adler, Jameson & Claraval
126	Rock	None
127	Hammer	None
129	Grisco	National Parks and Conservation Assn.
153	Chartier	None
154	Malchoff	None
155	Castner	None
156	Milligan	None
157	Selby	Kodiak Island Borough
158	Raft	None
159	Petrich	Kodiak Audubon
160	Thoma	None
161	Rainery	None
162	Kompkoff	None
163	Kitagawa	None
164	Griffin	None
165	Lethcoe	None
166	Lethcoe	None
167	Kelly	None
168	Gates	None
169	Dunham	None
170	Castellina	None
171	Stone	None
172	Miller	None
173	Lakosh	None
174	Totemoff	None
175	Schwar	None
176	McBurney	Cordova Fishermen United
177	Steiner	None
178	Torgerson	None
179	Bird	None
180	Sharr	None
181	Weaverling	None
182	Waters	None
183	Kendziorek	None
190	Nowicki	None
191	Hagenstein	Prince William Sound Science Center
192	Eilers	None
199	None	City of Valdez
200	Harrison	Pacific Seabird Group
217	Elvsas	Seldovia Native Association, Inc.

3.10.2 COMMENT: The public should be better informed about the resources that were impacted, distribution of impacts, and how areas to be considered for restoration are being defined. (114)

RESPONSE: The Summary of Injury--Chapter 4 in the Restoration Framework--outlines the species known to be affected, degree of injury, and the geographic areas involved. Copies of the Summary or the entire Restoration Framework can be obtained by contacting the Oil Spill Public Information Center. In addition, on June 1, 1992, damage assessment reports were released to the public through the Center. Additional reports will be released on a monthly basis as they are completed. Contact staff at the Center for information on how to access study report.

3.10.3 COMMENT: A Sea Life Center in Seward would be a valuable use of the restoration funds (58, 170, 171). Restoration funds should be used to fund a museum in the Kodiak region (58). Restoration funds should be used to fund the construction of a maritime wing dedicated to the spill in the Valdez Museum (52).

RESPONSE: The Trustee Council is evaluating a number of educational proposals as restoration options and will consider all such proposals carefully in developing an overall restoration plan.

PUBLIC COMMENTS ON 1992 WORK PLAN

EXECUTIVE SUMMARY

Public comments were received on the 1992 Work Plan between March 26 and June 8, 1992. Ninety-eight individuals or organizations commented, 67 by mail and 31 at public meetings held during the May scoping process. Alaskans contributed 85 percent of the comments while 15 percent came from outside Alaska.

Comments received from the public were consistent with previous public testimony and ranged across a wide spectrum of issues. Differing views were presented on almost every issue, reinforcing the Trustee Council's belief in the necessity of continuing dialog with the public on numerous contentious issues. In the "Responses to Public Comments" (Section IV) that follow, these comments are summarized under the following headings: (1) Programmatic Issues (2) Injury-Assessment-Studies (3) Restoration.

Comments on "Programmatic Issues" related to the Trustee Council's approach to restoration and suggested changes or modifications of the process. Some of the issues of concern included more immediate restoration activities, attention to National Park lands, and suggestions on how the restoration money should be spent.

Comments on "Injury-Assessment-Studies Issues" addressed damage-assessment-closeout and continuation studies. Divergent views were expressed on whether the studies were needed or should be discontinued. Only a few project-specific comments were made. Certain commenters requested better injury information. Some commenters felt that injury to services was a missing component of the study plan.

"Restoration Issues" received the bulk of the comments. Many commenters suggested additional projects for consideration in 1992. These suggestions ranged from additional projects on specific noncommercial species, additional or modified projects on commercial species, inclusion of pollution-prevention and cleanup projects, suggestions on archaeological projects, the need for subsistence studies, and the need for long-term monitoring of the ecosystem. Almost half the commenters--46 of 98--addressed land acquisition and the majority (32) felt that land or habitat acquisition, including timber, was the best use of restoration funds.

The following document summarizes and responds to the comments received. A summary of public comments is presented for each of the three main issues categories. Specific comments and their responses follow the summary, and are organized into issue-specific subcategories. An appendix provides a numerical key to specific comments referenced parenthetically in Section IV and lists the respective commenters.

The last part of this package is a decision document prepared for the Trustee Council to approve or modify the 1992 Work Plan as a result of their review of the public comments.

TABLE OF CONTENTS

I.	INTRODUCTION.	1
1.0	Trustee Council Approach to Public Comments. . .	1
2.0	Composition of Comments.	1
II.	SUMMARY OF PUBLIC COMMENTS.	2
1.0	Programmatic Issues.	2
2.0	Injury-Assessment-Studies Issues	3
3.0	Restoration Issues	4
III.	CONCLUSIONS	6
IV.	RESPONSES TO SPECIFIC COMMENTS.	8
1.0	Comments on Programmatic Issues.	8
1.1	General	8
1.2	Budget.	9
1.3	Trustee Council	10
2.0	Comments on Injury-Assessment-Studies Issues . .	10
2.1	General	10
2.2	Support of Program.	12
2.3	Studies Not Needed.	12
2.4	Information Incomplete.	13
2.5	Needs to Be Added	13
3.0	Comments on Restoration Issues	14
3.1	General	14
3.2	Archaeology	16
3.3	Fish.	17
3.4	Lands--Habitat Protection	19
3.5	Monitoring.	21
3.6	Native Issues	22
3.7	Oil-Spill Prevention and Cleanup.	23
3.8	Recreation.	25
3.9	Wildlife.	25
3.10	Public Education.	27
APPENDIX:	LIST OF COMMENTERS.	29

I. INTRODUCTION

1.0 TRUSTEE COUNCIL APPROACH TO PUBLIC COMMENTS

We, the Exxon Valdez Trustee Council, want the public to have an opportunity to review each significant development in the course of injury assessment and restoration. These developments have included reviews of project budgets, review of the Restoration Framework document that is the first step toward development of a restoration plan, suggestions on development of a Public Advisory Group, and review of project descriptions such as those included in the 1992 Draft Work Plan. The 1992 Draft Work Plan was approved by the Trustee Council for public review and comment on February 27-28, 1992. Interim budgets also were approved at that time, with final funding decisions to be made after the Trustee Council reviewed public comment.

The review process has included distribution of several thousand copies of the 1992 Draft Work Plan and a round of public meetings held in May 1992 in Seldovia (teleconferenced to Port Graham), Homer, Kodiak, Juneau, Tatitlek, Valdez, Seward, Whittier, Chenega Bay, Anchorage, Cordova, and Fairbanks.

