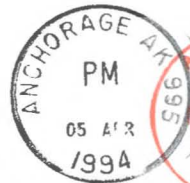


Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G Street Suite 401
Anchorage Ak 99501-3451



Handwritten signature or initials.

Paul Twardock
P.O. Box 544
Anchorage, Alaska 99508



ATTEMPTED - NOT KNOWN



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Restoration Office
645 G Street Suite 401
Anchorage Ak 99501-3451

RETURNED
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AS ADDRESSED -
UNABLE TO FORWARD

Joe Gall

Eagle River, Alaska ~~99577~~

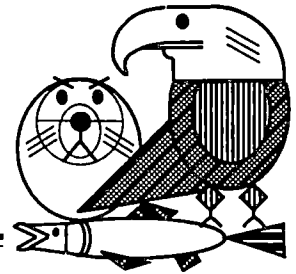


Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



March 29, 1994

Don Y. Abing
Program Director
The Rainland Fly Casters
683 39th Street
Astoria, Oregon 97103

Dear Mr. Abing:

Thank you for your recent comments regarding the Draft 1994 Work Plan.

A copy of your comments was forwarded to each Trustee Council member on January 21, 1994, in preparation for their January 31st meeting. A summary of all public comments was also included in my Executive Director's Recommendation Report.

The Trustee Council approved a Final 1994 Work Plan during their January 31st meeting, which included \$14.4 million in project funding for this year (in addition to the \$5 million already approved in November, 1993) as well as \$12 million to be set aside in a reserve. A copy of this document, as well as a newsletter detailing the Trustees' actions, will be forwarded to those on the Trustees' mailing list in the near future. If you are not on the mailing list but would like to be included, please call the number above and leave your name and address with the receptionist.

I appreciate your participation in the development of the 1994 Work Plan and look forward to your continued interest.

If you have any further comments or questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, reading "James R. Ayers". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent. The signature is written over a horizontal line.

James R. Ayers
Executive Director

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

FIRST BATCH OF THANK YOU LETTER TO THE FOLLOWING

George C. West, Ph.D.
Professor of Zoology, Emeritus
University of Alaska-Fairbanks
P.O. Box 841
Homer, Alaska 99603

Phillip Brudie
P.O. Box 859
Homer, Alaska 99603

Wyn Menefee
HCO2 7691-D
Palmer, Alaska 99645

Steve Vanlk
P.O. Box 103
Ninilchik, Alaska 99639

Michael J. Owecke
PWS Setnetter's Assoc.
P.O. Box 110263
Anchorage, Alaska 99511

Brent Whitmore
P.O. Box 1046
Seward, Alaska 99664

Gordon A. Wickstrom
P.O. Box 1795
Seward, Alaska 99664

L.L. Clark
2840 Porcupine Trail Road
Anchorage, Alaska 99516

Gary Raymond
P.O. Box 596
Cordova, Alaska 99574

Edward Zeine
Interim City Manager, Cordova
P.O. Box 1210
Cordova, Alaska 99574

Dan P. Idaback
P.O. Box 723
Cordova, Alaska 99574

David Blake
P.O. Box 2705
Cordova, Alaska 99574

Frank M. Siemion
P.O. Box 2055
Cordova, Alaska 99574

James L. Evenson
P.O. Box 324
Kenai, Alaska 99611

William G. Percy
Oregon State University
Oceanography Administration Building 104
Corvallis, Oregon 97331-5503

Arney A. Hatch
Hatch Brothers
P.O. Box 346
Seward, Alaska 99664

Lew M. Williams, Jr.
755 Grant Street
Ketchikan, Alaska 99901

John Jankowski
P.O. Box 91
Seldovia, Alaska 99663

Rosalie M. Tadda
4622 Pavalof Street
Anchorage, Alaska 99507

Russ & Joan Langlais
P.O. Box 1848
Seward, Alaska 99664

Emmet F. Heidemann
P.O. Box 770061
Eagle River, Alaska 99577

Wayne D. & Connie E. Wilson
210 Linwood Lane
Kenai, Alaska 99611

Mary Hart
P.O. Box 2875
Seward, Alaska 99664

J. Ivan Ceballos
P.O. Box 1247
Anchorage, Alaska 99520

J.D. Stanton
HCR 64 Box 386
Seward, Alaska 99664

Linda Billmaier
HC 83 Box 1653
Eagle River, Alaska 99577

Brenda G. Gumminger
HC32 Box 6883
Wasilla, Alaska 99654

Jaris and Janet Hines
3201 Amber Bay Loop
Anchorage, Alaska 99515

Mike Rainwater
P.O. Box 2598
Kenai, Alaska 99611

William P. Lindow
7920 Evander Drive
Anchorage, Alaska 99518

Wendell L. Jones
P.O. Box 844
Soldotna, Alaska 99669-0844

Eugene Svetc
500 West 31st Avenue
Anchorage, Alaska 99503

Kory Blake
Box 1122
Cordova, Alaska 99574

Robert Fox
P.O. Box 72169
Fairbanks, Alaska 99707

Arlot W. Hall
P.O. Box 113769
Anchorage, Alaska 99511

Robert H. Blake
P.O. Box 94
Cordova, Alaska 99574

Klondys M. Bailey
P.O. Box 670722
Chugiak, Alaska 99567-0722

Lorna Barnhart
6600 Baby Bear Drive
Anchorage, Alaska 99507

Val McLay
P.O. Box 785
Homer, Alaska 99603

Paul Raidmae
P.O. Box 2925
Valdez, Alaska 99686

Emil V. Nelson
P.O. Box 130
Homer, Alaska 99683

Francis J. Adams
P.O. Box 441
King Salmon, Alaska 99613

Julie Britton
P.O. Box 3435
Soldotna, Alaska 99669

Pat O'Brien
P.O. Box 48
Seward, Alaska 99664

Shawn Williams
Lawn Busters
4630 Reka Drive, Suite C-5
Anchorage, Alaska 99508

John A. Wilson
4820 Palo Verde Avenue
Fairbanks, Alaska 99709

Carol Gebauer
4101 University Drive
APU Box 335
Anchorage, Alaska 99508-4672

Martin Dilling
Fisherman PWS
1779 Pioneer Peak Drive
Wasilla, Alaska 99654

Samuel W. Evans
1815 Mt. Baker Way
Bellingham, WA 98226

Michael Glasen
Glasen Fish Co.
P.O. Box 432
Cordova, Alaska 99574

James L. Mykland
P.O. Box 1241
Cordova, Alaska 99574

Jim Kallander
P.O. Box 2272
Cordova, Alaska 99574

Douglas R. Jensen
P.O. Box 92535
Anchorage, Alaska 99509

Byron W. Haley
Chitina Dipnetter's Association
1002 Pioneer Road
Fairbanks, Alaska 99701-2818

