

13.08.01 – Reading File

June 2003

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: Judith E. Bittner
State Historic Preservation Officer
Alaska Department of Natural Resources

FROM: Molly McCammon *PM*
Executive Director

RE: Project 99154: Authorization to Approve the Proposed Contract
between Chugachmiut and the Chenega IRA Council for a Local
Display Facility in Chenega Bay

Project 99154: Authorization to Proceed with Design of a Local
Display Facility in Chenega Bay

DATE: June 17, 2003

In accordance with Appendix B, Section 3.1.4, of the grant agreement between the Alaska Department of Natural Resources and Chugachmiut, Inc., executed on 10/14/99, I authorize you to proceed with the revised Chenega Bay Local Display Facility proposal dated 5/21/03, subject to the following conditions:

1. The grant amount will not exceed \$175,000;
 2. Authorization to proceed to Phase III, Remodeling, will be contingent on demonstration of sufficient site control and completion of all aspects of the Design Phase, including NEPA Compliance and the Business Plan; and
 3. The Business Plan will provide detailed information about potential sources of revenue for future operation and maintenance of the Local Display Facility.
-
1. In accordance with Appendix B, Section 3.1.5, of the grant agreement, I authorize you to approve the draft contract, received on 6/13/03, between Chugachmiut and the Chenega IRA Council. Furthermore, in accordance with Appendix B, Section 3.2.1, I authorize you to proceed with design of the Local Display Facility provided the design is consistent with the concept design in the revised proposal.

Exxon Valdez Oil Spill Trustee Council

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



Memorandum

TO: John Piatt
USGS

FROM: Molly McCammon
Executive Director

DATE: June 30, 2003

SUBJECT: Revised due dates overdue reports

These dates are accepted for delivery of the following overdue reports:

September 30, 2003 Project 00501/Seabird Monitoring Protocols final report

August 31, 2003 Project 99163/APEX subproject M final report

September 30, 2003 Project 01163/APEX Closeout one synthesis manuscript

September 30, 2003 Project 01338/Murre & Kittiwake Survival final report

September 30, 2003 Project 02479/Effects of Food Stress on Survival and Reproductive Performance of Seabirds final report and three manuscripts

Cc: Dede Bohn - *fax*
Phil Mundy - *fax*
Bob Spies - *mailed*
Drue Pearce - *fax*
Bill Seitz - *fax*

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0697
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*John Piatt
Deede
Bill Sautz*

Exxon Valdez Oil Spill Trustee Council

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

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*** TX REPORT ***

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Exxon Valdez Oil Spill Trustee Council

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United States Department of the Interior

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

June 24, 2003

Molly McCammon
Executive Director
EVOS Trustee Council
441 W. 5th Ave., Ste. 500
Anchorage AK 99501-2340

RE: Status of EVOS Projects and Reports for John Piatt, USGS

This memo is in response to your memo of June 2, 2003 on the status of overdue EVOS projects and reports by Dr. John Piatt. This memo provides revised due dates promised by John and seeks to clarify the final list of products. If this revised list is acceptable, please let me know. Unfortunately, I will be out of the office until Thursday, July 17, and likely will miss the chance to discuss this with you.

Included here are: 1) John's response for overdue items, 2) Proposed summary list of products and projected due dates, and 3) Two attachments providing further detail about two of the projects.

John's response for overdue items:

Project 00501/Seabird Monitoring Protocols final report. Final report still due. Will be submitted to EVOSTC before September 30, 2003.

Project 99163/APEX subproject M final report. This report was completed in June 2002 and we are waiting for peer review comments from EVOSTC Chief Scientist. This final report is a comprehensive compilation of all research findings from Cook Inlet, including detailed results on oceanography, plankton, forage fish, seabird distribution at sea, breeding biology and behavior of common murres, kittiwakes, pigeon guillemots and horned puffins. There is also a synthesis (Chapter 14) that integrates the major findings across all disciplines of study, major species of study and all study sites (Gull, Chisik and Barren islands). We would like to submit the final

draft as soon as possible, but this is contingent on receiving the reviewers' comments. In any case, with or without review, we would like to submit a final version on August 31, 2003.

Project 01163/APEX Closeout.

Note from Dede: Although your list shows John having 3 overdue synthesis manuscripts, I was unable to track down the intended topics. I searched my files, and contacted Pete Hagen, Phil Mundy, and Bob Spies for assistance. None of us were able to locate the proposed titles for 3 manuscripts by Piatt, nor do they show in the 01163 DPD. We believe the confusion probably resulted from multiple lists being circulated by John and the APEX coordinators (e.g., Wright). On June 23, 2003, both Phil Mundy and Bob Spies sent me e-mail messages saying that they would be comfortable changing this commitment to ONE synthesis manuscript. According to John, the bulk of this manuscript has been written (Chapter 14, Final Report 99163) and will be revised for submission to a peer-reviewed journal by September 30, 2003.

Project 02163M/APEX: Numerical and Functional Response of Seabirds to Fluctuation in Forage Fish Density. In the 02163 DPD, Piatt suggested he and his staff would write a number of synthesis papers and he listed 8 possible priority products. To date, 8 manuscripts have been prepared or published (see Attachment #1). Copies can be provided to the EVOSTC if requested. Although not exactly the same as those originally proposed, we hereby submit this list of products to meet the obligation on Project 02163M/APEX. Piatt and staff (or ex-staff as the case may be) plan to continue preparing manuscripts from the body of data and writing compiled in the Final Report.

Project 01338/Murre & Kittiwake Survival final report. Final report still due. Will be submitted to EVOSTC before September 30, 2003.

Project 02479/Effects of Food Stress on Survival and Reproductive Performance of Seabirds. Products from this project are in preparation by the senior PI, Alexander Kitaysky (now at UAF). Some products have been completed (see Attachment #2). The following products will be submitted before September 30, 2003:

Final Report	Project /479 Final Report
Ms. #1 & 2	Relationships among corticosterone levels, reproduction, food abundance, and post-breeding survival.
Ms. #3	Field endocrinology protocol for monitoring seabird populations

Proposed summary list for Piatt:

- 1) Project 00501/Seabird Monitoring Protocols *Final Report 9/30/03*
- 2) Project 99163/APEX subproj. M *Revised Final Report (pending review) 8/30/03*
- 3) Project 01163/APEX Closeout *One synthesis manuscript on Cook Inlet 9/30/03*
- 4) Project 02163M/APEX completed, no new products required

5) Project 01338/Murre & Kittiwake Survival *Final Report 9/30/03*

6) Project 02479/Effects of Food Stress *Final Report, 3 manuscripts, 9/30/03*

Please let me know if this updated list and promised due dates meet your approval.

