

13.08.01 - Reading File

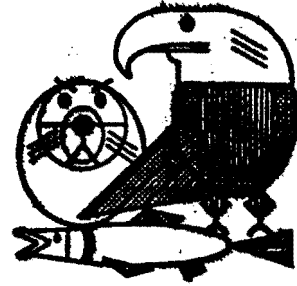
April 1994

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Dave Gibbons, USFS

FROM: James R. Ayers
Executive Director

DATE: April 29, 1994

RE: Appraisal Authorization

You are hereby authorized to undertake an appraisal for the lands and interests in Shuyak Island lands property under the ownership of Kodiak Island Borough. Please refer to the Memorandum of Understanding signed by the respective agencies and utilize the existing contract. An individual work order should be prepared for each ownership explicitly outlining the appraisal assignment. Before issuing the work order, a definition of rights to be appraised, a legal description, and a date for submission of the report should be prepared for the appraiser and Contracting Officer's Representative. This should be accomplished in cooperation with Negotiators. The landowner should be advised in writing that the appraisal is, with their permission, proceeding.

JRA/mir

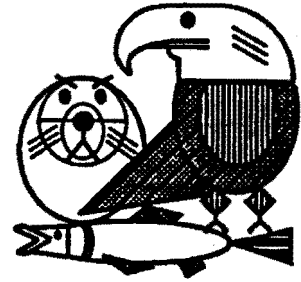
cc: Respective Negotiators
Carol Fries, DNR

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Dave Gibbons, USFS

FROM:  James F. Ayers
Executive Director

DATE: April 29, 1994

RE: Appraisal Authorization

You are hereby authorized to undertake an appraisal for the lands and interests in Port Graham lands property under the ownership of Port Graham Corporation. Please refer to the Memorandum of Understanding signed by the respective agencies and utilize the existing contract. An individual work order should be prepared for each ownership explicitly outlining the appraisal assignment. Before issuing the work order, a definition of rights to be appraised, a legal description, and a date for submission of the report should be prepared for the appraiser and Contracting Officer's Representative. This should be accomplished in cooperation with Negotiators. The landowner should be advised in writing that the appraisal is, with their permission, proceeding.

JRA/mir

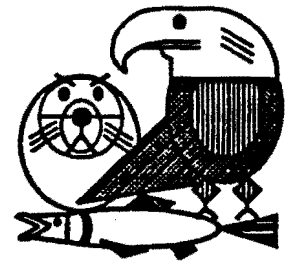
cc: Respective Negotiators
Carol Fries, DNR

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



April 28, 1994

Donna Nadell, President
Eyak Corporation
PO Box 340
Cordova, AK 99574

Luke Borer, President
Sherstone, Inc.
PO Box 340
Cordova, AK 99574

Dear Ms. Nadell and Mr. Borer,

Thank you for your letter of April 11, 1994. We appreciate your sincere efforts to work with us. Your letter states that Sherstone, Inc. anticipates resumption of timber harvest operations this summer on some of the Eyak Corporation's lands. We recognize that Sherstone's harvesting activities will be conducted with the protection of fisheries, wildlife, and scenic values in mind. Because of the *Exxon Valdez* oil spill and the resultant stresses placed on resources and services injured by the spill, the Trustee Council continues to be interested in providing additional protection for those injured resources and services through acquisition and protection of habitat on the Eyak Corporation lands. The areas of prime interest are: 1) the "core lands" around Power Creek, Eyak Lake, and Eyak River, 2) "Areas of Special Biological Importance" which includes Sheep Bay, Windy Bay/Deep Bay, and Port Gravina, and 3) "Areas Contributing to Restoration" which includes Orca Narrows.

1) "Core lands"-The Council is interested in acquiring fee title to the core lands. The Trustee Council recognizes the Eyak Corporation's interest in development of hydroelectric potential in the Power Creek area and is willing to discuss proposals from Eyak Corporation to retain ownership and development rights to the Power Creek hydroelectric site. The Trustee Council also recognizes that the Eyak Corporation may wish to retain a portion of the core lands for the Eyak Shareholder Land Use Program.

