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P.O. Box 705
Cordova, AK 99574
(907) 424-5800 FAX (907) 424-5820

RECEIVED
JAN 14 1993

December 1, 1992

Dave R. Gibbons, Ph.D.
Interim Administrative Director
Exxon Valdez Oil Spill Restoration Team
645 "G" Street
Anchorage, AK 99501

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

% U.S.F.S. 709 W. 9th St., #225
Juneau, AK 99801

Dear Dr. Gibbons:

It was good to talk with you today. As we discussed, the executive of the Oil Spill Recovery Institute has requested that I make a presentation at the next Trustee Council meeting after the first of the year. Please forward this request to be placed on the agenda to the Trustee Council Chair.

As you know, the Oil Spill Recovery Institute was established through the Oil Pollution Act of 1990 to fund research and monitoring programs on oil spill technology and long-term damage assessment of the Exxon Valdez oil spill. In addition to this Congressional authorization, the joint House-Senate conference committee issued a statement that they expected the Institute to be funded by the Exxon Valdez Oil Spill settlement (attachment 1).

The first meeting of its 19-member Advisory Board occurred October 8-9, 1992. Draft minutes of that meeting, a news release and an Advisory Board membership list are enclosed (attachments 2, 3 and 4).

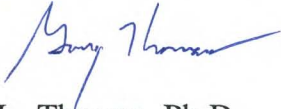
In my presentation to the Trustee Council, I would like to summarize the Advisory Board's discussions at that meeting, describe the Institute's strategic plan and propose a cooperative agreement with the Council.

I'd appreciate your response to this request later this month in order to prepare for the presentation in January or February 1993.

Thank you and happy holidays.

Letter to Dave Gibbons
December 1, 1992
Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "G.L. Thomas", with a long horizontal flourish extending to the right.

G.L. Thomas, Ph.D.
Director

Enclosures

cc: Dr. John Calder, NOAA

United States House Congressional Record
September 28, 1992

Excerpt from Conference Committee Report - National Ocean Service

"The conferees recommend 450,000 for a new program to address the algae bloom crisis on the west Maui coastline of Hawaii. These funds are to be granted to the State of Hawaii to perform research and remediation.

The conferees note that no funding has been provided for the Prince William Sound Oil Spill Recovery Institute established by Section 5001 of the Oil Pollution Act of 1990-(__ U.S.C. 2__) due to the fact that the government has received monies from the *Exxon-Valdez* settlement agreement that are to be used under that agreement for some of the very purposes for which the Institute was established. The conferees intend that funds for the Institute should be provided from monies received from the settlement agreement."

Unofficial Minutes - reviewed by the Chairman but not yet approved by the Board

Prince William Sound Oil Spill Recovery Institute

Advisory Board Meeting

October 8-9, 1992

Reluctant Fishermen Inn -- Cordova, Alaska

Chairman John Calder called the meeting to order at 9:10 a.m.

Board members present: John Calder, Helmer Olson, John Klepper, Mead Treadwell, Suzanne Hancock, Jerome Montague, Paul Jackson, Roger Trani, Bruce Van Zee, Capt. Donald Bodron, Cmd. Rob Frazier, Glenn Reed, John Goering, and Gary Thomas. Pamela Bergmann also was present representing Paul Gates (Dept. of Interior). Gail Evanoff arrived about 10:15 a.m.

Guests: Brian Gilbert (Pres., Cordova Chamber of Commerce), Mary Anne Bishop (Acting Director, Copper River Delta Institute), Gary Bader (Alyeska Pipeline Service Co.), R.J. Kopchak (Board member, Prince William Sound Science Center), Bill Hines (National Marine Fisheries Service), Bob Levine (ARCO Alaska), Mark Saul (Chugach Alaska Corporation), Ted Cloudman (Cordova resident) and Nancy Bird (staff, Oil Spill Recovery Institute and PWS Science Center).

Introductions

Board members introduced themselves.

Dr. Thomas gave a brief overview on activities of the Prince William Sound Science Center and development of the Oil Spill Recovery Institute. He then introduced R.J. Kopchak who is a founding Board member of the Science Center; Kopchak spoke on the legislative development of the Oil Spill Recovery Institute.

A 15-minute break was taken.

Chairman's report

Dr. Calder reviewed the responsibilities of the Advisory Board as outlined in Section 5001 of the Oil Pollution Act of 1990 (OPA '90).

Review of Draft Bylaws

The Draft Bylaws presented to Board members in their packets were reviewed line by line. Extensive discussion ensued and continued throughout the first day of the meeting. Revisions to the draft presented were agreed to on a consensus basis and a new draft was presented to the Board on the second morning of the meeting.

There was discussion regarding the qualification of one of the Board members, Paul Jackson, nominated by the Alaska Federation of Natives. It was noted that although there are three Alaska Natives serving on the Advisory Board, as required by OPA '90 (Evanoff, Olson and Kompkoff), Jackson is not Native and, therefore, is not a "qualified individual" as defined in Section 5001(c)(1)(D) of OPA '90. Dr. Calder and Dr. Thomas will contact Julie Kitka, President of the Alaska Federation of Natives, to clarify this issue.

On the issue of alternate members attending meetings of the Advisory Board, it was decided that alternates are welcome to participate in discussions but they may not vote.

The Board recessed about 5:15 p.m.

Friday, October 9

Present: The same Board members were present as on Thursday. Guests who attended part or all of Friday's meeting included Hines, Levine, Bishop, Michelle Hahn O'Leary (Cordova District Fishermen United) and Paul Quesnel (BP Alaska).

Copies of the revised bylaws were distributed. Dr. Calder called the meeting back to order and invited discussion or amendments to the bylaws.

Amendments discussed and consensus agreement reached to change language in specific sections as follows:

- 1) Article VI, Section 3(C) - ". . pursuant to Section 5 of this Article"
- 2) Article VI, Section 5 - "All meetings of the Board shall be open to the public and shall be preceded by reasonable notice to the public of the time, place and subject matter of the proceeding."
- 3) Article VI, Section 8(C) - Delete "otherwise, the tally of affirmative and negative votes shall be entered into the minutes of each meeting". Language remaining states "At the request of a Board member, a roll call vote will be taken."
- 4) Article VI - Add a new Section 9 stating "Executive Sessions. The Board may retire into executive session at any time in compliance with applicable federal, state, municipal or organizational regulations regarding executive session."
- 5) Article VII, Section 1 - Amend last sentence of this section to read "The "academic community" includes all individuals identified by the Board, regardless of affiliation, for the expertise they may contribute to the Committee."
- 6) Article VII, Section 1(A) - Delete the last incomplete sentence (typographical error)
- 7) Article VII, Section 1(B) - Amend to read "This Committee Chairperson shall be appointed by the Board Chairperson and shall serve a two-year term or otherwise serve at the pleasure of the Board Chairperson."

Motion by Olson, seconded by Dr. Goering to approve the bylaws as presented and amended this morning, subject to a legal review by the Department of Commerce.

Motion passed, 13-0.

A short break was taken.

Election of Officers

The Chairperson opened nominations for Vice-Chair. Mead Treadwell and Capt. Donald Bodron were nominated. Board members voted by secret ballot and Treadwell was elected Vice-Chair.

Nominations were opened for Secretary: Capt. Donald Bodron, Suzanne Hancock and Gail Evanoff were nominated. Board members voted by secret ballot and Capt. Bodron was elected Secretary.

Nominations were opened for Treasurer: Gail Evanoff, Bruce Van Zee and Helmer Olson were nominated. No one received a majority of the vote in the first ballot. A second ballot was taken in a run-off election between Evanoff and Van Zee. Evanoff was elected Treasurer.

Committees

Executive Committee

Motion by Dr. Calder, seconded by Treadwell to appoint an Executive Committee composed of the Board's officers, the Chairperson of the Scientific and Technical Committee and the Institute's Director. Discussion.

Motion passed, 13-0.

Finance Committee

Discussion followed regarding whether there is a need for a Financial review committee.

Treasurer Evanoff expressed support for a committee to assist her.

Motion by Treadwell, seconded by Bergmann that a three (3) member Finance Committee be appointed. Clarification was made that this committee, including the Treasurer, will actually be a four-member committee.

Motion passed, 13-0.

Dr. Calder asked for volunteers to serve on the Finance Committee. Van Zee, Olson and Commander Frazier volunteered.

Motion by Reed, seconded by Montague to appoint Van Zee, Olson and Commander Frazier to the Finance Committee.

Motion passed, 13-0.

Scientific and Technical Committee

Discussion indicated a consensus to limit the size of this committee.

Motion by Reed, seconded by Commander Frazier to appoint a three (3)-member committee. Discussion followed on the selection process.

Friendly amendment made to Reed's motion, with agreement of the second, Commander Frazier, to appoint a maximum of five individuals to serve on the Scientific and Technical Committee.

Motion passed, 12-1.

Appointment of Chairperson

Dr. Calder asked if there were any objections to the appointment of Dr. Goering as Chairperson of the Scientific and Technical Committee. There were none. Further discussion ensued regarding the purpose and responsibilities of the Scientific and Technical Committee.

General agreement was reached that the Advisory Board should identify the broad questions and scientific issues, and use the Scientific and Technical Committee for peer review and technical advice. There was agreement that peer review by specific experts can always be sought. The Advisory Board is not limited to seeking advice only from its Scientific and Technical Committee. A suggestion was made that one task for the Committee will be to compile a list of experts on specific topics for the Advisory Board.

There was also some discussion on the other organizations -- state, federal and private -- doing research on oil spill impacts, and technical and prevention-oriented issues. There was general agreement that the Institute's research program should complement projects of these groups.

Consensus reached that: 1) the committee Chairperson suggest four committee members to the Advisory Board by sending their vitas to Board members; and 2) the Executive Committee review and approve the proposed appointments.

Motion by Dr. Calder, seconded by Capt. Bodron to give Dr. Goering a vote of confidence. **Motion passed.**

Motion by Capt. Bodron, seconded by Treadwell stating that Dr. Goering is authorized by the Advisory Board to select the Committee members and notify Board members of his selections. **Motion withdrawn.**

Strategic Planning and Proposal for use of FY92 carry-over funds

Dr. Thomas described a cooperative agreement proposal for submittal to NOAA for a 2-year budget for the Institute of \$200,000 each year: \$100,000 to a) develop a long-term funding plan

and b) organize Advisory Board and Committee meetings; and \$100,000 to support small research and publication grants. Discussion included comments that the Institute's funding should be used as leverage to build a long-term program and involve federal and state agencies. Commander Frazier strongly encouraged all Advisory Board members to investigate possible funding sources within their own agency for joint projects and assist Dr. Thomas. Further discussion.

Motion by Commander Frazier, seconded by Treadwell to adopt Resolution 93-01:

RESOLUTION 93-01

RESOLVED, that the Director is authorized to request \$400,000 from the National Oceanic & Atmospheric Administration to develop a sustainable, long-term program to include educational/outreach and research/development objectives for the Prince William Sound Oil Spill Recovery Institute; and

FURTHER RESOLVED, that expenditures over the next two years shall be equally divided between the two objectives and prioritized by the Executive Committee to best support development of long-term partnerships with other funding sources.

Motion passed.

It was noted that the proposal submitted to NOAA should be circulated to all Advisory Board members.

Comments on draft Strategic Plan

Dr. Thomas asked Board members for written comments on this draft and suggested they particularly consider the questions: "What role will the Institute play? What do we want the Institute to look like?"

Geographic Information Systems for the oil spill impacted region

Bob Levine, of ARCO Alaska, briefly described a GIS model for near-shore response compiled by Alyeska Pipeline Service Co. and suggested it may be possible to turn this program over to the Institute. Discussion.

(Advisory Board members Capt. Bodron and Glen Reed and guest Bill Hines left for the airport at this time)

Suggestions were made to adopt a resolution advocating one data base for a regional GIS and to invite all parties currently using or building a GIS program to a joint workshop to discuss creation of a consortium on the data issue.

Motion by Commander Frazier, seconded by Treadwell to adopt Resolution 92--02:

RESOLUTION 93-02

The Institute resolves that there should be one natural resources information and oil spill impact data base for the arctic, sub-arctic and Exxon Valdez spill-affected area within the State of Alaska. It is further resolved that the Institute will pursue a leading role in coordinating, developing and maintaining a single public access data base.

Motion passed.

A break was taken.

Future direction for the Institute

Dr. Calder invited discussion on this issue. Commander Frazier expressed great interest by the Dept. of Navy in seeing technical development and an independent testing site; he also expressed interest in having someone with an engineering background on the Institute's staff. Trani said he would like to see the Institute's physical facilities developed. Jackson stated that the Institute should be totally interdisciplinary.

Commander Frazier pointed to verbiage in the draft strategic plan under "Goals, Objectives and Tasks" and suggested a resolution be drafted using this language.

Miscellaneous business

Olson suggested that U.S. Federal Judge Holland be invited to an Advisory Board meeting.

Treadwell recommended a press release be sent out soon on this meeting, calling particular attention to the resolutions adopted. He also recommended letters be sent to Senator Ted Stevens and the mayors of communities in the Exxon Valdez oil spill impacted region describing the Board meeting. Finally, he suggested the Board meet with representatives from the energy industry and the Regional Citizens Advisory Council to discuss projects of mutual interest and the Institute's development.

TAPS funding

There was brief discussion regarding the possibility that the Institute could receive an appropriation from the balance of the TAPS fund; OPA'90 includes a clause authorizing such

an appropriation if there are funds left in the TAPS fund after certain claims are settled. The Executive Committee will investigate this issue.

(Gail Evanoff had to depart for the airport at this time)

Next meeting date

Olson invited the Board to hold its next meeting in Valdez. Agreement reached to schedule the next meeting in June. Staff was directed to send Board Members a check-list for several meeting dates in June to determine which date will be best. It was suggested that this meeting might be coordinated with the Trustee Council's meeting and recommended that the Regional Citizens Advisory Council and the state Hazardous Substance and Spill Technology Review Committee be invited.

The Executive Committee will review the cooperative agreement proposal to be submitted to NOAA prior to its submittal.

Bergmann requested that a more detailed Annual Plan be circulated before the June meeting.

Motion by Treadwell, seconded by Commander Frazier to adjourn the meeting at 4:05 p.m.
Motion passed.

(These minutes were prepared by Nancy Bird.)

Approved by the Advisory Board on _____
DATE

Captain Donald E. Bodron, Secretary

Prince William Sound Oil Spill Recovery Institute

P.O. Box 705 - Cordova, AK 99574

(907) 424-5800, FAX 424-5820

New Release: October 23, 1992

For more information, contact: Dr. Gary Thomas, Acting Director

A newly established organization, the Prince William Sound Oil Spill Recovery Institute, provides an unique forum for representatives from villages and cities in the region impacted by the Exxon Valdez oil spill. The public and Alaska Native community have seven voting representatives as compared to four state and six federal agency representatives on the Institute's Advisory Board. There are also two non-voting members from the Prince William Sound Science Center and the Institute of Marine Science, University of Alaska Fairbanks.