Sincerely,

Dede

Dede Bohn

USGS Projects Manager for the EVOS program

Cc: John Piatt
Bob Spies
Phil Mundy

Attachment 1

Project 02163M/APEX: Numerical and Functional Response of Seabirds to Fluctuation in Forage Fish Density. In the DPD, Piatt indicated that he would attempt to write 8 manuscripts for eventual publication in peer reviewed journals. Suggestions for manuscripts included ones on feeding ecology, behavior and biology of Cook Inlet seabirds, foraging ecology and spatial association with prey of seabirds in Cook Inlet, costs of egg production in common murre, and biology of horned puffins.

As of today, the following synthesis manuscripts have been completed, submitted or published:

- 1) Shultz, M., J.F. Piatt, A. Kettle, A. Harding, T. van Pelt. 2003. Timing of breeding in seabirds: response to current or anticipated food supply. Under final review. For submission to J. Animal Ecol.
- 2) Litzow, M.A., J.F. Piatt, A.A. Abookire, and M. Robards. 2003. Quality-predictability tradeoffs for piscivores: covariation of fish energy density and availability in the nearshore North Pacific. Submitted to Ecology.
- 3) Abookire, A.A. and J.F. Piatt. 2003. Structure of forage fish communities in relation to oceanographic conditions in lower Cook Inlet, Alaska. Under final review. For submission to Marine Ecology Progress Series.
- 4) Van Pelt, T.I., P. Monaghan, J.F. Piatt, and A.M.A. Harding. 2003. If at first you don't succeed? Egg loss, parental state and reproductive performance in common guillemots *Uria aalge*. Submitted to Functional Ecology.
- 5) Harding, A.M.A, J.F. Piatt and K.C. Hamer. 2003. Breeding ecology of Horned Puffins (*Fratercula corniculata*) in Alaska: Annual variation and effects of El Niño. Canadian Journal of Zoology, *in press*.
- 6) Litzow, M. A. and J. F. Piatt. 2003. Variance in prey abundance influences time budgets of breeding seabirds: evidence from pigeon guillemots. J. Avian Biol 34: 54-64.
- 7) Harding, A.A., T. van Pelt, J.F. Piatt, and A.S. Kitaysky. 2002. Reduction of provisioning effort in response to experimental manipulation of chick nutritional status in the horned puffin *Fratercula corniculata*. Condor 104: 842-847.
- 8) Litzow, M. A., J. F. Piatt, A. K. Prichard and D. D. Roby. 2002. Response of pigeon guillemots to variable abundance of high-lipid and low-lipid prey. Oecologia 132: 286-295.

Attachment 2**Project 02479/Effects of Food Stress on Survival and Reproductive Performance of Seabirds.**

Previous accounting from DPD's suggested that the following manuscripts would be delivered by Kitaysky, Wingfield, Piatt et al.

Final Report	Project /479 Final Report
Ms. #1	Endocrine responses to varying foraging conditions: stress or anti-stress hormones?
Ms. #2 & 3	Relationships among corticosterone levels, reproduction, food abundance, and post-breeding survival
Ms. #4 & 5	Relationships among food provisioning, nutritional state and corticosterone secretion in juvenile seabirds
Ms. #6	Field endocrinology protocol for monitoring seabird populations

Final Report: Still in preparation. Will consist of project summary, and compilation of completed manuscripts and/or published papers.

Ms. #1 is published:

Wingfield, J.C., and A.S. Kitaysky. 2002. Endocrine responses to unpredictable environmental events: Stress or anti-stress hormones? *Integ. and Comp. Biol.* 42: 600-609.

Ms. # 2 & 3 Still in Preparation

Ms. # 4 & 5 completed/published:

Kitaysky, A.S., E.V. Kitaiskaia, J.F. Piatt, and J.F. Wingfield. 2003. Benefits and costs of increased levels of corticosterone in seabird chicks. *Hormones and Behavior*, *accepted*.

Kitaysky, A., J. Wingfield, and J. Piatt. 2002. Corticosterone facilitates begging and affects resource allocation in the Black-legged Kittiwake. *Behavioural Ecology* 12:619-625.

Ms. #6. Still in preparation.



*Alaska Science Center
Biological Science Office*

Fax Cover

U.S. Department of the Interior
U.S. Geological Survey

The USGS provides
the Nation with reliable,
impartial information
about the Earth to
minimize the loss of
lives and property from
natural disasters,
to manage biological,
water, mineral, and
energy resources, to
enhance and protect
the quality of life, and
to contribute to wise
economic and
physical development.

Date: June 26, 2003
Pages Including This Cover: 6
TO: MOLLY
Fax #: EVOS

FROM: Dede Bohn
Fax #: 907-786-3636 (fax)
Confirmation phone #: 907-786-3512 (phone)
Mailing Address: USGS - Alaska Science Center
Biological Science Office
1011 E. Tudor Rd.
Anchorage, AK 99503-6199

Message:

Molly,
If possible, please review
& respond to this memo
about overdue Piatt
reports.

Thanks for everything and
best wishes!

Dede

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: Craig Tillery, Alaska Department of Law
Regina Belt, U.S. Department of Justice

FROM: Molly McCammon
Executive Director

DATE: June 5, 2003

RE: Court Notice – Sixth Joint Notice from the Investment Fund

The purpose of this memorandum is to request that the Alaska Department of Law and the United States Department of Justice notify the United States District Court of our intent to expend \$206,000 from the EVOS Habitat Investment Sub-Account:

Description	From Habitat Sub-Account	To Be Disbursed To
Acquisition of Small Parcel KEN 295 (Crowther)	\$200,000	United States
Acquisition of Small Parcel KEN 310 (Swartz Enterprises)	\$6,000	United States

There have been no Trustee Council meetings since the last court notice, which was filed May 2, 2003.

The following documents are attached:

- Resolution 03-03 (dated 11/25/02), in which the Trustee Council resolved to provide \$200,000 for the acquisition of KEN 295 and \$6,000 for the acquisition of KEN 310 should purchase agreements be executed by 12/30/03. The notes from the meeting at which this resolution was adopted (11/25/02) are attached. Resolution 03-03 and the 11/25/02 meeting notes were originally submitted to the court on 12/10/02 as part of the 4th Joint Notice of Expenditures from the Investment Fund.
- Executive Director's certification that the terms and conditions of Resolution 03-03 have been met.

If you have any questions or need additional materials, please let me know.

