

## **13.08.01 – Reading File**

**September 2004**

# Exxon Valdez Oil Spill Trustee Council

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

September 27, 2004



Mr. Dick LeFebvre, Deputy Commissioner  
Office of the Commissioner  
Alaska Department of Natural Resources  
550 West 7<sup>th</sup> Avenue, suite 1400  
Anchorage, Alaska 99501-3650

Re: Your letter of August 18 commenting on the Annual Work Plan

Dear Mr. LeFebvre:

*Dick-*

Thank you for your comments on our FY 05 Work Plan of August 18. The Council acted August 23 on this work plan, and the results of that action are now posted on our web site.

I will bring your request regarding the contents of the FY 06 solicitation (Invitation for Proposals, the Invitation) to the attention of the Trustee Council. The Trustee Council is scheduled to consider and vote on the adoption of the contents of the solicitation for FY 06 in early February. I have attached a calendar of events leading to the release of the FY 2006 Invitation (Attachment 1), as adopted by the Trustee Council on August 23, for your information.

I invite the participation of DNR in the process of developing the FY 2006 Invitation. I point out that the Invitations adopted by vote of the Trustee Council for FY 2004 and FY 2005 were circulated in draft to the public and the concerned agencies, including DNR, for comment on approximately the same schedule in the past two years.

I am not sure that your assertion that the FY 2005 Invitation did not meet the requirements of Senate Bill 711 and Public Law 106-113 is correct; however I will discuss this matter with counsel and get back to you. I am also available to you to talk about this or any remaining concerns. My understanding is that the Invitations that were primarily intended to implement the GEM Program (FY 2003 – FY 2005) were fully compliant with the subject statutes in that they were inclusive of marine research, applied fisheries research and monitoring, and in addition these Invitations were targeted at Restoration, as defined by the Environmental Impact Statement for the Restoration Program, and fully consistent with the Consent Decree. Both FY 2004 and 2005 Invitations were successful in soliciting successful projects proposed by communities of the EVOS region and the fishing industry, incorporating aspects of economic restoration (Attachment 2). Should you require clarification or additional information on the contents of

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these or any other projects funded by the Trustee Council, please contact Dr. Phil Mundy, our Science Director.

I do not understand your concern over the "lack of proposals focused on community development and restoration needs." (Page 2). I suggest that we meet to develop a common understanding of how the present Trustee Council has interpreted the terms "community and restoration needs." The current Trustee Council is engaged in the process of defining its concept of community involvement; however no definition has yet emerged from this process. I also do not understand the distinction made in your letter between "restoration" and the GEM Program, since the GEM Program has been repeatedly vetted by the Council and its legal advisors as a tool for implementing the Restoration Program. GEM projects are encouraged to incorporate community involvement and economic development in a process that is defined in the GEM Program Document, as adopted by vote of the Trustee Council.

Hence the recommendations in your letter that Invitation instructions encourage proposals that

- are tied to restoration or mitigation of injury (from the oil spill)
- are focused within the oil spill affected area
- have evidence of community support

Have been implemented in the FY 2003 – 2005 Invitations, and as far as I have been able to determine, have generally been implemented in all Trustee Council Invitations for Proposals since the Environmental Impact Statement on the Restoration Program was finalized in 1994. The restoration and mitigation of injury and the extent of projects with respect to the oil spill affected area are defined the EIS.

It appears that we have a misunderstanding on the role of the Scientific and Technical Advisory Committee (STAC) in the process of funding proposals submitted to the Trustee Council. All proposals submitted in response to the Invitation are subject to adoption by the Trustee Council regardless of the recommendations of any of the persons or committees serving as advisors to the Council. At the direction of the Trustee Council, there are four recommendations provided on every proposal submitted; one each by the STAC, the Science Director, the Public Advisory Committee (PAC), and the Executive Director. Note that the PAC is formally constituted as an advisory body under the Federal Advisory Committee Act, so that its recommendations may be directly provided to the federal Trustees, and therefore to the Council as a whole. As has been the case in every past fiscal year, in adopting the FY 2005 Work Plan, the Trustee Council's funding decisions differed from the recommendations of its advisors.

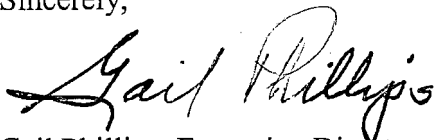
Your concern that recommendations from the STAC or any other advisory entity can prevent the Trustee Council from funding a proposal submitted to the Council is not grounded in fact. Further, your recommendations on the STAC are already in place. The purpose of the Invitation is to inform the public of where the Trustee Council wishes to focus its efforts in any given fiscal

LeFebvre  
September 27, 2004  
Page 3

year, not to prevent anyone from submitting a proposal. Perhaps a more explicit statement to this effect in the FY 2006 Invitation would address your concern?

We welcome the opportunity to work more closely with DNR and look forward to discussions of our mutual concerns.

Sincerely,

A handwritten signature in cursive script that reads "Gail Phillips". The signature is written in black ink and is positioned above the printed name.

Gail Phillips, Executive Director

Attachments (2)

Cc: Craig Tillery  
Gina Belt  
Marty Rutherford  
Trustees  
Phil Mundy  
Carol Fries

## Attachment 1

### EVOSTC KEY MEETING DATES (2004-2005)

<b>DATE</b>	<b>ACTION</b>	<b>COMMENT</b>
9/07/04	STAC Meetings on Peer Review Policies	STAC
10/15/04	Annual Report	By Staff
<b>12/10/04</b>	<b>TC Meeting: Project Contingencies</b>	<b>Scheduled Meeting</b>
1/04/05	Prepare Initial Draft Invitation	By Staff
1/18/05	Initiate Symposium Planning for 2006	By Staff
<b>1/24-26/05</b>	<b>Annual Science Symposium/TC Meeting</b>	<b>Optional Meeting</b>
<b>2/04/05</b>	<b>TC Meeting: Approval of Draft Invitation</b>	<b>Scheduled Meeting</b>
2/15/05	2006 Work Plan Invitation Issued	By Staff
4/01/05	Deadline for Receipt of Proposals	By Staff
4/15/05	Proposal Distribution to STAC	By Staff
5/11-13/05	STAC Meeting: Proposal Review	STAC
6/15/05	Funding Memo Draft Recommendations	By Staff
7/29/05	Draft Work Plan and Budget	By Staff
<b>8/10/05</b>	<b>TC Meeting: Approval of Final Work Plan and Budget</b>	<b>Scheduled Meeting</b>
10/15/05	Annual Report	By Staff
<b>12/02/05</b>	<b>TC Meeting: Project Contingencies</b>	<b>Scheduled Meeting</b>

## Attachment 2

### Examples of EVOS funded Community-based and Management Applications

As explained in the GEM Program Document

<http://www.evostc.state.ak.us/gem/documents.html>

and in the Invitation for Proposals (i.e. FY 2005) community-based projects and projects incorporating management applications are an integral part of the Restoration Program, including the Gulf of Alaska Ecosystem Monitoring and Research Program, GEM.

Proposals from oil-spill affected communities, including the fishing industry and towns and villages have been solicited and in some cases staff provides assistance in preparing the proposals. As also explained in the Invitation, proposals incorporating community involvement and management applications receive special consideration in funding recommendations from the staff over those that do not explicitly address these parts of the program. As a consequence, many of the currently funded projects incorporate Fishery Management, Community-based, Fishing Industry Involvement, Economic Development aspects. The following are some examples.

#### Fishery Management

Project: Bechtol-FY04-Parameters in the N. Gulf of AK

Project Title: Monitoring Ecosystem Parameters in the Northern Gulf of Alaska

Location: Kachemak Bay, Cook Inlet

Proposer: William Bechtol Proposer Affiliation: ADFG

Lead Agency: ADFG

Funding Levels:

FY04: \$37,600

FY05: \$56,100

FY06: \$56,000

#### Abstract:

This project will refine long-term monitoring of forage species populations in Cook Inlet, an area representative of ecosystem conditions and changes in the northern Gulf of Alaska. Finfish and shellfish will be sampled annually in May with a small-mesh, bottom trawl to determine whether competitive and predatory interactions or different responses to the environment may be favoring the abundance of one species over another. Project funding includes mounting a thermosalinograph on the survey platform to collect surface temperature and salinity data during all fieldwork conducted by the survey vessel throughout the calendar year. Products will include annual reports, presentations at scientific meetings, and a manuscript submission to a peer-reviewed journal. Project data will be also made available to other researchers to facilitate broader ecosystem modeling for the Gulf of Alaska. The study will incorporate community outreach and education involving local science classes in the collection of field data.

#### Fishery Management, Economic Development

Project: Willette-FY04-Monitoring ACC Dynamics

Project Title: Monitoring Dynamics of the Alaska Coastal Current and Development of Applications for Management of Cook Inlet Salmon

## Attachment 2: Examples; EVOS Community-based and Management Applications

Location: Cook Inlet

Proposer: Mark Willette Proposer Affiliation: ADFG

Lead Agency: ADFG

Funding Levels:

FY04: \$89,800

FY05: \$68,000

FY06: \$27,900

Abstract:

This project will use a vessel of opportunity to collect physical oceanographic and fisheries data along a transect, across lower Cook Inlet from Anchor Point to the Red River delta. Logistical support for the field sampling will be provided in part by the Alaska Department of Fish and Game which has chartered a vessel annually to fish along this transect each day during July providing in season projections of the size of salmon runs returning to the inlet. The work proposed here is for long-term monitoring of oceanographic conditions in Cook Inlet as part of these ongoing fisheries surveys. Investigators will also use physical oceanographic data collected by the project to improve management of Cook Inlet salmon through improved in season salmon run projections. Several hypotheses regarding effects of changing oceanographic conditions on salmon migratory behavior will be tested. The oceanographic data collected by the project will also provide for valuable validation of remote sensing products, improved understanding of ocean dynamics in lower Cook Inlet, and a highly powerful statistical evaluation of the oil spill risk analysis models.

Fishery Management, Community-based, Fishing Industry Involvement, Economic Development

Project: Adams-FY04-Fisheries Management

Project Title: Fisheries Management Applications - Submitted under the BAA

Location: Prince William Sound

Proposer: Kenneth Adams Proposer Affiliation: Private Enterprise

Lead Agency: NOAA

Funding Levels:

FY04: \$46,760

FY05: \$0

FY06: \$0

Abstract:

The proposal is submitted under the category of Community Involvement. The project, begun in March of FY-02, will continue to build bridges between the scientific community and resource managers, enhancement programs, subsistence and other stakeholder user groups. The scientific community is describing and attempting to predict variation in biological production whereas, the commercial fishing community desires application for this new information. We will develop a Mini-Symposium of the annual GEM workshop for presentation in small communities. We will also continue the successful series of workshops created in Cordova for identification of PWS fishery community issues and needs and will seek resolution of the identified issues and needs by application of EVOSTC supported research. The results contained in the Sound Ecosystem Assessment (SEA) program are especially valuable to this process. This project provides clear and positive opportunities for the resource dependent community to become involved in GEM and can also help identify how products of GEM can be made meaningful to the community.