To compile this summary of comments, all comments relevant to the 1992 Draft Work Plan were considered--whether made in public testimony or in written correspondence received by the Oil Spill Restoration Office between February 27-28, 1992 (release of document by Trustee Council) and June 8, 1992 (the likely receipt date for letters postmarked by the end of the public comment period--June 4). Where commenters did not make clear distinctions between comments on the 1992 Draft Work Plan and the Restoration Framework document, interpretations were made as to which document a particular comment addressed. Comments indicating that recommended actions be taken immediately or very soon were interpreted as applying to the 1992 plan. Comments relevant to the 1993 Work Plan or the Restoration Framework document were forwarded to the appropriate working groups, even if those comments were responded to in this document. In instances where a project idea proposed for 1992 could not reasonably be considered this late in the year, that project also will be considered for inclusion in the 1993 Draft Work Plan. Comments of a more general nature will be used to develop the draft Restoration Plan and are not addressed in this document.

2.0 COMPOSITION OF COMMENTS

Ninety-eight individuals or organizations commented on the 1992 Draft Work Plan. Of these, 15 came from outside the State of Alaska. Approximately one-quarter of the commenters listed an affiliation and were presumably speaking for an institution or group or in an official capacity, such as city or borough mayor or university president. One-third of the comments were received

in the round of public meetings held in May 1992.

II. SUMMARY OF PUBLIC COMMENTS

1.0 PROGRAMMATIC ISSUES

Programmatic issues relate to the approach that the Trustee Council is taking in conducting the business of restoring injured resources and services throughout the spill area. Commenters were interested in the process that the Trustee Council is using to make decisions, spend money, and include public agencies in the process.

Commenters stressed their need to understand which resources were affected and what can be done to help recovery, through access to information released in reports, maps, prepared materials, or transcripts of Trustee Council meetings. Commenters expressed the desire to talk directly to the Trustee Council or Restoration Team members about restoration ideas. Community members wanted to know that their local knowledge and concerns would be included to help build a cost-efficient, effective restoration program with a coordinated approach to the public involvement process.

Some commenters also noted that comments are due on 1993 and future work plans before the 1992 Work Plan and the Restoration Plan are finalized, and another pointed out that their documents were received late but a request for an extension on review time was denied.

Ten commenters pointed out that the failure to release natural resource-damage-assessment studies in time for the public to read and understand them makes the current call for comments on more studies almost meaningless. One commenter noted that this is especially true for economic studies, which have not been released. Two commenters said that the long-term research and monitoring program should not receive renewed funding prior to data and progress reports being made available to public and peer reviewers.

Six commenters expressed concern that the Trustee Council was moving too slowly and not working together to achieve restoration goals. The commenters believed that the amount of time since the spill and subsequent settlement should have been sufficient for more active restoration within the injured areas.

Nine commenters expressed dismay that National Parks were being overlooked and were not being more fully restored, and that the National Park Service was not a more active participant in the restoration process. These commenters pointed out that several National Parks and over 900 miles of National Park shoreline were impacted and suggested that restoration of these areas to a

pristine state should be a priority.

Many commenters addressed issues relating to how the restoration money should be managed, including:

- use the money in conjunction with matching funds for grants in the spill area,
- prepare cost-benefit analyses on projects being considered,
- do not consider budget as a major reason to delete projects,
- place some or all of the money into an endowment fund,
- place none of the money into an endowment fund, and
- do not spend money on construction projects having little or no connection to the spill.

The commenters' more specific ideas on how to spend restoration money can be found in Sections II. 2.0 and III. 3.0. The Restoration Team did not deal with programmatic comments in the 1992 Work Plan but referred them for use in developing a Draft Restoration Plan.

Some commenters expressed general support for the program proposed by the Trustee Council, while others believed that the program needed further refinement.

2.0 INJURY-ASSESSMENT-STUDIES ISSUES

Many commenters addressed the continuing injury- or damage-assessment studies proposed by the Trustee Council for the 1992 Work Plan. Divergent views were expressed, ranging from support to no support of proposed 1992 injury-assessment and closeout activities. These programmatic issues were related to the Restoration Plan--not to the 1992 Draft Work Plan; therefore, they are not dealt with in this document but will be used in developing the draft Restoration Plan.

Many commenters expressed concern that the studies may not be necessary for supporting restoration activities in the future. Seven commenters suggested that the studies were important and useful but that they should be undertaken using existing agency funds. Other commenters believed that some of the injury-assessment studies were focused on inconsequential levels of injuries.

Other commenters pointed out the following:

- the lack of injury information available to the public and the lack of baseline information, in general, made it difficult for the commenters to respond with meaningful comments;
- the injury information that is available should be summarized in a clearly understandable document;
- the monitoring projects contained in the 1992 Draft Work

Plan should be evaluated based on criteria in the Restoration Framework Plan; and

- the injury to services also should be evaluated.

Many comments in other sections also addressed issues relevant to injury assessment, including monitoring, budgeting, and public input.

3.0 COMMENTS ON RESTORATION ISSUES

The largest number of comments received by the Trustee Council concerned restoration of resources and services in the spill-affected area. Commenters in this category included people from all over the spill-affected area as well as nationwide. Environmental organizations, local communities, oil companies, and others responded with suggestions and concerns.

Many commenters suggested additional projects that they would like the Trustee Council to fund in 1992. Different commenters often expressed divergent or opposite views on an issue.

The eight individuals who commented on wildlife generally recommended that additional projects should be undertaken on:

- sea otters,
- bald eagles,
- seabirds,
- sea lions,
- Dall's porpoises, and
- deer.

However, one commenter believed that the abundance of birds in the spill area and the findings of the U.S. Food and Drug Administration and the T.V. Exxon Valdez Oil Spill Health Task Force concerning hydrocarbons remaining in the environment should lead to the conclusion that ongoing exposure is not a risk to wildlife living in the spill area.

Five of the comments on studies concerning fish and shellfish expressed concern about:

- the limited scope of the studies,
- the focus on commercial fish, and
- the potential for adversely affecting the genetic diversity of wild salmon stocks.

Five other commenters recommended that the following studies be included in the 1992 Work Plan:

- study of wild fish stocks in Prince William Sound,
- need for sockeye salmon escapement to support wildlife in the Kodiak Archipelago,

- herring studies, and
- Kitoi and Red Lake mitigation.