**RESOLUTION 03-03 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING SMALL PARCELS KEN 295 AND KEN 310**

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

1. By resolution adopted at its meeting on January 16, 2001, the Council implemented a small parcel acquisition program through identical grants to The Conservation Fund and The Nature Conservancy (the grant to The Conservation Fund is hereinafter referred to as the "Grant");

2. The Conservation Fund identified the Crowther small parcel, KEN 295 and the Swartz small parcel, KEN 310 as small parcels to be considered for acquisition under the Grant and consulted with the Council at its meeting on December 1, 2001 concerning the purchase of the Crowther and Swartz small parcels;

3. Appraisals of the parcels estimating the value of the Crowther parcel to be \$200,000 and the Swartz parcel to be \$6000 have been completed and are currently being reviewed;

4. As set forth in Attachment A, Restoration Benefits Report for KEN 295, and Attachment B, Restoration Benefits Report for KEN 310, if acquired, these small parcels have attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Acquisition of the Crowther small parcel will assure protection of approximately 46 acres

including shoreline of the lower Anchor River. The shoreline to be acquired provides rearing habitat for salmon and dolly varden. The parcel is easily accessed by the public and will provide important access to the Anchor River for sport fishing. Acquisition of the Swartz small parcel will assure protection of approximately .185 acres bordering the Ninilchik River. The parcel is adjacent to several parcels owned by the state and managed by the Department of Fish and Game for sport fishing as well as small parcel KEN 309, which has been approved by the Trustee Council for acquisition and shortly will be acquired by the state.

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

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

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

THEREFORE, we resolve to provide funds to the United States Department of Interior for the State of Alaska to acquire all the sellers' rights and interests in small parcel KEN 295 and small parcel KEN 310 pursuant to the following conditions:

(a) the amount of Grant funds (hereinafter referred to as the "Purchase Price") to be provided by the Council shall be two hundred thousand dollars (\$200,000) for the Crowther small parcel, KEN 295, and six thousand dollars (\$6000) for the Swartz small parcel, KEN 310;

(b) authorization for funding for the acquisitions described in the foregoing paragraph shall terminate if a purchase agreement is not executed or purchase of the parcel completed by December 30, 2003;

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

(d) conservation easements on parcel KEN 295 and KEN 310, which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law, shall be conveyed to the United States;

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

(f) completion of the following to the satisfaction of the State of Alaska and the

United States for each parcel:

- (i) title search;
- (ii) a determination that the seller is willing and able to convey title in a form satisfactory to the State of Alaska and Bureau of Land Management of the Department of the Interior of the United States
- (iii) an executed purchase or option agreement and conveyance documents that are ready for execution;
- (iv) hazardous materials survey;
- (v) statement of compliance with the National Environmental Policy Act; and
- (vi) approval of the appraisals by the review appraiser(s).

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

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

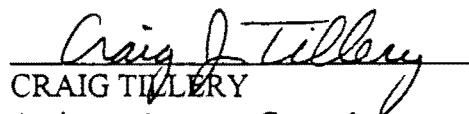
the Purchase Price for the above-referenced parcels from the appropriate account designated by the Executive Director.

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

Approved by the Council at its meeting of November 25, 2002 held in Anchorage, Alaska, as affirmed by our signatures affixed below:



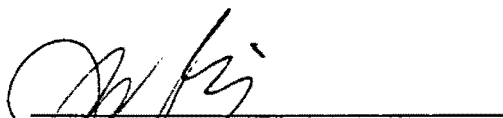
DAVE GIBBONS
Forest Supervisor
Alaska Region
USDA Forest Service



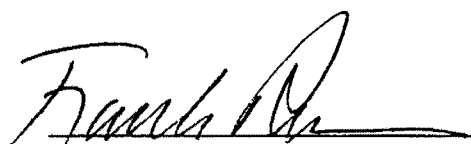
CRAIG TILLERY
Assistant Attorney General
State of Alaska



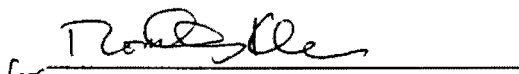
DRUE PEARCE
Senior Advisor
to the Secretary for Alaskan Affairs
U.S. Department of the Interior



JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries Service



FRANK RUE
Commissioner
Alaska Department of
Fish and Game



MICHELE BROWN
Commissioner
Alaska Department of
Environmental Conservation

Attachment A - Restoration Benefits Report, KEN 295
Attachment B - Restoration Benefits Report, KEN 310

Exxon Valdez Oil Spill Trustee Council

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



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

November 25, 2002

By Molly McCammon
Executive Director

Trustee Council Members Present:

Dave Gibbons, USFS
Drue Pearce, DOI
James Balsiger, NMFS

*Frank Rue, ADF&G
Michele Brown/*Ron Klein, ADEC
Craig Tillery, ADOL

* Chair

In Anchorage: Rue, Tillery, Balsiger, Klein/Brown

By teleconference: Pearce, Gibbons

• Alternate

Ron Klein served as alternate for Michele Brown for first part of the meeting.

Meeting convened at 10:00 a.m., November 25, 2002 in Anchorage.

1. Approval of the Agenda

APPROVED MOTION: Approved the November 25, 2002 agenda with flexibility to move executive session and habitat items as needed and time permits.
(Attachment A)

No objection.

2. Approval of Meeting Notes

APPROVED MOTION: Approved the October 29, 2002 meeting notes.
(Attachment B)

Motion by Tillery, second by Balsiger

Public comment period began at 10:30 a.m.

No public comment.

Public comment period closed at 10:31 a.m.

3. Investments

APPROVED MOTION: Adopted Resolution 03-02 of the *Exxon Valdez* Oil Spill Trustee Council regarding disbursement from the EVOS investment fund for long-term research, monitoring and general restoration. (Attachment C)

Motion by Tillery, second by Klein

Public comment period was re-opened at 10:55 a.m.

Public comment received by one individual in Anchorage.

Public comment was closed at 11:00 a.m.

4. Habitat

APPROVED MOTION: Adopted Resolution 03-03 of the *Exxon Valdez* Oil Spill Trustee Council regarding small parcels KEN 295 and KEN 310. (Attachment D)

Motion by Tillery, second by Balsiger

5. Science Review Process

APPROVED MOTION: Approved November 25, 2002 revision to Gulf of Alaska Ecosystem Monitoring and Research Program, Process for Providing Scientific and Technical Advice and Peer Review originally adopted by the Trustee Council on February 25, 2002. (Attachment E)

Motion by Balsiger, second by Tillery

APPROVED MOTION: Approved Dr. Ed Harrison to replace Dr. Warren Wooster on Scientific and Technical Advisory Committee.

Motion by Balsiger, second by Klein

6. Prior Work Plan Adjustments

APPROVED MOTION: Approved addition of \$8.05 to the appropriation for fish pass at Alaska SeaLife Center, project 97197.

Motion by Tillery, second by Klein

APPROVED MOTION: Approved the administrative actions necessary to transfer \$21,800 from Applied Marine Sciences contract (through ADNR) for project 030600 directly to USGS for Dr. Nielsen's portion of project 030600.

Motion by Balsiger, second by Tillery

BREAK

Off the record at (11:00 a.m.)