## Attachment 2: Examples; EVOS Community-based and Management Applications

Community-based science, community involvement

Project: DeLorenzo-FY04-Youth Area Watch

Project Title: Youth Area Watch

Location: PWS, Kenai Peninsula

Proposer: Richard DeLorenzo Proposer Affiliation: Local Government

Lead Agency: ADFG

Funding Levels:

FY04: \$121,100

FY05: \$126,400

FY06: \$133,200

Abstract:

This project links students in the oil spill impacted area with research and monitoring projects funded by the Trustee Council and outside agencies. Youth conduct research identified and delegated by principal investigators who have indicated interest in working with students. The project involves students in the acquisition and monitoring of oceanographic and meteorological data over time. Students also develop a local restoration project, which provides them the skills to participate in community-based science. Youth Area Watch fosters long-term commitment to the goals set out in the restoration plan and is a positive community investment in that process. Participating communities in FY 04-06 will be Chenega Bay, Cordova, Seward, Tatitlek, Valdez and Whittier.

Project: Schneider-FY04-Kodiak Archipelago

Project Title: Kodiak Archipelago Youth Area Watch

Location: Kodiak Archipelago

Proposer: Teri Schneider Proposer Affiliation: Local Government

Lead Agency: ADFG

Funding Levels:

FY04: \$63,000

FY05: \$63,000

FY06: \$63,000

Abstract:

The Kodiak Archipelago Youth Area Watch is an ongoing community involvement project designed to engage students in projects with goals aligned with the general restoration efforts of the Trustee Council. Students and site coordinators will conduct interviews with local experts and document TEK, publishing it in a District oral history magazine. Participation of KAYAW adults and students in the annual Academy of Elders/Science Camp will be strongly encouraged. Participants will share their research during annual gatherings. Such participation will serve as another avenue for more tribal members to learn about restoration efforts, scientific monitoring techniques, and occupations related to such work. Students will explore local knowledge as it relates to

marine mammal populations, inter-tidal environment, impact of humans on the coastal environment, human use overtime and intergenerational changes and cultural beliefs and



## Attachment 2: Examples; EVOS Community-based and Management Applications

practices that may provide insight in scientific studies. The value and implications of TEK will be strongly emphasized throughout the implementation of the KAYAW project.

### Wildlife Management

Project: Rosenberg-FY04-Harlequin Duck Population

Project Title: Harlequin Duck Population Dynamics in Prince William Sound:

Measuring Recovery

Location: Prince William Sound

Proposer: Dan Rosenberg Proposer Affiliation: ADFG

Lead Agency: ADFG

Funding Levels:

FY04: \$37,100

FY05: \$0

FY06: \$0

Abstract:

This project will address the effects of lingering oil in nearshore habitats of Prince William Sound on populations of harlequin ducks. We will conduct winter boat surveys to test if harlequin ducks have recovered from the effects of the EVOS by comparing population structure and trends between oiled and unoiled treatments in four areas (2 oiled, 2 unoiled) of PWS. Similar structure and trends between oiled and unoiled areas will indicate populations have recovered or are in a position to recover. Work will be complimentary to studies addressing cytochrome P450 induction and over winter survival of female harlequin ducks to give a complete picture of the effects of lingering oil. We will also test for geographic differences in population structure and trend for oiled and unoiled treatments. This is a continuation of surveys begun in 1997. Up to 3 years of surveys are proposed with the results of each year determining the need for continuation.

### Management of injured resources

Project: Bodkin-FY04-Nearshore Monitoring Decision Process

Project Title: Monitoring in the Nearshore: A Process for Making Reasoned Decisions

Location: No field work. Study areas in the Gulf of Alaska

Proposer: James Bodkin Proposer Affiliation: DOI

Lead Agency: DOI

Funding Levels:

FY04: \$10,000

FY05: \$0

FY06: \$0

Abstract:

Over the past several years, a conceptual framework for the GEM nearshore monitoring program has been developed through a series of workshops. However, details of the proposed monitoring program, e.g. what to sample, where to sample, when to sample and at how many sites, have yet to be determined. In FY 03 we were funded under Project 03687 to outline a process whereby specific alternatives to monitoring are developed and presented to the EVOS Trustee Council for consideration. As part of this process, two key elements are required before reasoned decisions can be made. These are: 1) a comprehensive historical perspective of locations and types of past studies conducted in the nearshore marine communities within Gulf of Alaska, and 2) estimates of costs for each element of a proposed monitoring program. We have developed a GIS database that details available information from past studies of selected nearshore habitats and species in the Gulf of Alaska and provide a visual means of selecting sites based (in part) on the

## Attachment 2: Examples; EVOS Community-based and Management Applications

locations for which historical data of interest are available. We also provide cost estimates for specific monitoring plan alternatives and outline several alternative plans that can be accomplished within reasonable budgetary constraints. The products that we will provide are: 1) A GIS database and maps showing the location and types of information available from the nearshore in the Gulf of Alaska; 2) A list of several specific monitoring alternatives that can be conducted within reasonable budgetary constraints; and 3) Cost estimates for proposed tasks to be conducted as part of the nearshore program. Because data compilation and management will not be completed until late in FY03 we are requesting support for close-out of this project in FY 04.

Fishery Management, Community-based, Community-originated, Subsistence support  
Project: Ruesink-FY04-Altering the Community Structure  
Project Title: Investigating the Relative Roles of Natural Factors & Shoreline Harvest in Altering the Community Structure, Dynamics & Diversity of the Kenai Peninsula  
Location: Kenai Peninsula  
Proposer: Jennifer Ruesink Proposer Affiliation: Non Alaskan University  
Lead Agency: NOAA  
Funding Levels:  
FY04: \$81,600 FY05: \$0 FY06: \$0

### Abstract:

The surf swept rocky shores of the outer Kenai Peninsula are the home of three Sugpiaq native villages where the black chiton, *Katharina tunicata*, remains an important traditional subsistence food source. This benthic invertebrate is also a competitively dominant herbivore known to have dramatic impacts on the structure, dynamics and diversity of the rocky intertidal. In collaboration with tribal members, we will evaluate the relative roles of natural factors (predation/grazing & natural variability) and anthropogenic impacts (*Katharina* harvest) in altering intertidal community structure. The project addresses the core GEM hypothesis of human versus natural impacts on the structure and productivity of coastal ecosystems. It will also provide an additional field season (2004) of valuable baseline monitoring in the intertidal zone that could be continued in the future as part of a long-term time series. Local tribes will be involved in both developing and carrying out research which will match the GEM commitment to community based science.

## Waste Management, Community-based, Fishing Industry Involvement, Economic Development

Project: Thorne-FY04-Seafood Waste Discharge  
Project Title: Impacts of Seafood Waste Discharge in Orca Inlet, Prince William Sound  
Location: Orca Inlet, Prince William Sound  
Proposer: Richard Thorne Proposer Affiliation: NGO  
Lead Agency: NOAA  
Funding Levels:  
FY04: \$72,680 FY05: \$111,692 FY06: \$108,943

### Abstract:

This proposal brings together several entities with concerns over the impacts of seafood waste discharge into Cordova Harbor (Orca Inlet). The Prince William Sound Science

## Attachment 2: Examples; EVOS Community-based and Management Applications

Center (PWSSC) is acting as the facilitator of this effort because of its strategic location and long-term interest in the problem. Primary collaborators are DEC, ADF&G and Cordova seafood processors. Anticipated collaborators include the Native Village of EYAK and the City of Cordova. The proposed research will investigate possible impacts seafood waste discharge through a series of experiments that will evaluate the nearshore community response to alternate techniques of seafood waste discharge, including different grind sizes and whole carcasses, as well as a pile remediation study. These experiments will not only aid our understanding of the historic impacts, but will form the basis for a more healthy and productive approach to seafood waste recycling. A three-year project is proposed, with the first year devoted to baseline observations and experimental design.

### Fishery Management

Project: Mann-FY04-Reconstructing Sockeye Populations

Project Title: Reconstructing Sockeye Populations in the Gulf of Alaska over the Last Several Thousand Years: The Natural Background to Future Changes

Location: Prince William Sound, Kodiak, Kenai Peninsula

Proposer: Daniel Mann Proposer Affiliation: Alaskan University

Lead Agency: ADFG

Funding Levels:

FY04: \$45,000

FY05: \$90,400

FY06: \$0

Abstract:

We are reconstructing changes in sockeye salmon abundance over the last 10,000 years using the  $\delta^{15}N$  record left by salmon carcasses in the sediments of spawning lakes. Our research question is: What is the normal variability in sockeye salmon populations in the Gulf of Alaska and how does it relate to climatic changes in the Gulf of Alaska region? Our results provide a much-needed background to monitoring studies within the GEM program and to fisheries managers who are working to preserve and restore natural salmon runs. Results from 2002 and 2003 include two, new and unexpectedly complete records of salmon abundance in lakes on the Kenai Peninsula. Both records extend back to the time of regional deglaciation around 10,000 years ago. These new cores provide records of changing  $\delta^{15}N$  that are five times longer than any previous record of salmon-run history. The unexpected length and richness of these new lake-core records have motivated us to request additional funds from EVOS to cover an additional year of full funding followed by a final year of analysis and synthesis.

# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

550 WEST 7<sup>TH</sup> AVENUE, SUITE 1400  
ANCHORAGE, ALASKA 99501-3650

PHONE: (907) 269-8431  
FAX: (907) 269-8918

August 18, 2004

Gail Phillips  
Executive Director  
Exxon Valdez Oil Spill Trustee Council  
441 West Fifth Ave., Suite 500  
Anchorage, AK 99501

RE: EVOS Annual Work Plan

Dear Ms. Phillips;

The Department of Natural Resources has reviewed the proposed FY05 work plan and requests that the Trustee Council modify its solicitation for FY06 to include three components within the scope of its annual work plan as described in Trustee Council Resolution and Public Law 106-113.

The Trustee Council Resolution dated 3/17/99 directed that the interest on the remaining funds be used to fund annual work plans that include a combination of research, monitoring, and general restoration .....

Senate Bill 711 and Public Law 106-113 specifies that (2) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of -

- (A) marine research, including applied fisheries research;
- (B) monitoring; and
- (C) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

The GEM program clearly fulfills the commitments to research and monitoring. Our concerns focus on the third aspect of the program, restoration. There is clearly a commitment both through the Trustee Council resolution dated 3/17/99 and Senate Bill 711 to provide opportunities for restoration and mitigation of the effects of the oil spill.

While the Trustee Council may wish to see more community focused restoration proposals and other proposals addressing the restoration component, it is difficult for any organization or individual to submit a proposal for this type of project that will survive scientific and technical

*"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."*

review by a panel of scientific experts focused solely on the implementation of GEM. The Scientific and Technical Review Committee (STAC) is composed primarily of scientific experts who have been directed to evaluate proposals within the context of the Gulf Ecosystem Monitoring Plan. While this Plan has enjoyed a high level of support and undergone extensive scientific review, in our opinion, it does not fulfill the intent of program component (C) above, namely restoration. GEM is a science plan focused primarily on monitoring and research. It is our understanding that currently all proposed activities must be considered within the context of GEM.