2) "Areas of Special Biological Importance"-The Trustee Council also wants to discuss additional protection measures for Sheep Bay, Windy Bay/Deep Bay, and Port Gravina. These areas have been identified by Trustee Council staff as being of particular value for

Trustee Agencies

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

restoration purposes. The Council would prefer to acquire fee title to these areas, but is willing to consider alternative proposals to protect injured resources and services while at the same time providing for the Eyak Corporation's needs for economic development and the Eyak Shareholder Land Use Program.

3) "Areas Contributing to Restoration"-Orca Narrows is an area of importance both for recreation and tourism. It is the desire of the Trustee Council and the community of Cordova to protect the scenic viewshed in that area. Accordingly, if Eyak Corporation agrees, the Council wants to discuss proposals to do so.

The Council requests that the Eyak Corporation grant public access to all lands on which less than fee title interests are acquired by the United States. To the extent permitted by law, such grant of public access would apply only to lands which are "unimproved" as that term is defined in AS 09.45.795, and would apply only so long as AS 09.45.795, or a substantially similar statute, continues in force. The Council acknowledges the Eyak Corporation's needs to reasonably regulate uses on those lands.

The price the Trustee Council is willing to pay for lands and interests is fair market value as determined by an appraisal. The fair market value will be determined, and the appraisal conducted, pursuant to standardized appraisal specifications being used by the state and federal trustee agencies.

The Trustee Council shares your belief that this or any other acquisition proposal must be subject to approval by the shareholders.

To facilitate discussions, any lands or interests in lands, including commercial timber interests, not owned by the Eyak Corporation or its wholly owned subsidiaries need to be identified at the outset of any negotiations.

We are requesting a detailed proposal from your Boards of Directors that accommodates your interests while meeting the terms of protection outlined in this letter. Upon reaching mutual agreement regarding the proposal, we will proceed with an appraisal.

As an interim measure, the Trustee Council is interested in acquiring protection for those Corporation lands on which timber harvesting is scheduled prior to April 1, 1995. It is the Trustee Council's understanding that these lands comprise a sub-parcel of the Orca Narrows parcel from which Sherstone, Inc. plans to harvest an estimated 8MMBF of timber between now and April 1, 1995.

Should the Boards of Directors of the Eyak and Sherstone Corporations wish to offer to the Trustee Council sale of the commercial timber rights to this sub-parcel, the offer should recognize that the sale would be at fair market value as determined by an appraisal. Further, the offer should include a properly executed action of the respective Boards of Directors of the Eyak and Sherstone Corporations which certifies that, as a condition of the sale of the commercial timber rights to the Orca Narrows sub-parcel, that no other commercial timber harvesting will occur on Corporation lands subject to this letter prior to April 1, 1995, notwithstanding subsequent actions, if any, prior to April 1 1995 by the

Trustee Council, the Boards of Directors of the Eyak and Sherstone Corporations or the shareholders thereof with respect to a more comprehensive protection package.

Upon receipt of an offer and properly executed Corporate action regarding Orca Narrows as outlined above, the Trustee Council is prepared to act expeditiously on such offer, and if such action is favorable, to immediately execute a purchase agreement and order the necessary appraisal for the Orca Narrows sub-parcel on a priority basis.

We stand ready to meet with you at your earliest convenience to discuss a detailed proposal. Thank you again for your patience and work with the Trustee Council.