The Institute was authorized by the Oil Pollution Act of 1990. The 19-member Advisory Board held its first meeting October 8-9 in Cordova.

"I was very pleased with the work accomplished at our first meeting," said Dr. John Calder, Chairperson of the Advisory Board. "The Board members are excited about building the Institute's programs in a complementary fashion with other organizations involved in research on the Exxon Valdez oil spill's impacts or on technical issues for dealing with oil spills in arctic and sub-arctic waters."

The Board passed a resolution endorsing the creation of one data base on natural resources for oil spill impact in the arctic, sub-arctic and the region affected by the Exxon Valdez oil spill. The Institute intends to pursue a leading role in "coordinating, developing and maintaining a single public access data base."

Calder, of the National Oceanic and Atmospheric Administration, was appointed Chairperson of the Advisory Board by the Secretary of Commerce. As stipulated by the Oil Pollution Act of 1990, the Institute is administered by the Secretary of Commerce through the Prince William Sound Science Center, a non-profit research organization based in Cordova.

The seven community and Native representatives serving on the Board were appointed by the Secretary of Commerce in August 1992 after receiving nominations from Governor Walter Hickel and the Alaska Federation of Natives. Governing bodies of the communities and villages impacted by the Exxon Valdez oil spill were given an opportunity last spring to submit Board nominations to the Governor.

Officers elected at the October meeting were: Vice Chairperson, Mead Treadwell (Deputy Commissioner, Alaska Dept. of Environmental Conservation); Treasurer, Gail Evanoff (Vice President for Operations, The Chenega Corporation); and Secretary, Capt. Donald E. Bodron, (Chief, Marine Safety Division, USCG, Juneau). Dr. G.L. (Gary) Thomas serves as Acting Director for the Institute.

Other voting members of the Board are: Suzanne Hancock, Kodiak Island Borough; John Klepper, City of Valdez; Roger Trani, City of Cordova; Helmer Olson, President, Valdez Native Association; Gary Kompkoff, Village of Tatitlek; Paul Jackson, Environmental Health Specialist, Chugachmiut; Bruce Van Zee, Chugach National Forest Supervisor, Anchorage; Paul Gates, Regional Environmental Officer, Dept. of Interior, Anchorage; Commander Rob Frazier, Dept. of Navy, Seattle; Alfred Lindsey, Director, Office of Environmental Engineering and Technology Development, Environmental Protection Agency, Washington, D.C.

Dr. John Goering, Associate Director of the Institute of Marine Science, University of Alaska Fairbanks, serves as a non-voting member. Dr. Thomas also represents the Prince William Sound Science Center on the Board as a non-voting member.

At the October meeting, Goering was appointed to chair the Institute's Scientific and Technical Committee. The Board endorsed a five-member committee who will review proposals and make recommendations as requested by the Board.

The Advisory Board reviewed and approved bylaws and approved a resolution authorizing the Acting Director to request \$400,000 from NOAA in Fiscal Year '93. These funds were carried over from a 1992 Congressional appropriation and will be spent over the next two years to develop a sustainable, long-term education, research and development program for the Institute.

The Institute is in the process of developing a long-term strategic plan for operations and fund raising. "Fundamental to the Institute's plans is to become a source of funding for competitive research and education grants from universities, agencies, private corporations, and individuals," said Dr. Thomas. He will work to develop cooperative agreements between other funding organizations and the Oil Spill Recovery Institute to make this endeavor efficient.

The Prince William Sound Oil Spill Recovery Institute was authorized by the Oil Pollution Act of 1990. As stated in Section 5001 of that act, "The Institute shall conduct research and carry out educational and demonstration projects designed to: (1) identify and develop the best available techniques, equipment and materials for dealing with oil spills in the arctic and subarctic marine environment; and (2) complement Federal and State damage assessment efforts and determine, document, assess and understand the long-range effects of the Exxon Valdez oil spill on the natural resources of Prince William Sound and its adjacent waters. . . and the environment, the economy, and the lifestyle and well-being of the people who are dependent on them, except that the Institute shall not conduct studies or make recommendations on any matter which is not directly related to the Exxon Valdez oil spill or the effects thereof."

(c:\osri\pr1stmtg)

**Advisory Board Members and addresses
Prince William Sound Oil Spill Recovery Institute**

Federal Department Representatives

Department of Commerce
(Chairperson of the Advisory Board)

Dr. John Calder
Senior Oceanographer
Program Development & Coordination
National Oceanic & Atmospheric
Administration
1335 East-West Highway
Silver Spring, MD 20910
Phone: (301) 713-2465
FAX: 713-0666

Department of Agriculture

Bruce Van Zee
Forest Supervisor
Chugach National Forest
U.S. Forest Service
201 E. 9th Ave, Suite 206
Anchorage, AK 99501
Phone: (907) 271-2525
FAX: 271-3992

Department of Interior

Paul Gates
Regional Environmental Officer
Dept. of Interior
Office of Environmental Affairs
1689 C Street, Room 119
Anchorage, AK 99501-5126
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FAX: 271-4102

Department of Navy

Commander Robert L. Frazier
Environmental Coordinator
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Seattle, WA 98115-5012
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Department of Transportation

Captain Donald E. Bodron
Chief, Marine Safety Division
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FAX: 463-2218

Environmental Protection Agency

Alfred W. Lindsey
Director
Office of Environmental Engineering
& Technology Development
Environmental Protection Agency
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Alaska State Department Representatives

Department of Fish & Game

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& Restoration Division
Alaska Dept. of Fish & Game
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Department of Commerce & Economic Development

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Department of Environmental Conservation

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Department of Natural Resources

Marty L. Rutherford
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Community and Native Representatives

Gail Evanoff
Vice President of Operations
Chenega Corporation
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Chenega Bay, AK 99574
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FAX: 573-5135

Suzanne Hancock
Publisher, Kodiak Daily Mirror
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Paul Jackson
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John Klepper
(City of Valdez)
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Gary Kompkoff
Chairman of the Board
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FAX: 325-2298

Helmer Olson
President
Valdez Native Association
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Valdez, AK 99686
Phone: (907) 835-4951
FAX: 835-5589

Roger Trani
(City of Cordova)
P.O. Box 1059
Cordova, AK 99574
Phone: (907) 424-7486
FAX: 424-3271

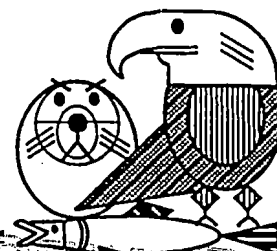
Non-voting Representatives

Dr. John J. Goering
Associate Director
Institute of Marine Science
University of Alaska-Fairbanks
School of Fisheries & Ocean Sciences
Fairbanks, AK 99775-1090
Phone: (907) 474-7895
FAX: 474-7204

Dr. G.L. Thomas
President
Prince William Sound Science Center
P.O. Box 705
Cordova, AK 99574
Phone: (907) 424-5800
FAX: 424-5820

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



RECEIVED
DEC 31 1992

To: Trustee Council

From: Dave R. Gibbons
Interim Administrative Director & Restoration Team

Date: December 29, 1992

Subj: Recommended Coordination with the Public Advisory Group

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

In order to facilitate distribution of material produced by the Restoration Team to the Public Advisory Group and facilitate the process for the Public Advisory Group input to the Trustee Council, we offer the following process for your approval.

1. Materials produced by the Restoration Team and Trustee agencies for Trustee Council use and action at their meetings will be sent to Trustee Council members and Public Advisory Group members 10 days prior to the Trustee Council meeting.
2. In accordance with Restoration Team Operating Procedures, documents provided to the Public Advisory Group shall be reviewed by the Restoration Team prior to distribution.
3. We recommend the Public Advisory Group schedule its meetings, if appropriate, 2-3 days prior to Trustee Council meetings. This allows the Public Advisory Group to review and discuss items on the Trustee Council agenda and to provide the Trustee Council with advice on those matters prior to, or at the Trustee Council meeting. This does not preclude the Public Advisory Group from having additional meetings, as they deem necessary and if the budget allows.

We would appreciate Trustee Council guidance on the above suggested procedure.

cc: Public Advisory Group



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6340
PHONE (907) 486-5736
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

December 29, 1992

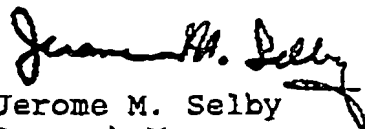
Mr. Dave Gibbons, Director
Exxon Valdez Oil Spill Trustee Council
645 "G" Street
Anchorage, AK, 99501

Dear Mr. Gibbons:

Attached are copies of five resolutions of the Kodiak Island Borough regarding the 1993 Work Plan of the Exxon Valdez Oil Spill Trustee Council. Please be sure that members of the Public Advisory Group and the Trustee Council receive copies of these resolutions before their respective meetings on January 6th and 7th, and January 19th. Thank you for your assistance in this matter.

Sincerely,

KODIAK ISLAND BOROUGH



Jerome M. Selby
Borough Mayor

Enc.

RECEIVED
DEC 31 1992
Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: Mayor Selby
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD
12/17/92
12/17/92

KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-48

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
TO FUND THE RED LAKE MITIGATION PROJECT IN FISCAL YEAR 1993**

- WHEREAS,** the Kodiak Island salmon industry was heavily impacted by the 1989 Exxon Valdez oil spill; and
- WHEREAS,** the commercial salmon fishing closure, caused by oil floating in virtually all bays of Kodiak Island, resulted in overescapement in a number of streams including Red Lake; and
- WHEREAS,** overescapement results in poor survival rates for salmon fry the following spring, which means that very low numbers of sockeye salmon will return as four-, five-, and six-year olds in 1993, 1994, and 1995; and
- WHEREAS,** Red Lake has historically been one of the most consistent producers of sockeye salmon on Kodiak Island with yields as high as 1.5 million fish being harvested by commercial fishermen and being worth millions of dollars; and
- WHEREAS,** the Exxon Valdez Oil Spill Trustee Council is charged with restoration of resources damaged during the Exxon Valdez oil spill; and
- WHEREAS,** mitigation is an interim alternative for the salmon industry to recapture some of the lost income that will occur from the inability to fish the Red Lake fishery during the above years; and
- WHEREAS,** mitigation has increased numbers of fish in other streams and will provide a fishing opportunity for the fishermen who will not be able to fish the Red Lake fishery during the above years; and
- WHEREAS,** the loss of Red Lake fisheries is a direct result of the Exxon Valdez oil spill, which continues to have a negative economic impact on the Kodiak Island fishing industry; and

WHEREAS, the Exxon Valdez Trustee Council is charged with restoring the damage done by the Exxon Valdez oil spill, and the Red Lake Mitigation Project is a direct response and mitigation of the impact of the Exxon Valdez oil spill;

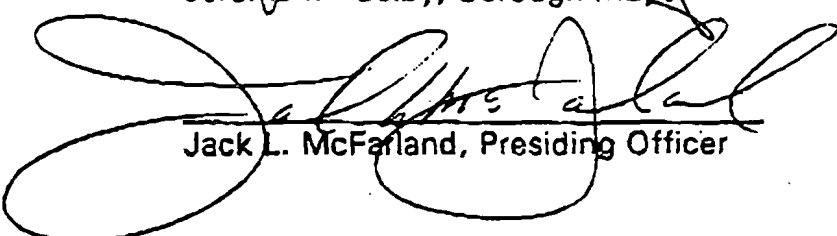
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council are urged to fully fund the Red Lake Mitigation Project at \$153,700 for fiscal year 1993.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992**

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor


Jack L. McFarland, Presiding Officer

ATTEST:


Donna F. Smith, Borough Clerk

RECEIVED
Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: 1992 Mayor Selby
Introduced: 12/17/92
Adopted: 12/17/92

**KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-49**

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TO
FUND THE RED LAKE RESTORATION PROJECT IN FISCAL YEAR 1993**

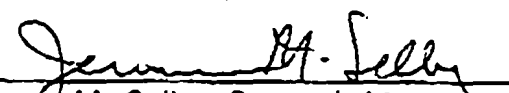
- WHEREAS,** the Kodiak Island salmon industry was heavily impacted by the 1989 Exxon Valdez oil spill; and
- WHEREAS,** the commercial salmon fishing closure, caused by oil floating in virtually all bays of Kodiak Island, resulted in overescapement in a number of streams including Red Lake; and
- WHEREAS,** overescapement results in poor survival rates for salmon fry the following spring, which means that very low numbers of sockeye salmon will return as four-, five-, and six-year olds in 1993, 1994, and 1995; and
- WHEREAS,** Red Lake has historically been one of the most consistent producers of sockeye salmon on Kodiak Island with yields as high as 1.5 million fish being harvested by commercial fishermen and being worth millions of dollars; and
- WHEREAS,** the Exxon Valdez Oil Spill Trustee Council is charged with restoration of resources damaged during the Exxon Valdez oil spill; and
- WHEREAS,** the damage to salmon in Red Lake is a direct result of the Exxon Valdez oil spill; and
- WHEREAS,** the restoration involves taking six million early run salmon from the Red Lake stock and placing them in Pillar Creek Hatchery in Kodiak and returning them to Red Lake in May of the following year; and
- WHEREAS,** this is a proven method of restoring a salmon run with virtually no risk of damage to natural stocks since the project uses the natural stocks for the restoration; and
- WHEREAS,** \$77,200 is a very small investment for a multi-million dollar annual return to the Alaskan salmon industry;


NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council are urged to fully fund the Red Lake Restoration Project at \$77,200 for fiscal year 1993.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992**

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor


Jack L. McFarland, Presiding Officer

ATTEST:


Donna F. Smith, Borough Clerk

RECEIVED
Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: Mayor Selby
Introduced: 12/17/92
Adopted: 12/17/92
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

**KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-50**

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
TO FUND THE PINK CREEK AND COLD CREEK SALMON
RESTORATION PROJECT IN FISCAL YEAR 1993**

WHEREAS, the Kodiak Island salmon industry was heavily impacted by the 1989 Exxon Valdez oil spill; and

WHEREAS, the commercial salmon fishing closure, which resulted from floating oil in virtually all of the bays of Kodiak Island, resulted in overescapement in a number of streams on Kodiak Island including Pink Creek and Cold Creek; and

WHEREAS, a simple method of increasing the pink salmon returns in these creeks is to remove the natural barriers which exist in the creeks that results in very limited pink salmon production due to a very limited number of spawners who actually negotiate all of the barriers in the creeks; and

WHEREAS, the returns for 1992 were far below the projected and expected returns, indicating that the damage from the Exxon Valdez oil spill far exceeded the worst expectations in terms of damage to the pink salmon fishery; and


WHEREAS, \$36,100 is a very small amount of money to invest in a project that could return millions of dollars to the Alaskan economy through restoration of the pink salmon fishery on Kodiak Island;


NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: the Exxon Valdez Oil Spill Trustee Council is urged to fully fund the Cold Creek and Pink Creek Salmon Restoration Project at \$36,100 for fiscal year 1993.

ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor


Jack L. McFarland, Presiding Officer

ATTEST:


Donna F. Smith, Borough Clerk

RECEIVED
Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: 1992 Mayor Selby
Introduced: 12/17/92
Adopted: 12/17/92

**EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
KODIAK ISLAND BOROUGH ADMINISTRATIVE RECORD
RESOLUTION NO. 92-51**

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TO
FUND THE FISHERIES INDUSTRIAL TECHNOLOGY CENTER PROJECT DESIGN IN
KODIAK IN FISCAL YEAR 1993**

- WHEREAS,** the Exxon Valdez oil spill resulted in serious impacts to many species of fish and to the production cycle of the food chain in the subsistence of the people on Kodiak Island in areas of not only fish but also shellfish, and other ocean-based food sources; and
- WHEREAS,** the complete inability of any location in the State of Alaska to provide the analysis necessary to determine if food is safe to eat; and
- WHEREAS,** the continued study and analysis of many fish and shellfish species is now being conducted in the aftermath of the Exxon Valdez oil spill; and
- WHEREAS,** the vast majority of the scientific work involved in these studies is being contracted outside the State of Alaska; and
- WHEREAS,** the opportunity to do this contract work inside the State of Alaska exists and could be conducted with an enhanced capability by the Fisheries Industrial Technology Center in Kodiak; and
- WHEREAS,** the people on Kodiak Island were some of the most severely impacted people by the Exxon Valdez oil spill, losing their entire fishery during the summer of 1989, and the impact continues on the fisheries as well as people who never recovered from the devastation that occurred in 1989; and
- WHEREAS,** continued development of the Fisheries Industrial Technology Center is a co-location effort of the University of Alaska and the National Marine Fisheries Service; and
- WHEREAS,** the National Marine Fisheries Service has authorized funding of \$100,000 towards the design of a new facility; and

WHEREAS, the federal government has authorized the expenditure of up to \$1,000,000 per year for leasing space from the University of Alaska in the new facility; and

WHEREAS, the University of Alaska is interested in and committed to the continued growth of the Fisheries Industrial Technology Center; and

WHEREAS, it is the charge and responsibility of the Exxon Valdez Oil Spill Trustee Council to seek projects which will restore the communities and the species that were damaged by the Exxon Valdez oil spill; and

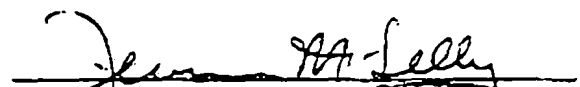
WHEREAS, the proposed expansion of the Fisheries Industrial Technology Center will provide multiple restoration impacts to a number of fisheries and shellfish, including subsistence foods for the Native villages on Kodiak Island, and the project is in full accordance with the restoration plan from the Exxon Valdez Oil Spill Trustee Council;

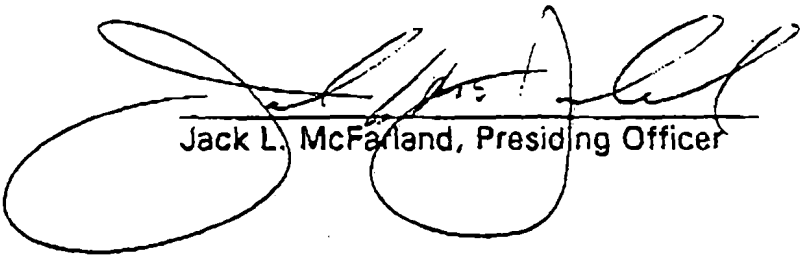
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council is urged to fund the design of the Fisheries Industrial Technology Center in the amount of \$1,000,000 in the fiscal year 1993 work plan.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992**

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor


Jack L. McFarland, Presiding Officer

ATTEST:


Donna F. Smith, Borough Clerk

RECEIVED
DEC 31 1992
Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: Mayor Selby
Introduced: 12/17/92
Adopted: 12/17/92
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

**KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-52**

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TO
FUND THE KODIAK AREA NATIVE ASSOCIATION ARCHAEOLOGICAL MUSEUM
PROJECT IN FISCAL YEAR 1993**


- WHEREAS,** the Exxon Valdez oil spill resulted in a number of architectural sites being mapped and, in effect, "discovered;" and
- WHEREAS,** the discovery, attention, and increased awareness which resulted from the publicity surrounding the oil spill has caused these sites to become very well known in the public sector; and
- WHEREAS,** the result has been a large amount of digging at these artifacts sites with artifacts being stolen and taken to locations elsewhere in the country and sold on the black market; and
- WHEREAS,** the culture and history of the people are being stolen from them; and
- WHEREAS,** it is the responsibility of the Exxon Valdez Oil Spill Trustee Council to use funds to restore impact from the oil spill; and
- WHEREAS,** a definite impact from the oil spill was the stealing of these artifacts from the various sites; and
- WHEREAS,** the only way to adequately protect the many valuable artifacts that exist in the spill area, particularly on Kodiak Island, is to have a team of archaeologists conduct digs to recover these artifacts and preserve them for history in a museum setting for future generations; and
- WHEREAS,** there has been very little done for the people resource as a result of the Exxon Valdez oil spill, and the development of an archeological museum under the guidance of the Kodiak Area Native Association would result not only in preservation and restoration of the artifacts but also would provide some measure of restoration to the Native residents of Kodiak Island in return for the great damage that was done to them during the Exxon Valdez oil spill;

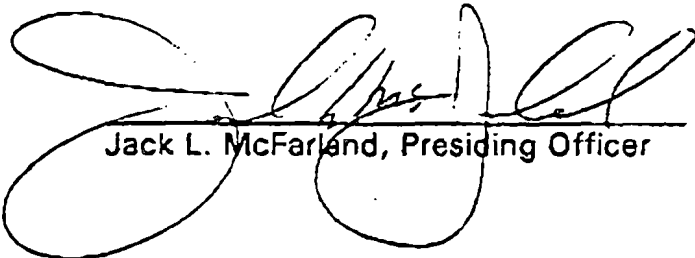
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council is urged to fund the design of an archeological museum for the Kodiak Area Native Association in the amount of \$800,000 for the fiscal year 1993 work plan.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992**

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor


Jack L. McFarland, Presiding Officer

ATTEST:


Donna F. Smith, Borough Clerk

13.2.1 / L

RECEIVED

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

DEC 14 1992

RESOLUTION NO. 1

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group through the Charter filed by the Secretary of the Interior on October 26, 1992; and

WHEREAS, the Public Advisory Group finds it necessary and beneficial to establish operational procedures as set forth in the Exxon Valdez Oil Spill Public Advisory Group Background and Guidelines; and

WHEREAS, the Charter states that "All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council";

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to advise that the Trustee Council approve the above named procedures (attached) for use by the Public Advisory Group.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:


Chairperson

13.2.1 K
EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

RECEIVED
DEC 14 1992

RESOLUTION NO. 2

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

WHEREAS, the United States of America and the State of Alaska entered into a Memorandum of Agreement and Consent Decree ("MOA") on August 28, 1991, in which the United States and the State of Alaska agreed to act as co-equal trustees; and

WHEREAS, the MOA provided that all future Natural Resource Damage Recoveries from Exxon must be used "for purposes of restoring, replacing, enhancing, rehabilitating 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;" and

WHEREAS, the trustees for the State of Alaska and the United States of America entered into a Memorandum of Understanding (MOU) on October 1, 1992, the purpose of which MOU was to confirm the establishment of and the authority granted to the Exxon Valdez Oil Spill Trustee Council; and

WHEREAS, the Trustee Council established, pursuant to the MOU, and appropriate policies and procedures, including standards and procedures "for meaningful public participation, including the receipt of advice by the Trustee Council of advice from the Public Advisory Group on behalf of the Trustees;" and

WHEREAS, the Federal members of the Trustee Council and the state members of the Trustee Council are to take action in order to release settlement funds and transfer those funds to the United States Department of the Interior Natural Resource Damage Assessment and Restoration Fund and to an account designated by the State of Alaska, respectively with the Trustee Council sharing the expectation that the Federal portion of the budget will be completed within thirty (30) days of receipt in Washington, D.C.; and

WHEREAS, the 1993 Draft Work Plan has been reviewed and submitted for public comment and for advice from the Public Advisory Group on behalf of the Trustees; and

WHEREAS, the Public Advisory Group believes that significant participation in restoration contracts is a necessary component, pursuant to the MOU, in order to restore, replace, enhance, rehabilitate, or acquire the equivalent of natural resources injured as a result of the Exxon Valdez oil spill, and the reduced or lost services provided by such resources; and

WHEREAS, the 1993 Draft Work Plan appears heavily in favor of agency-control of all work projects;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to advise that the Trustee Council direct the Restoration Team and agencies to work with Native landowners and other residents of the oil-spill impacted area to be certain that the 1993 work projects utilize the services of these people whenever feasible.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:



Chairperson

13.2.1 J

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

RESOLUTION NO. 3

RECEIVED
DEC 14 1992

EXXON VALDEZ OIL SPILL
PUBLIC ADVISORY GROUP
RECOMMENDATION TO THE TRUSTEE COUNCIL
WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group, in part, to review and comment upon program plans under consideration by the Trustee Council; and

WHEREAS, the Trustee Council has requested that the Public Advisory Group review and comment upon the proposed 1993 work plan projects and budget; and

WHEREAS, the Public Advisory Group received a significant amount of pertinent information since October 29 and as recent as December 2, 1992 and has not had ample time to digest this information; and

WHEREAS, the Public Advisory Group recognizes and fully appreciates the importance of moving forward in a timely manner with 1993 programs; and


WHEREAS, the Public Advisory Group has serious concerns about the 1993 program process and individual project proposals; and

WHEREAS, the Public Advisory Group believes it is in the best interest of the Trustee Council to ensure that adequate public review and comment be provided for prior to making final decisions for the 1993 program;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to respectfully request that the Trustee Council withhold final approval of 1993 projects and budgets until after the January 6 and 7, 1993 meeting of the Public Advisory Group to review 1993 programs in depth and make recommendations to the Trustee Council.

ADOPTED the 2nd day of December, 1992, by unanimous vote.

ATTEST:


Chairperson

13.2.1 I

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

RESOLUTION NO. 4

RECEIVED
DEC 14 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
PUBLIC
ADMINISTRATIVE RECORD

WHEREAS, the Charter of the Exxon Valdez Oil Spill Public Advisory Group provides for the election of officers, including Chairperson and Vice-chairperson; and

WHEREAS, the Charter requires Trustee Council approval, in consultation with the Public Advisory Group, of these two officers; and

WHEREAS, the Public Advisory Group, by majority vote on a secret ballot, elected Brad Phillips to serve for one year as Chairperson; and

WHEREAS, the Public Advisory Group, by majority vote on a secret ballot, elected Donna Fischer to serve for one year as Vice-chairperson;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to request that the Trustee Council approve the two officers elected to serve the Public Advisory Group for the upcoming year.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:



Chairperson

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

RECEIVED

SEP 16 1992



EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

TO: Exxon Valdez Oil Spill
Trustee Council,
Restoration Team

DATE: September 16, 1992

FILE NO.: TRCL 1.2

TELEPHONE NO.: 267-2213 or 344-0541

THRU: Dave Gibbons,
Interim Administrative Director

FROM: Joe Sullivan, Member
1993 Work Plan Work Group

SUBJECT: Errata in 1993
Ideas/Proposals Tables,
Replacement Pages

While there are a fair number of typographical errors in the 1993 Projects and Ideas Tables towards the end of the packet of materials you received earlier this week, several are critically important to your understanding of the factors used to judge the inclusion of these projects in the 1993 Draft Work Plan. Please replace Pages 3 and 6 in the light blue "1993 Proposals Table", Page 16 in the pink "1993 Rejected Table", and the cover page for the light yellow "1993 Ideas Table, Sorted by Document Identification Number" with the replacement pages provided. The nature of the errors is described in the following paragraphs. Colored pages are in the Trustee Council copies only.

In the light blue "1993 Proposals Table", the first of the six tables, projects 93012 and 93015 on page 3, and 93032 on page 6 should have an "11" in the recommendation factors column rather than a "1". These three projects are all linked to the Exxon Valdez Oil spill, but they all involve long term commitments. These are the most important errors.

A similar error appears in the pink "1993 Rejected Table", though it does not change the sense of the recommendation factors. Document ID number 920615296.5 at the top of page 14 should read "8,9,10,11" in the Recommendation Factors column instead of "-08,9,10,". All sets of recommendation factors end in a comma unless the last factor is "11". We will correct it in later versions of this table.

The instructions to the light yellow "1993 Ideas Table, Sorted by Document Identification Number" contain an error on the 7th and 8th lines. The sentence beginning "Ideas with the "P" status...." should read "Ideas with the "P" status were developed as proposals and the project number also appears in the status column". Other tables with similar statements are correct.

I apologize for these errors and hope they have not caused too much confusion. As noted above, less important errors will be changed before the next version is released.

Project Num. Document ID#	Project Title	Lead Agency	Recommend. Factors	Evaluation Comments	Voting Record						Cost
					NOAA	ADNR	USDI	ADEC	USDA	ADFG	
93010 920615273.19 920615279.18	Reduce Disturbance Near Murre Colonies Showing Indications of Injury from the EVOS	DOI			Y	N	Y	N	Y	N	56800.
93011 920615297.30	Develop Harvest Guidelines to Aid Restoration of River Otters and Harlequin Ducks	ADFG			Y	Y	N	Y	Y	Y	11200.
93012 920615297.35	Genetic Stock Identification of Kenai River Sockeye Salmon	ADFG	11		Y	Y	N	Y	Y	Y	300600.
93013 920615297.39 920615297.40	Combined with 93004	ADFG									
93014 920615297.17	Quality Assurance for Coded Wire Tag Application in Fish Restoration Projects	ADFG			Y	N	N	Y	Y	Y	94800.
93015 920615297.43	Kenai River Sockeye Salmon Restoration	ADFG	11		Y	Y	N	Y	Y	Y	732600.
93016 920615294. 5	Chenega Chinook and Coho Salmon Release Program	ADFG	9,	EVOS-linked impact unknown. Technical feasibility unknown. Needs to be run through Regional Planning Team and obtain licensing,etc. Not time critical	Y	Y	N	Y	Y	Y	25900.