Given the lack of project proposals focused on community and restoration needs, and the difficulty that these types of proposals have in meeting the expectations of the Scientific and Technical Review Committee, DNR suggests that when developing the FY06 invitation, the Restoration Office and the Trustee Council consider including a separate component in the invitation and resulting work plan that focuses on restoration and on-the-ground projects with more immediate, tangible results.

DNR recommends development of instructions that clearly define the expectations of the restoration component and provide parameters within which proposals will be evaluated such as:

- Proposals should be tied to restoration or mitigation of injury from the Exxon Valdez Oil Spill.
- Proposals should be focused within the Oil Spill Affected Area.
- Proposals should have evidence of community support.

The STAC should either be given appropriate review instructions or another body convened to review these proposals.

DNR requests that this issue be addressed in the near term in order to provide clear direction to the public and those interested in submitting proposals for FY06 and to ensure a balanced Restoration Program. Should the Trustee Council fail to address this issue it is unlikely that quality proposals within the restoration or community involvement category will be submitted for consideration or funded.

Should you have any questions or concerns regarding this request please don't hesitate to contact me or Carol Fries. Thank you.

Sincerely,



Dick LeFebvre  
Deputy Commissioner

cc: Craig Tillery  
Marty Rutherford

# Exxon Valdez Oil Spill Trustee Council

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

September 30, 2004



John Devens  
PWSRCAC  
3709 Spenard Rd.  
Anchorage, AK 99503

RE: 030623/PWSRCAC-EVOS Long-Term Environmental Monitoring Program.

Dear John:

On behalf of Dr. Phillip Mundy, Science Director for the *Exxon Valdez* Oil Spill Trustee Council, I am pleased to inform you that your manuscript in lieu of final report 030623/PWSRCAC-EVOS Long-Term Environmental Monitoring Program has been approved. Please contact our ARLIS library (see below) for the next steps you will need to take regarding finalization of your manuscript.

Carrie Holba  
ARILS  
Suite 111, Library Bldg.  
Anchorage, AK 99508

phone (907) 272-7547  
fax (907) 271-4742  
[carrie@arlis.org](mailto:carrie@arlis.org)

For more detailed information regarding the "Use of Manuscripts in for Final Report Writing" please visit our website at <http://www.evostc.state.ak.us/pdf/admin/reportguidelines.pdf>. Thank you for your participation and contribution to the Gulf Ecosystem Monitoring Program Program.

Sincerely,

Brenda Hall  
Administrative Officer

Cc: Lisa Ka'aiue  
Peter Hagen, NOAA  
Carrie Holba, ARLIS  
✓ Gail Phillips, EVOS  
Phillip Mundy, EVOS

# Exxon Valdez Oil Spill Trustee Council

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

September 30, 2004



John Devens  
PWSRCAC  
3709 Spenard Rd.  
Anchorage, AK 99503

RE: 030623/PWSRCAC-EVOS Long-Term Environmental Monitoring Program.

Dear John:

On behalf of Dr. Phillip Mundy, Science Director for the *Exxon Valdez* Oil Spill Trustee Council, I am pleased to inform you that your manuscript in lieu of final report 030623/PWSRCAC-EVOS Long-Term Environmental Monitoring Program has been approved. Please contact our ARLIS library (see below) for the next steps you will need to take regarding finalization of your manuscript.

Carrie Holba  
ARILS  
3150 C Street, Suite 100  
Anchorage, AK 99503

phone (907) 272-7547  
fax (907) 271-4742  
[carrie@arlis.org](mailto:carrie@arlis.org)

For more detailed information regarding the "Use of Manuscripts in for Final Report Writing" please visit our website at <http://www.evostc.state.ak.us/pdf/admin/reportguidelines.pdf>. Thank you for your participation and contribution to the Gulf Ecosystem Monitoring Program Program.

Sincerely,

Brenda Hall  
Administrative Officer

Cc: Lisa Ka'aiue  
Peter Hagen, NOAA  
Carrie Holba, ARLIS  
Gail Phillips, EVOS  
Phillip Mundy, EVOS

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# Exxon Valdez Oil Spill Trustee Council

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



September 28, 2004

Alex Beckman  
Mikunda, Cottrell & Co.  
3601 'C' Street, Suite 600  
Anchorage, AK 99515

Dear Alex Beckman:

In connection with your audit of the financial statements of Exxon Valdez Oil Spill Trustee Council as of and for the year ended September 30, 2003, we confirm that we are responsible for the fair presentation in the financial statements of financial position results of operations in conformity with accounting principles generally accepted in the United States of America.

We confirm to the best of our knowledge and belief, as of April 26, 2004 the following representations made to you during your audit.

1. The financial statements referred to above are fairly presented in conformity with accounting principles generally accepted in the United States of America.
2. We have identified for you all organizations and/or departments that are a part of this reporting entity that are:
  - a. Components or departments of the federal government and State of Alaska that is included in the Council's financial statements. .
3. We operate within the structures established by the federal government and State of Alaska that are funded by Trust funds
4. We are responsible for compliance with laws and regulations applicable to council.
5. We have made available to you:
  - a. All financial records and related data of all funds, including, departments, projects, activities, etc., in existence at any time during the period covered by your audit.
6. We have no knowledge of fraud or suspected fraud affecting the entity involving:
  - a. Management or employees who have significant roles in the internal control.
  - b. Others where the fraud could have a material effect on the financial statements.

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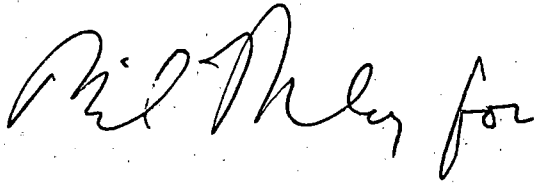
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Alaska Department of Law



7. We acknowledge our responsibility for the design and implementation of programs and controls to provide reasonable assurance that fraud is prevented and detected.
8. We have no knowledge of any allegations of fraud or suspected fraud affecting the Council received in communications from employees, former employees, analysts, regulators, short sellers, or others.
9. There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
10. We know of no violations of state or Federal statutory or regulatory provisions.
11. We are responsible for making the accounting estimates included in the financial statements. Those estimates reflect our judgment based on our knowledge and experience about past and current events and our assumptions about conditions we expect to exist and courses of action we expect to take. In that regard, adequate provisions have been made.
  - a. To reduce investments which have permanently declined in value to their realizable values.
12. There are no:
  - a. Material transactions that have not been properly recorded in the accounting records underlying the financial statements.
  - b. Violations or possible violations of laws or regulations whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency. In that regard, we specifically represent that we have not been designated as, or alleged to be, a "potentially responsible party" by the Federal Environmental Protection Agency or any equivalent state agencies in connection with any environmental contamination.
  - c. Other material liabilities or gain or loss contingencies that are required to be accrued or disclosed by Statement of Financial Accounting Standards No. 5 and/or GASB Statement No. 10.
13. We have no direct or indirect, legal or moral, obligation for any debt of any organization, public or private that is not disclosed in the financial statement.
14. We have complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
15. Fund balance reserves and designations are properly classified and, if applicable, approved.
16. We are not aware of any internal control weaknesses or reportable conditions that should be reported. We are responsible for establishing and maintaining effective internal control over financial reporting.

No events or transactions other than those disclosed in the financial statements have occurred subsequent to the balance sheet date that would require adjustment to, or disclosure in, the financial statements.

During the course of your audit, you may have accumulated records containing data which should be reflected in our books and records. All such data have been so reflected. Accordingly, copies of such records in your possession are no longer needed by us.

A handwritten signature in cursive script, appearing to read "Gail Phillips for".

Gail Phillips,  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



September 28, 2004

Lary Rosenblatt  
CMA  
10 Tupelo Road  
Westport, CT 06880

Dear Mr. Rosenblatt:

Enclosed are several slides from the *Exxon Valdez* Oil Spill Trustee Council office. In some cases I was unable to find the exact slide so I have provided a similar shot.

Please return the slides to the address listed above. Let me know if you have any questions or if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Cherri Womac". The signature is written in black ink and is positioned above the printed name.

Cherri Womac  
Administrative Officer

enclosures

# Exxon Valdez Oil Spill Trustee Council

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

September 22, 2004



Ms. Alicia Reft  
President, Karluk IRA Tribal Council  
P.O. Box 22  
Karluk, Alaska 99608

Dear Ms. Reft:

Thank you for your letter regarding EVOS funds for the Kodiak Island Borough Waste Management Plan.

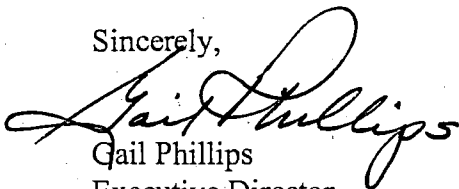
This EVOS project began in 1999 and was supposed to have been completed with three years. It was not completed, and the Borough was given several extensions to get the project done. Unfortunately, the Borough was not able to complete the project this year and again came back to the Trustee Council for another extension of time.

At their August 23, 2004 meeting, the Trustee Council voted not to grant another extension of funds for this project. They strongly recommended that the Borough submit a new proposal next year for FY06.

The Trustees are supportive of these types of projects; however the fact that so much time had passed and the funds had not been used, plus the fact that the Trustees need to reexamine a new and up-do-date proposal, prompted them to take the action they did in August.

It is our recommendation that the Karluk IRA Council work directly with the Kodiak Borough Manager, Pat Carlson, to create a new proposal to turn into the Trustee Council next year for consideration.

Sincerely,

  
Gail Phillips  
Executive Director

Cc: Trustee Council  
Brenda Ramos, EVOS Project Manager  
Pat Carlson, Kodiak Island Borough Manager

---

#### Federal Trustees

U.S. Department of the Interior  
U.S. Department of Agriculture  
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#### State Trustees

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Alaska Department of Labor

## STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

September 17, 2004

VIA FAX 907-474-6342

Mark R. Hamilton  
President  
University of Alaska  
202 Butrovich Room  
P.O. Box 755000  
Fairbanks, AK 99775-5000

Dear President Hamilton:

The State members of the Exxon Valdez Oil Spill Trustee Council (EVOSTC) have discussed your September 7 letter regarding the Council's recent approval of the FY 2005-2007 work plan. It became apparent to the State Trustees that you may benefit from some additional information on the role and responsibilities of the EVOSTC and the process by which we carry out our duties. As a fellow State entity we felt it was appropriate for the State members to respond directly to the issues and questions you raised in your letter. We hope this response helps you to better understand the outcome of our August 23<sup>rd</sup> meeting and provides you with the contextual background for that meeting, as well as some general insight into the operation of the Council.

While your comments focus on the FY 05 Invitation for Proposals, the proposal review process and your dissatisfaction with the subsequent funding decisions, ~~your criticism does not acknowledge that 'science sponsorship' is not the primary mission of the Council, but instead a corollary mechanism by which we address our mission of restoration and rehabilitation mandated by the terms of the 1991 Memorandum of Agreement under which the Council must operate.~~ Actions taken to implement the Council's mission are governed by the 1994 Restoration Plan. Since assuming our role as Trustees, we have been consistent in our efforts to move forward a scientific endeavor that is consistent with our restoration and rehabilitation mission, regardless of whether it is conducted by academia, government agency, or private entity.