On the record at (11:15 a.m.)

7. Executive Session

APPROVED MOTION: Approved moving to executive session to discuss personnel issue and habitat protection, to be followed by lunch.

Motion by Tillery, second by Balsiger

EXECUTIVE SESSION AND LUNCH BREAK

Off Record at (11:45 p.m.)

On Record at (1:10 p.m.)

8. Honor Departing Trustees

Comments and gifts to departing State trustees Frank Rue and Michele Brown.

9. FY 03 Work Plan Phase II

APPROVED MOTION: Approved Resolution 03-04 for FY 03 Phase II projects with the following conditions: (1) If a Principal Investigator (PI) has an overdue report or manuscript from a previous year, no funds may be expended on a project involving the PI unless the report is submitted or a

schedule for submission is approved by the Executive Director, (2) a project's lead agency must demonstrate to the Executive Director that requirements of the National Environmental Policy Act (NEPA) are met before any project funds may be expended (with the exception of funds spent to prepare NEPA documentation), and (3) the PI for each project must submit a signed form to the Executive Director indicating his or her agreement to abide by the Trustee Council's data and report requirements. (Attachment F)

Motion by Tillery, second by Brown

APPROVED MOTION: Approved \$48,400 funding for project 030126.

Motion by Brown, second by Pearce

10. Research MOA

APPROVED MOTION: Approved granting Executive Director authority to sign November 25, 2002 draft of Memorandum of Agreement with North Pacific Research Board and University of Alaska. (Attachment G)

Motion by Tillery, second by Brown

Meeting adjourned at 2:45 p.m. Motion by Pearce, second by Gibbons

Exxon Valdez Oil Spill Trustee Council

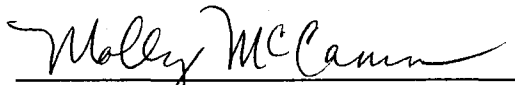
441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



June 5, 2003

I certify that the terms and conditions of the *Exxon Valdez* Oil Spill Trustee Council's Resolution 03-03 (dated November 25, 2002) have been met. I hereby request that the Alaska Department of Law and U.S. Department of Justice notify the U.S. District Court of the following disbursements from the EVOS Habitat Investment Sub-Account:

<u>Parcel Number</u>	<u>Landowner</u>	<u>Purchase Price</u>
KEN 295	Crowther	\$200,000
KEN 310	Swartz Enterprises	\$ 6,000


Molly McCommon
Executive Director

Federal Trustees
U.S. Department of the Interior
U.S. Department of Agriculture
National Oceanic and Atmospheric Administration

State Trustees
Alaska Department of Fish and Game
Alaska Department of Environmental Conservation
Alaska Department of Law

Exxon Valdez Oil Spill Trustee Council

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MEMORANDUM

TO: Trustee Council Members

FROM: Molly McCammon
Executive Director

DATE: June 17, 2003

RE: Items for incoming executive director

At the April 23, 2003 Trustee Council meeting, I briefed members on the history and status of Trustee Council programs and issues. A copy of the briefing book is in the executive director office. There were two typos in that book that should be corrected. First, on p. 1, the additional cleanup costs totaled \$2 billion, not \$2 million. And second, in the Small Parcel Status Report under Attachment T, the total in Outstanding Offers listed in Table 1 is \$331,000, and not the \$331,000 million indicated.

The last section of the memo described Items Needing Action or Decision. This memo describes the status of those items and identifies some additional items that are pending. Files relating to these issues are in the executive director office.

ITEMS NEEDING ACTION OR DECISION listed in April memo

Ongoing Litigation

The Consent Decree approved in October 1991 left open between Exxon and the governments the "reopener" provision found in paragraph 17. The reopener provision states that between September 1, 2002 and September 1, 2006 Exxon may be required to pay the governments up to \$100 million for the costs of specifically identified projects needed to restore injuries caused by the oil spill. These injuries must have been unknown at the time of the settlement and could not have been reasonably anticipated by the Trustees from information available at that time. The cost of the restoration projects must not be grossly disproportionate to the magnitude of the anticipated benefits. The reopener provision requires that, 90 days before making a claim, the governments must provide Exxon with detailed plans of proposed restoration projects, a detailed cost estimate, and all information relied upon in making the claim. Any money recovered under the reopener provision must be spent on the proposed restoration projects for which it was obtained.

The Trustee Council does not have a direct role in the decision to assert the reopener claim, nor is it a responsibility of the Council to conduct the research necessary to support a claim. However, the duties of the Council to expend the Joint Trust Funds to assess damage and restore injured resources and services is almost completely congruent with the information needed by the governments to make the determination as to whether to assert the claim. Thus providing scientific information that supports the governments' efforts to investigate a potential reopener claim is an important collateral benefit of the Council's mission. In addition, until either a claim is asserted and ruled on, or until the reopener "window" expires, all Council programs are still considered to be "under litigation" and subject to agreed upon rules for keeping or destroying all documents, samples, and other materials.

STATUS: A confidential detailed memo with supporting documents has been developed and distributed to the Trustee Council. A copy is in the ED files.

Research, Monitoring and General Restoration

GEM Science Plan

The GEM Program Document adopted by the Trustee Council in July 2002 provides broad guidance and background for the GEM Program. Actual implementation of the program is just beginning and is described in the GEM Science Plan, a working draft document that will be regularly updated over time based on the most current scientific literature, information from workshops, scientific and public review and advice, and Council guidance. Developing a monitoring program that will last decades requires the following process: synthesis of current scientific knowledge (What do we now know?); identification of gaps in that knowledge (What do we need to know, and who else out there is doing work on it?); short-term research to decide where and how best to monitor to get the needed information (What kinds of pilot projects can be done to test how to get the needed information?); and finally, the establishment of long-term monitoring (Monitoring what variables, and where and how, will get us the information needed?). The current Science Plan represents the first steps for the GEM Program in the cycle of synthesis, gap analysis, short-term research, and long-term monitoring described above. Scientists, stakeholders and the public are all actively involved in helping shape the Science Plan. Since the Science Plan is a working draft document, it does not need to be formally adopted by the Council. However, the Council does need to be in support of its general direction.

STATUS: GEM Science Plan modified following Trustee Council meeting to be consistent with changes to FY 04 Invitation.