KEY TO RECOMMENDATION FACTORS

1 = No linkage to Exxon Valdez Oil Spill, 2 = Not technically feasible, 3 = Inconsistent with laws or policies, 4 = Project previously funded for close-out, 5 = 1993 Close-out project, 6 = New Project where injury is apparent, 7 = Damage assessment continuation, 8 = No restoration endpoint, 9 = Not time critical 10 = No lost opportunity if not conducted in 1993, 11 = Involves long-term commitment.

Project Num. Document ID#	Project Title	Lead Agency	Recommend. Factors	Evaluation Comments	Voting Record						Cost
					NOAA	ADNR	USDI	ADEC	USDA	ADFG	
93029 920615298.54	Prince William Sound Second Growth Management	USDA	9,10,	Revisit as limited implementation project.	Y	Y	N	Y	Y	Y	62000.
93030 920615297.69	Red Lake Restoration	ADFG	9,10,	Continuation of R113.	Y	Y	N	Y	Y	Y	77200.
93031 920615297.70	Red Lake Mitigation for Red Salmon Fishery	ADFG		ADOL - this would be legal since it would restore services. USDOI - also legal.	Y	Y	N	Y	Y	Y	153700.
93032 920615297.20 920615297.23	Pink and Cold Creek Pink Salmon Restoration	ADFG	9,10,11	Long term commitment is based upon associated bioenhancement of habitat above the stream. Approved for 20 and 23. Rejected for 21 (duplicate form).	Y	Y	N	Y	Y	Y	36100.
93033 920615297.31 920611233. 6 920615273. 2 920615279.15	Harlequin Duck Restoration And Monitoring Study in Prince William Sound, Kenai, Afognak and Alaska Peninsula Oil Spill Areas	ADFG		No workshop and to be covered by peer review synthesis. Limit to oiled areas, but consider looking outside oiled areas if critical. Study to also	Y	Y	Y	Y	Y	Y	506600.
93034 920615273.23	Pigeon Guillemot Colony Survey	DOI		Restoration endpoint better defined in 3 pager.	Y	Y	Y	Y	Y	N	165800.

KEY TO RECOMMENDATION FACTORS

1 = No linkage to Exxon Valdez Oil Spill, 2 = Not technically feasible, 3 = Inconsistent with laws or policies, 4 = Project previously funded for close-out, 5 = 1993 Close-out project, 6 = New Project where injury is apparent, 7 = Damage assessment continuation, 8 = No restoration endpoint, 9 = Not time critical, 10 = No lost opportunity if not conducted in 1993, 11 = Involves long-term commitment.

Category Project Type	Project Num. Document ID#	Title	Lead Agency	Sta tus	Recommend. Factors	Evaluation Comments
Management Actions Archaeology	920615296. 5	Archaeological Restoration-Regional Archaeological Planning	ADNR	R	8,9,10,	Linkage to recovery of injured resources not demonstrated.
Management Actions Recreation	920615296. 6	Marine Recreation Plan For Spill Area	ADNR	R	9,10,	EVOS-linked impact unknown.
Manipulation and Enhancement Recreation	920615296. 7	Public Use Cabins In State Marine Parks	ADNR	R	9,10,	EVOS-linked impact unknown.
Management Actions Recreation	920615296. 10	Recreation Field Management And Monitoring	ADNR	R	8,9,10,	EVOS-linked impact unknown.
Management Actions Fish/Shellfish	920615297. 1	Restoration Of PWS Rockfish And Lingcod Resources	ADFG	R	9,10,11	EVOS-linked impact unknown.
Damage Assessment Fish/Shellfish	920615297. 2	PWS Herring Egg Loss Survey	ADFG	R	4,	EVOS-linked impact unknown. If this were meant as a restoration idea, then it is not time critical or a lost opportunity.
Management Actions Fish/Shellfish	920615297. 3	PWS Herring Spawn Deposition Survey	ADFG	R	9,10,	EVOS-linked impact unknown.

KEY TO RECOMMENDATION FACTORS

1 = No linkage to Exxon Valdez Oil Spill, 2 = Not technically feasible, 3 = Inconsistent with laws or policies, 4 = Project previously funded for close-out, 5 = 1993 Close-out project, 6 = New Project where injury is apparent, 7 = Damage assessment continuation, 8 = No restoration endpoint, 9 = Not time critical, 10 = No lost opportunity if not conducted in 1993, 11 = Involves long-term commitment.

EXXON VALDEZ OIL SPILL

1993 Ideas Table, Sorted by Document Identification Number

This table allows users to determine what ideas were considered for inclusion in the 1993 work plan. Similar ideas were combined and considered as a unit. One idea from a group was chosen as the lead idea and all similar ideas were combined with it. Thus, ideas which display a "C" in the status column were combined with another idea. In the "Combined With" field, the document identification number of the idea with which it was combined is noted. Documents which display "P" or "R" are the lead ideas into which other ideas were combined. Ideas with the "P" status were developed as proposals and the project number also appears in the status column. Ideas with "R" in the status column were rejected. Endowment ideas ("E" in the status column) will be considered by the Restoration Team or a subgroup thereof at a later date. This table also displays recommendation factors and evaluation comments which were considered before rejecting or passing ideas. In some cases the evaluation comments were more extensive than could be supported by the computer program used to create these tables. For these few, the complete comments are available upon request. In most cases, evaluation factors and comments apply only to "R" and "P" lead ideas (referring to the entire combined group). No entries in these columns for "P" ideas usually indicates good agreement with evaluation criteria.

ABBREVIATION KEY:

<u>FIELD</u>	<u>CODE</u>	<u>EXPLANATION</u>
Preliminary Lead Agency	ADEC	Alaska Dept. of Environmental Conservation
	ADFG	Alaska Dept. of Fish and Game
	ADNR	Alaska Dept. of Natural Resources
	DOI	United States Dept. of the Interior
	NOAA	National Oceanic and Atmospheric Administration
	USDA	United States Dept. of Agriculture
Status	C	Combined with another idea
	D	Duplicate of another idea
	E	Forwarded to Endowment Work Group
	P	Recommend Preparation of Study Plan and Budget
	R	Recommend Rejection

September 1992

9:55am

RECEIVED
SEP 19 1992

MEMORANDUM

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

To: Trustee Council

From: Interim Administrative Director &
Restoration Team

Date: September 11, 1992

Subj: Schedule For Damage Assessment Reports

In order to assist in achieving the objective of providing the public with information on injuries suffered by natural resources as a result of the Exxon Valdez oil spill, the Restoration Team queried the Principal Investigators to ascertain when damage assessment reports can be completed. This memorandum provides a schedule of anticipated final report production. The Restoration Team has encouraged the Principal Investigators to progress with data analysis and report preparation as rapidly as possible and is encouraged by their cooperation in identifying these report dates.

Preparation of these reports are expected to follow the procedure for review and release of NRDA data recommended in a 1992 memorandum (attached).

The reports listed on this schedule include Damage Assessment final reports and interim restoration reports. The schedule for preparation of these reports follows:

<u>Marine Mammals</u>	<u>Scheduled Release Date</u>
M/M #1 - Humpback Whales	February 28, 1993
M/M #2 - Killer Whales	February 28, 1993
M/M #6 - Sea Otters	January 15, 1993
M/M #6 - Ground Truthing of Sightability of Sea Otters During Boat Surveys	January 15, 1993
M/M #6 - Hydrocarbons Contamination of Sea Otter Tissue Samples	February 1, 1993
M/M #6 - Post-Spill Sea Otter Mortality in PWS	January 15, 1993

M/M #6 - Summary of Necropsies & Histopathological Examinations on Sea Otter Carcasses	January 15, 1993
M/M #6 - Reproductive Status of Female Sea Otter Carcasses Recovered During 1989	January 15, 1993
M/M #6 - Age Class Distributions of Sea Otter Carcasses Recovered in 1990	October 1, 1992
M/M #6 - Hematology & Blood Chemistry in Sea Otters in Oiled & Unoiled Areas of PWS	February 1, 1993
M/M #6 - Male Sea Otter Sperm, Testicular Samples & Blood Lymphocytes in Oiled & Unoiled Areas of PWS	February 1, 1993
M/M #6 - Summary Information on Sea Otter Carcasses Recovered Following the Oil Spill	January 15, 1993
M/M #6 - Histopathology of Tissue Samples Collected From Sea Otter Carcasses Recovered Following the Oil Spill	October 1, 1992
M/M #6 - Modelling of Sea Otter Population Recovery	October 15, 1992
M/M #6 - Overwinter Survival of Sea Otter Pups in Oiled & Unoiled Areas of PWS	January 15, 1993
M/M #6 - Pre- and Post-Spill Helicopter Surveys of Sea Otters Along the Kenai Peninsula, Kodiak Island & Alaska Peninsula	January 15, 1993
M/M #6 - Survival & Reproduction of Adult Female Sea Otters in Oiled & Unoiled Areas of PWS	January 15, 1993
M/M #6 - Histology of Sea Otters That Died in the Rehabilitation Centers	October 1, 1992
M/M #7 - Mortality and reproduction of sea otters oiled and treated following the spill	January 15, 1993

Terrestrial Mammals

Scheduled Release Date

T/M #3 - River Otter & Mink	February 28, 1993
-----------------------------	-------------------

<u>Birds</u>	<u>Scheduled Release Date</u>
B #2 - Boat Surveys	January 15, 1993
B #3 - Murres	January 15, 1993
B #4 - Bald Eagles	January 15, 1993
B #4 - History & Status of Bald Eagle Nesting & Productivity--Kodiak	January 15, 1993
B #4 - History & Status of Bald Eagle Nesting & Productivity--Alaska Peninsula	January 15, 1993
B #4 - Evidence of Hydrocarbon Exposure from Blood analysis of Bald Eagles	January 15, 1993
B #4 - Comparison of Nest Success in Five Areas of Alaska	January 15, 1993
B #4 - Characterization of Bald Eagles Found Dead During the Oil Spill Response	January 15, 1993
B #4 - Movement & Concentration Areas, Carcass Recovery Locations & Causes of Mortality of Bald Eagles Radio-Tagged in PWS	January 15, 1993
B #4 - Hydrocarbon Residues From Bald Eagle Eggs & Prey Remains collected in the Spill Area	January 15, 1993
B #4 - Status of Bald Eagles Along the North Gulf Coast of Alaska	January 15, 1993
B #4 - Nest Chronology for Bald Eagles in PWS	January 15, 1993
B #4 - Concentrations of Heavy Metals in Feathers on Bald Eagles in PWS	January 15, 1993
B #6 - Marbled Murrelets	January 15, 1993
B #7 - Fork-Tailed Storm-Petrels	January 15, 1993
B #8 - Kittiwakes	January 15, 1993
B #9 - Pigeon Guillemots	March 1, 1993
B #11 - Harlequin Ducks	November 1, 1992
B #12 - Shorebirds	March 1, 1993

B #12 - Assessment of Injury to Black
Oystercatchers

March 1, 1993

Fish/Shellfish

Scheduled Release Date

F/S #1 - Spawning Area Injury

December 1992

F/S #2 - Preemergent Fry

June 1992

F/S #3 - Coded-Wire Tags

January 1993

F/S #4A - Early Marine Salmon

February 28, 1993

F/S #4B - Juvenile Pinks

November 1, 1992

F/S #5 - Dolly Varden

July 31, 1992

F/S #11 - Herring Injury

February 1993

F/S #13 - Clams

February 28, 1993

F/S #27 - Sockeye Salmon Overescapement

November 27, 1992

F/S #28 - Run Reconstruction

June 1993*

F/S #30 - Data Base Management

February 28, 1993

*F/S #28 - Run Reconstruction due 6/93; Life History due 1/94

Subtidal

Scheduled Release Date

ST #1A - Subtidal Sediment

November 1, 1992

ST #1B - Subtidal Sediment

July 1992

ST #2A - Shallow Benthic

November 30, 1992

ST #2B - Deep Water Benthos

November 30, 1992**

ST #3A - Caged Mussels

December 21, 1992

ST #3B - Sediment Traps

February 1993

ST #4 - Fate & Toxicity

December 31, 1992

ST #5 - Shrimp

December 1992

**ST #2B - Results report due 6/30/92; Final due 11/30/92

ST #6 - Rockfish	November 1992
ST #7 - Demersal Fishes	November 30, 1992
ST #8 - Sediment Data Analysis	February 28, 1993

Technical Services

Scheduled Release Date

T/S #1 - Hydrocarbon Analysis

February 4, 1993****

****This continuation project will provide a CDROM (compact disc read-only memory) which contains the Technical Services #1 database, user's manual, QA plan, documentation of the database and status reports.

Coastal Habitat

Scheduled Release Date

C/H - Coastal Habitat Injury Assessment

June 1993

Supratidal Injury Assessment

January 1992

C/H #1B - Pre-Spill & Post-Spill
Concentrations of Hydrocarbons in Sediments
& Mussels at Intertidal Sites Within PWS

November 15, 1992

Air/Water

Scheduled Release Date

A/W #1 - Surface Oil Maps

February 1993

Restoration 1992: Recovery Monitoring

Scheduled Release Date

R #11 - Murres

November 15, 1992

R #47 - Stream Habitat Survey

December 15, 1992

R #53 - Kenai Sockeye

February 1993

R #59 - Genetic Stock ID

February 1993

R #60A - Pink Salmon

February 15, 1993

R #60B - Pink Salmon

December 30, 1992*****

R #60C - Pink Salmon Egg/Fry

December 15, 1992

R #71 - Harlequin Duck

January 31, 1992

R #73 - Harbor Seals

December 31, 1992

R #90 - Dolly Varden	July 31, 1992
R #102 - Coastal Habitat	November 15, 1992
R #103A - Oiled Mussels	December 31, 1992
R #105 - Instream Survey	November 30, 1992
R #106 - Dolly Varden Restoration	July 31, 1992
R #113 - Red Lake Restoration	December 1992

*****R #60B - Progress report due 12/30/92; Final due 2/28/93

<u>Archaeology</u>	<u>Scheduled Release Date</u>
Comprehensive Archaeology	September 1992
Archaeology (Response)	November 1992
Archaeology (C14 Dating)	Completed

F A X

**STATE OF ALASKA, DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL**

P.O. Box 110300 - State Capitol

Juneau, Alaska 99811

PHONE: (907) 465-3600

FRONT OFFICE FAX: (907) 465-2075

DATE: August 7, 1992 TIME: _____ REF NO: _____

TO: RICK STEINER

424-5246

FROM: CHARLIE COLE

RECEIVED
SEP 14 1992

Number of Pages
Including this Sheet 1

MESSAGE:

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Thanks for sending me the printed material from the Shell Oil Spill Settlement Trustee Committee. I found it interesting and containing some grist for the Exxon Valdez Trustee Council. I am sending a copy of it along to the Trustee Council. Sometime, soon, I hope, you and I will have the opportunity to discuss it.

cc: Dave Gibbons, EVOS Trustee Council

ENCLOSURES ACE Nos. 16043773-10643785

The information contained in this FAX is confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

**PLEASE INFORM US IMMEDIATELY
IF YOU DO NOT RECEIVE THIS TRANSMISSION IN FULL**

(907) 465-3600 Ask for: _____

SHELL OIL SPILL LITIGATION SETTLEMENT TRUSTEE COMMITTEE

Trustees

California Department of
Fish and Game
DONALD L. LOLLOCK
PETE PHILLIPS, Alternate

California State Lands Commission
DAVE PLUMMER, Treasurer
JANE SEKELSKY, Alternate

National Oceanic and
Atmospheric Administration
JAMES R. BYBEE
CHRIS MOBLEY, Alternate

U. S. Fish and Wildlife Service
WAYNE S. WHITE
GAIL KOBETICH, Alternate

San Francisco Bay Conservation
and Development Commission
WILLIAM TRAVIS, Chairman
ALAN R. PENDLETON, Alternate

East Bay Regional Park District
ROBERT E. DOYLE, Vice Chairman
KEN BURGER, Alternate

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JUL 30 1992 PM
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December 31, 1991

The Shell Oil Spill Litigation Settlement Trustee Committee is pleased to provide you with this brief report on the progress we have made during 1991 in carrying out our assigned responsibilities along with a summary of the projects we intend to begin implementing in 1992.