Sincerely,



Jim Ayers
Executive Director

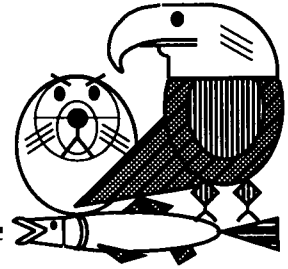
cc: Trustee Council

Exxon Valdez Oil Spill Trustee Council

Restoration Office

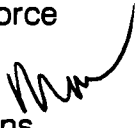
645 G Street, Suite 401, Anchorage, Alaska 99501-3451

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



MEMORANDUM

To: Restoration Work Force

From: Molly McCammon 
Director of Operations

Date: April 29, 1994

Subj: Trustee Council Meeting Actions

Enclosed are the April 28 Trustee Council Meeting Actions, the agenda and Jim Ayers' recommendation regarding the herring in Prince William Sound. Please review the Meeting Actions and send your comments to me by 12:00 p.m. Monday, May 2.

Trustee Agencies

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

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

TRUSTEE COUNCIL MEETING ACTIONS

DRAFT

APRIL 28, 1994 @ 10:00 a.m. Juneau, Alaska

By James R. Ayers
Executive Director

Trustee Council Members Present:

- | | |
|--------------------------------|----------------------|
| ●Mike Barton, USFS | Carl Rosier, ADF&G |
| ●George T. Frampton, Jr., USDO | ●John Sandor, ADEC |
| *Steve Pennoyer, NMFS | ●Craig Tillery, ADOL |

*** Chair**

● Alternates:

Jim Wolfe served as an alternate for Mike Barton for the last portion of the meeting.
Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire meeting.

Mark Brodersen served as an alternate for John Sandor for the last portion of the meeting.