The EVOSTC science plan and work plans you refer to in your letter as "being carefully developed over several years with significant external peer review and National Academy guidance" are specific to the Gulf Ecosystem Monitoring (GEM) program. While the State Trustees are generally supportive of the type of long term monitoring GEM envisions, we do not view GEM as a whole-cloth replacement for the restoration and rehabilitation activities of the Council. Monitoring and research is only one of many actions specifically referenced in the EVOSTC Restoration Plan. Other major issues continue to exist and restoration actions need to be taken which demand a portion of our effort and funding.

President Hamilton

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September 17, 2004

Our knowledge of the effects of the oil spill, and consequently the need to respond, remains in flux. An example was the revelation in 2001 that substantially more oil remained in Prince William Sound in a substantially more toxic state than anyone had ever believed likely. In addition to the fate and effect of lingering oil, there are a number of species and services that continue to be on our list of injured resources, and there is a need for applied scientific research with a direct management benefit in the spill affected region. The highest priority of the Council is to undertake projects that have the most direct and immediate restoration effects on injured natural resources and lost or diminished services. Before undertaking long term projects designed to restore resources through generally broadening our understanding of the oil spill area ecosystem, it is important to first fund those projects that look at spill impacts and may lead quickly and directly to restoration benefits such as improved natural resource management decisions.

As State Trustees we have articulated the need for a balance between the long-term monitoring goals and the near-term restoration and management priorities in nearly every public meeting since assuming our positions on the Council. These criteria served as a template to help guide our funding decisions for the FY 2004-2006 work plan last year, and once again figured prominently in our funding decisions at our August 23<sup>rd</sup> meeting. Anyone unaware of our thoughts and policy direction in this regard has not been following the process.

Our FY 05 Invitation for Proposals was just that, an invitation. It, as any other proposal invitation, should not be viewed as a guarantee of funding for any individual project just by the nature of its responsiveness. These proposals compete through the rigorous process of peer, scientific and programmatic review conducted by our volunteer peer reviewers, Science and Technical Advisory Committee (STAC) and EVOSTC staff. This review process is important in formulating advice to the Council regarding the GEM program, and the individuals and entities involved are much appreciated for their contribution. However, this review process is limited to providing advice on specific aspects of our EVOS program. It is at the Council level that this advice is considered in the context of our broader mandates and responsibilities and is balanced with the fiscal realities of our program. We are quite frankly baffled by your assessment that we somehow violated the practices and tenets of science sponsorship and put our individual and agency credibility at risk. Surely you would not suggest the Council abdicate our fiduciary responsibility for the overall EVOS program and act as merely a 'rubber stamp' for the STAC and the staff tasked with providing advice on a single program component.

Certainly in your role as University President, you understand the challenges of balancing any program undertaken with the realities of limited fiscal resources and the necessity of making decisions within a responsible budgetary framework. In 1999, when the Council received Congressional approval to institute a modern investment strategy for the settlement funds, they adopted an endowment approach for the remaining balance of the restoration and research fund and set an annual expenditure cap to preserve its value over time. This Council policy set the amount available for FY 2005 at five million dollars. Adoption of the full slate of new projects recommended by the STAC and ED in the draft work plan, when combined with previous project commitments and program administration needs, would have resulted in exceeding the FY 2005 target by well over one million dollars. In addition, the out year effect of that commitment would be to exceed the projected FY 2006 budget and leave the Council unable to react to short term

President Hamilton

3

September 17, 2004

needs without breaking the endowment approach. In our view while the Council reserves the latitude to spend either above or below these targets should a specific and pressing need exist, we found no reason to do so in support of the long term program the policy is designed to fund.

Instead of providing a lengthy project by project discussion of our deliberations, we would like to convey the considerations that guided our decisions on individual projects. Along with applying the three criteria cited repeatedly by the State Trustees and listed above, we considered the timing of the project (does this need to be done now or can it wait), if the project would benefit from the revised Science Plan as recommended by the EVOS Science Director in the work plan narrative, and if funding other than EVOS that may be available for an individual project. Let us assure you that regardless of your inference, projects from academic institutions were not singled out or treated any differently than from other entities. This has never been a consideration, and in fact, academic research has comprised a significant portion of the EVOS science program since its inception with over eight million dollars of funding for university projects since 2000 and a number of continuing projects receiving EVOS funding in 2005 and 2006. We believe that EVOS and the University of Alaska have enjoyed a mutually beneficial relationship and remain hopeful that it will continue.

Your letter specifically questions our decision to postpone work in the areas of modeling and synthesis as well as the addition of a project that was not recommended in the draft work plan. As stated in the FY 2005-2007 work plan, "the Science Plan is the point of origin for the Invitation for Proposals and ultimately the Work Plan, so it is a critically important document." You may not be aware that the EVOSTC was advised by the EVOS Science Director that the Science Plan is past due for a much needed update. We made it clear in our deliberations and direction to the EVOS staff that revising the Science Plan is a high priority of the Council. It is our intention that this plan revision integrate the GEM program with the broader restoration mission and better define the "bridge" to the long-term research emphasis. While we believe that modeling and synthesis are important program areas under GEM, they should await the revision of the Science Plan. We plan to be fully engaged in that revision process.

The single project not recommended in the draft work plan that the Council chose to fund deals with herring, an extremely important species in Prince William Sound that appears on our injured species list and commands a great deal of public attention. This project is a continuation of a very promising pilot project that was previously funded by EVOS.

While you chose to characterize our project selection as bearing little resemblance to our invitation and the advice of our staff and advisory groups, we respectfully disagree. The FY 2005-2007 work plan is in our view an aggressive portfolio of important science, research and management projects. While some disappointment is expected among investigators whose projects did not receive funding, no reasonable person should conclude a conspiracy exists in the process or a mystery surrounds our decisions. The FY 2005 funded project list is, in fact, merely a subset of the projects we invited and our advisors recommended – a subset that lives within our fiscal constraints and serves the broad mission of the EVOSTC.

President Hamilton

4

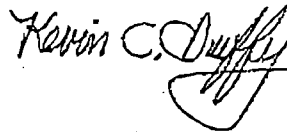
September 17, 2004

In closing we invite your continued interest in the EVOS Trustee Council and our programs. We look forward to continuing the good working relationship between the University policy makers and the Trustee Council and invite you to meet with us to better understand our mission.

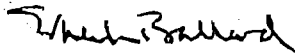
Sincerely,



Attorney General Gregg Renkes



Commissioner Kevin C. Duffy



Commissioner Ernesta Ballard

cc: Gail Phillips, Executive Director, EVOSTC  
EVOSTC Federal Members



# Exxon Valdez Oil Spill Trustee Council

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



September 17, 2004

Evan Naylor  
835 5<sup>th</sup> Avenue, Office A  
San Rafael, CA 94901

Dear Mr. Naylor:

Enclosed are several slides from the *Exxon Valdez* Oil Spill Trustee Council office sent to you at the request of Tony Munoz. In some cases I was unable to find the exact slide so I have provided a similar shot. I was unable to locate a digital copy of the map Mr. Munoz requested, but have provided a hard copy that you may be able to duplicate.

Please return the slides to the address listed above. Let me know if you have any questions or if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script, reading "Cherri Womac". The signature is written in dark ink and is positioned above the typed name and title.

Cherri Womac  
Administrative Officer

enclosures

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

Betsy Day  
Integral Consulting  
7900 SE 28<sup>th</sup> St., Suite 300  
Mercer Island, WA 98040

RE: 040772/ Sediment Quality Survey of Heavily-Oiled Beaches in PWS

Dear Betsy:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

For those of you that have projects concluding in FY 2005 your final report will be due April 15, 2006 or the date agreed to in your contract. If your project will continue into FY 2006 your annual report is due no later than August 15, 2005. The format for our annual report is available on our website at [http://www.evostc.state.ak.us/nonpdf\\_docs/admin/Areptform.doc](http://www.evostc.state.ak.us/nonpdf_docs/admin/Areptform.doc).

Sincerely,

A handwritten signature in cursive script that reads "Gail".

Gail Phillips  
Executive Director

A handwritten signature in cursive script that reads "Thanks!".

cc: Dede Bohn/USGS Project Manager

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

Brenda Ballachey  
ABSC USGS BRD  
6 Varbay PI NW  
Calgary, Alberta T2A 0C8  
CANADA

James Bodkin  
Alaska Science Center, USGS  
1011 E. Tudor Rd.  
Anchorage, AK 99503

RE: 040774/ Oil Exposure Biomarkers and Population Trends of PWS  
Marine Vertebrates

Dear Brenda and James:

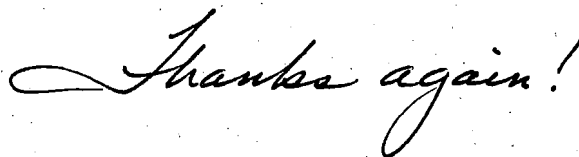
Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

Gail Phillips  
Executive Director



cc: Dede Bohn/USGS Project Manager

---

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# Exxon Valdez Oil Spill Trustee Council

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

September 2, 2004



Stanley Rice  
NMFS/Auke Bay Lab  
11305 Glacier Hwy.  
Juneau, AK 99801

Jeff Short  
NMFS/Auke Bay Lab  
11305 Glacier Hwy.  
Juneau, AK 99801

Mandy Lindeberg  
NMFS Auke Bay Lab  
11305 Glacier Hwy.  
Juneau, AK 99801

RE: 040740/ Lingering Oil: Contaminant Inputs to PWS and CYPIA  
Induction in Fish - Midterm Lingering Oil Project DOL Grant

Dear Stanley, Jeff and Mandy:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

For those of you that have projects concluding in FY 2005 your final report will be due April 15, 2006 or the date agreed to in your contract. If your project will continue into FY 2006 your annual report is due no later than August 15, 2005. The format for our annual report is available on our website at [http://www.evostc.state.ak.us/nonpdf\\_docs/admin/Areptform.doc](http://www.evostc.state.ak.us/nonpdf_docs/admin/Areptform.doc).

Sincerely,

A handwritten signature in cursive script that reads "Gail".

Gail Phillips  
Executive Director

A handwritten signature in cursive script that reads "Pete Hagen!".

cc: Pete Hagen/NOAA Project Manager

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

David Irons  
USFWS  
1011 E. Tudor Rd.  
Anchorage, AK 99503

RE: 040159/Surveys to Monitor Marine Bird Abundance in Prince  
William Sound during Winter and Summer 2004

Dear David:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Gail", written in dark ink.

Gail Phillips  
Executive Director

A handwritten signature in cursive script, reading "Thanks!", written in dark ink.

cc: Dede Bohn/USGS Project Manager

---

#### Federal Trustees

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Alaska Department of Law

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

Ginney Eckert  
University of Alaska  
11120 Glacier Highway  
Juneau, AK 99801

RE: 040702/A Synthesis of Natural Variability in the Nearshore: Can we Detect Change?