We are proud of what we have accomplished in the year and a half since our Committee was convened. In many ways, the Committee's work is unprecedented. We have had to invent new procedures that would allow us to move both expeditiously and carefully. Even though we recognize that not everyone will agree with all of our conclusions, we have tried to be fair with everyone and fully objective in our consideration of the many suggestions we have received as to how we should use the money in the Natural Resources Fund which we administer. All of this has been hard work which we accomplished while carrying out our other full-time jobs.

Clearly, we could not have accomplished as much as we did without the individual commitment of our Trustee Committee and Technical Advisory Committee members, the superb assistance and guidance we have received from the staff of the California Environmental Trust, and the advice and support we have received from staff of the California Department of Justice. We offer our thanks to all of these individuals. But our greatest appreciation goes to the people who endured the tragedy of the 1988 oil spill from Shell Oil Company's refinery in Martinez, California and who responded by providing us with creative ideas and innovative proposals for mitigating the damage that the spill had caused to the natural resources of San Francisco Bay.

We would be pleased to receive any comments you have on our work.

Regards,

WILLIAM TRAVIS
Chairman

ACE
COPY

c/o CALIFORNIA ENVIRONMENTAL TRUST
Hearst Building • 5 Third Street • Room 612 • San Francisco, CA 94103
(415) 543-1855 • FAX (415) 543-8185

ACE 10643773

SHELL OIL SPILL LITIGATION SETTLEMENT TRUSTEE COMMITTEE

Trustees

California Department of

Fish and Game

DONALD L. LOLLOCK

PETE PHILLIPS, Alternate

California State Lands Commission

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San Francisco Bay Conservation
and Development Commission

WILLIAM TRAVIS, Chairman

ALAN R. PENDLETON, Alternate

East Bay Regional Park District

ROBERT E. DOYLE, Vice Chairman

KEN BURGER, Alternate

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JUL 30 1992
AM 12:12:13 PM 1515

July 22, 1992

Rick Steiner
University of Alaska
Marine Advisory Program
P.O. Box 830
Cordova, AK 99574

Dear Mr. Steiner:

Chris Mobley referred your request for information about our Trustee Committee to me. In response, I am enclosing (1) a copy of the court settlement and memorandum of agreement that established our Committee, created the Natural Resources Fund we administer, and the prescribes our responsibilities; (2) a brochure we released in early 1991 inviting the public to suggest projects that we could support with the money in the Fund; and (3) a copy of our 1991 progress report which identifies the projects we now have underway.

We are quite pleased with the approach we have taken in administering the Fund and we have received generally favorable public reaction to our work. However, we have also faced some pitfalls and encountered some frustrations. I would be happy to discuss our work in detail in the hope that Alaska can use the techniques we have found successful and avoid repeating our mistakes.

Regards,



WILLIAM TRAVIS
Chairman

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Department of Law

JUL 31 -1992

Office of the Attorney General
Anchorage Branch
Anchorage, Alaska

c/o San Francisco Bay Conservation and Development Commission
Thirty Van Ness Avenue • Suite 2011 • San Francisco, CA 94102 • (415) 557-3686

cc: Craig

ACE 10643774

SHELL OIL SPILL LITIGATION SETTLEMENT TRUSTEE COMMITTEE

1991 Progress Report

Background. In April, 1988, about 400,000 gallons of crude oil were spilled into San Francisco Bay from Shell Oil Company's refinery in Martinez, California. Shortly after the spill, 15 federal, state, and local agencies asserted claims against Shell. In April 1990, all of the claims were settled in a single, consolidated action in federal court. As part of the settlement, Shell paid \$10,838,000 into a newly-established Natural Resources Fund. As required by law, the consent decree stipulates that the Fund must be used "to restore, rehabilitate, and acquire the equivalent of the natural resources damaged by the oil spill." This objective is required to be accomplished primarily "through the acquisition, creation, restoration or enhancement of wetlands in the area of the oil spill."

The Fund is administered by a Trustee Committee consisting of representatives from six public agencies. The Trustee Committee held its first meeting in June 1990. During the latter half of 1990, the Trustee Committee: (1) contracted with the California Environmental Trust, a non-profit organization, to assist the Committee in achieving its objectives; (2) organized a Technical Advisory Committee consisting of representatives from 14 public agencies and three environmental organizations; and (3) worked with the Technical Advisory Committee to develop the procedures and criteria that would be used to achieve the objectives of the court settlement.

1991 Accomplishments. In January 1991, the Trustee Committee issued an invitation to the public for proposals that could be supported with money from the Fund to achieve the Committee's objectives. The Committee also held public meetings in Benicia and Martinez in January to explain the Committee's responsibilities to the public in the area that had been impacted by the spill and to consider suggestions as to how the Fund should be used. By early March, the Committee had received 51 proposals in response to its invitation. The suggestions ranged from preparing a coffee table book documenting the Committee's work to acquiring and restoring the marsh into which the oil had spilled. Together all of the proposals would have cost in excess of \$50,000,000 to carry out.

During the spring of 1991, the Trustee Committee and the Technical Advisory Committee met jointly and reviewed all of the proposals. As a result of this initial review, 12 ideas were rejected because they would not have achieved the objectives of the settlement package. In order to evaluate each of the remaining suggestions, subcommittees were formed, each of which consisted of one Trustee Committee member and those Technical Advisory Committee members with expertise, familiarity or interest in a particular proposal. Over the summer of 1991, these subcommittees visited each of the proposed project sites, met with the project proponents and prepared evaluations and recommendations for the Trustee Committee's consideration. During the fall of 1991, the Trustee Committee considered these recommendations, assessed the strengths and weaknesses of each proposal, and worked with the project proponents to develop the additional information that was needed to fully evaluate each suggestion.

In November 1991, the Trustee Committee and Technical Advisory Committee again met jointly and agreed on a strategy that divided the proposals into three categories. Category 1 — the proposals found to be most in accord with the settlement objectives — has 10 projects, which were embodied in 12 separate proposals, that the Committee intends to begin implementing in 1992. Based on initial cost estimates, it appears that it may take all of the money in the Natural Resources Fund to carry out all of the projects in this first category. Moreover, if the preliminary project cost estimates are too low or if other problems arise, not all of the projects may be feasible. Therefore, the Trustee Committee cannot make any binding commitments that all of the Category 1 projects will ultimately be completed.

Category 2 is composed of the proposals that are worthy of further consideration if individual projects in the first category turn out to be too expensive or infeasible or if the total cost of all the projects in the first category turns out to be lower than initially estimated. There are 13 projects, advocated in 16 proposals, in this category. Some of the projects in Category 2 would be more appealing if their costs were lower, if matching funds were available, or if a property owner were willing to sell. If these problems can be overcome, the Trustee Committee may evaluate these suggestions further.

Category 3, the least attractive projects, is composed of 11 proposals that the Committee decided to drop from further consideration because each had some characteristic that would prevent the proposal from achieving the Committee's objectives in the near future at a reasonable cost. Although these projects would not meet the requirements of the Shell settlement, many of them are excellent ideas that deserve to be implemented with other sources of funding.

The Natural Resources Fund Projects. In 1992, the Trustee Committee and its Technical Advisory Committee intend to begin implementing 10 projects that together, will create, restore, or enhance about 3,300 acres of wetlands. In crafting this package of projects, the Trustee Committee tried to balance all of its goals and objectives. Unfortunately, some of the objectives are mutually exclusive. The Committee is required to try to "create, restore, or enhance 1,000 acres of wetlands" while at the same time focusing its efforts "in the area of the oil spill." Because property near the spill is far more expensive than property farther away, some of the projects in this package are some distance from the spill location. On the other hand, the Committee decided to undertake some projects that involve resources that were directly impacted by the spill even though these projects will be quite expensive and complex and even though the Committee could have gotten "more bang for the buck" in other projects more distant from the spill. The Committee also tried to create a package of projects that is geographically balanced and has a diversity of wetland acquisition, creation, restoration and enhancement projects. These are the Category 1 projects:

- **Mason's *Illaeopsis*.** *Mason's lilaopsis* is a small perennial herb in the carrot family that is endemic to the Sacramento-San Joaquin Delta. The plant's habitat was directly impacted when the oil spill reached Point Edith in Contra Costa County. Therefore, the settlement package directed the Trustee Committee to give "special consideration to...the establishment of an appropriate program to study the restoration of the...rare plant mason's lilaopsis." The Natural Heritage Division of the California Department of Fish and Game formulated a two-phase program to accomplish this goal. The first phase, which will take about a year, involves a review of literature, field study of the oiled plants, and an assessment of the existing and historic populations of the plant. In June 1991, the Trustee Committee allocated \$54,012 to complete this first phase of the project. If this work is successful, the Committee intends to provide funds to complete the project's second phase which involves developing a restoration and enhancement plan for the plant. The second phase is expected to take about two years and cost about \$200,000.
- **Shell Marsh Management.** The oil spill from the Shell refinery initially drained into a wetland area commonly known the "Shell Marsh" and from there entered the Carquinez Strait and San Francisco Bay. Because the spill directly and significantly impacted the natural resources of the Shell Marsh, the settlement package specified that the Trustee Committee should give "special consideration to...the enhancement of wetland habitat values at Shell Marsh." To assist the Committee in achieving that objective, the Mt. View Sanitary District, Ducks Unlimited, and the California Department of Fish and Game submitted proposals for the improved management of the Shell Marsh. In response to these proposals, the Committee retained the services of Entrix, Inc., an environmental consulting firm, to evaluate the current management of the marsh and to suggest how the marsh can be better managed to maximize habitat values for all fish and wildlife resources. The consultant's work will be completed in early 1992. The Trustee Committee will then determine what steps are necessary to enhance the wetland habitat

values of the marsh. The California Department of Fish and Game is working in close cooperation with the Trustee Committee on this project.

- **Shell Marsh Acquisition.** The Shell Marsh is a little over 100 acres in size. About 46 acres of the marsh are owned by the Mt. View Sanitary District and another 60 acres of the marsh along with 138 acres of upland are owned by a private development company which has proposed to develop an industrial park on the property. The privately-owned property around the marsh is currently used for cattle grazing. Because contaminants from upland uses can drain into the marsh and upland development could introduce uses incompatible with the enhancement of the wetland habitat values of the marsh, the settlement package requires the Trustee Committee to give "special consideration to...the acquisition of a buffer strip around Shell Marsh." In response to this requirement, the California State Coastal Conservancy and others have proposed that the Trustee Committee should provide funds to acquire the entire 198-acre privately-owned property. The Coastal Conservancy has offered to provide some matching funds to accomplish this goal. Other matching funds are also being solicited. In August 1991, the Trustee Committee retained an independent consultant to appraise the value of the property.
- **Suisun Sand.** The Suisun Bay Sand Corporation owns a 51.5-acre property along the southern shoreline of Carquinez Strait near West Pittsburg in Contra Costa County. The property is the site of a former sand reclamation operation and is zoned for heavy industry. The property contains about 15 acres of healthy marsh. At the request of the East Bay Regional Park District, the Trustee Committee intends to provide funds to the District if it agrees to acquire the property. The Park District will then use its own funds to restore the remaining 36 acres to wetlands and to manage the property.
- **Cullinan Ranch.** The Cullinan Ranch is a 1,493-acre property along the northern edge of San Pablo Bay west of Vallejo. About 98% of the property is within Solano County; the remainder is in Napa County. Historically, the entire property was covered by a network of tidal marshes and sloughs. In the early 1900s, the first permanent levees were constructed as part of a 40-year effort to reclaim the marshland for agricultural uses. The ranch has been used for growing oats and hay in recent years. In the 1980s, a massive residential development project was proposed for the property. Subsequently, a cooperative effort of the U.S. Fish and Wildlife Service, the California State Coastal Conservancy, and the Solano County Farmlands and Open Space Foundation resulted in the property being purchased by the public, ownership being transferred to the U.S. Fish and Wildlife Service and the ranch being added to the San Pablo Bay National Wildlife Refuge. Ultimately, the Service plans to restore the entire ranch to tidal marshes. Because much of the land has subsided, a substantial amount of fill will have to be placed on much of the property in order to raise the ground level to the elevations where wetland plants will grow when the surrounding levees are breached. However, about 350 acres at the western edge of the ranch can be restored to marsh without adding fill material. Therefore, to initiate this project, which ultimately will be the largest tidal marsh restoration project of its kind on the West Coast, the Trustee Committee intends to provide funds to the U.S. Fish and Wildlife Service to restore the first 350 acres of wetlands and to prepare the overall hydrology plan for the restoration of the whole of the Cullinan Ranch.
- **Tolay Creek Wetlands.** Tolay Creek enters San Pablo Bay at Lower Tubbs Island in Sonoma County about 18 miles from the oil spill. Approximately 300 acres of wetlands border the creek on properties owned by the U.S. Fish and Wildlife Service, the California Department of Fish and Game and a private owner. All of the wetlands are within the San Pablo Bay National Wildlife Refuge. Tidal flow to the wetlands has been restricted by sedimentation and the development of a tidal lagoon on the Department of Fish and Game's property. In order to increase tidal flow in Tolay Creek and enhance the bordering wetlands, the Fish and Wildlife Service, which administers the National Wildlife Refuge, will excavate four miles of new creek channel and place water control structures in the tidal lagoon. The California State Coastal Conser-

vancy, Marin-Sonoma Mosquito Abatement District and the U.S. Fish and Wildlife Services are joining with the Trustee Committee in providing funds and services to carry out this project which is expected to be completed in about two years.