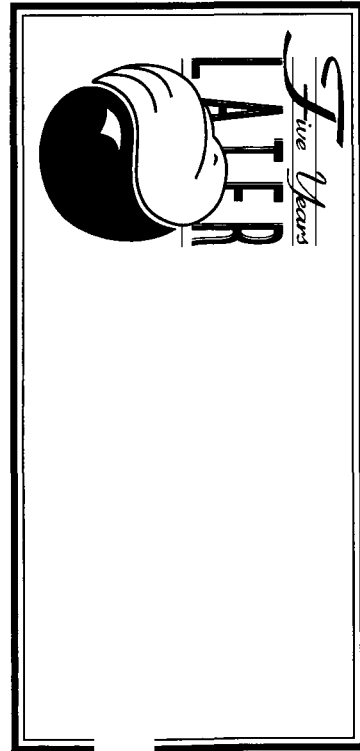
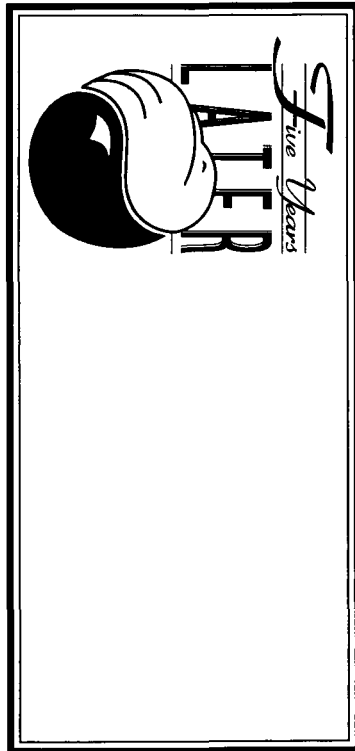
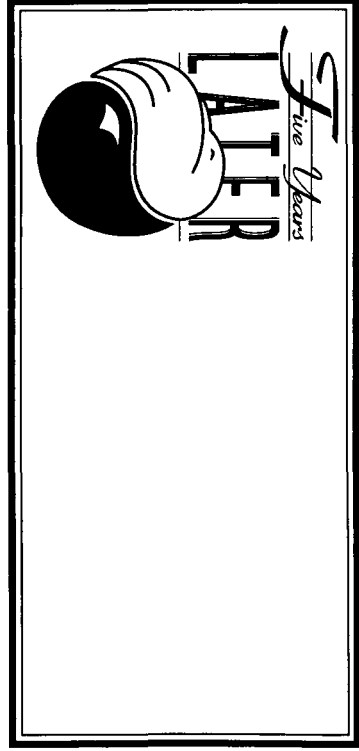
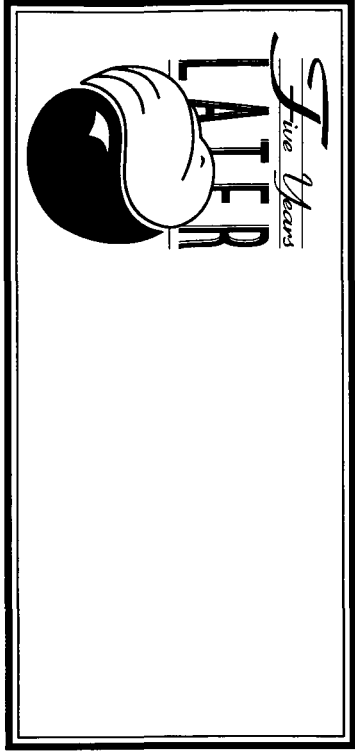
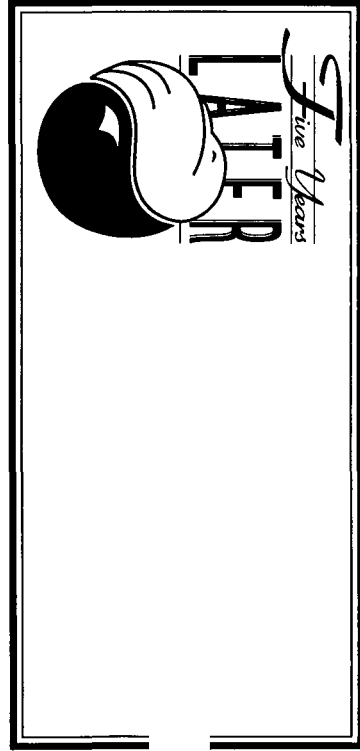
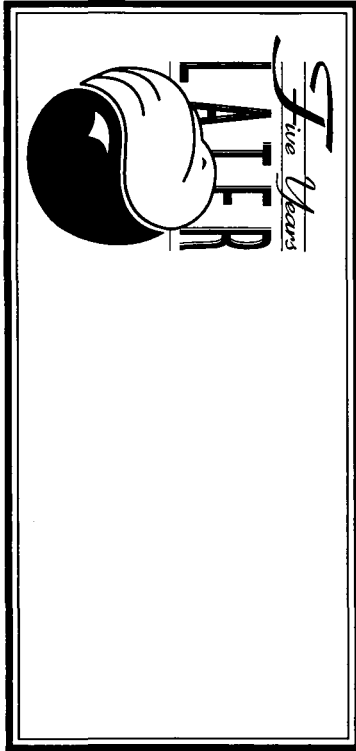