Dear Ginney:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

For those of you that have projects concluding in FY 2005 your final report will be due April 15, 2006 or the date agreed to in your contract. If your project will continue into FY 2006 your annual report is due no later than August 15, 2005. The format for our annual report is available on our website at [http://www.evostc.state.ak.us/nonpdf\\_docs/admin/Areptform.doc](http://www.evostc.state.ak.us/nonpdf_docs/admin/Areptform.doc).

Sincerely,

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

Gail Phillips  
Executive Director

A handwritten signature in cursive script that reads "Thanks!".

cc: Brett Huber/ADF&G Project Manager

---

#### Federal Trustees

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Alaska Department of Law

# Exxon Valdez Oil Spill Trustee Council

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

September 2, 2004



Brenda Ballachey  
ABSC USGS BRD  
6 Varbay PI NW  
Calgary, Alberta T2A 0C8  
CANADA

James Bodkin  
Alaska Science Center, USGS  
1011 E. Tudor Rd.  
Anchorage, AK 99503

RE: 040775/ Lingering Oil and Sea Otters: Pathways of Exposure and  
Recovery Status (continuation of work on project 040620)

Dear Brenda and James:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

*Gail Phillips*      *Thanks!*

Gail Phillips  
Executive Director

cc: Dede Bohn/USGS Project Manager

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

Richard Thorne  
PWS Science Center  
PO Box 705  
Cordova, AK 99574

Mary Anne Bishop  
PWS Science Center  
PO Box 705  
Cordova, AK 99574

RE: 040725/Impacts of Seafood Waste Discharge in Orca Inlet, PWS

Dear Richard and Mary Anne:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Gail". The signature is fluid and connected, with a long, sweeping underline that extends to the right.

Gail Phillips  
Executive Director

A handwritten note in cursive script that reads "Thanks!". The word "Thanks" is written in a large, elegant cursive, followed by an exclamation point.

cc: Pete Hagen/NOAA Project Manager

---

#### 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

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



September 2, 2004

Bonita Nelson  
NOAA  
11305 Glacier Hwy.  
Juneau, AK 99801

Jeff Short  
NMFS/Auke Bay Laboratory  
11305 Glacier Hwy.  
Juneau, AK 99801

RE: 040290/The Exxon Valdez Trustee Hydrocarbon Database and  
Interpretation Service

Dear Bonita and Jeff:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

Gail Phillips  
Executive Director

cc: Pete Hagen/NOAA Project Manager

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

Bonita Nelson  
NOAA  
11305 Glacier Hwy.  
Juneau, AK 99801

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11305 Glacier Hwy.  
Juneau, AK 99801

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Sincerely,

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

Gail Phillips  
Executive Director

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

cc: Pete Hagen/NOAA Project Manager

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

Carol Woody  
USGS  
1011 E Tudor Road  
Anchorage, AK 99503

Thomas Kline, Jr.  
PWS Science Center  
PO Box 705  
Cordova, AK 99574

RE: 040712/Research for Nutrient-based Resource Management in  
Watersheds and Estuaries

Dear Carol and Thomas:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

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Gail Phillips  
Executive Director

A handwritten signature in cursive script, appearing to read "Thanks!".

cc: Dede Bohn/USGS Project Manager

# Exxon Valdez Oil Spill Trustee Council

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



September 2, 2004

Sonia Batten  
4737 Vista View Crescent  
Nanaimo, BC V9V 1N8

David Welch  
Department of Fisheries & Ocean Canada  
Pacific Biological Station  
Nanaimo, BC V9T 6N7

RE: 040624, 2005/Acquisition and Application of CPR data in the Gulf  
of Alaska

Dear Sonia and David:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

For those of you that have projects concluding in FY 2005 your final report will be due April 15, 2006 or the date agreed to in your contract. If your project will continue into FY 2006 your annual report is due no later than August 15, 2005. The format for our annual report is available on our website at [http://www.evostc.state.ak.us/nonpdf\\_docs/admin/Areptform.doc](http://www.evostc.state.ak.us/nonpdf_docs/admin/Areptform.doc).

Sincerely,

Gail Phillips  
Executive Director

cc: Pete Hagen/NOAA Project Manager

---

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# Exxon Valdez Oil Spill Trustee Council

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September 2, 2004

Mary Anne Bishop  
PWS Science Center  
PO Box 705  
Cordova, AK 99574-0705

Sean Powers  
University of South Alabama  
Dauphin Island Sea Lab, Rm 11  
Dauphin Island, AL 36528

RE: 040635/Trophic Dynamics of Intertidal Soft-Sediment Communities:  
Interaction between Top-down and Bottom-up Processes

Dear Mary Anne and Sean:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

For those of you that have projects concluding in FY 2005 your final report will be due April 15, 2006 or the date agreed to in your contract. If your project will continue into FY 2006 your annual report is due no later than August 15, 2005. The format for our annual report is available on our website at [http://www.evostc.state.ak.us/nonpdf\\_docs/admin/Areptform.doc](http://www.evostc.state.ak.us/nonpdf_docs/admin/Areptform.doc).

Sincerely,

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

Gail Phillips  
Executive Director

A handwritten signature in cursive script that reads "Thanks!".

cc: Pete Hagen/NOAA Project Manager

---

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September 2, 2004

James Bodkin  
USGS - Alaska Science Center  
1011 E. Tudor Rd., MS 701  
Anchorage, AK 99503

Brenda Ballachey  
USGS - BRD  
6 Varbay PI NW  
Calgary, Alberta T2A 0C8

RE: 040620-2/Lingering Oil and Sea Otters: Pathways of Exposure and Recovery Status

Dear James and Brenda:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

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

Gail Phillips  
Executive Director

A handwritten note in cursive script that says "Thanks!".

cc: Dede Bohn/USGS Project Manager

---

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September 2, 2004

Ronald Heintz  
NMFS Auke Bay Lab  
11305 Glacier Hwy.  
Juneau, AK 99801

Lawrence Schaufler  
NMFS Auke Bay Lab  
11305 Glacier Hwy  
Juneau, AK 99801

RE: 040706/The Influence of Adult Salmon Carcasses on Energy  
Allocation in Juvenile Salmonids

Dear Ron and Lawrence:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Gail". The signature is written in dark ink and is positioned above the printed name and title.

Gail Phillips  
Executive Director

A handwritten note in cursive script that says "Thanks!". The signature is written in dark ink and is positioned to the right of the printed name and title.

cc: Pete Hagen/NOAA Project Manager

# Exxon Valdez Oil Spill Trustee Council

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September 2, 2004



Edward Cokelet  
NOAA/PMEL  
7600 Sand Point Way, NE  
Seattle, WA 98115

Calvin Mordy  
NOAA/PMEL  
7600 Sand Point Way, NE  
Seattle, WA 98115

Scott Pegau  
Kachemak Bay Estuarine Reserach Reserve  
2181 Kachemak Dr.  
Homer, AK 99603

RE: 040699/Biophysical Observation aboard Alaska Marine Highway  
System Ferries

Dear Edward, Calvin and Scott:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

A handwritten signature in cursive script that reads "Gail".

Gail Phillips  
Executive Director

A handwritten signature in cursive script that reads "Thanks!".

cc: Pete Hagen/NOAA Project Manager  
Brett Huber/ADF&G Project Manager



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September 2, 2004

Mark Willette  
ADF&G  
43961 Kalifornsky Beach Rd., Suite B  
Soldotna, AK 99669

RE: 040670/Monitoring Dynamics of the Alaska Coastal Current and  
Development of Applications for Mangement

Dear Mark:

*Mark -*

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

*Gail*

Gail Phillips  
Executive Director

*Thanks!*

cc: Brett Huber/ADF&G Project Manager

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September 2, 2004



Coowe Walker  
Kachemak Bay Research Reserve  
2181 Kachemak Drive  
Homer, AK 99603

Mark Wipfli  
Pacific Northwest Research Station, USDA  
1133 North Western Ave.  
Wenatchee, WA 98801

Craig Stricker  
USGS  
PO Box 25046, Bldg. 21 (MS 963)  
Denver, CO 80225

RE: 040726/Presence and Effects of Marine Derived Nutrients (MDN) in  
Stream, Riparian and Nearshore Ecosystems on Southern Keani  
Peninsula, Alaska

Dear Coowe, Mark and Craig:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

Gail Phillips  
Executive Director

cc: Brett Huber/ADF&G Project Manager

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September 2, 2004

James Fall  
ADF&G  
333 Raspberry Rd.  
Anchorage, AK 99518-1565

Robert Walker  
ADF&G  
333 Raspberry Rd.  
Anchorage, AK 99515-1565

RE: 040471/Update of the Status of Subsistence Uses in Exxon Valdez  
Oil Spill Area Communities

Dear James and Robert:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

Gail Phillips  
Executive Director

cc: Brett Huber/ADF&G Project Manager

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September 2, 2004



Bruce Finney  
UAF/SFOS  
PO Box 757220  
Fairbanks, AK 99775

Terry Whittledge  
UAF/SFOS  
PO Box 757220  
Fairbanks, AK 99775

Dean Stockwell  
UAF/SFOS  
PO Box 757220  
Fairbanks, AK 99775

RE: 040703/Marine-terrestrial Linkages in northern GOA Watersheds;  
Towards Monitoring the effects of Anadrmous Marine-derived  
Nutrients on Biological Production

Dear Bruce, Terry and Dean:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

  
Gail Phillips  
Executive Director



cc: Brett Huber/ADF&G Project Manager

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September 2, 2004

Steve Honnold  
ADF&G/CFMD  
211 Mission Road  
Kodiak, AK 99615

Nicholas Sagalkin  
ADF&G  
211 Mission Rd.  
Kodiak, AK 99615

RE: 040707/Monitoring the Effects of Anadromous Marine-derived  
Nutrients on Sockeye Salmon

Dear Steve and Nicholas:

*Steve and Nicholas -*

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

*Gail*

Gail Phillips  
Executive Director

*Thanks!*

cc: Brett Huber/ADF&G Project Manager

# Exxon Valdez Oil Spill Trustee Council

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September 2, 2004

Daniel Mann  
UAF Institute of Arctic Biology  
PO Box 757000  
Fairbanks, AK 99775-7000

Bruce Finney  
UAF/SFOS  
PO Box 757220  
Fairbanks, AK 99775-7220

RE: 040649/Reconstructing Sockeye Populations in the Gulf of Alaska  
over the last Several Thousands Years: The Natural Background to  
Future Changes

Dear Daniel and Bruce:

*Dan & Bruce*

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

*Gail*

Gail Phillips  
Executive Director

*Thanks!*

cc: Brett Huber/ADF&G Project Manager

# Exxon Valdez Oil Spill Trustee Council

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September 2, 2004

William Bechtol  
ADF&G  
3298 Douglas Place  
Homer, AK 99603

RE: 040693/Monitoring Ecosystem Parameters in the Northern Gulf of Alaska

Dear William.