Fred Deiser
P.O. Box 520692
Big Lake, Alaska 99652

Kenneth M. Duffus
20441 Ptarmigan Boulevard
Eagle River, Alaska 99577-8736

William F. Welber
-0-

Michael J. Yta
P.O. Box 84133
Fairbanks, Alaska 99708

Sandra E. Newman
P.O. Box 90612
Anchorage, Alaska 99509

W.C. Shuster
P.O. Box 615
Seward, Alaska 99664

Ellen V. O'Brien
HCR 64 Box 565
Seward, Alaska 99664

Gene Dunham
3615 A Amalgia Street
Juneau, Alaska 99801

Cindy Dunham
3625-A Amalgia Street
Juneau, Alaska 99801

LaVerne Huff
P.O. Box 1069
Nome, Alaska 99762

Lisa Boas
3221 West 69th Avenue, #2
Anchorage, Alaska 99502-3008

Doug Heimbach
P.O. Box 4502
Seldovia, Alaska 99669

Beverly D. Dunham
P.O. Box 27
Seward, Alaska 99664

Kai Clancy
P.O. Box 1595
Seward, Alaska 99664

Hahn & Michelle O'Leary
P.O. Box 1052
Cordova, Alaska 99574

Hap Symmonds
St. Elias Ocean Products
P.O. Box 548
Cordova, Alaska 99574

Joe G. & Joanne B. Widman
P.O. Box 55308
North Pole, Alaska 99705

Michael OLeary
P.O. Box 1032
Cordova, Alaska 99574

Terry Gardiner
NorQuest Seafoods, Inc.
4225 - 23rd Avenue W.
Seattle, WA 98199

Matthew A. Cronin
Senior Research Geneticist
LGL Alaska Research Associates
4175 Tudor Centre Dr., Suite 101
Anchorage, Alaska 99508

Darryl Schaefermeyer
Project Administration
Alaska Sealife Center
P.O. Box 1329
Seward, Alaska 99664

Drew Scalzi
North Pacific Fisheries Association, Inc.
P.O. Box 796
Homer, Alaska 99603

1994 Work Plan Comments

A. J. Paul ²

941229008

POB 1197, Seward, Alaska 99664

SEWARD

Arlot W. Hall ¹

940112050

P.O. Box 113769, Anchorage, AK 99511

ANCHORAGE

Arney A. Hatch ¹

940110030

Hatch Brothers

P.O. Box 346, Seward, AK 99664

SEWARD

Bertha Flynn and Ed Nash ²

940118142

Box 761, Friday Harbor, WA 98250

USA

Beverly D. Dunham ¹

940114084

P.O. Box 27, Seward, AK 99664

SEWARD

Bill and Monika Lyle ²

94011037

3543 Newcomb Drive, Anchorage, AK 99508

ANCHORAGE

Brenda G. Gumminger ¹

940112042

HC32 Box 6883, Wasilla, AK 99654

MAT-SU BORO

Brent Whitmore ¹

940110020

Box 1046, Seward, Alaska

SEWARD

Brian J. Lettich ²

940118113

The Eyak Corporation

P.O. Box 340, Cordova, AK 99574

CORDOVA

Brian Lee ²

940118114

HCO3 Box 8385, Palmer, AK 99645

MAT-SU BORO

Byron W. Hlaey ¹

940113070

Chitina Dipnetter's Association

1002 Pioneer Road, Fairbanks, AK 99701-2818

FAIRBANKS

✓ C. Ross Mullins ²

940118134

Box 436, Cordova, AK 99574

CORDOVA

Cal and Sandra Baker ²

940118120

P.O. Box 238, Cordova, AK 99574

CORDOVA

Carl Peterson ²

941229007

P.O. Box 877572, Wasilla, Alaska 99687

ANCHORAGE

Carol Gebauer ¹

940113062

4101 University Drive, APU Box 335, Anchorage, AK 99508-4672

ANCHORAGE

Carroll Kompkoff ²

940118092

Tatitlek Corporation

P.O. Box 650, Cordova, AK 99574

CORDOVA

Charlotte A. Kline ²

940118104

1346 Atigun, Fairbanks, AK 99705

FAIRBANKS

Chris James Tadda ²

940120149

P.O. Box 2752, Seward, AK 99664-2752

SEWARD

Chris Moss ²

940118096

P.O. Box 1115, Homer, AK 99603

HOMER

Cindy Dunham ¹

940114079

3625-A Amalgia Street, Juneau, AK 99801

JUNEAU

D.K. Salmon ²

940118141

Box 1955, Cordova, AK 99574

CORDOVA

Dan P. Idaback ¹

940110025

P.O. Box 723, Cordova, Alaska 99574

CORDOVA

Darryl Schaefermeyer ¹

940114099

Project Administration, Alaska Sealife Center

P.O. Box 1329, Seward, Alaska 99664

David Blake ¹
940110026
P.O. Box 2705
CORDOVA

David R. Marten ²
941227004
HC-2 Box 860, Clam Gulch, Alaska 99568
KENAI/SOLDOTNA

David Scheel ²
940118107
Box 2113, Cordova, AK 99574
CORDOVA

Dennis and Marie Lozano ²
940118143
17724 North Juanita Loop, Eagle River, AK 99577
ANCHORAGE

Don Y. Abing ²
941229013
Program Director, The Rainland Fly Casters
683 39th Street, Astoria, Oregon 97103
USA

Dory Heimbach ¹
940114083
P.O. Box 4502, Seldovia, AK 99669
SELDOVIA

Doug Griffin ²
940118129
City of Valdez
P.O. Box 307, Valdez, AK 99686
VALDEZ

Douglas R. Jensen ¹
940113069
Box 92535, Anchorage, AK 99509
ANCHORAGE

Drew Scalzi ¹
9401180094
North Pacific Fisheries Association, Inc.
Box 796, Homer, AK 99603
HOMER

Edward Zeine ¹
940110024
Interim City Manager, Cordova
P.O. Box 1210, Cordova Alaska 99574
CORDOVA

Ellen V. O'Brien ¹
940114077
HCR 64 Box 565, Seward, Alaska 98664
SEWARD

✓ Emil V. Nelson ¹

940113056

Box 130, Homer, AK 99683

HOMER

Emmet F. Heidemann ¹

940111035

P.O. Box 770061, Eagle River, AK 99577

ANCHORAGE

Eric and Arsenia Hanson ²

941229014

445 Fairway Lane, St. Louis, Missouri 63122

USA

Eugene Svete ¹

940112047

500 West 31st Avenue, Anchorage, AK 99503

ANCHORAGE

Francis J. Adams ¹

940113057

P.O. Box 441, King Salmon, AK 99613

WESTERN

Frank M. Siemion ¹

940110027

P.O. Box 2055

CORDOVA

Fred Deiser ¹

940113071

P.O. Box 520692, Big Lake, AK 99652

MAT-SU BORO

G. M. Thornton ²

940120148

P.O. Box 85181, Fairbanks, AK 99708

FAIRBANKS

G.H. Holliday ²

940118121

Holliday Environmental Services, Inc.