FY 04 Invitation to Submit Proposals

Since its inception, the Trustee Council has developed the work plan on an annual cycle, which begins with a widely circulated and publicly advertised invitation to individuals, private industry, government agencies, and other interested parties to submit proposals for the conduct of restoration projects. The Invitation is typically developed by staff and issued on February 15 of each year with proposals due April 15 and—following peer review of proposals, development of draft staff recommendations, and public review and comment—Council action in August on which proposals to fund (so that projects can begin on October 1, the beginning of the federal

fiscal year). This is a process that depends on a great deal of paid and volunteer assistance and requires at least four to five months to complete. A draft FY 04 Invitation has been prepared but has not yet been issued, pending Council review. Release of the Invitation on May 1, 2003 would result in Council action in early October 2003. A significant number of partners as described earlier, are relying on receiving funds early in federal FY 04 (which begins October 1, 2003). Release of the current draft Invitation would not commit the Council to funding any particular activities, but would get the proposal process underway. One option would be to issue the current draft now but with fewer funds earmarked, and issue a second invitation later in the year once the Council has had an opportunity to identify additional items to invite.

STATUS: With Trustee Council approval, the FY 04 Invitation was modified in response to trustee agency comments and released on May 1, 2003. Proposals were due June 16, and more than 50 have been received. The review process now begins. ED responsibilities include meeting with Dr. Mundy following proposal review by technical reviewers and STAC to develop draft recommendations; scheduling a meeting with the PAC to discuss recommendations; revising recommendations following PAC meeting; providing for and compiling public comment; arranging for legal review of proposed recommendations; and finally, scheduling Trustee Council meeting to act on proposals.

FY 03 Deferred Projects

Some FY 03 Work Plan projects were approved by the Trustee Council in August 2002 and some in November 2002. In addition, the Council formally “deferred action” on four additional projects to allow time for further review and consideration. The Council’s original intent was to take action on these projects in February 2003, but with cancellation of the February meeting a decision on these projects is still pending. Executive Director’s recommendation on deferred projects attached at Appendix Z.

STATUS: Two projects approved and underway.

Ongoing Restoration Projects

A number of research and monitoring projects underway in FY 03 were submitted as multi-year projects. The Trustee Council’s practice has been to approve multi-year (i.e., continuing) projects but to approve only one year of funding at a time for any project, which means investigators on continuing projects must submit a new proposal each year. Several FY 03 projects need additional funds in FY 04 to complete their project objectives. List of continuing projects attached at Appendix AA. In order to streamline the Council’s administrative processes and reduce auditing and oversight costs, revisions to the Council’s Financial Procedures to allow multi-year funding have been developed. These revisions would require Council approval.

STATUS: Revisions to Financial Procedures approved. Multi-year funding allowed beginning in FY 04.

In addition, the Trustee Council has two major ongoing capital projects, one for development of waste management projects in six Kodiak Island villages with the goal of reducing waste into the marine environment, and the other for the storage and display of archaeological artifacts from lower Cook Inlet and Prince William Sound recovered during the cleanup of the oil spill. Kodiak

Waste Management (Project 99304) funds are scheduled to lapse September 30, 2003. The Kodiak Island Borough has faced several implementation delays since the project was approved in 1999, and would like the lapse date extended to September 30, 2004. An extension would require Council approval. [NOTE: As of 12/31/02, \$347,412 of the \$1,857,100 originally approved had been spent.]

STATUS: Trustee Council approved extension of lapse date to September 30, 2004.

Archaeology Repository and Display Facilities (Project 99154) funds are scheduled to lapse September 30, 2003. At this point, it is not known whether an extension will be needed. [NOTE: As of 12/31/02, \$1,333,750 of the \$2,800,000 originally approved had been spent.]

STATUS: Still uncertain, needs follow-up with Project Manager, Veronica Christman at ADN.

Partnerships

To develop a fully coordinated and integrated program, the GEM Program relies greatly on partnerships such as those described earlier. These partnerships are built upon shared funding, shared planning, and staff participation. These partners need a clear signal that the GEM Program continues to be a Trustee Council priority.

STATUS: Release of FY 04 Invitation was greatly appreciated by partners.

Public and Community Involvement

Community Involvement Plan

In FY 03, the Trustee Council contracted with several consultants to develop a Community Involvement Plan for the GEM Program. Several workshops have been held, and a draft plan will be available for review by the Public Advisory Committee in June 2003. A final draft will be presented to the Council for consideration in fall 2003.

STATUS: Draft Plan reviewed by PAC June 7. Now out for public comment. PAC will hold a teleconference to discuss further sometime between July 22-24.

Tribal Involvement

This issue was discussed briefly at the April 23 meeting. Tribal leaders within the oil spill region have requested they be considered on a government to government basis, rather than as members of the general public. In October 2003, the Trustee Council agreed to set up a small working group to discuss these issues, consisting of trustees Craig Tillery and Drue Pearce.

STATUS: With the change in state administration, that group has yet to meet. See file in office.

Habitat Protection

Acquisition Offers

As described above, in November 2002 the Trustee Council offered to provide up to \$10.45 million as a match to other funds for purchase of lands on northern Afognak Island. The sellers would like to move on pieces of this package as soon as possible. Because this is a state acquisition, the EVOS matching funds would need to be approved by the State Legislature, either through the state's capital budget or the Legislative Budget and Audit Committee process, either of which would require state administration support. This acquisition has the support of local legislators Senator Gary Stevens and Representative Dan Ogg.

STATUS: Receipt authority for \$10.45 million included in capital budget approved by Legislature. Vetoed on June 12 by Governor.

The Trustee Council also has made or is considering making offers on several small parcels. In December 2000, the Council offered \$125,000 to purchase a 33 acre parcel on the Valdez Duck Flats (EVOS parcel number PWS 05). Negotiations to purchase this parcel, which are now being handled by The Nature Conservancy under a grant to the Council, were not completed when the offer expired in December 2002. The seller (University of Alaska) and buyer (USFS) have requested that the Council extend its offer to October 30, 2003 so that negotiations may continue. This extension would require Council action. This parcel has the support of local legislators and the city of Valdez.

STATUS: Extension denied, although parties encouraged to keep working on it.

Offers on two additional parcels (KEN 295, 46 acres on the Anchor River and KEN 310, 0.2 acres on the Ninilchik River) were made by the Council in November 2002 and expire December 30, 2003.

STATUS: Notice to the court of the Trustee Council's intent to spend \$206,000 on the above parcels was filed on June 11, and disbursement of those funds has been authorized.

In addition, we have been notified by The Nature Conservancy (to which the Trustee Council has provided a pilot grant to administer the EVOS small parcel program) that several parcels which the Council authorized TNC to pursue are ready for Council purchase offers. These are three parcels on the Anchor River (KEN 1101/Knol, KEN 1102/Nakada, KEN 1103/Thompson) and one parcel on the Anchor River Estuary (KEN 1104/McGee).

STATUS: These parcels have already been purchased by TNC with the concurrence of the Trustee Council, and they are expecting reimbursement from the Trustee Council. At their April 23, 2003 meeting, the Council deferred action on these.