Twelve commenters believed that restoration monies should be used for pollution prevention and cleanup, including additional cleanup of the Exxon Valdez oil spill. The proposed projects in this category included:

- sewage treatment,
- storm-drain improvements,
- harbor pollution,
- oil and grease separators,
- recycling support,
- contingency planning,
- industry-oversight capabilities, and
- pre-staging of response equipment for future spills.

Four commenters generally supported the need for an archaeological program but also believed that there is a need to expand the program now and in future work plans. Suggestions on ways to minimize costs of archaeological projects also were provided.

Four commenters suggested options for educational uses of restoration funds, including a Sea Life Center in Seward, a museum in Kodiak, and construction of a spill display in the Valdez museum.

The need for additional work on subsistence was addressed by three commenters. These comments expressed a need for the Trustee Council to more fully consider the concerns of Native villages and corporations because they were more adversely impacted than any other group in the State.

The importance of considering the spill area as an ecological unit was a theme reiterated by 11 comments on:

- long-term planning,
- monitoring,
- expansion of programs throughout the spill area and not just in Prince William Sound,
- food-chain impacts,
- migration routes, and
- noncommercially important species.

The majority of commenters on the topic of restoration, 46 in all, were concerned with the issue of land acquisition. Many commenters (32) felt that all or most of the money should be spent on acquiring land or habitat, including timber lands. Conversely, several commenters believed that timber acquisition was a bad idea and that there would be adverse economic impacts of a major land acquisition program--including the need to

compensate logging companies and their employees, and other economic losses resulting from land acquisition.

Four commenters were concerned that the Trustee Council was not moving fast enough because of a lack of commitment to the purchase of habitat and lands with settlement funds. They stressed the need to move quickly on land acquisition and to include land acquisition as a major component of the 1992 Work Plan.

Commenters asked the Trustee Council to consider the following factors when evaluating land and habitat acquisition needs:

- plan carefully, but do not delay;
- purchase large blocks of habitat;
- purchase selectively and focus on habitats directly related to injured species;
- consider acquisition of timber rights for only the period it will take injured resources to recover; and
- consider a variety of methods including fee simple, timber rights only, conservation easements, and others.

Some commenters generally identified the lands they hoped would be purchased, including lands on Afognak, Kodiak, and Shuyak Islands, and in Prince William Sound and Kachemak Bay.

III. CONCLUSIONS

All of the comments received reflect a keen interest on the part of the public in the effects of the oil spill and the activities of the Trustee Council. Suggestions on how to manage the settlement monies and other programmatic issues are still being considered. No final decision on these issues has been made.

Comments received from the public were consistent with previous public testimony and ranged across a wide spectrum of issues. Differing views were presented on almost every issue, reinforcing the belief of the Trustee Council in the necessity of continuing dialog with the public on numerous contentious issues. Deliberative movement as opposed to precipitous action is much more apt to result in a restoration program that is acceptable to the largest number of people.

The comments concerning activities to take place as part of ongoing or annual work plans or ongoing injury assessment will generally be carried forward and given additional consideration in subsequent work plans. Commenters generally did not provide specific recommendations for changes to projects that were provided interim funding by the Trustee Council; therefore, those projects will continue and be completed as identified in the 1992 Work Plan.

Many commenters made suggestions about additional studies that they wanted the Trustee Council to consider implementing as soon as possible. The Trustee Council believes that the best way to make use of these recommendations is to incorporate them into the recommendations currently being considered for the 1993 Work Plan. Those recommendations that the Trustee Council determines have potential for additional consideration will be incorporated into a public review draft of the 1993 Work Plan due in fall of 1993. This decision was based on several factors including:

- the difficulty of getting additional projects into the field for the 1992 field season,
- the current lag time in accessing the joint fund for monies to conduct additional projects,
- the overall prioritization of projects,
- the ongoing review of projects for inclusion into the 1993 Draft Work Plan; and
- lead time necessary to develop contracts.

By far the majority of comments dealt with the issue of land and habitat acquisition. The Trustee Council concurs that this is an extremely important issue and is designing a systematic method of evaluating and acquiring land. The Trustee Council has additionally identified the need for some baseline habitat information needs to be used in evaluating specific protection ideas. The Trustee Council is proceeding to ensure that requirements of all six State and Federal agencies are considered to ensure compliance with appropriate regulations and laws. In addition, the Trustee Council is determined that the decisions they make concerning specific habitat protection measures are made with restoration of the injured resources and services as the paramount purpose.

The Trustee Council appreciates all the public comments and concerns that were expressed and continue to be expressed concerning this process. Many additional opportunities will be provided for the public to continue their involvement and influence on the restoration process for the Exxon Valdez oil spill.

IV. RESPONSES TO SPECIFIC COMMENTS

1. Comments on Programmatic Issues

1.1 General

- 1.1.1 COMMENT: Commenters suggested that there be an analysis of the effects of the proposed actions as could be achieved through the Federal National Environmental Policy Act (NEPA) process. (84, 114)

RESPONSE: The Restoration Team and legal council analyzed the 1992 Draft Work Plan projects and determined that the projects would have minor impacts both individually and collectively and could be categorically excluded from formal documentation in an environmental assessment or environmental impact statement (EIS). The Restoration Plan EIS will analyze the cumulative effects of projected restoration projects and activities over the next 10 years. Prior to Trustee Council approval of any project, appropriate environmental analysis and documentation will be conducted.

- 1.1.2 COMMENT: Many commenters suggested that more emphasis be placed on restoration in National Parks and that participation of the National Park Service in restoration should be increased. (19, 35, 36, 37, 58, 70, 71, 87, 89, 116, 125, 126, 129, 192) The National Park System should be more involved in Geographic Information System (GIS) projects. (129)

RESPONSE: The National Park Service is represented by the Department of the Interior member of the Trustee Council. The Trustee Council will give careful consideration to restoration of all specially designated lands, including National Parks.

- 1.1.3 COMMENT: Commenters suggested that money not be put into construction projects with little or no connection to the spill. (87, 90, 85, 26, 35, 126)

RESPONSE: The Exxon Valdez oil-spill settlement specifies that restoration funds must be spent to restore natural resources and services injured by the spill. The Trustee Council proposes that the evidence of consequential injury and the adequacy and rate of natural recovery must be considered in deciding whether it is appropriate to spend restoration money on a given resource or service. In the 1992 Draft Work Plan no construction projects are funded.