P.O. Box 1080, Tomball, TX 77377-1080

USA

G.L. Thomas ²

940118127

PWS Science Center

P.O. Box 705, Cordova, AK 99574

CORDOVA

Gary Raymond ¹

940110023

Box 596

CORDOVA

Gene Dunham ¹

940114078

3615 A Amalgia Street, Juneau, AK 99801

George C. West, Ph.D. |
w940103015
Professor of Zoology, Emeritus, U of Alaska Fairbanks
P.O. Box 841, Homer, Alaska 99603
HOMER

Gordon A. Wickstrom |
940110021
P.O. Box 1795, Seward, Alaska 99664
SEWARD

Hahn and Michelle OLeary |
940114086
Box 1052, Cordova, AK 99574
CORDOVA

Hap Symmonds |
940114087
St. Elias Ocean Products
P.O. Box 548, Cordova, AK 99574
CORDOVA

Howard Ferren 2
940118125
P.O. Box 2603, Cordova, AK 99574
CORDOVA

Irene Ransom 2
940118103
P.O. Box 1587, Seward, AK 99664
SEWARD

J. A. Ferguson 2
941229010
13010 Galveston Circle, Anchorage, Alaska 99516
ANCHORAGE

J. Ivan Ceballos |
940112039
P.O. Box 1247, Anchorage, AK 99520
ANCHORAGE

J.D. Stanton |
940112040
HCR 64 Box 386, Seward, AK 99664
SEWARD

James G. King 2
940120150
1700 Branta Road, Juneau, AK 99801
JUNEAU

James L. Evenson |
940110028
P.O. Box 324, Kenai, AK 99611
KENAI/SOLDOTNA

James L. Mykland |
940113067
P.O. Box 1241, Cordova, AK 99574

Jaris and Janet Hines¹
940112043
3201 Amber Bay Loop, Anchorage, AK 99515
ANCHORAGE

Jerry McCune²
941217001
President, Cordova District Fishermen United
P.O. Box 939, Cordova, Alaska 99574
CORDOVA

Jessie Nelson²
940118136
Box 130, Homer, AK 99603
HOMER

Jim Kallander¹
940113068
Box 2272, Cordova, AK 99574
CORDOVA

Joe G. and Joanne B. Widman¹
940114088
Box 55308, North Pole, AK 99705
FAIRBANKS

Joe Gall²
940118145
Eagle River, Alaska 99577
ANCHORAGE

John A. Wilson¹
940113061
4820 Palo Verde Avenue, Fairbanks, AK 99709
FAIRBANKS

John B. Sheedy²
940118106
Mariah Tours & Charters
3812 Katmai Circle, Anchorage, AK 99517-1024
ANCHORAGE

John F. C. Johnson²
940118137
Cultural Resource Manager, Chugach Alaska Corp.
560 East 34th Ave., Suite 200, Anchorage, Alaska 99503-4196
ANCHORAGE

John Jankowski¹
940111032
Box 91, Seldovia, AK 99663
SELDOVIA

John L. Sturgeon²
940120151
Koncor Forest Products Company
3501 Denali, Suite 202, Anchorage, AK 99503
ANCHORAGE

• Kloudys M. Bailey ¹
940112052
P.O. Box 670722, Chugiak, AK 99567-0722
ANCHORAGE

Korri Ragan ²
940118097
Alaska Wilderness Recreation & Tourism Association
P.O. Box 1353, Valdez, AK 99686
VALDEZ

Kory Blake ¹
940112048
Box 1122, Cordova, AK 99574
CORDOVA

L.L. Clark ¹
940110022
2840 Pocupine Trail
ANCHORAGE

LaVerne Huff ¹
940114081
P.O. Box 1069, Nome, AK 99762
SEWARD PEN

Lee Althens ²
940118111
HC03 Box 8393, Palmer, AK 99645
MAT-SU BORO

Lew M. Williams, Jr. ¹
940110031
755 Grant Street
KETCHIKAN

Lias Boas ¹
940114082
3221 West 69th Avenue, #2, Anchorage, AK 99502-3008
ANCHORAGE

Linda Billmaier ¹
940112041
HC 83 Box 1653, Eagle River, AK 99577
ANCHORAGE

Linda DeVore ²
940118109
12907 Brandon Street, Anchorage, AK 99515
ANCHORAGE

Lorna Barnhart ¹
940113053
6600 Baby Bear Drive, Anchorage, AK 99507
ANCHORAGE

Margaret L. Salmon ²
940120147
Box 563, Talkeetna, AK 99676
MAT-SU BORO

John W. Bocci²
940118118
P.O. Box 1312, Cordova, AK 99574
CORDOVA

Joseph R. Brunner²
940118095
475 Rainbow Ave., Homer, Alaska 99603

Joseph R. Brunner
940118133
475 Rainbow Avenue, Homer, AK 99603
HOMER

Judy McDonald²
941229009
POB 1197, Seward, Alaska 99664
SEWARD

Julie Britton¹
940113058
P.O. Box 3435, Soldotna, AK 99669
KENAI/SOLDOTNA

Kai Clancy¹
940114085
P.O. Box 1595, Seward, AK 99664
SEWARD

Karen M. Marten²
941228005
167 Warehouse, Soldotna, Alaska 99669
KENAI/SOLDOTNA

Karl Becker²
940118139
Box 1185, Cordova, AK 99574
CORDOVA

Katherine G. Halgren²
940118093
167 NW 73rd Street, Seattle, WA 98117-4850
USA

Ken Roemhildt²
940118126
North Pacific Processors, Inc.
Box 1040, Cordova, AK 99574
CORDOVA

Kenneth M. Duffus¹
940113072
20441 Ptarmigan Boulevard, Eagle River, AK 99577-8736
ANCHORAGE

Kirk Hoessle²
940118116
Alaska Wildland Adventures
P.O. Box 389, Girdwood, AK 99587
ANCHORAGE

• Marilyn R. Huitger ²
941229012
Administrative Assistant, Haines Chamber of Commerce
P.O. Box 518, Haines, Alaska 99827
SOUTHEAST

Mark Willette ²
941220002
Chairman, PWS/CR Regional Fisheries Planning Team
P.O. Box 669, Cordova, Alaska 99574
CORDOVA