- **Camp Three Island.** Camp Three Island is 1,448-acre farmland area bordering Sonoma Creek located in Sonoma County about 19 miles from the oil spill. The island, which was originally marshland that was diked and drained at the turn of the century, is owned by Kiser Brothers Farms of Sonoma. The Trustee Committee intends to provide funds for the U.S. Fish and Wildlife Service to purchase the property which will then be restored to tidal salt marsh and seasonal freshwater wetland through the placement of water control structures in the levees surrounding the island. The Fish and Wildlife Service will contribute the cost of all the planning, engineering, development and management services needed to complete this wetlands restoration project which is expected to be completed within about two years.
- **South Sonoma Valley.** James G. Hellen owns a 530-acre property in the South Sonoma Valley just north of Camp Three Island along the Sonoma Creek. The California Department of Fish and Game owns a property adjacent to the eastern side of the South Sonoma Valley parcel. The Fish and Game property cannot be flooded without also flooding the Hellen property. Thus, the purchase of the Hellen property would enable the two adjacent parcels to be restored to marshland and managed as a single wetland unit. At the request of the County of Sonoma, the Trustee Committee intends to contribute a portion of the funding needed to purchase the Hellen property. The County has agreed to provide some matching funds and other matching funds are being solicited.
- **North Suisun Marsh.** Dorothy S. Peterson owns a 252-acre degraded wetland that was formerly a duck club just east of Suisun City within Solano County's Suisun Marsh. The property is currently used for cattle grazing. The California Department of Fish and Game owns the 200-acre Hill Slough Wildlife Area immediately south and west of the Peterson property. The Trustee Committee intends to provide funds to the Department of Fish and Game to acquire the Peterson property so that the property can be restored to a freshwater marsh and managed as part of the Hill Slough Wildlife Area. The County of Solano may provide some matching funds.
- **West Suisun Marsh.** Louis Garibaldi owns a 284-acre property along the eastern edge of the Suisun Marsh adjacent to Interstate 680 in Solano County. The Cordelia Slough Unit of the Grizzly Island Wildlife Area, which is adjacent to eastern edge of the Garibaldi property, is owned by the California Department of Fish and Game. A large population of migratory waterfowl winters on the two properties. Mr. Garibaldi has recently offered to donate his property to the Department of Fish and Game. The Trustee Committee intends to provide funds to restore and enhance the existing wetlands, develop new freshwater wetlands and improve upland habitat by providing nesting cover. The County of Solano may provide some matching funds.

Financial Report. As of December 31, 1991, the Natural Resources Fund has an estimated balance of \$12,759,142.71 which reflects the following transactions:

Income

Initial deposit by Shell Oil Company	\$10,838,000.00
Interest through December 31, 1990	1,325,928.39
Interest January 1–June 30, 1991	458,676.32
Estimated interest July 1–December 31, 1991	400,000.00
Total Income	\$13,022,604.71

Encumbrances

9/5/90.	California Environmental Trust Management services, October 17–December 31, 1990	\$25,000.00
9/5/90.	San Francisco Bay Conservation and Development Commission Administration of CET contracts	\$5,000.00
12/5/90.	California Environmental Trust Management services, January 1–December 31, 1991	\$100,000.00
6/27/91.	California Department of Fish and Game <i>Mason's lilaeopsis</i> restoration study	\$54,012.00
8/22/91.	Roland H. Burchard & Associates Property appraisal	\$10,000.00
10/31/91.	Entrix, Inc. Shell marsh management strategy	\$19,000.00
11/14/91.	Roland H. Burchard & Associates Consultation on property appraisal	\$450.00
12/13/91.	California Environmental Trust Management services, January 1–June 30, 1992	\$50,000.00
	Total encumbrances	\$263,462.00
	Estimated account balance	\$12,759,142.71



Shell Oil Spill Litigation
Settlement Trustee Committee
c/o California Environmental Trust
Hearst Building
5 Third Street, Suite 612
San Francisco, CA 94103

NATURAL RESOURCES FUND



INVITATION TO THE PUBLIC

FROM THE

SHELL OIL SPILL LITIGATION SETTLEMENT TRUSTEE COMMITTEE



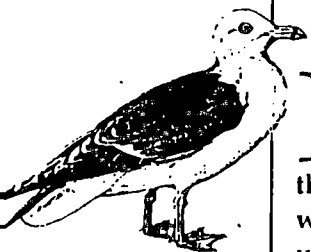
INVITATION TO THE PUBLIC

TO SUBMIT SUGGESTIONS FOR
PROJECTS TO BE CARRIED OUT WITH
MONEY FROM THE

NATURAL RESOURCES FUND

ADMINISTERED BY THE

SHELL OIL SPILL LITIGATION SETTLEMENT TRUSTEE COMMITTEE



In a comprehensive settlement of public agencies' claims arising from a 1988 oil spill at the Shell refinery in Martinez, Shell paid \$10,838,000 into the Natural Resources Fund (*the Fund*). In compliance with the law, the settlement requires this money to be used "to restore, rehabilitate, and acquire the equivalent of the natural resources damaged by the oil spill." The money is to be spent by the Shell Oil Spill Litigation Settlement Trustee Committee (*the Trustee Committee*) consisting of representatives from six public agencies.

The Trustee Committee is now seeking suggestions for the use of the Fund for consideration by the Committee. To assist interested parties in preparing suggestions, this informational packet explains:

- The key provisions of the settlement
- The composition, duties, responsibilities, goals and limitations of the Trustee Committee and its Technical Advisory Committee
- The criteria that the Trustee Committee will use in evaluating suggestions
- How to prepare and submit suggestions for the Trustee Committee to consider
- The deadline for submitting suggestions and the timetable for review of suggestions

2

BACKGROUND



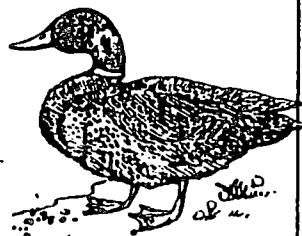
In April, 1988, about 400,000 gallons of crude oil were spilled into San Francisco Bay from Shell Oil Company's refinery in Martinez, California. The oil coated many acres of wetlands. Pushed by wind and tides, the spill covered miles of shoreline and tidal sloughs. Oil slicks appeared throughout the Carquinez Strait, Suisun Bay, and San Pablo Bay. Many birds and animals died, fish were harmed, and sport fishing and other recreation uses of the area were heavily impacted.

Shortly after the spill, 15 federal, state, and local agencies asserted claims against Shell. In April, 1990, all the claims were settled in a single, consolidated action in federal court (*the Settlement*). As a result of the spill, Shell has paid for clean-up costs, penalties, damages, reimbursement of costs, financing studies, and other expenditures, and has paid \$10,838,000 into the Fund. The Trustee Committee was established to administer and disburse the money in this Fund.

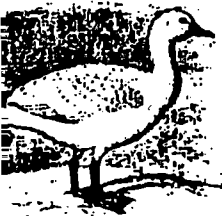
THE TRUSTEE COMMITTEE

The Trustee Committee consists of two federal trustee agencies, two state trustee agencies, and two other agencies to represent the public in the Bay Area, each of which appoints a representative and alternate to the Trustee Committee.

- U.S. Fish and Wildlife Service.
Wayne S. White (Gail Kobetich, alternate)
- National Marine Fisheries Service.
James R. Bybee (Chris Mobley, alternate)
- California Department of Fish and Game.
Donald L. Lollock (Pete Phillips, alternate)
- California State Lands Commission.
Dave Plummer (Jane Sekelsky, alternate)
- East Bay Regional Park District.
Robert E. Doyle (Ken Burger, alternate)
- San Francisco Bay Conservation and Development Commission.
William Travis (Alan Pendleton, alternate)



3



ACE 10643782

THE TRUSTEE COMMITTEE'S AUTHORITY

(Mr. Travis has been elected chair of the Trustee Committee, Mr. Doyle is vice-chair, and Mr. Plummer is treasurer.)

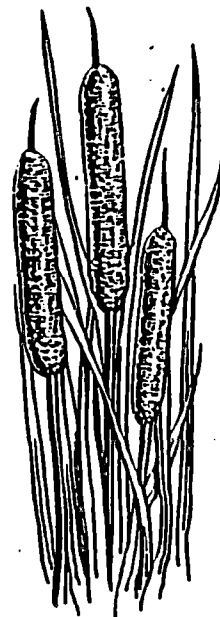
The Trustee Committee was established by a Memorandum of Agreement (MOA) which requires the Fund to be used to achieve "the primary objective of restoring, rehabilitating, and acquiring the equivalent of the natural resources adversely affected by the oil spill." Within these limits, the Trustee Committee has full authority and responsibility for spending the Fund. The MOA provides that any decision to use Fund resources must be made with the concurrence of both of the federal trustee agencies and both of the state trustee agencies.

The Trustee Committee is committed to minimizing administrative overhead, completing its work as quickly as possible, and carrying out its responsibilities in a straightforward, open, and professionally-credible fashion. The MOA provides the Trustee Committee seven years in which to accomplish its work, but the Committee hopes to complete its obligations in a much shorter period.

The Trustee Committee has contracted with the California Environmental Trust in San Francisco to assist in administering the money in the Fund to achieve the natural resource objectives of the MOA. The California Environmental Trust is a statewide non-profit 501(c)(3) organization, incorporated in 1985 in part for the purposes of administering settlement funds resulting from environmental lawsuits.

The MOA gives the Trustee Committee the authority, among other things, to do the following:

- Supervise the administration of the Fund and disburse money where necessary from the Fund;
- Select one or more public agencies or private non-profit organizations that, on behalf of and at the direction of the Trustee Committee, may: inventory



land suitable for acquisition; negotiate and purchase such land; transfer ownership of such land to other agencies; plan for and carry out appropriate wetlands restoration projects; contract with consultants to provide technical services to the Trustee Committee; and take other necessary actions as requested by the Trustee Committee;

- Review inventories of land acquisition sites and guide negotiations to acquire the sites;
- Authorize agencies to acquire land on terms acceptable to the Trustee Committee;
- Select one or more public agencies to hold title to the land acquired by the Trustee Committee and, where necessary, attach conditions to the acquiring agency's ownership that would insure the accomplishment of the Natural Resource Objectives of the Settlement;
- Review and approve leases or other operating agreements between the public agency holding title to any acquired lands and the public agency to whom management responsibility is proposed to be transferred;
- Create, review, and approve plans for the restoration and management of the acquired lands;
- Provide funds to other agencies for the acquisition, creation, and restoration of wetlands where the wetlands would not be acquired, created or restored but for the contribution from the Fund and where the Trustee Committee receive assurances that the acquisition, creation or restoration of the wetlands would be consistent with the Natural Resource Objectives of the Settlement;
- Convene meetings of the Technical Advisory Committee, and receive the advice of the Technical Advisory Committee;
- Prepare and issue public reports from time to time disclosing the work of the Trustee Committee;
- Pay administrative costs that the Trustee Committee determines are reasonable and necessary; and

TECHNICAL ADVISORY COMMITTEE

- Establish rules to govern and facilitate the work of the Trustee Committee as necessary.

To assist the Trustee Committee in its work, the MOA established a Technical Advisory Committee (TAC). The TAC consists of representatives from 14 public agencies designated by the MOA. In addition, the Trustee Committee has invited three public representatives to participate in TAC meetings when, in the judgment of the Trustee Committee, public disclosure of matters being considered by the TAC would not impede the Trustee Committee's work

- Audubon Society (invited member)
- California Department of Fish and Game
- California Department of Parks and Recreation
- California State Lands Commission
- City of Benicia
- City of Martinez
- County of Contra Costa
- County of Solano
- East Bay Regional Park District
- National Oceanic and Atmospheric Administration
- Regional Water Quality Control Board, San Francisco Bay Region
- San Francisco Bay Conservation and Development Commission
- The Bay Institute (invited member)
- U.S. Department of the Navy
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- United Anglers (invited member)

The TAC's role is to meet periodically at the request of the Trustee Committee to review, guide, and comment on the work of the Trustee Committee. The agencies represented on the TAC were all involved in the law-



OBJECTIVES

suit settlement negotiations and have special experience to offer the Trustee Committee. The Trustee Committee will call on individual TAC members to take advantage of their particular expertise and perspectives. The TAC is the Trustee Committee's principal source of technical expertise, and recommendations, although the Trustee Committee may seek additional help from other sources.

The MOA provides that the primary objectives of the Trustee Committee are to restore, rehabilitate, and acquire the equivalent of the natural resources adversely affected by the oil spill. The MOA further provides that the committee shall seek to accomplish these objectives by:

- 1 Acquiring, creating, restoring, or enhancing wetlands in the area of the spill.
- 2 Giving primary consideration to the "feasibility" of a particular project site, with "feasibility" being defined to mean "the physical suitability of the site for the creation or restoration of valuable and productive wetlands habitat, taking into account the economic cost of acquisition, restoration and management of the habitat in comparison to the cost of developing other wetland sites in the area of the oil spill.
- 3 In evaluating "physical suitability," considering not just the intrinsic capability of the site to support natural resources, but the usefulness of the site in combination with proximate existing wetland habitat, the location of the site in relation to existing development, and the site's level of protection from development provided under law.
- 4 Acquiring land adjacent or near to wetlands habitat where necessary to accomplish the primary objectives stated above.
- 5 Attempting to establish a relatively equal number of acres of wetlands in Solano and Contra Costa Counties, so long as this allocation would be "feasible" as described above.





CRITERIA

LOCATION

- 6 Coordinating the Trustee's acquisition and restoration activities with other agencies involved in the acquisition and management of wetlands habitat.
- 7 Taking into account the habitat's values for supporting fisheries, particularly striped bass.
- 8 Attempting to achieve the goal of creating, restoring, or enhancing 1,000 acres of wetlands, particularly by giving fair consideration to funding a California Department of Parks and Recreation wetlands restoration project at the Benicia State Recreation Area, and if "feasible" as described above, giving special consideration to (1) enhancing wetland habitat values at Shell Marsh and acquiring a buffer strip around Shell Marsh, and (2) establishing an appropriate program to study the restoration of the state-listed rare plant *Mason's lilaeopsis* which was impacted by the oil spill.