*Bill-*  
Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

*Gail*

Gail Phillips  
Executive Director

*Thanks!*

cc: Brett Huber/ADF&G Project Manager

---

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September 2, 2004

Richard DeLorenzo  
Chugach School District  
9312 Vanguard Dr., #100  
Anchorage, AK 99507

RE: 040210/Youth Area Watch

Dear Richard:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

Gail Phillips  
Executive Director

cc: Brett Huber/ADF&G Project Manager

---

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September 2, 2004

Thomas Weingartner  
UAF/IMS/SFOS  
PO Box 757220  
Fairbanks, AK 99775-7220

RE: 040340/Long-Term Monitoring of the Alaska Coastal Current

Dear Thomas:

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

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

Gail Phillips  
Executive Director

A handwritten signature in cursive script that reads "Thanks!".

cc: Brett Huber/ADF&G Project Manager

# Exxon Valdez Oil Spill Trustee Council

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September 2, 2004

Steve Okkonen  
UAF  
PO Box 1025  
Kasilof, AK 99610

RE: 040614/A Monitoring Program for Near-Surface Temp, Salinity, and  
Fluorescence Fields in the northeast Pacific Ocean: Transition to  
an Operational Program

Dear Steve:

*Steve -*

Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

*Gail*

Gail Phillips  
Executive Director

*Thanks!*

cc: Brett Huber/ADF&G Project Manager

---

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# Exxon Valdez Oil Spill Trustee Council

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August 30, 2004



Jim Edmundson  
ADF&G  
333 Raspberry Rd.  
Anchorage, AK 99518

Asit Mazumder  
University of Victoria  
PO Box 3020  
Victoria, BC V8W 3N5

Mark Johannes  
University of Victoria  
PO Box 3020  
Victoria, PO Box 3020 V8W 3N5

RE: 050748/A Synthesis of Watershed Linkages to Gulf of Alaska Ecosystems:  
State Knowledge and future Directions

Dear Jim, Asit and Mark:

A handwritten signature in dark ink, appearing to read "Jim -". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

As in past years, the Exxon Valdez Oil Spill Trustee Council received more proposals for Fiscal Year 2005 than it was able to fund.

Although my recommendation was to fund project 050748/A Synthesis of Watershed Linkages to Gulf of Alaska Ecosystems: State Knowledge and future Directions, the Trustee Council acted on the FY 2005 – 2007 Work Plan at its August 23, 2004 meeting. This letter is to inform you that the Council did not accept my recommendation and did not fund your project for FY 05.

I appreciate your interest in the Trustee Council's Gulf Ecosystem Research and Monitoring (GEM) program and hope you will consider submitting proposals in future years.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gail Phillips". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Gail Phillips  
Executive Director

cc: Brett Huber, Project Manager

# Exxon Valdez Oil Spill Trustee Council

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September 2, 2004

Teri Schneider  
KIBSD Central Office  
722 Mill Bay Rd.  
Kodiak, AK 99615

RE: 040610/Kodiak Archipelago Youth Area Watch

Dear Teri:

*Teri-*  
Thank you for submitting your annual report in a timely fashion. I am pleased to inform you that your annual report has been accepted and that your project has been approved for continuation in FY 2005. We look forward to seeing you at the annual meeting here in Anchorage the week of January 24, 2005.

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Sincerely,

*Gail*

Gail Phillips  
Executive Director

*Thanks!*

cc: Brett Huber/ ADF&G Project Manager

---

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# Exxon Valdez Oil Spill Trustee Council

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September 16, 2004

Mr. Robert Henricks  
President, Native Village of Eyak  
P.O. Box 1388  
Cordova, Alaska 99574-1388

Dear Bob:

This is a follow up to my August 2, 2004 letter to you. That letter provided a preliminary response to your July 26, 2004 correspondence, which sought \$50,000 from the monies administered by the Exxon Valdez Trustee Council (Trustee Council) for the Native Village of Eyak's intended acquisition of an unidentified parcel of land on Mummy Island in Prince William Sound. According to your letter, the Native Village of Eyak intends to use that parcel, together with other land on Mummy Island, to establish a spirit camp, educational center, and healing center that the tribe hopes will bolster efforts to preserve its cultural identity.

The Native Village of Eyak's proposed uses of the land, while certainly worthy, do not appear to be consistent with longstanding legal interpretations of the specific uses that the Trustee Council is authorized to fund under the settlement agreement. The settlement funds must be used to restore, rehabilitate, or replace natural resources, natural resource services, or archaeological sites and artifacts injured lost or destroyed as a result of the Exxon Valdez Oil Spill (Spill), or to acquire the equivalent of those resources or services. To the extent that the general cultural interests of the Native Village of Eyak were harmed by the Spill, those harms, while undoubtedly very real and significant, were distinct from the natural resource damages for which the United States and the State of Alaska recovered.

If the Native Village of Eyak believes there is another means of connecting the proposed acquisition of land on Mummy Island to the restoration obligations of the Trustee Council, please feel free to submit additional materials for consideration. We were unable to locate any previous submissions to the Trustee Council regarding small parcel acquisition on Mummy Island. Therefore, in any further submissions, please include, in addition to an explanation of the nexus between the proposal and the Trustee Council's restoration obligation, the identity of the current owner of the parcel sought to be acquired, its legal

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description, and the land ownership status of the remainder of Mummy Island, including the nature of any interest held by Sherstone Corporation. Please be advised that in all previous small parcel acquisitions, the Trustee Council has required that public access be provided and that if the land is not to be held by either the United States or the State of Alaska, one or both of the governments be granted a conservation easement from the purchaser.

Sincerely,



Gail Phillips  
Executive Director

Cc: Trustee Council

# Exxon Valdez Oil Spill Trustee Council

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



September 14, 2004

Dr. George Divoky  
652 32<sup>nd</sup> Avenue East  
Seattle, WA 98112

Dear Dr. Divoky:

Your overdue Final Report for Project 98327, Pigeon Guillemot Research at the Alaska Sea Life Center, was the topic of discussion recently by the Exxon Valdez Oil Spill Trustee Council.

Our records show that your Final Report for this project, 01327-1, is overdue by three years. Your component of this project, determining the feasibility of using direct techniques for restoration of Pigeon Guillemots, is an important facet of our program, especially since the Pigeon Guillemots remain on the list of Injured Species following the Spill and the issue of the Reopener clause is before us today.

Because your portion of this project is over three years past due, the USGS contracting officer requested that the Trustee Council allow USGS to close its agreement with you and release the remaining funds back to EVOS. After much discussion, the Trustees requested that I contact you and urge you to complete your Final Report since they felt it would contain information that will be very beneficial to us. They would like for you to submit the report to us by April 1, 2005 which gives you six months to complete it. Can you please get this report in to us by then?

Our records show that you have already received the following for your portion of this project:

98327	\$53,250
99327	\$27,500 plus field housing costs, lab and office space at the Sea Life Center and some commodities
00327	\$53,760
01327	\$ 9,100 to date with \$13,000 remaining for the writing of the Final Report.

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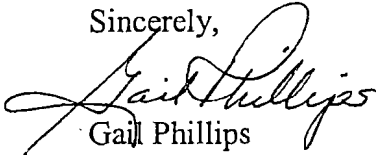
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Alaska Department of Law

This is a significant amount of money that the Trustee Council has put into this project and we would greatly appreciate being able to receive the benefit of these funds and also to close out this project. I look forward to your response and your Final Report.

Sincerely,



Gail Phillips  
Executive Director

Cc: Dede Bohn, USGS  
Craig Tillery, Alaska Department of Law  
Gina Belt, US Department of Justice



# Exxon Valdez Oil Spill Trustee Council

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



September 9, 2004

Dr. Alexander Bychkov  
Executive Secretary  
North Pacific Marine Science Organization  
c/o Institute of Ocean Sciences  
P.O. Box 6000  
Sidney, B.C., Canada. V8L 4B2

Via e-mail: bychkov@pices.int

Re: Designation of observer for meeting of PICES XIII October 14 – 24, 2004

Dear Dr. Bychkov: *Alex-*

It is with great pleasure that I designate Dr. Phillip R. Mundy, Science Director, as our formal observer for the PICES XIII meeting of October 14-24, 2004. Dr. Mundy will be in attendance in Honolulu as the co-chair of the MONITOR Task Team, so I have asked him to serve in the capacity of observer for our organization.

In his capacity as a formal observer, I request that Dr. Mundy be given the opportunity to address the Governing Council on a matter of mutual concern to our organizations. PICES MONITOR Task Team and the Continuous Plankton Recorder Work Group have been instrumental in establishing two biological monitoring projects in the Gulf of Alaska that are funded by our organization. I would like to have Dr. Mundy make a short presentation to inform the Council of the status of these projects, and to formally thank the Council for PICES' contributions to our scientific programs.

Please accept my best wishes for the success of your meeting.

Sincerely,

Gail Phillips  
Executive Director

Cc: Dr. Phillip R. Mundy, *Exxon Valdez* Oil Spill Trustee Council  
Dr. Sonia Batten, Sir Alister Hardy Foundation for Ocean Science  
Dr. Ed D. Cokelet, NOAA/Pacific Marine Environmental Laboratory

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**Cherri Womac**

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**From:** Cherri Womac [cherri\_womac@evostc.state.ak.us]  
**Sent:** Friday, September 10, 2004 7:43 AM  
**To:** Alexander Bychkov (bychkov@pices.int); Sonia Batten (soba@mail.pml.ac.uk);  
(Edward.D.Cokelet@noaa.gov)  
**Cc:** Phil Mundy (phil\_mundy@evostc.state.ak.us)  
**Subject:** EVOS PICES observer designee

Attached is the letter designating Dr. Mundy as the EVOS observer to the Oct PICES meeting in Honolulu.

Cherri Womac  
Admin Asst  
EVOS TC

9/10/2004

# Exxon Valdez Oil Spill Trustee Council

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



September 13, 2004

Ms. Linda Murphy  
Borough Clerk  
Kenai Peninsula Borough  
144 N. Binkley  
Soldotna, Alaska 99669

Dear Ms. Murphy:

*Linda -*

Thank you so much for your kind invitation to speak at the Leadership Luncheon for the Alaska Municipal League's meeting in Fairbanks in November.

Regrettably, I am going to have to decline the invitation. When you and I spoke last week, my calendar was open on that day. This morning, the attorneys for the Trustee Council (my bosses), scheduled a meeting on the 8<sup>th</sup> and 9<sup>th</sup> of November that I must be in attendance for.

I know it is much better to have someone in person, and I wanted to give you notice of this as soon as possible so that you could find someone else. I can offer to do my remarks via teleconference, if that would be worth consideration.

Again, thank you so much for the invitation. I am truly sorry that this conflict has come up and that I won't be able to be there in person.