Martin Dilling ¹
940113063
Fisherman PWS
1779 Pioneer Peak Drive, Wasilla, AK 99654
MAT-SU BORO

Mary Hart ¹
940112038
P.O. Box 2875, Seward, AK 99664
SEWARD

Mary McBurney ²
940118124
Cordova District Fishermen United
P.O. Box 939, Cordova, AK 99574
CORDOVA

Matthew A. Cronin ¹
940114091
Senior Research Geneticist, LGL Alaska Research Associates
4175 Tudor Centre Dr., Suite 101, Anchorage, Alaska 99508
ANCHORAGE

Megin Dunham ²
940118130
P.O. Box 2129, Seward, AK 99664
SEWARD

Michael Glasen ¹
940113066
Glasen Fish Co.
P.O. Box 432, Cordova, AK 99574
CORDOVA

Michael J. Owecke ¹
940107019
PWS Setnetter's Assoc.
P.O. Box 110263, Anchorage, AK 99511
ANCHORAGE

Michael J. Yta ¹
940113074
P.O. Box 84133, Fairbanks, AK 99708
FAIRBANKS

Michael OLeary ¹
940114089
P.O. Box 1032, Cordova, AK 99574

• Mike Rainwater ¹
940112044
P.O. Box 2598, Kenai, AK 99611
KENAI/SOLDOTNA

Nancy Bird ²
940118117
P.O. Box 1185, Cordova, AK 99574
CORDOVA

P.G. Oswalt ²
940118105
Box 1303, Cordova, AK 99574-1303
CORDOVA

Pat O'Brien ¹
940113059
Box 48, Seward, AK 99664
SEWARD

Patricia R. Williams ²
940118123
Box 395, Seward, AK 99664
SEWARD

Patrick Reilly ²
940118102
Box 1846, Seward, AK 99664
SEWARD

Paul Raidmae ¹
940113055
Box 2925, Valdez, AK 99686
VALDEZ

Paul Roetman ²
940118135
PWS Economic Development Council
P.O. Box 2353, Valdez, AK 99686
VALDEZ

Paul Twardock ²
940118138
Box 544, Anchorage, AK 99508
ANCHORAGE

Phillip Brudie ¹
940105016
P.O. Box 859, Homer, Alaska 99603
HOMER

Rand Family ²
940118128
Box 1500, Cordova, AK 99574
CORDOVA

Rayna Livingston ²
940118101
P.O. Box 112612, Anchorage, AK 99511-2612
ANCHORAGE

Rhonda Berklund²
940118100
P.O. Box 1425, Seward, AK 99664
SEWARD

Robert and Rebecca Porter²
940118110
P.O. Box 7081, Nikiski, AK 99635
KENAI/SOLDOTNA

Robert B. Moss
940118132
P.O. Box 1206, Homer, AK 99603
HOMER

Robert B. Moss
940118115
Box 1206, Homer, AK 99603
HOMER

Robert B. Moss
940118131
Box 1206, Homer, AK 99603
HOMER

Robert D. Wiard²
940118108
Box 1631, Homer, AK 99603
HOMER

Robert Fox¹
940112049
P.O. Box 72169, Fairbanks, AK 99707
FAIRBANKS

Robert H. Blake¹
940112051
P.O. Box 94, Cordova, AK 99574
CORDOVA

Ron Thomson²
940118119
P.O. Box 672352, Chugiak, AK 99567
ANCHORAGE

Rosalie M. Tadda¹
940111033
4622 Pavalof Street, Anchorage, AK 99507
ANCHORAGE

Russ & Joan Langlais¹
940111034
P.O. Box 1848, Seward, AK 99664
SEWARD

Samuel W. Evans¹
940113065
1815 Mt. Baker Way, Bellingham, WA 98226
USA

Sandra E. Newman¹
940114075
P.O. Box 90612, Anchorage, Alaska 99509
ANCHORAGE

Shawn Williams¹
940113060
Lawn Busters
4630 Reka Drive, Suite C-5, Anchorage, AK 99508
ANCHORAGE

Steve Vanlk¹
940107018
P.O. Box 103, Ninilchik, AK 99639
NINILCHIK

Stuart L. Deal²
940118144
Box 1975, Cordova, AK 99574
CORDOVA

Susan Rutherford²
940118112
PWS Land Managers Recreation Planning Group
3301 C Street, Suite 300, Anchorage, AK 99503
ANCHORAGE

Terry Gardiner¹
940114090
NorQuest Seafoods, Inc.
4225 - 23rd Avenue W., Seattle, WA 98199
USA

Thea Thomas²
940118146
Box 1566, Cordova, AK 99574
CORDOVA

Thomas D. Hamilton²
941229011
4200 University Drive, Anchorage, Alaska 99508
ANCHORAGE

Thomas Mears²
941228006
Executive Director, Cook Inlet Aquaculture Assn.
CIAA, HC 2 Box 849, Soldotna, Alaska 99669
KENAI/SOLDOTNA

Tom Ramsey²
940118122
P.O. Box 58405, Fairbanks, AK 99711
FAIRBANKS

Tom Van Brocklin²
941227003
Chairman PWSCORS
P.O. Box 2144, Valdez, Alaska 99686
VALDEZ