Additional Potential Habitat

The balance in the Habitat Sub-Account as of March 31, 2003 is approximately \$24 million. If the offers described above (both outstanding and potential) result in acquisitions, roughly \$13 million will remain in the Habitat Sub-Account. These funds would be available for additional

potential habitat protection activities, including habitat restoration as well as acquisition. Under the pilot grant with The Nature Conservancy and The Conservation Fund, several additional small parcels have been identified for potential protection, mostly by the state, and the Council has authorized the grantees to pursue acquisition of many of these (actual acquisition would require additional Council action in the form of an offer). Parcel list attached at Appendix BB. In addition to these small parcels, larger potential acquisition packages such as the Lesnoi package on Kodiak Island, the lower Karluk River lands, Port Graham inholdings, and Mummy Island (all described earlier) are also options for Council consideration.

Also note that the pilot grant with The Nature Conservancy/The Conservation Fund expires September 30, 2003. Council action would be needed to extend the grant.

STATUS: The grantees (TNC and TCF) and state and federal land management agencies need clear direction about the future of the Habitat Program. The grantees are not likely to pursue additional parcels for potential acquisition without this.

Continued Payments

The conservation easement on 55,402 acres of Koniag, Inc. lands on Kodiak Island is a binding contract that requires the consent of Koniag, Inc. to void. The contract calls for annual payments from the Koniag Sub-Account through 2011 (the first annual payment is due October 2003), at which time Koniag can decide whether to sell the lands in fee for the remainder of the monies in the Sub-Account. Under the contract, the Trustee Council must provide quarterly reports to Koniag on the status of the funds in the Sub-Account. No decisions are needed by the Council at this time, but payments and reports must be provided.

STATUS: Koniag was recently contacted about how they wanted to receive the reports described above. They replied that sufficient information for their purposes was available on the Web and no additional reports are needed. Copy of correspondence in Koniag file. Annual payment for the conservation easement must be made in October 2003.

Operations and Administration

Investment Fund Annual Asset Allocation

Under the Investment Policies adopted by the Trustee Council in 2001, the Council must review its asset allocation annually. The last review was in February 2002. The Investment Work Group and the Council rely on projections and advice from the national firm Callan Associates, Inc., the primary contractor for the Alaska Department of Revenue and the Alaska Permanent Fund, for this review.

STATUS: The Investment Work Group met in early April and recommended a small change to the Trustee Council's asset allocation (memo in pending file). The Trustee Council deferred consideration of that recommendation until the fall. In addition, per the Council's investment policies, the Trustee Council must receive periodic financial investment/fiduciary training. With so many new trustees, training should be arranged during the fall.

Administration Budget

As the overall Trustee Council programs have been reduced, so too have the Council's administrative budget and staffing (mostly done through attrition). There are some needs that are inherent to any program, no matter if it is a \$5 million a year program or a \$15 million a year program. Additionally, planning and start-up of a new program such as GEM require greater administrative support in the early years. Council staff have been successful in obtaining a three-year, \$750,000 grant from NOAA (to begin July 2003) to help offset some of these upfront costs. However, there is still need for further review of administrative costs and a search for additional savings. Some savings could be achieved by co-locating and sharing some staff with NPRB (see below), particularly administrative office support and data management staff. A review of the other remaining positions (senior and mid-level staff) should also be undertaken with an eye toward consolidating positions and responsibilities to achieve cost savings. This effort should be undertaken prior to the start of FY 04 (October 1, 2003).

STATUS: Draft budgets and project descriptions for the four budgets (/100 – Public Information and Administration; /630 – Science Management; 455 – Data Management; and /550 ARLIS) are included in the pending file. These include funding for full-time positions and must be reviewed and approved prior to the start of the fiscal year (October 1). The primary review is by the PAC (in mid-August) followed by Trustee Council review and action (late August).

Office Space

At Trustee Council direction, since February 2002 the EVOS staff has been providing office space and staff assistance (at cost) to the North Pacific Research Board (NPRB), an entity created by legislation sponsored by Senator Ted Stevens and funded by interest earnings from the original Dinkum Sands escrow account. Recently the NPRB secured new office space in Anchorage, to be shared with the Alaska SeaLife Center and, if the Council so desires, with the Council. The proposed co-location would have both programmatic and financial advantages to the Council. NPRB is scheduled to move May 2003, with space available for the Council staff in October 2003. The move would require some discussion with the General Services Administration regarding our current lease, which would have three years remaining. The original intent for the current Council office space was to co-locate with NPRB. However, for various reasons, different space needs now require a change in the actual office location.

STATUS: NPRB has moved out of the Trustee Council offices. They are already getting some additional tenants at the new space, so it is uncertain if locating to that space is still an option for the Council.

STAC (Scientific and Technical Advisory Committee) Members

Due to a resignation this past winter, the STAC has a vacancy for a physical oceanographer. Following the process adopted a year ago, nominations were solicited and reviewed by the Nominating Committee, chaired by Dr. Vera Alexander of the University of Alaska Fairbanks. Former University of Alaska professor Dr. Tom Royer is the recommended candidate, but must be affirmed by the Trustee Council.

STATUS: Trustee Council approved Dr. Royer's appointment.

Financial Audit

Since 1994 the Trustee Council has used the services of a private auditing firm (Elgee, Rehfeld, Mertz & Barrett, LLC of Juneau) to audit state and federal EVOS accounts and EVOS projects managed by federal and state Trustee agencies. This audit has greatly increased the Council's and the public's confidence in how EVOS settlement funds are being managed and used. The auditor's services were secured through a competitively bid contract which expires September 30, 2003 and would need to be re-bid before that time. FY 02 audit attached at Appendix CC.

STATUS: RFP for audit contract needs to be developed and sent out for bid.

Other

Public Advisory Committee Field Trip

The PAC is scheduled to visit Prince William Sound June 6-8, 2003. Current plans call for taking a boat charter across the sound from Whittier to Cordova, with a stop in Tatitlek to tour the oil spill response dock and archaeological display facility. While in Cordova, the PAC would hold a public meeting, meet with local officials and interest groups, attend the annual Copper River Nouveau Salmon Festival, and tour the lower Copper River. The Council could participate in this field trip and also co-host the public meeting if desired. Staff will soon need to make final arrangements for the trip.

STATUS: Field trip was held successfully, although the boat trip across PWS was pretty rough with low visibility. Jeep Rice did a great job of describing current projects studying lingering oil issues. Overall, the PAC felt the trip was very worthwhile.

15th Anniversary of the Exxon Valdez Oil Spill

March 2004 will mark the 15th anniversary of the oil spill. Typically, major anniversary dates receive a great deal of media attention. The 10th anniversary attracted media from around the world. Trustee Council staff provided fact sheets, video footage and interviews, and assisted in setting up other interviews with state and local experts for more than 100 newspaper, magazine, television and radio reporters from across the United States and around the world. In addition, the Council devoted its annual status report to a look at the status of recovery, response and prevention a decade after the spill and hosted a major international symposium. It is unlikely that the 15th anniversary will garner as much media attention as the 10th anniversary, but the Council and staff need to begin preparations now for that event.