The Trustee Committee has decided to use both the above objectives of the MOA and the following general criteria to evaluate suggestions for use of money from the Fund. The Trustee Committee may add to or refine these criteria based on further information. The criteria are:

- 1 Projects that are located closer to the area impacted by the oil spill are preferable to similar projects located farther away from the spill location.
- 2 Projects that involve simply the acquisition of existing privately-owned wetlands will generally not have a high priority unless the wetlands are threatened by development pressure or if the wetlands are being degraded and public ownership and management would significantly improve quality of the wetland habitat.

Projects involving the same or comparable natural resources to those impacted by the oil spill are preferable to similar projects involving different types of resources.

PHYSICAL RESOURCES

3

8



MANAGEMENT

- 4 Projects that would remove incompatible land uses from wetlands are preferable to similar projects that would not remove such uses.
- 5 Projects involving the protection of habitat for endangered species affected by the spill are preferable to similar projects that would not protect endangered species habitat.

- 6 Projects that do not require rigorous management are preferable to similar projects that need costly long-term management to succeed.
- 7 Projects that have viable management commitments are preferable to similar projects that do not have clearly defined long-term management strategies and willing managers.
- 8 Projects that would unify the management of parcels within a wetland or aquatic habitat are preferable to similar projects that would leave parcels unconsolidated.
- 8 Projects that have or would provide adequate on-site or adjacent buffers to the area are preferable to similar projects that do not.
- 10 Projects that involve wetland enhancement or creation techniques that have proven successful are preferable to similar projects that involve experimental methods of wetland enhancement or creation.

FINANCING

- 11 Projects that are less costly are preferable to similar projects that would be more costly.
- 12 Projects that would utilize matching funds from other sources are preferable to similar projects that would rely solely on support from the Trustee Fund.
- 13 None of the Trustee Fund moneys can be used for long-term maintenance and operations.

GENERAL

- 14 Projects known to be free of toxic contamination are preferable to similar projects that may have toxic contamination problems; moreover, projects that have

8

PROCESS FOR CONSIDERATION OF SUGGESTIONS



adequate information about toxic contaminants and a feasible clean-up strategy are preferable to similar projects with outstanding toxic contamination problems.

15 In the overall array of projects, the Trustee Committee will strive to provide balanced support for projects that benefit fish and projects that benefit wildlife, as well as balanced support for projects involving tidal wetlands and projects involving non-tidal wetlands.

18 A project that is being proposed or used to mitigate a development project is not eligible for trustee fund support.

The Trustee Committee is now inviting all interested parties to submit suggestions for Fund-supported projects for consideration by the Committee. Any individual, organization or group can submit a suggestion to the Trustee Committee. Suggestions can be submitted in any reasonable form. Please be as concise as possible. The Trustee Committee may ask for further information later.

To submit a suggestion, please provide your name, address and telephone number, and answer the following six questions:

- 1** What precisely do you propose? (e.g., property acquisition, wetland restoration, habitat enhancement, etc.)
- 2** If the project involves real property, who owns the property and where is it located?
- 3** How much will the project cost, and is funding available from other sources to complement money from the Fund?
- 4** How would the project satisfy one or more of the natural resource objectives of the MOA?
- 5** How would the project meet the criteria established by the Trustee Committee?
- 6** What public agency or non-profit organization should carry out the project?



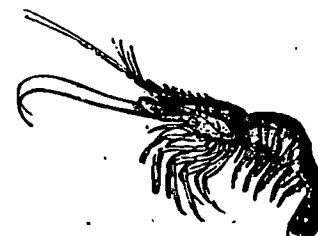
INQUIRIES AND SUGGESTIONS

The Trustee Committee, with the assistance of the TAC, intends to complete an initial review of all suggestions received as of the March 1, 1991 deadline by April 15, 1991. In some instances, additional information may be required or the Trustee Committee may need independent research to more fully evaluate suggestions. Depending upon the nature and quality of suggestions received, some funding decisions may be made as early as the summer of 1991.

Submissions should be directed to:

Shell Oil Spill Litigation
Settlement Trustee Committee
c/o California Environmental Trust
Hearst Building
5 Third Street, Suite 612
San Francisco, CA 94103
(415) 543-1855
FAX 543-8185

Submissions must be postmarked by March 1, 1991.





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OFFICE OF THE ASSISTANT SECRETARY
POLICY, MANAGEMENT & BUDGET

TELEFAX COVER SHEET

RECEIVED
AUG 27 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

DATE: July 28, 1992

NUMBER OF PAGES: ten
INCLUDING COVER SHEET

Transmission Number: Commercial: (202) 219-1220
FTS: 8-268-1220

Verification Number: Commercial: (202) 208-4123/6182
FTS: 8-268-4123/6182

TO: John Beuter (JoAnn) TEL #: 720-7173

AGENCY/OFFICE: USDA FAX #: 720-4732

FROM: John Schrote TEL #: 202/208-4123

OFFICE/AGENCY: Interior (PMB) FAX #: 202/219-1220

MESSAGE:

Washington, D.C. 20530

July 28, 1992

Via Special Messenger

Daniel Shillito
Department of Interior
Conservation and Wildlife Division
1849 C Street, N.W.
Room 6560
Washington, D.C. 20240-1050

Re: Exxon Valdez

Dear Mr. Campbell:

I am forwarding for your immediate consideration a copy of a July 21, 1992 letter from Judge Holland in Alaska concerning application of the fine and restitution monies received in settlement of the Exxon Valdez case. Judge Holland's letter forwarded to the parties a copy of a July 17, 1992 letter received by the Court from Rick Steiner of the Coast Coalition of Cordova, Alaska, in which Mr. Steiner objects to the governments' expenditure of the civil and criminal recoveries obtained in settlement of the Exxon Valdez litigation, as well as to the process implemented by the governments to achieve such expenditures. Notably, Mr. Steiner complains of the lack of public participation in the restoration process. Mr. Steiner requested a hearing to address the issues raised in his letter.

By letter of July 21, 1992, Judge Holland responded to Mr. Steiner informing him that his letter would be forwarded to the parties, and explaining that a hearing such as the one requested by Mr. Steiner cannot be scheduled on the request of a non-party, but would be given consideration if requested by any of the parties to the case. The correspondence between Mr. Steiner and Judge Holland is also enclosed. We received copies of all three letters in the late afternoon of July 27, 1992.

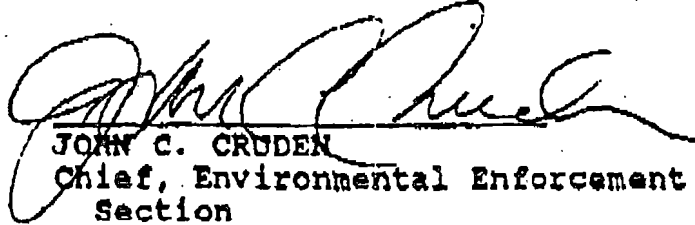
Because we are concerned that Judge Holland may be receiving inaccurate information concerning the restoration progress and process, we intend to formally respond to his letter. The timing is important since the United States must file a brief with the Court by August 3, 1992 addressing the issue of whether the United States and the State committed fraud in procuring the Exxon Valdez settlements. We are therefore asking the Federal trustees to provide a written chronology and accounting of major expenditures to date of any civil or criminal recoveries obtained

in settlement of the Exxon Valdez litigation, including restitution money. This chronology should address public participation included or anticipated as part of the restoration process.

We must receive this information by no later than Thursday, July 30, 1992, so that we may have an opportunity to prepare a timely response to the concerns raised in Judge Holland's letter. Should you have any questions, please call Rachel Jacobson at (202) 514-5474.

Thank you for your prompt attention to this matter.

VICKI M. O'MEARA
Acting Assistant Attorney General
Environment & Natural Resources
Division
U.S. Department of Justice



JOHN C. CRUDEN
Chief, Environmental Enforcement
Section
Environment & Natural Resources
Division
U.S. Department of Justice

H. Russell Holland
Chief Judge

July 21, 1992

Charles E. Cole, Esq.
Attorney General
State of Alaska
Box K
Juneau, Alaska 99811

✓ Charles A. De Monaco, Esq.
Environmental Crimes Section
Environment & Natural Res. Div.
U.S. Department of Justice
Washington, D.C. 20530

Barry M. Hartman, Esq.
Environment & Natural Res. Div.
U.S. Department of Justice
Washington, D.C. 20530

Edward J. Lynch, Esq.
Associate General Counsel
Exxon Corporation
225 E. John W. Carpenter Freeway
Irving, Texas 75062-2298

Patrick Lynch, Esq.
O'Melveny & Myers
400 South Hope Street
Los Angeles, California 90071

James F. Neal, Esq.
Neal & Harwell : P. 26
2000 One Nashville Place
150 Fourth Avenue, North
Nashville, Tennessee 37219

John R. Rebman, Esq.
P.O. Box 2180
Houston, Texas 77252-2180

Re: United States v. Exxon, No. A90-015 Criminal
United States v. Alaska, No. A91-081 Civil
United States v. Exxon, No. A91-082 Civil
Alaska v. Exxon, No. A91-083 Civil

DEPT OF JUSTICE
ENVIRONMENTAL CRIMES
DIVISION
JUL 26 1992
FBI

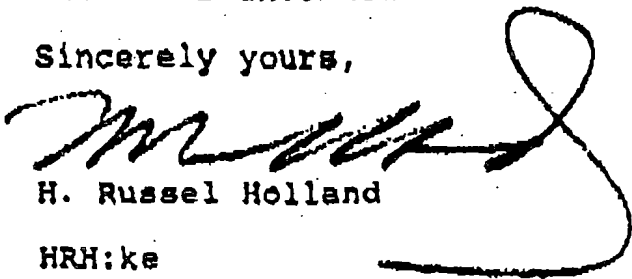
Gentlemen:

Enclosed please find a copy of a letter which I have received from Rick Steiner on behalf of the Coastal Coalition of Cordova, Alaska. Also enclosed is my response to Mr. Steiner.

While I do not feel at liberty to so state to Mr. Steiner, I will tell counsel in these cases that I have been somewhat troubled by what I have seen in the newspaper concerning application of the fine and restitution payments toward restoration of Prince William Sound. You know, and I understand, that what appears in the newspaper is likely to have the editorial spin of the particular newspaper which is doing the reporting. Nevertheless, I am concerned that the restoration money which is available be applied in the most effective manner possible to effect restoration where there is recognized damage occasioned by the Exxon Valdez oil spill.

The purpose of this letter is not in any sense to inject myself into what I trust are ongoing efforts to accomplish restoration of Prince William Sound. I do mean to alert you to the fact that there may be a public perception that the monies generated through the above-referenced cases is not being applied in the fashion which was intended.

Sincerely yours,



H. Russel Holland

HRH:ke

encl.

H. Russel Holland
Chief Judge

July 21, 1992

Mr. Rick Steiner
The Coastal Coalition
Box 2424
Cordova, Alaska 99574

Dear Mr. Steiner:

I am in receipt of your letter of July 17, 1992. I am forwarding copies of your letter to counsel for all of the parties in the several Exxon cases which are the subject of your letter.

I must tell you in all candor that there is very little I can do with your letter. Whereas legislative bodies are entitled by the federal and state constitutions to initiate activity, the judiciary is almost exclusively a reactive institution. The court is not in a position to initiate proceedings on its own. Indeed, the court is not even permitted to take action at the request of a person such as yourself unless prescribed procedures are followed. I have no jurisdiction unless there is a case or controversy which is put before me in the prescribed fashion--through the filing of a complaint with the Clerk of Court, and service of that complaint on all adverse parties.

In consideration of the foregoing, I am not in a position to schedule a hearing such as you have requested. I will certainly give serious consideration to taking the matter up if I am requested to do so by any of the parties to any of the cases.

Sincerely yours,



H. Russel Holland

HRH:ke

cc: Charles E. Cole, Esq.
Charles A. De Monaco, Esq.
Barry M. Hartman, Esq.
Edward J. Lynch, Esq.
Patrick Lynch, Esq.
James F. Neal, Esq.
John R. Rebman, Esq.

July 17, 1992

The Honorable M. Russel Holland
United States District Court Judge
United States District Court
222 West Seventh Avenue
Anchorage, AK 99513

Dear Judge Holland,

I am writing to you today to call your attention to a matter of grave concern to thousands of citizens living in the region impacted by the Exxon-Valdez oil spill. We turn to you to help resolve a crippling impasse between the public and the government in the expenditure of the \$100 million criminal restitutionary monies collected as a result of Exxon's plea's of guilty entered in United States v. Exxon Corporation and Exxon Shipping Company, No. A90-015 CR., over which you presided.

The issue is this -- that \$100 million was collected with the understanding that it was needed immediately for restoration, and to date, not one cent has been spent, nor have the governments proposed any sort of plan for expenditure on urgently needed projects, nor are there any good prospects that this will happen in the next few years. Whatmore, the people of Alaska, through a very deliberate and rather exhaustive public process in the legislature, passed a bill that would have appropriated the state's share of this money to various restoration projects in need of immediate attention, but the Governor just vetoed all of it. This was truly the people's bill. Worse, the Federal government has undergone absolutely no public process with regard to it's share, has actively avoided answering questions regarding it, and has even come to some form of agreement among their own agencies as to how they plan to spend it, behind closed doors and with no public input.

This does not seem to be what we the people thought you intended when you approved the plea. As to the urgency in collecting and using this money, I'd like to remind you of the following statements by the United States Department of Justice made before you during sentencing:

- "...The environment, as a victim, must be aided quickly through efforts funded by restitutionary payments"

- "...The governments urge that there be restitution now for the areas affected by the oil spill, and it should not await years of legal battles over damages and liabilities. The plea agreement provides an immediate infusion of money needed to continue the work of restoring the Prince William Sound and the Gulf of Alaska, while the consent decree provides money over the long term..."

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JUL 20 1992

U.S. JUDGE
ANCHORAGE

- "...We ask that you approve the plea agreement...that will put an end to the criminal and civil complex litigation and getting much needed money to the environment now, as opposed to years of litigation..."
- "...We believe it's in the public's best interest to settle this case in this matter to get the much needed money into the Prince William Sound and Gulf of Alaska now as opposed to years from now..."
- "...Unlike other economic crimes in which this court is well aware we can't simply pay interest twenty years down the road to make up for the losses. In environmental cases, it is crucially important that we address the consequences of the conduct immediately..."
- "...Today the Court has the opportunity to deal with that environmental consequence immediately."