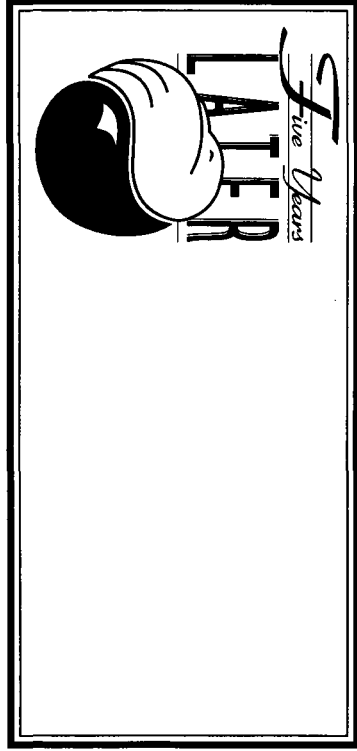
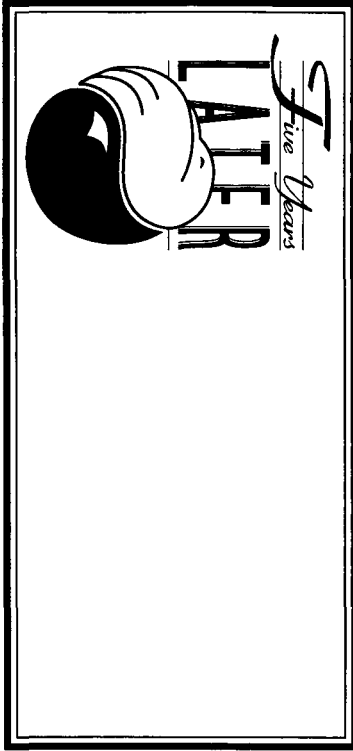
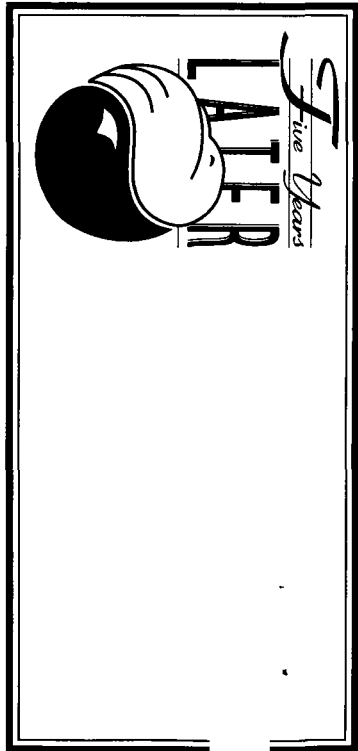
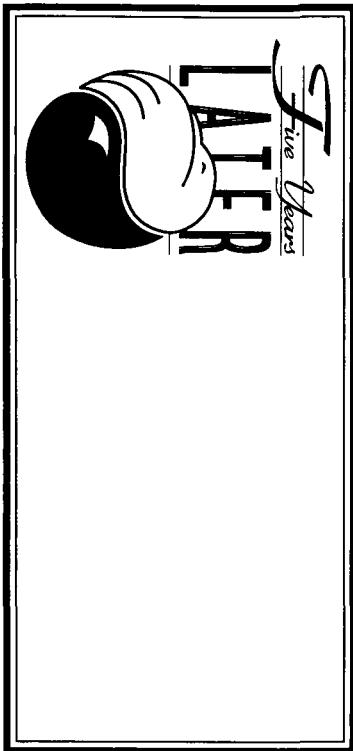
Craig Tillery served as an alternate for Bruce Botelho for the entire meeting.