STATUS: Preparations need to begin soon. One idea that came up during the PAC field trip is to develop an update on the status of restoration to be distributed to tourists to PWS next summer.

ADDITIONAL ITEMS NEEDING ACTION OR DECISION

State Review of EVOS Activities

Because of reductions in the state budgets, several cost-reduction administrative measures have been instituted by the Governor's Office for all state agencies, including the Alaska Department of Fish and Game, which houses the EVOS office and programs. These are not statutory or regulatory requirements. They include Governor's Office review of: subscriptions, advertising and memberships; all year-end expenditures and contracts over \$25,000 (including EVOS administrative contracts as well as EVOS projects for which ADF&G provides contracting services); and all EVOS travel. In addition, all positions of Range 16 and higher must have Governor's Office approval to recruit and extend an offer. ADF&G is currently requiring EVOS to comply with these measures. This does not appear to be consistent with the intent of the Memorandum of Agreement signed among the state and federal trustees calling for the state to house the EVOS office and programs on behalf of the Trustee Council. The Trustee Council may want to decide if this is appropriate, or if a blanket exemption from these measures should be granted to the EVOS program.

Staffing

The EVOS office is seriously short-staffed at the moment. In addition to the Executive Director, there are currently three vacant positions among the EVOS staff: Program Director, Science Coordinator, Data Analyst/Programmer. The latter two are to be 75% funded through the NOAA grant, once it is finalized.

Transfer of EVOS from ADF&G Habitat BRU into Admin BRU

With the transfer of Habitat Division functions to the Alaska Department of Natural Resources, the EVOS programs are now housed in ADF&G's Administrative budget unit. Details on who provides the necessary support (including policy support to the Commissioner) are still to be decided. In the meantime, an interim plan was agreed upon with Kevin Brooks.

Trustee Council Follow-up on Late Reports

The March 31, 2003 quarterly status report on EVOS projects and reports has stimulated a flurry of activity on late reports. It's clear that the message is getting out to various PIs. A new status report needs to be filed after the June 30, 2003 date passes.

NOAA Coastal Services Center Grant

The grant has been reviewed, and staff are providing additional information about the way the Trustee Council operates. Once that appears to be acceptable to NOAA, the grant needs to again be distributed to all six Trustees, as requested by Commissioner Ballard.

Cherri Womac

From: Molly McCammon [molly_mccammon@oilspill.state.ak.us]
Sent: Tuesday, June 17, 2003 8:14 AM
To: Joe Meade; Drue Pearce; Kevin Duffy; Jim Balsiger; 'Gregg Renkes'; 'Ernesta Ballard'
Cc: Cherri Womac; Phil Mundy
Subject: pending issues

As you know, I am planning for July 1 to be my last day. I will be on leave from tomorrow (June 18) through June 30, driving my 80 year old dad from California to Alaska. I'll be checking in by phone along the way. All files are in order. Attached is a memo describing pending issues. If a replacement is not selected or available to start on July 2, you may want to consider appointing Dr. Phil Mundy as Acting Executive Director. With my departure, he will be the senior staff in the office.

I'm available today if you have any questions.

Molly

Molly McCammon
Executive Director
Exxon Valdez Oil Spill Trustee Council
441 West 5th Avenue, Suite 500
Anchorage, AK 99501
(907) 278-8012
(907) 276-7178 - fax
molly_mccammon@oilspill.state.ak.us

6/17/2003

Exxon Valdez Oil Spill Trustee Council

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



June 10, 2003

Bob Baldauf
U.S. Department of the Interior
1849 C Street, NW, MS 4116
Washington D.C. 20240-0001

Dear Bob:

I'm sorry I wasn't able to make it to Washington D.C. to brief OMB on the status of the Restoration Program. Enclosed is a copy of the Powerpoint presentation I had put together for that briefing. Feel free to pass it on to whomever you think would like it. Brenda Hall can also send you the presentation on CD if you'd like.

July 1 is officially my last day in this position, although I will be on leave June 18-30. Thank you for everything you have done for the Restoration Program. It has been a pleasure working with you.

Sincerely,

A handwritten signature in cursive script, reading "Molly McCammon". The signature is fluid and extends across the width of the text area.

Molly McCammon
Executive Director

Cc without enclosures: Drue Pearce
 Bruce Nesslage

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: Kevin Brooks, Director
Division of Administrative Services, ADF&G

FROM: Molly McCammon, Executive Director
Exxon Valdez Oil Spill Trustee Council

RE: FOLLOW-UP: Transfer of EVOS into Admin. BRU

DATE: June 9, 2003

I am writing to follow up on our recent phone conversation regarding the services previously provided to the Trustee Council Office by former Habitat Division personnel. In brief, you informed me that it likely will be mid-June before the full transition from Habitat Division is complete. Until that transition is complete, and a final determination made on how services will be provided to the Trustee Council, we agreed on the following:

1. The Trustee Council Office will continue to rely on Melanie Bosch for administrative support, even though her position has now been formally transferred to Sportfish Division. Additional support may be provided by Rena Hite, the Administrative Manager in the Central Region Office. Administrative tasks apply to four categories of projects: (1) restoration projects proposed and implemented by ADF&G personnel; (2) restoration projects proposed and implemented by ADF&G contractors; (3) projects that fund ADF&G administration of the EVOS program; and (4) projects that fund the operations of the Trustee Council Office.

Tasks	Cat 1	Cat 2	Cat 3	Cat 4
Track projects through the process of proposal, review, funding, NEPA compliance and implementation	*	*	*	
Ensure that projects are implemented consistent with Trustee Council financial and operating procedures	*	*	*	
Set up project budgets on state accounting system	*	*	*	*
Prepare contractual materials for projects (RSAs, MOUs or contracts) and administer contracts		*		
Review and approve payments for billing invoices		*		
Participate in annual Trustee Council audit	*	*	*	
Monitor project budgets; prepare quarterly budget reports for submittal to Trustee Council Office	*	*	*	
Perform and report annual project equipment inventory	*	*	*	
Maintain appropriate records	*	*	*	

2. Celia Rozen will continue to process project reports. Tasks include:
 - maintain familiarity with EVOS reporting procedures
 - interface between PI and the Trustee Council's Science Director on peer-review of annual and final reports
 - format and print final reports
 - monitor projects to ensure they meet their stated goals, objectives and schedules; prepare quarterly project status reports for submittal to Trustee Council Office
3. You will be the Trustee Council Office's primary contact for services formerly provided by the ADF&G EVOS Liaison, at least until Commissioner Duffy designates someone else as the liaison. Tasks include:
 - primary interface between the Trustee Council Office, ADF&G Commissioner, other Trustee agencies, and principal investigators: keep people informed, answer questions, solve problems
 - provide ADF&G comments and perspective to Trustee Council Office on activities, project proposals, decisions
 - brief the ADF&G Trustee before Trustee Council meetings (the Executive Director also usually does this)
 - attend Trustee Council meetings, Public Advisory Committee meetings and Annual Restoration Workshop