Val McLay ¹

940113054

P.O. Box 785, Homer, AK 99603

HOMER

Virgil L. and Charlette J. Carroll ²

940113064

P.O. Box 319, Cordova, AK 99574-0319

CORDOVA

Wayne D. Wilson and Connie E. Wilson ¹

940111036

210 Linwood Lane, Kenai, AK 99611

KENAI

WC Shuster ¹

940114076

P.O. Box 615, Seward, Alaska 99664

SEWARD

Wendell L. Jones ¹

940112046

P.O. Box 844, Soldotna, AK 99669-0844

KENAI/SOLDOTNA

Wendell L. Jones ²

940118098

P.O. Box 844, Soldotna, AK 99669-0844

KENAI/SOLDOTNA

William F. Weller

940113073

William G. Percy ¹

940110029

Oregon State University

Oceanography Administration Building 104, Corvallis, OR

97331-5503

William P. Lindow ¹

940112045

7920 Evander Drive, Anchorage, AK 99518

ANCHORAGE

William T. Kenyon ²

940118140

Box 1390, Cordova, AK 99574

CORDOVA

Wyn Meneffee ¹

940105017 HCO2 7691-D, Palmer, AK 99645

address	Location

12907 Brandon Street, Anchorage, AK 99515	ANCHORAGE
13010 Galveston Circle, Anchorage, Alaska 99516	ANCHORAGE
17724 North Juanita Loop, Eagle River, AK 99577	ANCHORAGE
20441 Ptarmigan Boulevard, Eagle River, AK 99577-8736	ANCHORAGE
2840 Pocupine Trail	ANCHORAGE
3201 Amber Bay Loop, Anchorage, AK 99515	ANCHORAGE
3221 West 69th Avenue, #2, Anchorage, AK 99502-3008	ANCHORAGE
3301 C Street, Suite 300, Anchorage, AK 99503	ANCHORAGE
3501 Denali, Suite 202, Anchorage, AK 99503	ANCHORAGE
3543 Newcomb Drive, Anchorage, AK 99508	ANCHORAGE
3812 Katmai Circle, Anchorage, AK 99517-1024	ANCHORAGE
4101 University Drive, APU Box 335, Anchorage, AK 99508-4672	ANCHORAGE
4175 Tudor Centre Dr., Suite 101, Anchorage, Alaska 99508	ANCHORAGE
4200 University Drive, Anchorage, Alaska 99508	ANCHORAGE
4622 Pavalof Street, Anchorage, AK 99507	ANCHORAGE
4630 Reka Drive, Suite C-5, Anchorage, AK 99508	ANCHORAGE
500 West 31st Avenue, Anchorage, AK 99503	ANCHORAGE
address	Location

560 East 34th Ave., Suite 200, Anchorage, Alaska 99503-4196	ANCHORAGE
6600 Baby Bear Drive, Anchorage, AK 99507	ANCHORAGE
7920 Evander Drive, Anchorage, AK 99518	ANCHORAGE
Box 544, Anchorage, AK 99508	ANCHORAGE
Box 92535, Anchorage, AK 99509	ANCHORAGE
Eagle River, Alaska 99577	ANCHORAGE
HC 83 Box 1653, Eagle River, AK 99577	ANCHORAGE
P.O. Box 110263, Anchorage, AK 99511	ANCHORAGE
P.O. Box 112612, Anchorage, AK 99511-2612	ANCHORAGE
P.O. Box 113769, Anchorage, AK 99511	ANCHORAGE
P.O. Box 1247, Anchorage, AK 99520	ANCHORAGE
P.O. Box 389, Girdwood, AK 99587	ANCHORAGE
P.O. Box 670722, Chugiak, AK 99567-0722	ANCHORAGE
P.O. Box 672352, Chugiak, AK 99567	ANCHORAGE
P.O. Box 770061, Eagle River, AK 99577	ANCHORAGE
P.O. Box 877572, Wasilla, Alaska 99687	ANCHORAGE
P.O. Box 90612, Anchorage, Alaska 99509	ANCHORAGE
-0-	ANCHORAGE
address	Location

Box 1040, Cordova, AK 99574	CORDOVA
Box 1052, Cordova, AK 99574	CORDOVA
Box 1122, Cordova, AK 99574	CORDOVA
Box 1185, Cordova, AK 99574	CORDOVA
Box 1303, Cordova, AK 99574-1303	CORDOVA
Box 1390, Cordova, AK 99574	CORDOVA
Box 1500, Cordova, AK 99574	CORDOVA
Box 1566, Cordova, AK 99574	CORDOVA
Box 1955, Cordova, AK 99574	CORDOVA
Box 1975, Cordova, AK 99574	CORDOVA
Box 2113, Cordova, AK 99574	CORDOVA
Box 2272, Cordova, AK 99574	CORDOVA
Box 436, Cordova, AK 99574	CORDOVA
Box 596	CORDOVA
P.O. Box 1032, Cordova, AK 99574	CORDOVA
P.O. Box 1185, Cordova, AK 99574	CORDOVA
P.O. Box 1210, Cordova Alaska 99574	CORDOVA
P.O. Box 1241, Cordova, AK 99574	CORDOVA
address	Location

P.O. Box 1312, Cordova, AK 99574	CORDOVA
P.O. Box 2055	CORDOVA
P.O. Box 238, Cordova, AK 99574	CORDOVA
P.O. Box 2603, Cordova, AK 99574	CORDOVA
P.O. Box 2705	CORDOVA
P.O. Box 319, Cordova, AK 99574-0319	CORDOVA
P.O. Box 340, Cordova, AK 99574	CORDOVA
P.O. Box 432, Cordova, AK 99574	CORDOVA
P.O. Box 548, Cordova, AK 99574	CORDOVA
P.O. Box 650, Cordova, AK 99574	CORDOVA
P.O. Box 669, Cordova, Alaska 99574	CORDOVA
P.O. Box 705, Cordova, AK 99574	CORDOVA
P.O. Box 723, Cordova, Alaska 99574	CORDOVA
P.O. Box 939, Cordova, AK 99574	CORDOVA
P.O. Box 939, Cordova, Alaska 99574	CORDOVA
P.O. Box 94, Cordova, AK 99574	CORDOVA

KETCHIKAN
SEWARD
Location

[illegible]

SEWARD
SEWARD
USA
USA
USA
USA
USA
USA

USA
USA

person	address	location
Gordon A. Wickstrom	P.O. Box 1795, Seward, Alaska 99664	SEWARD

person	address	location
Lew M. Williams, Jr.	755 Grant Street	KETCHIKAN
Lew M. Williams, Jr.	755 Grant Street	KETCHIKAN
Lew M. Williams, Jr.	755 Grant Street	KETCHIKAN
Lew M. Williams, Jr.	755 Grant Street	KETCHIKAN
Frank M. Siemion	P.O. Box 2055	CORDOVA
Frank M. Siemion	P.O. Box 2055	CORDOVA
David Blake	P.O. Box 2705	CORDOVA
David Blake	P.O. Box 2705	CORDOVA
L.L. Clark	2840 Pocupine Trail	ANCHORAGE
L.L. Clark	2840 Pocupine Trail	ANCHORAGE
L.L. Clark	2840 Pocupine Trail	ANCHORAGE
L.L. Clark	2840 Pocupine Trail	ANCHORAGE
Brent Whitmore	Box 1046, Seward, Alaska	SEWARD

99644

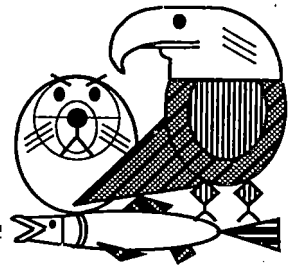
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



September 6, 1994

RECEIVED
SEP 06 1994

Chip Thoma
2 Marine Way, Suite 203
Juneau, AK 99801

Chip
Dear Mr. Thoma:

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Thank you for your suggestions regarding public access to Trustee Council documents. After discussions of your concerns and suggestions with Jim Ayers, L.J. Evans and staff in the Juneau office, we have taken the following actions:

- In the future, notice of Trustee Council meetings will be published in the Juneau Empire at least a week in advance of the meeting whenever possible.
- Standard procedures have always been to send a packet of the same public materials which go to the Legislative Information Offices to Jim Ayers' office in Juneau before a Trustee Council meeting. Unfortunately, the person who usually oversees distribution of the packets was on annual leave the week before the August 23 meeting and her replacement did not know this was part of the task, an oversight which has been remedied. These documents are often undergoing review and revision until just a few days before Trustee Council meetings. They will be available to the public in the Juneau office as much in advance of the meeting as possible, at about the same time they are available at the Legislative Information Offices.
- A space has been designated in the Juneau office for the public to review copies of Trustee Council documents. However, since they do not have space to store enough documents to accommodate requests for copies, those requests will have to be routed through the Oil Spill Public Information Center or our office in Anchorage.