1. Approval of the Agenda

APPROVED MOTION: Approved the Agenda (Attachment A)

2. Pacific Herring - Prince William Sound

APPROVED MOTION: Accept the recommendation of the Executive Director regarding herring in Prince William Sound. Mike Barton moved, John Sandor second. (Attachment B)



3. Executive Session

APPROVED MOTION: Recess for executive session for the purpose of discussing habitat protection acquisition strategies, at approximately 10:30 a.m.

Returned at approximately 12:30 p.m.

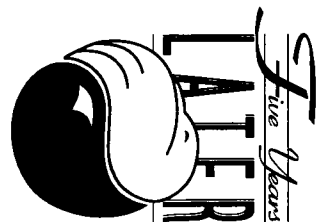
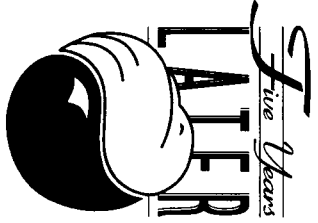
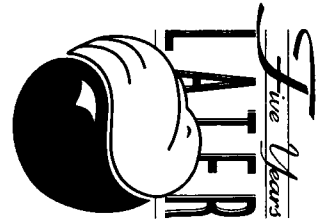
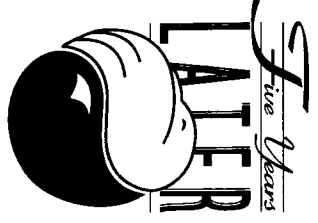
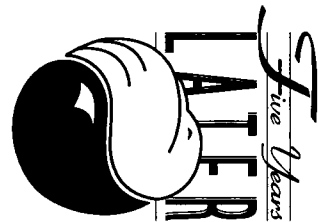
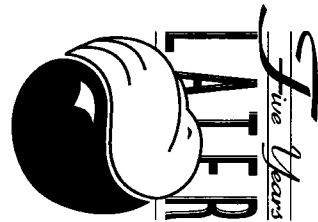
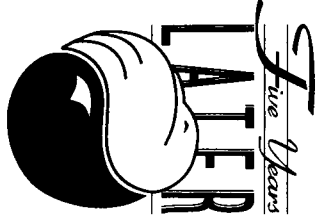
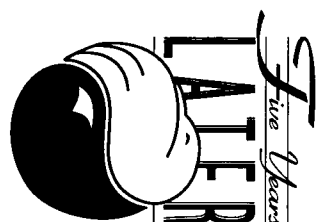
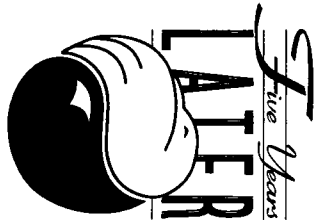
APPROVED MOTION: The Executive Director shall work with representatives of the U.S. Forest Service, the Alaska Departments of Law and Environmental Conservation to draft a letter to Eyak Corporation and Sherstone Corporation expressing the Trustee Council's interest in protecting critical habitat areas owned by the corporations, particularly any imminently threatened areas including Orca Narrows. Jim Wolfe moved, Carl Rosier second.

APPROVED MOTION: The Executive Director shall prepare a current status report on habitat acquisition efforts. Jim Wolfe moved, Carl Rosier second.

Meeting recessed until a later date.

rsw

DRAFT

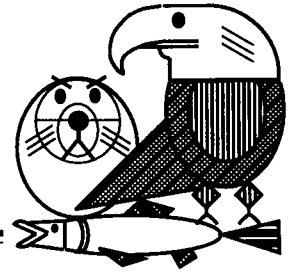


Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL
APRIL 28, 1994 MEETING
TELECONFERENCE

DRAFT

APRIL 28, 1994 @ 10:00 a.m.

Trustee Council Members:

MICHAEL A. BARTON
Regional Forester, Alaska Region
U.S. Department of Agriculture-Forest Service

BRUCE M. BOTELHO/CRAIG TILLERY
Attorney General/Trustee
State of Alaska/Representative

GEORGE T. FRAMPTON, JR.
Assistant Secretary for Fish, Wildlife & Parks
U.S. Department of the Interior

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

Steve Pennoyer - Chair
Juneau Location - Forest Service Conference Room 541A

1. Approval of Agenda
Order of the Day
2. Pacific Herring - Prince William Sound
3. Executive Session
(To Discuss Habitat Protection Acquisition Strategies)

Adjourn

Trustee Agencies

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

DRAFT

April 27, 1994

Subproject 94320-S Funding Resolution

Background - On April 11, 1994, the Trustee Council formally authorized projects to proceed as part of the 1994 Work Plan. These included Project 94320 with its numerous components designed to study the Prince William Sound ecosystem, particularly as it relates to fisheries. Shortly after the meeting, the 1994 Pacific herring run began to return to Prince William Sound in a severely depleted, weakened and diseased state. Consequently, the Executive Director and staff from the Department of Fish and Game met with other scientists, including Dr. Spies, and designed an additional research component entitled "Disease Impacts on Prince William Sound Herring Populations" (94320-S) to investigate the failing herring run. This component is intended to determine if viral hemorrhagic septicemia (VHS) is present in the herring population and to ascertain if the disease is the cause of the weakened run or merely an opportunistic pathogen in a population already weakened from other causes. There was no record of VHS in Sound herring prior to 1993. Field sampling of this data has already begun because the herring run is short-lived.