- 1.1.4 COMMENT: Comments are due on the 1993 and future work plans before the 1992 Work Plan and the Restoration Plan are finalized. (94) One commenter said that the draft documents were received late and a request for an extension on time to review was denied. (79)

RESPONSE: There was an extremely tight timeframe involved with the mailing of the 1992 Draft Work Plan and Restoration Framework. In the future, steps will be taken to ensure that mailings are received with adequate time remaining for public comment. The public will have additional opportunities to provide comments on the Restoration Plan and 1993 Work Plan in fall 1992, before final documents are revised for release in spring 1993.

1.2 Budget

- 1.2.1 COMMENT: Restoration funds should be used as matching funds for State and Federal grants in the spill area. Funding sources should be identified immediately. (114)

RESPONSE: Where appropriate, the Trustee Council would consider leveraging settlement funds with matching monies. Currently, in the 1992 Draft Work Plan, many of the projects are additionally being supported by other types of agency monies. This reflects the Trustee Council's desire to obtain the maximum value of settlement monies.

- 1.2.2 COMMENT: Cost-benefit analysis should be done on the costly seabird studies so that less expensive restoration projects for the resource may be considered. (92)

RESPONSE: The seabird studies are primarily limited monitoring projects designed to determine if more extensive restoration-implementation actions are necessary or if natural recovery will suffice. These studies, like all the 1992 Draft Work Plan projects, withstood numerous reviews and budget reductions prior to their inclusion in the plan. These reviews and reductions reflect the Trustee Council's commitment to a conservative approach to science. Additionally, the value of a resource and the extent of the injury, in relationship to the cost of the restoration action, are always considered in the review process.

- 1.2.3 COMMENT: Budget concerns should not be the reason for deletion or curtailment of studies. (103, 162)

RESPONSE: The Trustee Council is responsible for ensuring that the affected area recovers from the spill; and intervention (i.e., restoration), if necessary, must be accomplished in the most cost-effective manner. Therefore, it is inevitable that some proposed projects will either be eliminated or reduced in scope.

1.3 Trustee Council

- 1.3.1 COMMENT: One commenter supported the Trustee Council's disapproval of many manipulation/enhancement projects. (116)

RESPONSE: In the 1992 Draft Work Plan the Trustee Council chose to fund one manipulation/enhancement project, the Red Lake project. More of these types of projects will be considered during development of the Restoration Plan and the EIS on the plan.

2. Comments on Injury-Assessment-Studies Issues

2.1 General

- 2.1.1 COMMENT: Lack of baseline information on injured resources makes it difficult to determine how ecosystems are operating. At least the area of impact should be well defined and identified for each resource or service. (114)

RESPONSE: Baseline data for many species were limited prior to the oil spill, making injury-assessment projects more difficult. To the extent possible, projects have been designed to demonstrate that the injuries observed are due to oil rather than some other confounding environmental feature. This has most commonly involved studying the same species or communities in nearby control areas, as well as in oil-affected areas.

As much as possible, the Trustee Council has identified the impact area in the study plans and we will try to scrutinize future plans and reports to be sure that this is clear.

- 2.1.2 COMMENT: Continuing damage assessment should function only to support restoration projects that restore service to the levels of natural resources provided to the public prior to the spill. (78)

RESPONSE: The Trustee Council agrees and believe that the program as designed meets this objective.

2.1.3 COMMENT: Results of the Natural Resources Damage Assessment studies should be synthesized and provided to the public in a clear manner. (104, 79, 156, 114, 45)

RESPONSE: The Trustee Council released a summary of injury chapter in the Restoration Framework document released in April. Additionally, a Trustee Council-sponsored symposium planned for early 1993 will attempt to meet the goals of this comment. In the interim, reports are being released as soon as available. Interested parties should contact the Oil Spill Public Information Center for information on obtaining a list of available reports. Further syntheses will be developed as information becomes available.

2.1.4 COMMENT: Studies may provide interesting and useful information for other agency resource management purposes but should not be funded from restoration money. (35, 71, 77, 105, 111, 114, 160)

RESPONSE: The Trustee Council has avoided supporting studies that are interesting but otherwise have no restoration value. However, resource management is recognized by the Trustee Council as a legitimate restoration tool and is being used where appropriate.

2.1.5 COMMENT: The failure to release the findings of natural resource-damage-assessment studies in adequate time for the public to read and understand them makes the current call for comments on more studies almost meaningless. (92, 103, 129, 153, 155, 161, 162, 166, 177, 180) The Restoration Plan should be deferred until the public can review data from previous studies. (161)

RESPONSE: An updated summary of injuries was included in the Restoration Framework document that was released with the 1992 Work Plan. In the meantime, reports on natural resource-damage-assessment studies currently available were released to the public on June 1, 1992. Additional reports will be released as they are completed. Information on currently available reports can be obtained from the Oil Spill Public Information Center. The Draft Restoration Plan will be available for public comment in fall 1992; and the Final Restoration Plan is not expected to be complete until spring 1993, allowing approximately 6 months for public scrutiny of the study reports and opportunities to make comment on the findings for consideration by the Trustee Council as they draft the plan.

- 2.1.6 COMMENT: This is especially true for economic studies, none of which have yet been released. (105,112,129)

RESPONSE: The natural resource damage assessment group did not complete any economic studies. The only economic studies--conducted separately--were sponsored by the Alaska Department of Law and the U.S. Department of Justice in support of the criminal cases and litigation. Requests for these studies should be directed to those offices.

2.2 Support of Program

- 2.2.1 COMMENT: Some commenters generally supported damage-assessment-closeout projects. (92, 116)

RESPONSE: The Trustee Council believes that it is important to provide the public, scientists, and managers with the information generated by these projects to support public knowledge and future restoration.

2.3. Studies Not Needed

- 2.3.1 COMMENT: Studies are focused on inconsequential levels of injuries that are not having a significant effect on naturally occurring restoration, or are related to an unproven or unlikely pathway to injury. (77, 78, 177, 116)

RESPONSE: Studies on injuries are necessary to understand and develop adequate restoration options. They also are necessary to determine if and when restoration activities are needed or can be effective. Based on the best available information, the Trustee Council does not believe that injury studies currently being conducted are inconsequential. Previous damage-assessment studies were halted when it appeared that there was no consequential injury.

- 2.3.2 COMMENT: Information from these studies is not necessary for restoration to go forward. (24, 73)

RESPONSE: It is true that some valid restoration projects would not necessarily depend on damage-assessment studies for justification; however, many restoration projects are based on information gathered in damage-assessment projects (see Comment 2.1.2). The Trustee Council believes that the best understanding of the injuries incurred by each resource will help develop the most efficient means of restoring that resource. More restoration activities can be funded if

their cost effectiveness can be estimated from the damage-assessment studies.