We checked our mailing list database and found that you are indeed listed with the address above. You should continue to receive all Trustee Council documents. If you think you are having any problems with receiving Trustee Council documents, please let us know. We appreciate your continued interest and involvement in the ExxonValdez oil spill process.

Sincerely yours,

Molly

Molly McCammon
Director of Operations

Trustee Agencies

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

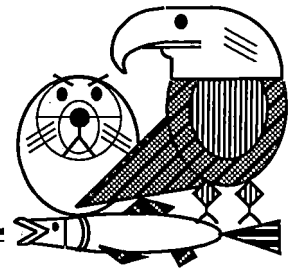
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



July 5, 1994

Susan Kitchen
340 Naples Street
Chula Vista, CA 91911

RECEIVED
JUL 07 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Ms. Kitchen:

Your letter to Governor Hickel concerning the *Exxon Valdez* oil spill has been forwarded to me for reply.

In October of 1991, Exxon Corporation and Exxon Shipping settled with the State and Federal governments for civil damages resulting from the 1989 spill. The settlement amount of \$900 million was unprecedented, not only in terms of the amount but also the swiftness of its resolution. For comparison, it took almost 14 years for plaintiffs injured by the *Amoco Cadiz* spill of 1978 to settle with the tanker's owners, and for \$235 million, some 26 % of the *Exxon Valdez* settlement.

A Trustee Council representing the state and federal government was set up to manage the settlement funds for "restoring, replacing, enhancing, or acquiring the equivalent of natural resources injured as a result of the oil spill and the reduced or lost services provided by such resources..." The Trustee Council has developed a balanced, comprehensive, ecosystem-based approach to restoration which, we believe, will address this mission through general restoration, research and monitoring, and habitat protection.

You mention lingering injuries in the spill region. Our scientists continue to confirm that there are injuries to individual species and to ecosystems affected by the spill. Our 1994 Status Report – a copy is enclosed for your use – contains a section entitled "Summary of Injuries" beginning on page 7 which spells out the most current information we have available on this subject. Scientists are currently conducting studies in Prince William Sound and other areas as part of research and monitoring efforts which will add to our understanding of these injuries, and aid in developing effective strategies for restoration and recovery.

One strategy for aiding restoration is to protect habitat important to species injured by the spill, particularly if the habitat harbors the species during a critical life stage, such as breeding or nesting. The Trustees have moved to protect habitat thus far in each of the regions affected by the spill, through purchase of lands on Afognak Island, near Kodiak; inholdings in Kachemak Bay State Park, near Homer on the Kenai Peninsula; and commercial timber rights on lands near Cordova, in Prince

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

William Sound. The Trustees have allocated approximately 42% of expenditures thus far for habitat protection. In evaluating each habitat protection opportunity, Trustee Council staff must rate the potential effect on species which were injured by the spill of protecting those lands from future or pending commercial development such as logging. If the link to an injured species is not clear, the Trustees can not take action to purchase or otherwise protect habitat.

General or direct restoration programs are also underway. For example, mussel beds in Prince William Sound — an important food source for a number of species showing lingering problems — continue to hold oil from the *Exxon Valdez*. A project planned for this summer will remove the oil, and the mussels will be returned to clean substrates. The mussels will then flush the oil out of their tissues, thereby removing a continuing source of petroleum contamination in the food chain.

The Trustees are indeed looking to the health of the entire ecosystem, not just in Prince William Sound but throughout the spill region. The Trustees have also made a commitment to public involvement in the process, and we thank you for your suggestions.

Sincerely yours,



Molly McCammon
Director of Operations

cc: James R. Ayers
Governor Hickel

from
from Calif.

May 9, 1994

Dear Governor,

I am writing to you about the on going environmental crisis in Prince William Sound. I am disgusted that 70% of the 240 million received from Exxon intended for rehabilitation, has instead been wasted on administrative costs, etc. Exxon claims that there are no residual effects left from the oil spill.

Outside Magazine reported that studies by biologists show contaminated salmon eggs, stunted growth in juveniles, and damage in multiple generations. There have also been declines in otters, seals and herring. Since the heavy toxins like tar, asphaltics, etc., are still around, it only makes sense that they are still around in the food web.

Although many people think that time is the only thing that will heal the sound, I think that there are other things that threaten it. One biologist has suggested that settlement money could be better used by acquiring forest land adjacent to the sound. I think that he is right. Increased logging along the sound will increase sediment runoff, changing it's composition forever.

You spend millions of dollars to promote Alaska tourism, and I think it would be disturbing to see the ugly scars of clear cut forest next to the sound. You have to think about the future of the land. Someday, Prince William Sound will renew itself but it is up to you to save the land that is tied to it.

Please see to it that the rest of the money is not spent in vain. The money will be well spent if the entire ecosystem of Prince William Sound is protected.

Sincerely,

Susan Kitchen
Susan Kitchen

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Dep. + + w

JUN 03 1994

Office of the General
Anchorage ch
Anchorage, Alaska

RECEIVED
MAY 31 1994

GOVERNOR'S OFFICE

Susan Kitchen
340 Naples Street
Chula Vista, CA 91911



Governor of Alaska
Pouch A
Juneau, Alaska 99811



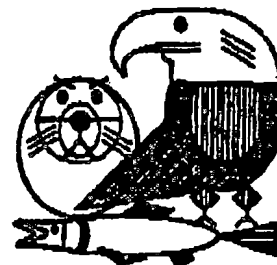
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



Resolution of Appreciation for Michael A. Barton
Recognizing His Outstanding Leadership and Dedication

as

Trustee Council Member for the
U.S. Department of Agriculture on the
Exxon Valdez Oil Spill Trustee Council

The *Exxon Valdez* Oil Spill Trustee Council expresses its profound appreciation to **Michael A. Barton** for his extraordinary leadership and stewardship as the Trustee Council Member for the U.S. Department of Agriculture on the *Exxon Valdez* Oil Spill Trustee Council. From the time of the spill, during response and damage assessment, as well as subsequent planning and implementation of restoration activities, **Michael Barton** always brought exceptional judgment and insight to the process of formulating policy for the restoration of the injured natural resources and the services they provide. **Michael Barton's** dedication to service and his composure under pressure contributed significantly to the Trustee Council's design of a balanced approach to restoration of the spill affected area. The Trustee Council unanimously commends **Michael Barton** for his professionalism and friendship and wish **Michael Barton** well in future endeavors.