And Judge, you bought it, we the people bought it, and here we all are, almost a year later, and absolutely nothing has happened, and nothing is likely to happen soon. We the people have, as they say, been taken. It is widely acknowledged that this spill caused an overwhelming loss of public faith in government and industry. The settlement that you approved, although it collected only about 15c-on-the-dollar for what we thought should have been provided, was deemed acceptable in the region only because it provided money urgently needed to attend to the damaged ecosystem. Although many of us questioned the sincerity of the government's commitment to promptly and genuinely attend to the environmental damage as they had forcefully articulated in their recitations before you, we knew we needed the money and thus were generally appreciative for your approval of the settlement. But now, our greatest fears have been realized -- once the settlement was in the bag, the governments quickly retired to the land of processes, flow diagrams, charts, graphs, meetings, reports, frameworks, scoping, and more meetings and reports.

The governments were obviously entirely disingenuous with the statements made before the Court. Had the State administration truly cared about the region and its people, they most certainly would have approved the peoples plan for putting the \$80 million to work. In reviewing this plan, the Attorney General provided the Governor with two clearly contradictory positions. On the one hand he states that "these court orders allow the state considerable discretion in choosing which activities will be funded from the restitution monies, so long as those activities are conducted within the State of Alaska and are related to the restoration of resources affected by the Exxon Valdez oil spill or the lost or reduced services provided by such resources." But then, he goes on to conclude that most of the projects proposed by the legislature are "not-lawful".

Judge Holland
Page 3.

That they have proposed placing all of these restitutionary monies into an endowment seems in flagrant disregard of the orders of the Court. These monies are essentially in an endowment now and drawing interest precisely as they would in the administration's proposal. Their proposal then can be summarized in two words -- "do nothing". This is in obvious contradiction to the order of the Court. Their endowment would make restitution monies available through the next millenium and so on. This doesn't seem to "get the much needed money into the Prince William Sound and the Gulf of Alaska now as opposed to years from now", does it?

Similar problems exist with the State/Federal Trustees Council and their handling so far of recoveries in the civil case. For instance, the Trustees decided behind closed doors, with absolutely no public input or oversight, to take the majority of the first payment as reimbursement, making very little available for restoration work this year. And, at least one Trustee agency, the U.S. Forest Service, has made an internal policy decision in opposition of any acquisition of equivalent resources, in complete contradiction to the overwhelming majority of public testimony to the Trustees. This makes a mockery of your order that a meaningful public process be established. Also, the Trustees have proposed placing the civil recoveries into an endowment, in complete contradiction to every single statement by the public. It is particularly ironic that all that the government can think of doing to take care of the ecosystem damaged by the single most disastrous environmental crime in our nation's history, is to set up a bank account.

This is the first environmental crime of such magnitude that we as a society have had to deal with. And Judge, we have blown it! Here we are, three and a half years later, and we have been able to do absolutely nothing substantively in the way of restoration or protection of the region. If humanity is indeed this unwilling or unable to deal in a genuine manner with such technological disasters, then we are most certainly in for a very dark future.

So, here we are, extremely frustrated. Because of the events of the past few days, many people in the region and elsewhere have completely lost faith in not only this process, but the essential ideals of democracy altogether. I don't need to tell you how profound this is.

It is thus after a great deal of thought and out of utter desperation that we the people turn to you once again for help. We respectfully request that you convene a hearing on this matter as soon as possible. I don't think it would be overstated to say that the very integrity of democracy itself hangs in the balance here.

Judge Holland
Page 4.

When you approved the plea, you put forth the following most sincere admonition:

"Quite frankly, I expect to see people back here if the money that flows from the disposition of these three cases is not going where I expect it to go, based on the terms of the agreements."

Judge, the money is most certainly not going where you expected it to go. You, and we, expected it to be put to use -- the governments have done nothing, and have even proposed that all they need to do is to put it in the bank, where, by the way, it already is.

I think a hearing in front of you is necessary in order to break this log-jam and to get this process underway in a more constructive manner. Although I am not an attorney, it is evident to me and many others that, while the defendant, Exxon, has certainly lived up to their end of the deal, unfortunately the government, our government, has not. In fact, because the government seems to be violating the entire basis upon which they collected the restitution monies from Exxon, I would think that Exxon would have more than adequate grounds to ask for the money back. That the money was collected under the fraudulent premise that it was needed "immediately" and that they intended to use it immediately, but haven't, seems to call into question the entire plea agreement.

In addition to a review of progress or lack thereof of the governments in implementing the terms of the settlement, a hearing could also be useful in getting your interpretation of whether or not the restoration projects passed by the Alaska Legislature are consistent with the terms of the plea agreement. The Attorney General has said most do not, legislative counsel and others have said that the provisions do fit the terms of the plea.

Judge Holland, I am just one person, but I am absolutely convinced that I bring these concerns to your attention on behalf of literally thousands of American citizens.

I truly appreciate your kind consideration of this matter.

Sincerely,


Rick Steiner, The Coastal Coalition

Pacific Seabird Group



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NOV 9 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Craig S. Harrison
Vice Chairman for Conservation
4001 North 9th Street #1801
Arlington, Virginia 22203

July 17, 1992

Dr. David R. Gibbons
Exxon Valdez Oil Trustee Council
645 G Street
Anchorage, Alaska 99501

Re: Comments on Use of Restoration Trust Funds

Dear Dr. Gibbons:

Thank you for the Trustee Council's summary of responses to public comments on the 1992 Draft Work Plan dated June 1992. Please send me copies of the comments submitted by the following organizations:

1. Prince William Sound Conservation Alliance (No. 85)
2. Alaska State Legislature (No. 94)
3. National Wildlife Federation (No. 103)
4. Alaska Center for the Environment (No. 105)
5. Natural Resources Defense Council (No. 112)
6. The Wilderness Society (No. 116)
7. National Parks and Conservation Association (No. 129)
8. Kodiak Audubon (No. 159).

Thank you for your assistance.

Sincerely,

Craig S. Harrison

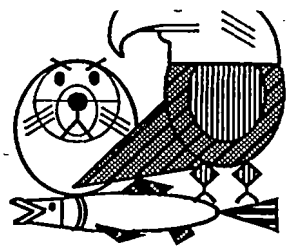
Craig S. Harrison

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



July 24, 1992

Craig S. Harrison
Vice Chairman for Conservation
Pacific Seabird Group
4001 North 9th Street #1801
Arlington, VA 22203

Dear Mr. Harrison:

Enclosed please find copies of the comments to the 1992 Draft Work Plan you requested in your letter dated 7/17. The comments included are numbers 85, 94, 103, 105, 112, 116, 129 and 159.

If you have any questions or require further information please contact me the address above.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dave R. Gibbons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dave R. Gibbons, Ph.D
Interim Administrative Director



Citizens' Oversight Council
on Oil and Other Hazardous Substances

3111 C Street, Suite 150 • Anchorage, Alaska 99503
(907)561-2101 • 561-7538 (FAX)

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AUG 27 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

July 10, 1992

Michael A. Barton, Regional Forester, Alaska Region
Charles E. Cole, Alaska Attorney General
Curtis V. McVee, Special Assistant to the Secretary for Alaska
Steve Pennoyer, Alaska Regional Director, National Marine Fisheries Service
Carl L. Rosier, Commissioner, Alaska Department of Fish and Game
John A. Sandor, Commissioner, Alaska Department of Environmental
Conservation
Exxon Valdez Oil Spill Trustee Council
645 G Street
Anchorage, Alaska 99501

Dear Trustees:

The Citizens' Oversight Council and the University of Alaska Fairbanks Sea Grant College Program are planning a forum on oil spill prevention and response planning after the Exxon Valdez. The forum will be in March of 1994, the five year anniversary of the spill.

At the time of the Exxon Valdez spill we had a lot to learn about oil spill prevention and response planning. Many efforts have been undertaken to improve both of these areas. We now have extensive new federal and state legislation; detailed new and proposed regulations for industry contingency planning and vessel equipment standards; substantially revised national, state, and regional master contingency plans; plans for response equipment depots and volunteer response corps; state and local emergency response commissions; regional citizens' advisory groups; extensive scientific studies on the impacts of the spill on wildlife, the environment, and the people affected; a process for ascertaining future restoration projects; and an oil spill technology review council.

Council Members

Harry R. Bader, Fairbanks • Leo J. Hannan, Anchorage • Kathryn L. Kinnear, Kodiak
Gary P. Kompkoff, Tatitlek • John H. Lucking, Jr., Unalaska

It is now time for reflection and brainstorming --

- * what has each of these changes accomplished?
- * what improvements are still necessary?
- * do each of these pieces fit together to create a unified, strengthened prevention and response program?
- * are we really better prepared now?
- * what is the condition of the resources affected by the spill?
- * how have the lives of the people who use those resources been impacted? How would their interests be protected after another spill?
- * what are the longterm results of the various cleanup technologies used? Is the cleanup finished?
- * where do we want to be in the next 5 years?

The Citizens' Oversight Council and the Sea Grant Program invite you to join with us on September 8, 1992 for a forum planning meeting. The meeting will be at 10am in the fifth floor conference room of the Anchorage Legislative offices, 3111 C Street. Please let us know if you are interested in participating and who the contact person in your organization will be. Please call Michele Brown of the Citizens' Oversight Council (561-2101) or Brenda Baxter of Sea Grant (474-7086) for more information. We look forward to working with you to plan this important and informative forum. Thank you.

Sincerely,

Harry Bader/MB

Harry Bader
Chair
Citizens' Oversight Council

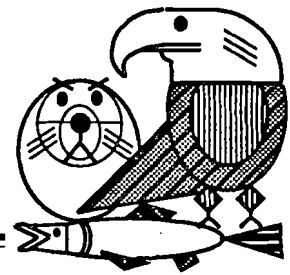
R. K. Dearborn/MB

R. K. Dearborn
Director
Alaska Sea Grant College Program

cc: Dave Gibbons
Interim Administrative Director

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



July 22, 1992

Harry Bader
Citizen's Oversight Council
on Oil and Other Hazardous Substances
3111 C Street, Suite 150
Anchorage, AK 99503

Dear Mr. Bader:

Thank you and R.K. Dearborn of the Alaska Sea Grant College Program for inviting the *Exxon Valdez* Oil Spill Trustee Council to participate in a forum on oil spill prevention and response planning. I plan to attend the forum planning meeting scheduled for Tuesday, September 8 at 10:00 a.m. in the fifth floor conference room of your building on behalf of the Trustee Council.

Sincerely yours,

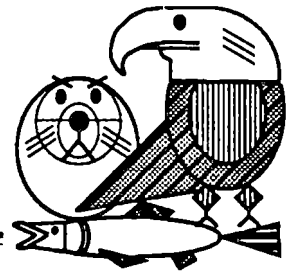
A handwritten signature in black ink, appearing to read "Dave Gibbons". The signature is fluid and cursive, with the first name "Dave" and last name "Gibbons" clearly distinguishable.

Dave Gibbons, PhD
Interim Administrative Director

cc: Trustee Council

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



July 22, 1992

Harry Bader
Citizen's Oversight Council
on Oil and Other Hazardous Substances
3111 C Street, Suite 150
Anchorage, AK 99503

Dear Mr. Bader:

Thank you and R.K. Dearborn of the Alaska Sea Grant College Program for inviting the *Exxon Valdez* Oil Spill Trustee Council to participate in a forum on oil spill prevention and response planning. I plan to attend the forum planning meeting scheduled for Tuesday, September 8 at 10:00 a.m. in the fifth floor conference room of your building on behalf of the Trustee Council.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dave Gibbons".

Dave Gibbons, PhD
Interim Administrative Director

cc: Trustee Council

AMERICAN CETACEAN SOCIETY



13.2.10

RECEIVED
AUG 04 1992

June 20, 1992

Exxon Valdez Oil Spill Trustees
645 G Street
Anchorage, Alaska 99502

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Sir/Madam:

This is to inform you that I had very bad luck in connection with my receipt of a set of documents prepared by your office.

Through an Alaskan colleague, I asked to receive Volumes I and II and the Public Response section of the Exxon Valdez Oil Spill Restoration Project.

A package of materials was mailed to me "first class" and from what I can decipher of the postmark, it was sent on May 18. On June 5, I received a totally taped-together marked up, wrinkled package, with my name and address reconstructed from the large torn areas of the package. By then, as you know, it was too late to send any comments. Fortunately, the contents were mostly intact and I am very glad to have them.

Very truly yours,



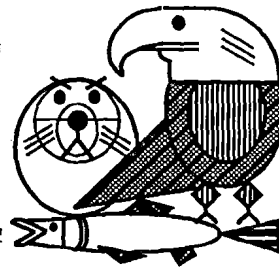
Barbara H. Britten
Washington Representative

1300 S. Arlington Ridge Rd.
#614
Arlington, VA 22202

Document ID Number	
920701338	
<input type="checkbox"/>	A-92 WPWG
<input type="checkbox"/>	B-93 WPWG
<input type="checkbox"/>	C-RPWG
<input type="checkbox"/>	D-PAG
<input checked="" type="checkbox"/>	E-MISC.

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



July 2, 1992

Barbara H. Britten
Washington Representative
American Cetacean Society
1300 S Arlington Ridge Rd., #614
Arlington, VA 22202

Dear Ms. Britten:

We are very sorry to hear that the documents we shipped to you were "mangled" along the way. I can't ascertain from your letter whether your set of documents was mailed directly by the printer or by the Oil Spill Public Information Center. Packages mailed by the printer were shrink-wrapped in clear plastic with an address label on the outside, which usually is an effective packaging technique. The staff in the Information Center do their best to make sure packages are securely wrapped and prepared for mailing. In fact, they use Tyvek envelopes, which as you probably know would take a truly violent act to mangle as you describe.

We're sorry this happened. Please let us know if we should send you a better copy of the set, or any volume from the set.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L.J. Evans". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

L.J. Evans
Information Officer

cc: Carrie Holba, OSPIC

RECEIVED
MAR 03 1992

MEMORANDUM

Alaska Department of Environmental Conservation
Exxon Valdez Oil Spill Response Center
Public Information Office
4241 B St, Suite 304, Anchorage, AK 99503

STATE OF ALASKA,
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

TO: Trustee Council

DATE: February 26, 1992

TELEPHONE NO: 907/563-1126

FAX: 563-1789

FROM: L.J. Evans *LJE*

SUBJECT: Letters to the Trustee
Council

Enclosed are copies of our responses to letters from the public. A system is now in place to ensure timely response to public letters, track the comments and preserve the letters as part of the Trustee Council administrative record.

The letters which Dave Gibbons has forwarded to me thus far for handling and response address the following topics:

Habitat Acquisition - in favor	43
Habitat Acquisition - against	1
Public Advisory Group	20
Support for OSPIC	5
Project Proposals	5
Preserve wildlife specimens for further study (the carcasses in the freezers)	4
Inadequate public notice	2
Support for salmon studies	1
Support for cultural resource studies	1

Some letters address more than one topic and are therefore counted in this list more than once.

cc: D. Gibbons
E. Piper
M. McGee