2.4 Information Incomplete

- 2.4.1 COMMENT: The 1992 Draft Work Plan offered no explanation of why studies were continued or deleted; also, peer review was not explained. (77, 168, 176, 178)

RESPONSE: The criteria used for identifying projects to continue in 1992 were evidence of continued injury and a compelling reason for the study to continue this year, i.e., loss of important information. The peer review process was established to ensure the high quality of studies being used for litigation and has continued following the settlement. The Chief Scientist established a roster of peer review scientists, noted experts in their fields, to review projects depending on their area of expertise. Each project is reviewed by the Chief Scientist and at least one peer reviewer for technical and scientific merit and for its ability to meet damage-assessment and restoration-project objectives.

- 2.4.2 COMMENT: Maps that identify injured areas should be made public. A GIS repository should be established and made available to the public. (191, 116)

RESPONSE: On June 1, 1992, information collected by the damage-assessment studies, including data presented graphically and cartographically was released to the public through the Oil Spill Public Information Center. Staff at the Oil Spill Center can advise the public on how to access that data.

2.5 Needs to Be Added

- 2.5.1 COMMENT: Damage assessment has overlooked loss of "services" from injured resources. These services should be assessed now to address these losses in restoration planning. (111)

RESPONSE: Information on loss of services has been a result of some damage-assessment studies. Restoring services is a goal of many ongoing restoration studies, of many of the restoration ideas for 1993, and of the Restoration Framework.

- 2.5.2 COMMENT: Future uses of studies should be justified before closeout funding is allocated. (129)

RESPONSE: The goal of all closeout studies, even those where no injuries were demonstrated, is to produce a final report. The likelihood of injury was sufficiently large to justify funding these studies. These reports will inform the public as well as scientists and managers, and will form the basis for future restoration efforts. They also will provide a better basis for determining the need for similar studies following future oil spills.

- 2.5.3 COMMENT: Additional scientific studies on economic damage to recreation and tourism should be considered. (84, 166)

RESPONSE: This idea will be considered for inclusion in the 1993 Draft Work Plan.

3. Comments on Restoration Issues

3.1 General

- 3.1.1 COMMENT: Not enough of the overall injury has been addressed. (176, 105)

RESPONSE: In the 3 years of study prior to the settlement, the Trustee Council conducted the largest damage assessment program in U. S. history. A broad range of studies was initiated to address the potential injuries. Annual adjustments were made to the studies to reflect the results obtained.

- 3.1.2 COMMENT: It is important that restoration activities be considered at the ecosystem level and not focused only on single species. (105, 116)

RESPONSE: Although individual projects in the 1992 Draft Work Plan generally focus on individual species, their relationship to each other and their function in the ecosystem were considered when projects were prioritized by the Trustee Council. In addition, some of the proposed restoration options in the Restoration Framework do address the concept of looking beyond individual species by examining their role in the ecosystem. For example, land acquisition and habitat protection of coastal upland habitats was identified as Option 25 in the Restoration Framework. This option allows for the recovery of a variety of species including harlequin ducks, marbled murrelets, river otters, anadromous fish, and bald eagles, as well as the prey base for many of these species. If this restoration option is implemented, recreation, wilderness, and intrinsic uses also will receive a

certain amount of protection.

- 3.1.3 COMMENT: Restoration monies should not be used for recreation but rather for restoration of injured species. (153)

RESPONSE: The settlement terms would permit the restoration of injured resources and the services they provide, such as recreation.

- 3.1.4 COMMENT: Commenters suggested that there was not enough restoration work outside of Prince William Sound (e.g., the outer coast of the Kenai Peninsula). (155)

RESPONSE: Damage-assessment studies investigated injured species, habitats, resources, and the services these resources provided. These studies investigated the services and resources throughout the spill-impacted area, including Prince William Sound, and the Kenai Peninsula, Alaska Peninsula, and Kodiak Archipelago. The restoration projects will consider addressing the resources and services determined to be injured in the entire spill-impacted area.

- 3.1.5 COMMENT: Experts in environmental fields should be available throughout the recovery period. (101)

RESPONSE: The Trustee Council intends to maintain a staff of experienced scientists to monitor and study the recovery process and to assist in implementation of restoration activities in oil-impacted areas during the recovery period.

- 3.1.6 COMMENT: Additional scientific studies on terrestrial plant life should be considered. (113)

RESPONSE: The only terrestrial plants studied were those on the beach, such as beach rye grass. It was determined that recovery of terrestrial plants would be allowed to progress naturally. If injuries to other upland plant species become evident, further investigation of these species will be considered.

- 3.1.7 COMMENT: Additional scientific studies on hydrocarbon effects on plankton growth should be considered. (93)

RESPONSE: Literature indicates that petroleum hydrocarbon effects on plankton are usually short-lived. Thus, impacted plankton probably recovered soon after the spilled oil had passed.

- 3.1.8 COMMENT: Commenters suggested that restoration efforts

be broad and encompass a variety of activities such as research, enhancement, acquisition, and other appropriate actions. (94)

RESPONSE: The Trustee Council agrees. The 1992 Draft Work Plan encompasses a variety of activities including projects for identifying upland habitats. Chapter VII of the Restoration Framework embraces the use of a variety of activities, including research, enhancement, and land acquisition, in an attempt to restore the health of the injured ecosystem and ultimately allow for its long-term health. In addition, the Council is developing a process for habitat protection.

- 3.1.9 COMMENT: Concern is expressed about the bias of the 1992 Work Plan toward management and manipulation activities, rather than land acquisition. (129, 116)

RESPONSE: See Section IV.3.4 (below) for discussion of habitat protection. Chapter VII of the Restoration Framework recognizes a variety of restoration options, including habitat protection. Before land can be protected, additional information must be gathered on habitats relevant to injured resources and services. This information will be integrated into the Trustee Council's overall effort to restore the injured resources and services.

- 3.1.10 COMMENT: A volunteer work force should be organized to assist in restoration activities. (182)

RESPONSE: Though it is possible that volunteer efforts may be used to assist with restoration projects in the future, the program is not yet at that stage. Volunteers have already contributed to some of the studies.

3.2 Archaeology

- 3.2.1 COMMENT: One commenter expressed concern that the estimated budget for cultural resources projects was lower than the actual cost and also suggested funding archaeology graduate students rather than contract personnel to conduct damage assessment. (113)

RESPONSE: The Trustee Council believes that funding is appropriate for this year and will be considered for expansion in future years. Graduate students have been and will continue to be used as appropriate.