James Wolfe
Regional Forester
USDA Forest Service

Bruce Botelho
Attorney General
State of Alaska

George T. Frampton, Jr.
Assistant Secretary
U.S. Department of Interior

John A. Sandor
Commissioner
Department of Environmental Conservation

Steve Pennoyer
Director
National Marine Fisheries Service

Carl L. Rosier
Commissioner
Department of Fish and Game

Trustee Agencies

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

a.c. 13.1.3 C

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Suite 401, Anchorage, AK 99501-3451

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



RESOLUTION OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

**EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD**

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

1. The Eyak Corporation and Sherstone Corporation ("Sellers") together own the commercial timber rights on lands located west of Orca Narrows near Cordova, Alaska (the "Orca Narrows area"). There is a sub-parcel of these lands ("the Orca Narrows sub-parcel") consisting of approximately 2,052 acres and more particularly described as all lands in sections 29, 30, and 31 of township 14S, range 3W and all lands in sections 25, 26, 34, 35, and 36 of township 14S, range 4W, Copper River Meridian. The Orca Narrows sub-parcel was conveyed to Eyak Corporation pursuant to the Alaska Native Claims Settlement Act.

2. The Orca Narrows sub-parcel is within the oil spill affected area.

3. A substantial portion of the Orca Narrows area (including the Orca Narrows

Trustee Agencies

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

sub-parcel) is threatened with imminent clearcut logging. Permits have been secured or are pending for commercial logging operations on this land and Sherstone Corporation has entered into a logging contract with the Rayonier Corporation. The majority of the commercial timber in the Orca Narrows area is slated for harvest by clearcut logging over the next few years.

4. The Orca Narrows area includes important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented. There is evidence that the Orca Narrows area is an important marbled murrelet nesting area and there are substantial feeding concentrations of this species in this area. The extent to which marbled murrelets are naturally recovering from the oil spill is unknown. Logging may directly affect these foraging and nesting activities and hence the rehabilitation of this species. There are known concentrations of sea otters in Orca Bay and Orca Inlet. Sea otters were injured by the oil spill. There are ten documented bald eagle nests on the Orca Narrows area with feeding and roosting occurring along the shoreline. The area has a high value for recreation and tourism and is highly visible to the nearby community of Cordova. There is substantial recreational use of Milton Lake and Hole-in-the-Wall. The area has high scenic value. The Orca Narrows area has high subsistence value for the hunting of land mammals. Subsistence usage is a service lost or diminished as a result of injuries to natural resources from the oil spill.

5. Existing laws and regulation, including but not limited to the Alaska Forest Practices Act, the Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal

Management Act, the Bald Eagle Protection Act, and the Marine Mammals protection Act, are intended, under normal circumstance, to protect resources from serious adverse affects from logging and other developmental activities. However, restoration, replacement, and enhancement of resources injured by the *Exxon Valdez* oil spill present a unique situation. Without passing on the adequacy or inadequacy of existing law and regulation to protect resources, biologists, scientists and other resource specialists agree that, in their best professional judgement, protection of habitat in the spill affected area to levels above and beyond that provided by existing law and regulation will likely 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 for the protection of the Orca Narrows area.

7. Purchase of the commercial timber rights for the Orca Narrows sub-parcel is an appropriate means to restore a portion of the injured resources and the services they provide in the oil spill area. This restoration action will be much more effective if the restoration measures on other portions of Sellers' lands as identified in the 4/28/94 Trustee Council letter to the Sellers are also implemented.

THEREFORE, we resolve to offer to buy from the Sellers the commercial timber from the Orca Narrows sub-parcel, consisting of approximately 2,052 acres and described as all lands in sections 29, 30, and 31 of township 14S, range 3W, and all lands in sections 25, 26, 34, 35, and 36 of township 14S, range 4W, Copper River Meridian, pursuant to the

following conditions:

(a) the commercial timber rights are in perpetuity and include the right to any revenue in excess of removal costs resulting from the sale of timber removed incident to any other activity and the right, but not the obligation, to reforest the parcel should the timber on the parcel be destroyed through events such as insect damage, fire or windstorms;

(b) the appraised value will be determined by an appraiser to be selected and paid for by the Trustee Council and the appraisal will be undertaken by the Trustee Council as a priority. The appraised value will be determined as of May 1, 1994 and, to the extent allowed by law, will consider the Rayonier market and cost information prepared for its 1994 operations on the sub-parcel;

(c) a satisfactory title search and hazardous substances survey is completed and Sellers are able to convey title to the commercial timber by general warranty deed;

(d) there is satisfactory compliance with the National Environmental Policy Act;

(e) a final purchase agreement is signed within fifteen days from today and, to the extent practicable, all conditions precedent to closure, transfer of title and payment of the purchase amount will be completed within 90 days from today;

(f) Sellers will be paid fair market value determined as of May 1, 1994 for the commercial timber rights;

(g) no commercial timber harvesting or related road development will occur prior to March 1, 1995 on Sellers' lands described in the Trustee Council's letter of April 28, 1994, notwithstanding any subsequent actions by the Council or the Sellers with respect to a more comprehensive protection package. The Council will pay to Sherstone Corporation \$400,000 for this "moratorium", provided that, if the fair market value of the commercial timber per one thousand board feet exceeds \$160, the price the Council pays for the moratorium will be reduced by \$100 for each one cent the fair market value of the commercial timber is above \$160 per thousand board feet. The price of the moratorium will not be less than zero.

Title to the Orca Narrows sub-parcel commercial timber rights shall be conveyed to the United States subject to the following conditions:

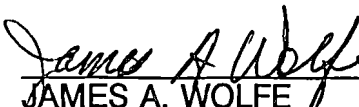
(h) there shall be no commercial timber harvest on these lands;

(i) once these commercial timber rights have been conveyed to the United States of America, they may not be conveyed to any other entity for any purpose, and in the event that there is an attempt by the United States to convey the commercial timber rights acquired through this resolution to any entity, in lieu of that conveyance, title to these commercial timber rights shall go to the State of Alaska, subject to the conditions of


subparagraph (h).

The State of Alaska Department of Law and the United States Department of Justice are requested, upon notification that a purchase agreement has been executed for the interests described in the resolution, to petition the United States District Court to release trust funds in the amount of \$2,000,000 for the acquisition of these rights by the United States.