Sincerely,

*Gail*

Gail Phillips  
Executive Director

*I'm so sorry this conflict  
came up - hopefully I can  
do this at another time or  
place. My best - Gail*

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# Exxon Valdez Oil Spill Trustee Council

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



September 10, 2004

Mr. Geno Olmi  
NOAA Coastal Services Center  
2234 South Hobson Avenue  
Charleston, SC 29405-2413

Dear Mr. Olmi:

*Geno -*

As you know, the *Exxon Valdez* Oil Spill Trustee Council is the parent body of GEM, the Gulf of Alaska Ecosystem Monitoring and Research Program. In federal fiscal years 2004 and 2005 GEM has been named recipient of a Congressional appropriation in the amount of \$750,000 for support of coastal observing efforts. Due to limitations in our ability to participate directly as a grant recipient, the FFY 2005 award was channeled through the Alaska Department of Fish and Game (one of our six Trustee Council agencies) and will be disbursed by contract to the Prince William Sound Science Center (PWSSC). PWSSC is our primary partner in implementing the observing system component of our oil spill investigations in Prince William Sound. It has come to my attention that the disbursement of funds directly from NOAA to the PWSSC is possible, and I believe this would be easier for all concerned.

This is to confirm that our organization supports NOAA contracting directly with the Prince William Sound Science Center for future Congressional appropriations where GEM is the named recipient. Our Trustees are on record as supporting the expenditure of such funds by PWSSC on the collection of observations on the coastal ecosystems of mutual interest to our organizations. A copy of their motion for approval is attached.

Please contact me if there are further questions or needs for clarification.

Sincerely,

*Gail Phillips*

Gail Phillips  
Executive Director

Enc: March 1 and May 19, 2004 Trustee Council meeting notes approving the action

Cc: Trustee Council members

Tom Lawson, Director, Division of Administrative Services, ADF&G

Nancy Bird, President, Prince William Sound Science Center

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# Exxon Valdez Oil Spill Trustee Council

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## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

March 1, 2004

By Kevin Duffy  
Trustee Council Member

### Trustee Council Members Present:

Joe Meade, USFS  
Drue Pearce, DOI\*\*\*  
James Balsiger, NMFS

•Kevin Duffy, ADF&G  
Ernesta Ballard, ADEC  
Gregg Renkes, ADOL\*\*

• Chair

\*\* Craig Tillery alternate for Gregg Renkes

\*\*\* Participating by teleconference

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Meeting convened at 10:05 a.m., March 1, 2004 in Anchorage at the EVOS Conference Room.

Trustee Meade presented a commemorative tribute for Ken Holbrook, USFS, who is retiring in April. Ovation by all present followed.

### 1. Approval of the Meeting Notes

APPROVED MOTION: Approved the February 9, 2004 meeting notes as amended. (Attachment B)

Motion by Balsiger, second by Tillery

### 2. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the March 1, 2004 meeting as amended to hold the Executive Session during a working lunch. (Attachment A)

Motion by Balsiger, second by Meade

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

**Public comment received from 4 individuals in Anchorage, Kodiak, and Homer.**

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

3. Policies and Procedures

APPROVED MOTION: Approve revision to the EVOS Policies and Procedures General Operating Procedures: "The Executive Director shall provide a proposed agenda and appropriate briefing materials to the Trustee Council members at least 10 days in advance of the meeting. All materials from the public or from agency personnel for inclusion on that meeting's agenda shall be turned into the Executive Director at least 15 days prior to the meeting." (The remainder of the language in the policy remains intact and in place.)

Motion by Ballard, second by Meade

4. FY 04 Work Plan Administrative Budget

APPROVED MOTION: Approve Trustee Council Travel be included in FY 04 Work Plan Administrative Budget. "All Trustee Council member's (including designated alternates) travel expenses directly associated with attendance at all Trustee Council business shall be reimbursed out of EVOS TC funds. Reimbursement shall include transportation, overnight accommodations and per diem specific to the Trustee Council business only. EVOS TC funds will not reimburse expenses for lodging for other meetings scheduled in conjunction with Trustee-related business and meetings."

Motion by Ballard, second by Pearce

5. National Ocean System (NOS) Grant

APPROVED MOTION: Approve EVOS staff applying NOS grant funds for Hinchinbrook-Montague Project.

Motion by Meade, second by Balsiger

APPROVED MOTION: Approve entering into a MOU with other partners in this project that would clearly outline the responsibilities of all parties. Negotiations with the others involved need to clarify that the TC will not be responsible for large amounts of money for operating expenses.

Motion by Ballard, second by Meade

6. Executive Session

APPROVED MOTION: Approve moving to executive session to discuss litigation issues.

Motion by Ballard, second by Pearce

EXECUTIVE SESSION  
Off the record: 11:53 a.m.  
On the record: 1:25 p.m.

7. FY 04 Work Plan

APPROVED MOTION: Approve for funding FY 04 deferred projects: Walker - \$18,800, Bechtol - \$37,600, and Mann - \$46,600 (revised budget for \$45,000 was received after the March 1, 2004 Trustee Council meeting).

Motion by Ballard, second by Meade

APPROVED MOTION: Approve modification of FY 04 Work Plan by \$1,500,000 to establish a contingency fund allocated to the Department of Law to address the issue of lingering oil and form a working group to review other unfinished business and remaining deferred projects, including lingering oil, giving Saupe and Couvillian mapping projects priority.

Motion by Balsiger, second by Ballard

APPROVED MOTION: Approve lapsing remaining \$607,310 from FY 03 funds for additional FY 04 Work Plan projects.

Motion by Tillery, second by Balsiger

8. FY 05 GEM Invitation for Proposals

APPROVED MOTION: Approve adoption and release of FY 05 Invitation with the addition of a Community Involvement component in every project and clarifying the lingering oil language.

Motion by Meade, second by Ballard

9. Small Parcel Program

APPROVED MOTION: Approve reimbursing \$202,756.59 outstanding debt to The Nature Conservancy and The Conservation Fund.

Motion by Ballard, second by Meade

APPROVED MOTION: Approve establishing a Small Parcel Working Group. "The Trustee Council instructs the Executive Director to convene a working group to address the EVOS Habitat Protection Small Parcel Acquisition Program. Membership of this group should include interested federal and state trustees and/or their staff, appropriate agency staff, and non-government organization (NGO) representatives, as well as a representative from the EVOS Public Advisory Committee. The charge for this working group includes the review of current and past processes and procedures for the Habitation Protection Small Parcel Acquisition Program and formulating recommendations for future program implementation. The product of this working group is to be prepared by the Executive Director and provided to the Trustee Council for review and consideration." Amended to include: The Nature Conservancy to proceed with negotiations on the McGee parcel. Further amended to include: reimbursement of \$10,355 to Alaska



Department of Natural Resources for costs associated with the purchase of the Thompson, Knol, Nakada and McGee properties .

Motion by Ballard, second by Meade  
First amendment to motion by Balsiger, second by Ballard

Second amendment to motion by Ballard, second by Meade

Meeting adjourned at 2:50 p.m. Motion by Meade, second by Ballard

# Exxon Valdez Oil Spill Trustee Council

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



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

May 19, 2004

By Kevin Duffy  
Trustee Council Member

### Trustee Council Members Present:

Joe Meade, USFS  
Drue Pearce, DOI  
James Balsiger, NMFS

•Kevin Duffy, ADF&G  
Ernesta Ballard, ADEC  
Gregg Renkes, ADOL\*\*

• Chair

\*\* Craig Tillery alternate for Gregg Renkes

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Meeting convened at 9:33 a.m., May 19, 2004 in Anchorage at the EVOS Conference Room.

### 1. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the May 19, 2004 (Attachment A)

Motion by Ballard, second by Meade

### 2. Approval of the Meeting Notes

APPROVED MOTION: Approved the March 1, 2004 meeting notes (Attachment B)

Motion by Pearce, second by Ballard

APPROVED MOTION: Approved the May 14, 2004 meeting notes (Attachment C)

Motion by Balsiger, second by Pearce

Public comment period began at 9:37 a.m.

No public comment was received.

Public comment period closed at 9:38 a.m.

3. Small Parcel Program

APPROVED MOTION: Approved an amendment to the Small Parcel Program motion of March 1, 2004 to use NGO's in an advisory capacity only, not as members of the group, and the EVOS Public Advisory Committee be represented by at least one person.

Motion by Balsiger, second by Ballard

4. National Ocean System (NOS) Grant

APPROVED MOTION: Approved clarifying the NOS Grant motion of March 1, 2004 the Trustee Council will not enter into an MOU with Prince William Sound Science Center, rather the Alaska Department of Fish and Game will contract with the Prince William Sound Science Center to facilitate the grant.

Motion by Ballard, second by Balsiger

5. Approval for additional funds for ARLIS to relocate

APPROVED MOTION: Approved transferring funds to cover a percentage of the relocation costs through an RSA with the Alaska Department of Fish and Game

Motion by Ballard, second by Meade

6. Approval for the Public Advisory Committee nomination process

APPROVED MOTION: Approved soliciting for nominations for the Exxon Valdez Oil Spill Trustee Council's Public Advisory Committee for the October 2004 through September 2006 term. The solicitation will be open for 60 days, May 21, 2004 through July 20, 2004.

Motion by Pearce, second by Meade

7. Approved tabling discussion on language in the Public Advisory Committee Charter

APPROVED MOTION: Approved tabling discussion of language change within Public Advisory Committee Charter until after dialogue with PAC.

Motion by Meade, second by Balsiger

8. Approved amend to EVOS Policies and Procedures Manual

APPROVED MOTION: Approved amending the EVOS Policies and Procedures to include a paragraph regarding a non-distribution agreement under proposal solicitation and review.

Motion by Ballard, second by Meade

9. Approved tabling amendment to EVOS Policies and Procedures

APPROVED MOTION: Approved tabling motion to amend EVOS Policies and Procedures until after Public Advisory Committee dialogue.

Motion by Tillery, second by Meade

10. Approved amending language in Public Advisory Committee Charter

APPROVED MOTION: Approved amending language in the Public Advisory Committee charter to read, by order of the District Court of the District of Alaska, the Public Advisory Committee is to advise the Trustees appointed to administer the fund established in the settlement of United States v. Exxon Corporation civil action, .... both in the United States District Court for the District of Alaska in all matters prescribed in paragraph 5(a)(1) of the MOA referenced above. Final payment of the...into the fund was September 1, 2001. The requirement for the Public Advisory Committee will continue throughout the life of the settlement.

Motion by Ballard, second by Pearce

11. Approve amend costs associated with Public Advisory Committee's administrative support

APPROVED MOTION: Approved increasing the operating costs for the Public Advisory Committee to \$71,000, including an estimated .5 staff years.

Motion by Balsiger, second by Pearce

APPROVED MOTION: Approved amending motion to be comprehensive to the adoption of the entire Public Advisory Committee charter with the ethics responsibility paragraph included.

Motion by Ballard, second by Pearce

12. Approved amending EVOS Policies and Procedures

APPROVED MOTION: Approved amendment to the EVOS Policies and Procedures manual regarding confidentiality forms for Public Advisory Committee and Scientific and Technical Advsiory Committee members.