- 3.2.2 COMMENT: Site-stewardship programs may not provide the service that the Trustee Council needs for the

protection of archaeological sites. (113)

RESPONSE: Coordinators of existing volunteer programs in Arizona, Arkansas, Texas, and British Columbia believe them to be a cost-effective and efficient means of reducing impacts from vandalism of sites. These programs also have proven to be valuable supplements to agency-data-collection and public education efforts.

- 3.2.3 COMMENT: One commenter expressed concern that archaeological sites were not surveyed until 2 years after the spill. (113)

RESPONSE: State and Federal land managers, Native corporations, and Exxon all had archaeologists working on site identification within a few weeks of the oil spill.

- 3.2.4 COMMENT: Protection of archaeological resources is important (156), especially in National Parks (71, 126). Particular concern was expressed over data recovery or relocation of damaged burials. (113)

RESPONSE: The Trustee Council agrees with the need for protection of archaeological resources. During cleanup all burial finds were immediately reported to the appropriate land manager and the concerned Native corporation. In the rare cases of burial disturbance, the remains were returned to the appropriate Native village.

- 3.2.5 COMMENT: Additional studies should be undertaken throughout the Kodiak Island Archipelago to continue survey and monitoring work of archaeological sites and add interpretive programs at parks. (58)

RESPONSE: The Trustee Council continues to solicit ideas for restoration projects, including additional archaeological work in the oil-impacted area. Proposals on archaeological topics have been received from individuals and groups and will be considered for inclusion in the 1993 Work Plan.

3.3 Fish

- 3.3.1 COMMENT: Chum salmon studies should be expanded to include the outer coast. (155)

RESPONSE: Outer Kenai Peninsula chum salmon were studied in Fish/Shellfish Studies 7A and 7B. Field sampling was concluded in 1990, when injuries were no longer demonstrated. Chum salmon from Port Dick and

Island Creek, in particular, were studied.

- 3.3.2 COMMENT: The commenters expressed concern about protecting the genetic diversity of wild salmon stocks and opposed actions that may cause problems with wild stock. (116, 129)

RESPONSE: All projects, regardless of sponsoring agency, must follow applicable laws and regulations. Fish transport is regulated under Alaska Administrative Code Title 41. Fish Transport Permit applications are reviewed for a variety of potential effects, including adverse genetic impacts.

- 3.3.3 COMMENT: Shellfish in Prince William Sound have not received adequate attention. (172)

RESPONSE: Several studies investigated crab and other shellfish in the spill area. Some of these studies were discontinued as a result of lack of injury resulting from the oil spill. Where there is an indicated injury, additional shellfish studies will be considered in 1993 and beyond.

- 3.3.4 COMMENT: The commenter would like the Trustee Council to reconsider some fisheries studies that were not recommended to be carried forward in the 1992 Work Plan, particularly the Kitoi and Red Lake Mitigation (157), and the herring studies (176).

RESPONSE: Projects deferred in 1992, including the two mentioned, will be reconsidered for 1993.

- 3.3.5 COMMENT: Some commenters support restoration science projects focused on wild fish stocks in Prince William Sound. (53, 56)

RESPONSE: The State and Federal Governments are mandated to protect the wild stocks that they are responsible for managing. Restoration of wild stocks has fundamental value, as it is essential to ensure the future viability of the species.

- 3.3.6 COMMENT: Focus on commercial fish is of concern, particularly as it relates to Fish/Shellfish Study 27. (129)

RESPONSE: Protection and restoration of sockeye stocks is the focus of Fish/Shellfish Study 27. These stocks support important commercial and sport fisheries, but current study results indicate a strong likelihood that the fisheries for these affected stocks will be closed

for several years to allow the stocks to recover. The resource agencies have responsibility for restoring affected stocks and species regardless of whether these fish support commercial, sport, or subsistence fisheries. Secondary to restoring the stocks, but also important and a valid restoration activity, is restoration of the services that those resources provided the oil spill.

- 3.3.7 COMMENT: Additional studies should be undertaken throughout the Kodiak Island Archipelago, such as identifying the minimum sockeye salmon stock needed to support brown bear within the Kodiak Wildlife Refuge and evaluation of escapement on the Uganik River. (58)

RESPONSE: These projects have been submitted as ideas for the 1993 Work Plan and will be considered.

3.4 Lands/Habitat Protection

- 3.4.1 COMMENT: Habitat acquisition should have been in this year's plan and should be the priority use for this money. Restoration money should be spent only on this approach. Money should not be wasted on any other costs (e.g., lawyers, cleanup, science studies). Eighty percent of the total settlement should be spent on habitat acquisition. (2, 3, 10, 11, 12, 17, 24, 26, 35, 38, 68, 70, 72, 81, 82, 83, 85, 87, 88, 90, 95, 107, 110, 114, 116, 126, 127, 159, 160, 179, 181, 190)

Other comments included:

Commenters expressed concern that: the Trustee Council is not interested in habitat protection and is not being honest in their interest in buying land (177,160); buying timber is a bad idea (174); rights should be acquired for the period needed for a clearcut area to recover from logging (114); the Council does not support use of settlement money for manipulation that benefits only commercial users (129); options other than land acquisition must be considered (180); land acquisition should be considered not only for habitat but also for recreational use--therefore, land that does not support essential habitat for injured species should still be considered because it provides other uses (e.g., recreational) (84); if money from this fund is spent on educational programs, facilities should not be built; and teaching should occur in the habitats acquired (88).

In addition, maximizing restoration through careful planning is a worthy objective; but it should not delay

acquisitions that need to happen now (103). Assessments for land acquisition should be conducted carefully; the habitat acquisition group needs to do a lot of work (160, 166). Habitat acquisition will be the most effective means of restoration (73) because it is the most long-term goal (81). Large blocks of habitat should be purchased (29). Acquisition should be a secondary method of restoration; only those habitats directly related to oil-spill-injured species or populations should be selectively purchased (106). Specific areas, e.g., Prince William Sound and Kachemak Bay, and Kodiak, Afognak, and Shuyak Islands should be purchased (many comments). Recreation sites or improved programs offered at sites should be acquired as compensation for the lost "services" from oiled resources (105). Fourteen specific sites or projects were suggested by the Kodiak Parks Board (58). A variety of methods should be use to protect habitat-- fee simple acquisition, purchase of timber rights only, conservation easements, and a moratorium (105) on timber harvest. Restoration efforts should be focused on affected shorelines (109). Wildlife harvest in these areas should be prohibited for the period of time needed for populations to recover (113). Logging company employees should be compensated for losses due to purchase of land or timber rights. Affected parties should be compensated for the net secondary economic gain lost because of acquisitions (114).