The Trustee Council views this agreement to purchase the commercial timber rights on the Orca Narrows sub-parcel as only the first step in acquiring protection for natural resources injured by the oil spill that are present on Sellers' lands. The Council appreciates the views presented in the final paragraph of the Sellers' letter of May 2, 1994 in this regard and desires to move quickly to the more comprehensive approach outlined in our letter of April 28, 1994 including the need to address public access to all lands on which less than fee title interests are acquired by the United States. The Council acknowledges the Sellers' needs to reasonably regulate uses on those lands. Accordingly, this offer presumes receipt of a more detailed offer addressing these concerns in the next fifteen days.


JAMES A. WOLFE
Trustee Representative
Alaska Region
USDA Forest Service

Dated 5/3/94


BRUCE M. BOTELHO
Attorney General
State of Alaska

Dated 5/3/94

Orca Narrows Sub-parcel Resolution - May 3, 1994

Deborah Williams ^{ALT.} Dated 5/3/94 *Steven Pennoyer* Dated 5/3/94
for GEORGE T. FRAMPTON, Jr. STEVEN PENNOYER
Assistant Secretary for Fish, Director, Alaska Region
Wildlife & Parks National Marine Fisheries
U.S. Department of the Interior Service

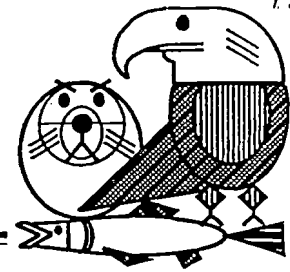
Carl L. Rosier Dated 5/3/94 *John A. Sandor* Dated 5/3/94
CARL L. ROSIER JOHN A. SANDOR
Commissioner Commissioner
Alaska Department of Fish & Alaska Department of
Game Environmental Conservation

13.1.3B
Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



January 11, 1994

Brad Phillips
Public Advisory Group - Chair
POB 100034
Anchorage, Alaska 99510-0034

RECEIVED
JAN 16 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Mr. Phillips:

I am convening a small group of scientists, federal and state agency representatives, and several members of the public to begin discussion of an ecosystem-based management strategy for the Draft Restoration Plan prepared by the Exxon Valdez Oil Spill Trustee Council. Because of your past experience with the Trustee Council's activities, I would like you to be present at this meeting, scheduled to begin at 8:30 a.m., on January 13, 1994, in the Exxon Valdez Restoration Office 4th floor large conference room, 645 G Street, Anchorage. The meeting will reconvene on the 14th at 8:30 a.m. in hopes we will conclude by 3:00 p.m.

This meeting is the result of a decision by the Trustee Council at its November 30, 1993 meeting to incorporate an ecosystem-based management structure into restoration planning. My ultimate goal as you can see from the agenda is to develop management objectives and specific strategies for each key species, restoration process, and service. I am especially interested in your views on how we integrate the management structure with ongoing and proposed scientific activities conducted under the Restoration Plan. We may not be able to complete the comprehensive structure during the two days, but I am confident with your help and support we can build the framework and engage in lively productive dialogue concerning management by objectives for implementation of the Restoration Plan.

Please contact Rebecca Williams at 278-8012 if you will be able to attend this session. I look forward to your participation.

Sincerely,

James R. Ayers
Executive Director

Enclosure: Draft agenda

Trustee Agencies

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

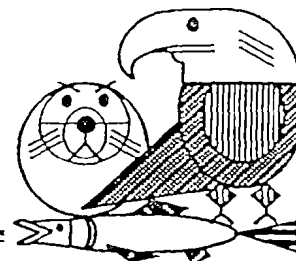
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



January 6, 1994

Bill Brighton, Assistant Chief
Environmental Enforcement Section
Environment & Natural Resources Division
Department of Justice
POB 7611
Ben Franklin Station
Washington, DC 20044-7611

RECEIVED
JAN 5 1 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Mr. Brighton:

The Trustee Council has received considerable comment from the public suggesting that some monies from the Exxon Valdez Oil Spill Trustee Fund be set aside for long term restoration research and monitoring. For example, in response to the Draft Restoration Plan brochure, approximately two thirds of the public who commented on this issue supported some form of long term funding. Accordingly, at its November 30, 1993 meeting, the Trustee Council directed me to develop several options for reserving trust funds for restoration monitoring and research extending beyond the date of the last payment from Exxon. Some of these options raise fundamental legal issues and the Council requested that I seek the legal opinion of the Justice Department on these issues.

Specifically, I would appreciate your views on the following:

1. Rate of Return - The trust funds are currently held in the Court Registry Investment System pursuant to an order of the United States District Court. The investment return on these funds is very low (currently 2.86%) as contrasted to returns by other investment funds (e.g., for the Alaska Permanent Fund in FY93, 12.65% unrealized or 9.55% realized). To minimize the amount of trust funds required as principal, the monies set aside should be invested elsewhere for a higher rate of return. Can these funds be invested by the Trustee Council in another account? In the alternative, could the Trustee Council designate a State agency to be the agency carrying out this project, withdraw the principal to be reserved, pass those funds to the State, and allow the State to invest the funds through one of its investment systems such as the Permanent Fund until the money is required for expenditure? This is the way in which all other projects are currently handled.
2. Management of Reserved Funds - Can the reserved monies be set aside in an endowment managed by an entity other than the Trustee Council, or must the

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

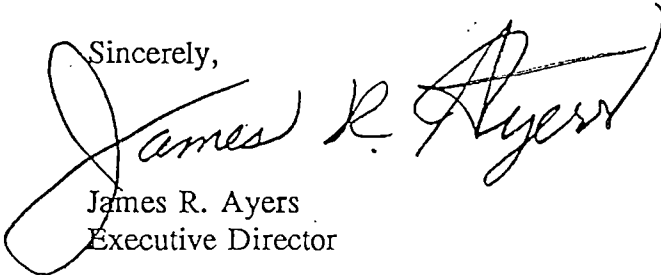
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Trustee Council remain in existence and control expenditure of the funds until all are spent? Would it make a difference if the separate entity was required to adhere to strict standards, derived from the Memorandum of Agreement, in determining how to spend the funds?

3. Type of Reserved Funds - We do not know how long it will be necessary to continue restoration monitoring and research. To create flexibility, can the reserved monies be administered so as to exist in perpetuity (by expending only the interest available after inflation proofing), pending a future decision by the appropriate entity to end the program? In the alternative, can we create a declining balance fund over a specific period of time, even though we do not have sufficient information to determine what that time period should be?

I would appreciate receiving your views on these issues before the next Trustee Council meeting, now scheduled for January 31, 1994. If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "James R. Ayers". The signature is written in dark ink and is positioned above the printed name and title.

James R. Ayers
Executive Director