Motion by Tillery, second by Meade

Meeting adjourned at 1:33 p.m. Motion by Pearce, second by Meade

# Exxon Valdez Oil Spill Trustee Council

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September 10, 2004

Mr. Michael Barton, Commissioner  
Alaska Department of Transportation  
3132 Channel Drive  
Juneau, AK 99801-7898

Subject: Update on joint monitoring project and thanks to helpful AMHS staff

Dear Commissioner Barton:

*Mike -*

Attached please find the annual report for our joint oceanographic data gathering project on the AMHS *M/V Tustamena* from Dr. Edward Cokelet, principal investigator. Federal fiscal year 2004 was the start-up year for this project, and I am pleased to report that it has successfully reached the point where a valid data stream is being generated for some of the key variables. We had not planned on getting data so early on, however due to extraordinary efforts from Dr. Cokelet and the AMHS staff we are very close to operational status on all sensors.

Dr. Cokelet commended AMHS staff to us, and we wanted to be pass this information on to you. First and foremost to be commended is Paul Johnsen (Juneau), the *Tustumena's* Port Engineer and our liaison with the shipyard during installation of the monitoring instruments. Paul was very gracious and patient in helping us work with the ship yard staff. Another Juneau staffer who made a big contribution to our success is Lynn Escola in the AMHS Administration Department, who gave us fast turn around on paperwork, sometimes answering requests for help in just a few hours.

On board the *Tustamena* there were so many staff who pitched in to help that we do not have all their names, but Captains Stormont and Crowley were key to our success through their facilitation of every aspect of our work. Chief Engineer Ken Hammer was on the front lines with our staff, accommodating our gear in his work spaces, and without support from Chief Hammer and his crew we could not have been successful. The Chief Steward was generous with his support, as was the Purser who helped us with accommodations when we stayed aboard longer than expected. Since the ship sails with alternating crews, we wish to extend our sincere thanks and gratitude to the counterparts of those identified above, and to those others from the crew whose names we do not have.

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Alaska Department of Law

I also wish to thank the AMHS staff who helped us negotiate the memorandum of agreement on this project, George Poor, Capt. Jack Meyers, Phil Grasser and Charlie Deininger. I commend them for their willingness to explore some unknown territory by giving us a chance to do some cost effective data gathering for oil spill response and natural resource management. We trust that their faith in us has been rewarded by this success, and we thank them for their support.

Sincerely,



Gail Phillips  
Executive Director

Cc: Dr. Ned Cokelet, NOAA  
Dr. Phil Mundy, EVOSTC  
Dr. Clarence Pautzke, NPRB

*Please convey my  
personal thanks to  
all your employees  
for a job well done!*



## EVOS ANNUAL PROJECT REPORT

All recipients of funds from the *Exxon Valdez* Oil Spill Trustee Council must submit an annual project report in the following format by September 1 of each fiscal year for which project funding is received, with the exception of the final funding year in which a final report must be submitted. Satisfactory review of the annual report is necessary for continuation of multi-year projects. Failure to submit an annual report by September 1 of each year, or unsatisfactory review of an annual report, will result in withholding of additional project funds and may result in cancellation of the project or denial of funding for future projects.

**PLEASE NOTE:** Significant changes in a project's objectives, methods, schedule, or budget require submittal of a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.

**Project Number:** 040699

**Project Title:** Biophysical Observations aboard Alaska Marine Highway System Ferries

**PI Name:** Edward D. Cokelet, Calvin W. Mordy and W. Scott Pegau

**Time Period Covered by Report:** 10 November 2003-31 August 2004

**Date of Report:** 31 August 2004

**1. Work Performed:** *Summarize work performed during the reporting period, including any results available to date and their relationship to the original project objectives. Describe and explain any deviation from the original project objectives, procedural or statistical methods, study area, or schedule. Also describe any known problems or unusual developments, and whether and how they have been or can be overcome. Include any other significant information pertinent to the project.*

The Alaska Coastal Current (ACC) is important because it flows along the continental shelf of the Gulf of Alaska carrying the river runoff, nutrients and plankton that fuel this rich ecosystem. The first-year goal of this project was to design and install an oceanographic observation system aboard an Alaska state ferry to measure the near-surface water properties of the ACC. The Alaska Marine Highway System (AMHS) ferry *Tustumena* was chosen as the observing vessel because it crosses the ACC 284 times each year and makes over 30 additional excursions into Prince William Sound.

Working with AMHS and *Tustumena* personnel we decided to locate the instruments in the ship's port shaft alley where we could tap into the sea chest to sample seawater. We produced a preliminary design and then sought guidance from Art Anderson Associates, a Seattle marine architecture firm, to finalize a design that would meet American Bureau of Shipping requirements for safety. The instrument seawater intake line taps off an existing vent for the ship's sea chest. Water passes through copper-nickel pipe to an in-line temperature sensor, to a coarse filter to remove marine debris and into a self-contained instrument enclosure. There



water passes through a medium filter, a pump and a debubbler and into the instrument loop consisting of a nitrate meter, a dissolved organic matter and a chlorophyll fluorometer, and to a thermosalinograph. Finally water is dumped into the bilge where the ship's bilge pumps remove it. A computer in this enclosure governs the sampling via a LabView program. A second instrument enclosure contains a marine-grade uninterruptible power supply and a computer to drive the passenger-lounge display. Near the ship's bridge are a GPS receiver and an Iridium satellite modem.

Plumbing and electrical work began during the ship's annual shipyard period in March-April 2004. Owing to shipyard delays, this work was not completed during the scheduled time. It was completed during a 36-hour layover in Seward on 21 May.

The system is designed to operate remotely for days at a time. It automatically backflushes with fresh water when it senses the filter clogging. Data are collected and sent back daily to our laboratory via an Iridium satellite modem. Also new instructions can be sent to the system via satellite to change its sampling criteria and rates. Periodically personnel from the Kachemak Bay Research Reserve will come aboard in Homer to clean the sensors and take calibration samples.

There have been a few setbacks. The EVOS Trustee Council decision to fund GEM was delayed a month. We did not receive project funds until 28 June 2004, 8 months later than expected. Shipyard work was completed 6 weeks later than planned. During testing we found that large volumes of air are entrained downward and pushed forward into the sea chest when the ship reverses during dockside maneuvers, overwhelming our debubbler system and airlocking our pump. All of these problems have been overcome.

Project personnel have worked aboard the *Tustumena* in April, May and July 2004. We plan to complete system debugging by 15 September 2004, and have an operational system with satellite data delivery at that time.

**2. Future Work:** *Summarize work to be performed during the upcoming year, if changed from the original proposal. Describe any proposed changes in objectives, procedural or statistical methods, study area, or schedule. [PLEASE NOTE: Significant changes in a project's objectives, methods, schedule, or budget require submittal of a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.]*

Future work will be performed as originally proposed.

**3. Coordination/Collaboration:** *Describe efforts undertaken during the reporting period to achieve the coordination and collaboration provisions of the proposal, if applicable.*

No specific coordination/collaboration provisions were mentioned in the proposal. We do anticipate this work to be of value to other Alaska Coastal Current investigators, and we are prepared to collaborate with them.

**4. Community Involvement/TEK & Resource Management Applications:** *Describe efforts undertaken during the reporting period to achieve the community involvement/TEK and resource management application provisions of the proposal, if applicable.*

The Alaska Marine Highway System has cooperated with the project by granting permission to install instruments on the ferry *Tustumena*. AMHS Port Engineering staff and the ship's captains and crew have suggested instrument locations, liaised with the shipyard, assisted with moving gear and hosted us during equipment installation and check-out cruises. When routine observations commence, a computer display in the passenger lounge will show the ship's position and maps of oceanographic variables measured underway. It will be accompanied by an informative poster that explains the project.

Seward Ship's Drydock installed the plumbing and electrical cables for the instruments.

**5. Information Transfer:** *List (a) publications produced during the reporting period, (b) conference and workshop presentations and attendance during the reporting period, and (c) data and/or information products developed during the reporting period. [PLEASE NOTE: Lack of compliance with the Trustee Council's data policy and/or the project's data management plan will result in withholding of additional project funds, cancellation of the project, or denial of funding for future projects.]*

(a) Publications – none to date.

(b) Conference and workshop presentations – Cokelet and Mordy attended the Marine Science in Alaska 2004 Symposium in Anchorage, 12-14 January 2004, and presented the following poster: Cokelet, E. D., C. W. Mordy and P. J. Stabeno, "Maps of Salinity, Nitrate and Chlorophyll over the Gulf of Alaska Continental Shelf."

(c) Data and/or information products – none to date.

**6. Budget:** *Explain any differences and/or problems between actual and budgeted expenditures, including any substantial changes in the allocation of funds among line items on the budget form. Also provide any new information regarding matching funds or funds from non-EVOS sources for the project. [PLEASE NOTE: Any request for an increased or supplemental budget must be submitted as a new proposal that will be subject to the standard process of proposal submittal, technical review, and Trustee Council approval.]*

Expenditures were roughly in line with what was expected. Shipyard and naval architect fees totaled \$4.5k more and supplies \$4.0k more than budgeted.

**Report Prepared By:** Edward D. Cokelet  
**Project Web Site Address:** Not yet implemented

**SUBMIT ANNUAL REPORTS ELECTRONICALLY TO [brenda\\_ramos@evostc.state.ak.us](mailto:brenda_ramos@evostc.state.ak.us). THE REPORTS WILL BE POSTED ON THE TRUSTEE COUNCIL'S WEB SITE AND SHOULD ALSO BE POSTED ON THE PI'S WEB SITE. The subject line of the e-mail transmitting the report must include the project number and the words "annual report" (e.g., "035620 Annual Report"). Electronic reports must be submitted either as an Acrobat Portable Document Format (PDF) file or word processing document (Microsoft Word 2000 for Windows or lower or WordPerfect 9.0 or lower) with any figures and tables imbedded. Acrobat PDF 4.0 or above file format must be used, preferably in 'formatted text with graphics' (called "PDF normal" under Acrobat PDF 4.0) format. Minimally, "PDF searchable image" (called "PDF original image with hidden text" under Acrobat PDF 4.0) may be used if pre-approved by the Trustee Council Office. In either case, the PDF file must not be secured or locked from future editing, or contain a digital signature from the principal investigator.**

Dear Phil,

You asked me to send along the names of AMHS personnel who have helped us.

First and foremost is Paul Johnsen, the Tustumena's Port Engineer whose office is in Juneau. He was our liaison with the shipyard. We talked to Paul, and he was the man on site who talked with the shipyard during the planning and cost estimation. He kept us abreast of the shipyard's progress (or lack thereof!) during the drydocking phase. Paul is always graciously available to answer questions and help out when he can. Also I'd like to acknowledge Lynn Escola in the Admin. Dept. at AMHS. She was able to turn around paperwork very quickly, often in just a few hours.

On board the ship I do not know all the names, but Captains Stormont and Crowley have been very supportive - introducing us to the right people, showing us around, and giving us the run of the ship. Chief Engineer Ken Hammer has been at the nuts and bolts end of things. He suggested the instrument location and seawater sources. Our gear is in his space, and without his support this could never have happened. He has had crew members help us move our gear, etc. The Chief Steward has been generous with meals, and the Purser has helped with accommodations when we stayed aboard longer than expected. The ship sails with alternating crews, not all of whom I have met personally, but the counterparts to those I identify above likewise have helped us.

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