RESPONSE: Habitat protection and acquisition as presented in the Restoration Framework document is an alternative that includes changes in management practices on public or private lands and creation of "protected" areas on existing public lands in order to prevent further damage to resources injured by the Exxon Valdez oil spill. Going beyond land management practices, there also are options that involve the acquisition of property rights, short of title, or habitats by public agencies to protect strategic wildlife, fisheries, or recreation sites.

Another potential restoration alternative that involves habitat protection and acquisition is the Acquisition of Equivalent Resources. The Restoration Framework defines this alternative to mean: compensation for an injured, lost, or destroyed resource by substituting another resource that provides the same or substantially similar services as the injured resource (56 Federal Register 8899 [March 1, 1991]). Restoration approaches, such as the manipulation of resources and habitat protection and acquisition, can be implemented on an equivalent-resource basis.

The goal of these alternatives is to identify and protect strategic wildlife and fisheries habitats and recreation sites and to prevent further potential environmental damages to resources injured by the Exxon Valdez oil spill. In order to achieve this goal, the Trustee Council is developing an evaluation process to be used for habitat protection as well as an imminent-threat-protection process designed to respond to any imminent development threats to habitats linked to recovery of injured resources or services. These evaluation processes will be submitted to the public for review in the very near future. Both processes contain criteria to ensure that a potential acquisition is linked to an injury or loss of services that resulted from the Exxon Valdez oil spill. The proposed processes also would ensure that lands under consideration for acquisition contain habitats, the protection of which will facilitate recovery of injured resources or services. Furthermore, these proposed processes will be included in the Draft Restoration Plan, which also will undergo public reviews.

3.5 Monitoring

- 3.5.1 COMMENT: Research and monitoring proposals should be evaluated against an approved scientific design and should fit the framework of a Restoration Plan. (114)

RESPONSE: It is the intent of the Trustee Council to evaluate, research, and monitor proposals utilizing input from scientists and peer reviewers, and to ensure that restoration activities conform to the Restoration Plan. In addition, experts will be contracted to assist in the planning effort to develop a comprehensive monitoring program.

- 3.5.2 COMMENT: Additional scientific studies should be considered on long-term monitoring of hydrocarbons around Kodiak and Prince William Sound. (93, 106)

RESPONSE: Restoration Planning includes a long-term monitoring strategy that is being developed for the Restoration Plan. Long-term monitoring of hydrocarbons is one component of monitoring that will be considered under this strategy.

- 3.5.3 COMMENT: The Kodiak Island Borough should be provided funds for baseline sampling and analysis. (58)

RESPONSE: This idea will be considered as part of the 1993 Draft Work Plan.

- 3.5.4 COMMENT: A comprehensive monitoring program that focuses on injured species including noncommercial species should be implemented. (85, 106, 116, 126, 73, 129, 110, 171)

RESPONSE: The Trustee Council is developing a comprehensive monitoring plan as part of the draft Restoration Plan. This proposed monitoring program (Option 31 in the Restoration Framework) will address commercial and noncommercial species.

- 3.5.5 COMMENT: Baseline-data needs were recognized by several commenters. One commenter suggested that additional post-spill studies will need to be undertaken to allow for the lack of pre-spill baseline data. (113)

RESPONSE: A comprehensive monitoring program could determine if and when injured resources have been restored to their pre-spill baseline conditions. Additional data needs may become obvious during the process of meeting this objective. At that time additional studies will be considered.

- 3.5.6 COMMENT: Long-term research and monitoring programs should not get renewed funding before data and progress reports are made available to public and peer reviewers. (85,114)

RESPONSE: Reports on monitoring activities conducted to date have been--and as of June 1, 1992, are--available to the public at the Oil Spill Public Information Center. Through each stage of the natural resource-damage-assessment studies, interim and final reports received careful scientific peer review. Now that the studies have been made public, the scientists who conducted the injury-assessment studies can present their findings in scientific journals, at conferences, and to the press.

3.6 Native Issues

- 3.6.1 COMMENT: The needs of Native villages or corporations are not being addressed. (156, 174)

RESPONSE: The Trustee Council is aware of the needs of the various Native communities that have been impacted by the oil spill and has tried through public meetings and public comments to identify issues of particular concern to those communities that can be appropriately addressed in the future.

- 3.6.2 COMMENT: Additional studies on subsistence use should be included in the Work Plan (162, 174); and the needs of subsistence users should be more clearly considered because they were more adversely impacted than any other group in the State. (162) Clam areas that are important for subsistence are not being addressed. (156)

RESPONSE: The Trustee Council is aware of the importance of subsistence to the Native communities impacted by the oil spill and will be considering subsistence-related studies for implementation in 1993. In addition, the Federal Government, through the Chenega Bay Settlement, is committed to conducting a 1992 joint study of spill impact on subsistence activities.

3.7 Oil-Spill Prevention and Cleanup

- 3.7.1 COMMENT: No more cleanup should be conducted (83) because it might be more damaging to the environment. (87)

RESPONSE: Oversight of cleanup through 1992 has been the responsibility of the U.S. Coast Guard and the Alaska Department of Environmental Conservation. A primary criterion for approving an individual cleanup action has been that the action must be of net environmental benefit. Any action that the Trustee Council would undertake in the future would need to meet this same criterion.

- 3.7.2 COMMENT: Commenters suggested that restoration funds be used for pre-staging of response-related materials. (115)

RESPONSE: The Memorandum of Agreement requires that settlement funds be used for restoring, replacing, enhancing, rehabilitating, or acquiring the equivalent of natural resources injured as a result of the oil spill and the lost services provided by those resources. The Division of Emergency Services in the Alaska Department of Military and Veterans Affairs is responsible for maintaining emergency response depots in areas at risk from potential oil and hazardous substance releases. These response depots are supported by the State's Oil and Hazardous Substance Release Fund. Additional pre-staging of response-related materials may be supported by criminal settlement monies, which total \$50 million for the State and \$50 million for the Federal Governments.

3.7.3 COMMENT: Commenters suggested that restoration funds be used for funding locally initiated oil-spill-prevention and response projects, including providing assistance to local governments for oversight of the oil and gas industry operating within their jurisdictions. (52)

RESPONSE: The Memorandum of Agreement requires that settlement funds be used for restoring, replacing, enhancing, rehabilitating, or acquiring the equivalent of natural resources injured as a result of the oil spill and the lost services provided by those resources. The State Emergency Response Commission is responsible for establishing local emergency planning committees to develop local emergency response plans. Local plans must inventory facilities and activities that may release hazardous substances and plan for emergency response actions in the event of a hazardous-substance release. Local emergency-response-planning activities are funded by State Oil and Hazardous Substance Release Response funds. Additional pre-staging of response-related materials may be supported by criminal settlement monies, which total \$50 million for the State and \$50 million for the Federal Governments.