Please let me know if you wish to discuss any of this further.

cc: Commissioner Kevin Duffy, ADF&G
Robin Willis, ADF&G
Melanie Bosch, ADF&G
Celia Rozen, ADF&G

Exxon Valdez Oil Spill Trustee Council

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



FAX COVER SHEET

To: K. BROOKS

Number: 465-6078

From: MOLLY

Date: JUNE 12, 2003

Comments:

Pages: 3 with cover

HARD COPY TO FOLLOW: YES

Document sent by: Shirley

*** TX REPORT ***

TRANSMISSION OK

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Exxon Valdez Oil Spill Trustee Council

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FAX COVER SHEET

To: K. BROOKS Number: 465-6078
From: MOLLY Date: JUNE 12, 2003
Comments: Pages: 3 with cover

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: Jeep Rice
NMFS - Auke Bay Lab

FROM: Molly McCann
Executive Director

RE: Authorization -- Projects 030290, 030585, 030620

DATE: June 4, 2003

The purpose of this memo is to authorize you to proceed with the following projects:

- 030290 Hydrocarbon Database and Interpretation Service
- 030585 Lingering Oil: Bioavailability and Effects to Prey and Predators
- 030620 Lingering Oil: Pathways of Exposure and Population Status

The work must be performed consistent with the Detailed Project Descriptions and budgets approved by the Trustee Council for each of these projects.

Authorization for these projects was delayed due to prior year reports not having been submitted by the PIs (yourself and Jeff Short). We have agreed on the following new due dates for these prior year reports. I understand that these extensions are necessary because of competing demands on the principal investigators' time due to a number of FOIA (Freedom of Information Act) requests that have been filed, agency EIS drafting, and the decision to solicit additional internal reviews on the reports.

00454 final report to be submitted by June 10, 2003

00598 manuscript to be submitted by July 1, 2003

01599 final report to be submitted by July 1, 2003

I should also note for the record that two additional Jeff Short reports are also now due. The final reports for Project 02543/Evaluation of Oil Remaining in the Intertidal and 02195/Pristane Monitoring in Mussels were both due March 15, 2003 and will be added to our "overdue" list.

cc: Pete Hagen, NOAA Liaison

Exxon Valdez Oil Spill Trustee Council

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

Originally sent March 4, 2002

Updated June 2, 2003



Dr. John Piatt
DOI, USGS, Alaska Biological Science Center
1011 E. Tudor Road
Anchorage, AK 99503

RE: Status of EVOS Reports and Papers

Dear John:

This letter summarizes the status of your EVOS project reports and papers as of June 2, 2003. The information below was included in a letter sent to you on March 4, 2002. I have simply updated the information as of today, with the updated information shown in italics.

The most urgent items from the Trustee Council's perspective are:

1. Project 00501/Seabird Monitoring Protocols final report: This information is essential to planning for GEM, which as you know is underway and nearing a decision point (the GEM plan is expected to go to the Trustee Council for approval in early July 2002). You indicate the report will be submitted to the EVOS Chief Scientist by March 31, 2002 and we strongly encourage you to keep this commitment. This report was originally due September 30, 2000.
No change in status as of June 2, 2003.
2. Project 99163/APEX subproject M final report: Peer review of the APEX final report has been on hold for over a year, due to this one chapter not having been submitted. APEX was one of the Trustee Council's major research efforts, and the comprehensive presentation of the studies and results that comprised this effort is critical. This report was originally due September 30, 2000.
Report received and under peer review.

In regard to your other EVOS projects:

Project 01163/APEX Closeout: These three synthesis manuscripts are also of very high importance, but perhaps without as much of a timing crunch. We understand that in at least one case the delay in completion is due to a delay in receiving the Barren Islands data from the investigator who collected it. We also acknowledge that a substantial number of other publications have been prepared by you and your team using APEX data. However, it is essential that the key findings of APEX be synthesized and presented in the published literature. Can you please restate for us (a) the expected titles of your principal synthetic papers and (b) your current timetable for preparing them and submitting them to the

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peer reviewed literature? A brief memo providing this information will suffice. We will then continue to track completion of those manuscripts on behalf of the Trustee Council. (These manuscripts were originally due September 30, 2001.)
No response and no record of submittal as of June 2, 2003.

Project 01338/Murre & Kittiwake Survival final report: We will note your new expected completion date of September 15, 2002, due to a necessary extension of the resighting effort into Summer 2001 to offset the effects of high variability in return rates at Chisik Island in 1998 and Gull Island in 1999. This report was originally due September 15, 2001.
No change in status as of June 2, 2003.

Project 02163M/APEX: Numerical and Functional Response of Seabirds to Fluctuation in Forage Fish Density: This letter will serve as your formal authorization to proceed on this project. The work must be performed consistent with the revised Detailed Project Description and budget dated July 9, 2001.
Proposal identified 8 manuscripts to be submitted by September 30, 2002. No record of submittal as of June 2, 2003.

Project 02479/Effects of Food Stress on Survival and Reproductive Performance of Seabirds: This letter will serve as your formal authorization to proceed on this project. The work must be performed consistent with the revised Detailed Project Description and budget dated July 7, 2001, with your proposed revision--we are in receipt of your recent e-mail, and accept your revised dates and titles for presenting the results of this project, as follows:

Final Report	Project /479 Final Report	Due 4/30/03
<u>Not submitted as of June 2, 2003.</u>		
Ms. #1	Endocrine responses to varying foraging conditions: stress or anti-stress hormones? Wingfield & Kitaysky	Due 8/30/02
Ms. #2 & 3	Relationships among corticosterone levels, reproduction, food abundance, and post-breeding survival. Kitaysky, Piatt, Wingfield	Due 4/30/03
Ms. #4 & 5	Relationships among food provisioning, nutritional state and corticosterone secretion in juvenile seabirds. Kitaysky, Wingfield, Piatt	Due 8/30/02
Ms. #6	Field endocrinology protocol for monitoring seabird populations	Due 8/30/02

No record of submittal as of June 2, 2003.

Please do not hesitate to contact me if you wish to discuss any of this further.

Sincerely,



Molly McCammon
Executive Director

(March 4, 2002 letter was also signed by Bob Spies)

cc: Drue Pearce, DOI, Senior Advisor to the Secretary for Alaskan Affairs
Dede Bohn, USGS Project Manager