3.7.4 COMMENT: Restoration funds should be used to train emergency personnel in firefighting, oil-spill response, and other activities, and also to provide for public health facilities to ensure that oil industry personnel are healthy and well-cared for. (52)

RESPONSE: The Memorandum of Agreement requires that settlement funds be used for restoring, replacing, enhancing, rehabilitating, or acquiring the equivalent of natural resources injured as a result of the oil spill and the lost services provided by those resources. State Oil and Hazardous Substance Release Response funds are used to "conduct training, response exercises, inspections, and tests in order to verify equipment inventories and ability to prevent and respond to oil and hazardous substance release emergencies." The Response Fund also is used by the Alaska Department of Environmental Conservation to train expert State oil and hazardous-spill-response personnel, and by the Division of Emergency Services to register and train a volunteer response corps for oil-and hazardous-substance-spill containment and cleanup. Additional pre-staging of response-related materials may be supported by criminal settlement monies, which total \$50 million for the State and \$50 million for the Federal Governments.

3.8 Recreation

- 3.8.1 COMMENT: Recreational opportunities, including sport fishing, marine parks, etc., should be increased in Prince William Sound. (52)

RESPONSE: No recreation projects were proposed by the Trustee Council for implementation in 1992. However, recreation projects throughout the spill area will be considered in the 1993 and subsequent Work Plans.

3.9 Wildlife

- 3.9.1 COMMENT: Additional studies should be undertaken throughout the Kodiak Island Archipelago to inventory sea otters along the coast. (58)

RESPONSE: No sea otter studies were proposed by the Trustee Council for implementation in 1992 because such studies could be deferred without loss of essential data. However, sea otter studies throughout the spill area will be considered in the 1993 and subsequent Work Plans.

- 3.9.2 COMMENT: One commenter supports all the bird projects that were proposed in the 1992 Work Plan. (92)

RESPONSE: Support is acknowledged.

- 3.9.3 COMMENT: Additional studies should be undertaken throughout the Kodiak Island Archipelago to evaluate the productivity of bald eagles. (58)

RESPONSE: No bald eagle studies were proposed by the Trustee Council for implementation in 1992 because such studies could be deferred without loss of essential data. However, bald eagle studies will be considered in the 1993 and subsequent Work Plans.

- 3.9.4 COMMENT: The abundance of birds illustrates the recovery of the spill area. (77)

RESPONSE: Much of the information collected on birds since the spill indicates that some species continue to exhibit low numbers or low productivity. The abundance of birds in Prince William Sound is due to naturally occurring large numbers of migratory birds. The overall numbers of birds throughout the spill area are still large, though reduced from pre-spill population levels for certain species.

- 3.9.5 COMMENT: The project that recommended the removal of

foxes and other introduced predators from seabird islands should not have been denied by the Trustee Council; this project should go forward in 1992. (92)

RESPONSE: The Trustee Council determined that this project could be deferred and will be considered in subsequent years.

- 3.9.6 COMMENT: Additional scientific studies on species that were threatened by the spill should be considered. (169)

RESPONSE: The Trustee Council has approved many studies on species that were affected by the spill, including pink, sockeye, and chum salmon; marbled murrelets; murre; harlequin ducks; black oystercatchers; harbor seals; and river otters. Additional studies on species that were threatened by the spill will be considered in subsequent years.

- 3.9.7 COMMENT: Sea lions and their food supply should be studied. (153)

RESPONSE: Results of the Steller sea lion injury-assessment study were inconclusive. Several sea lions were observed with oiled pelts, and petroleum hydrocarbons were found in some tissues. Determining whether there was a spill effect on the sea lion population was complicated by the seasonal movements of sea lions in and out of the spill area, and by an ongoing population decline and a pre-existing problem with premature pupping.

The Alaska Department of Fish and Game and National Marine Fisheries Service are cooperating in a major research effort to investigate the decline of the Steller sea lion population in the Gulf of Alaska. This project is funded independently from the Exxon Valdez oil-spill-damage-assessment and restoration program.

- 3.9.8 COMMENT: Additional scientific studies on the Dall's porpoise should be considered. (166, 105)

RESPONSE: The Dall's porpoise is not one of the species studied in the 1992 Draft Work Plan nor was it studied during the damage-assessment phase because there was no direct evidence of injury to the Dall's porpoise. If information linking small cetaceans to the oil spill becomes available, consideration of further investigations may be warranted.

3.9.9 COMMENT: Additional scientific studies on impacts to the food chain should be considered. (113)

RESPONSE: Studies investigating the impacts on the food chain are under consideration. Restoration Study 103 is investigating oiled mussel beds in Prince William Sound and their impact on higher organisms, including harlequin ducks, black oystercatchers, and river otters. Additional studies are investigating the impacts on the food chain in the intertidal zone.

3.9.10 COMMENT: Additional scientific studies on deer should be considered. (162)

RESPONSE: Intensive searches of Prince William Sound beaches following the oil spill revealed no Sitka black-tailed deer whose deaths could be attributed to the spill. However, deer taken for the purpose of testing for human consumption (not part of damage assessment) were found to have slightly elevated concentrations of petroleum hydrocarbons in tissues in some individuals that may have fed on contaminated kelp in the intertidal areas. It was determined that recovery of the Sitka black-tailed deer would be allowed to progress naturally. If injury to deer due to the oil spill becomes apparent, further investigation of this species will be considered.

3.10 Public Education

3.10.1 COMMENT: The public needs to understand what happened and what can be done to help recovery. Therefore, public education should be an important component of the restoration process (85). In addition, a brochure on minimizing disturbance to wildlife should be developed. (166)

RESPONSE: Public education proposals, including brochures, will be considered for inclusion in the 1993 Draft Work Plan. Additionally, the Trustee Council makes public information and education a high priority. All Trustee Council meetings are open to the public and members of the press. On June 1, 1992 the Trustee Council released the natural resource damage assessment studies to the public; and the Trustee Council approved planning for a public symposium regarding the damage studies in early 1993. In addition, the Oil Spill Public Information Center continues to serve as an important resource to assist members of the public in obtaining information about oil-spill effects and the restoration program.