No additional allocation of funds is being sought from the Trustee Council. Funds are available to transfer from other, already approved projects. Funding this Project 94320 component involves transferring \$72,000 from 94320-E, which represents money saved on that project from ADF&G's competitive bid vessel charter process, and transferring \$25,000 from Project 94139, which became available after the Port Dick component of this project was withdrawn. The Executive Director and the Chief Scientist highly recommend this project action be approved.

DRAFT

Resolution - Be it resolved that "Disease Impacts on Prince William Sound Herring Populations," Subproject 94320-S, will be incorporated into the Prince William Sound System Investigation, Project 94320, to investigate the disease impacts on the 1994 Pacific herring run in Prince William Sound, that the project will be funded with funds previously authorized in Projects 94320-E and 94139, and that total Trustee Council costs for this project will not exceed the \$95,000 identified above.

____ Date ____
 MICHAEL A. BARTON
 Regional Forester
 Alaska Region
 USDA Forest Service

____ Date ____
 BRUCE M. BOTELHO
 Attorney General
 State of Alaska

____ Date ____
 GEORGE T. FRAMPTON
 Assistant Secretary for Fish,
 Wildlife, & Parks

____ Date ____
 STEVEN PENNOYER
 Director, Alaska Region
 National Marine Fisheries Service

____ Date ____
 CARL L. ROSIER
 Commissioner
 Alaska Department of Fish
 and Game

____ Date ____
 JOHN A. SANDOR
 Commissioner
 Alaska Department of
 Environmental Conservation

*** MULTI TRANSACTION REPORT ***

TX/RX NO.

9195

INCOMPLETE TX/RX

TRANSACTION OK

[09] 5867589

J. AYERS

[10] 5867555

D. GIBBONS

[11] 4655375

M. BRODERSEN

[12] 4654759

J. MONTAGUE

[14] 2572510

S. RABINOWITCH

[15] 5624871

C. FRIES

[17] 2713992

R. THOMPSON

[18] 5223148

J. SULLIVAN

[19] 7863636

L. BARTELS

[20] 7863350

T. DEGANGE

[35] 5103737834

B. SPIES

ERROR

[13] 7896608

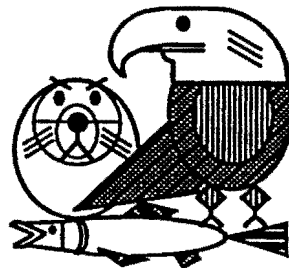
MORRIS-WRIGHT

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



FAX COVER SHEET

To: Restoration Work Force Number: _____

From: Molly McCammon Date: 4-29-94

Comments: _____ Total Pages: 7

Please deliver this document to
the RWF representative in your ofc.

Thank you.

Trustee Agencies

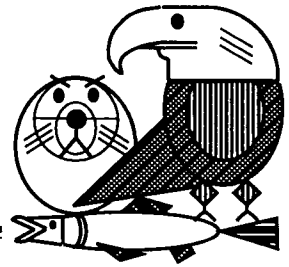
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture, and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



April 29, 1994

Mike Bullock
POB 221131
Anchorage, Alaska 99622

Dear Mr. Bullock:

Thank you for your interest in the *Exxon Valdez* Trustee Council's Habitat Protection Process.

Currently, staff are developing a procedure to evaluate parcels less than 1,000 acres in size, located within the oil spill effected area, which have willing sellers. This *Small Parcel Evaluation & Ranking* process will be a component of the ongoing Comprehensive Habitat Protection Process adopted by the Trustee Council. It will contain suites of threshold criteria and evaluation criteria that assess the value of protecting small parcels to meet the goals of restoration.

The small parcel process should be completed sometime in April. Once it is approved, it will include a nomination process that will be publicly noticed. Until that public notice goes out, all information regarding parcels and nominations should be held, since we are not prepared to receive this information at this time.

Again, thank you for your interest in this process. We are looking forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script, reading "Molly McCammon".

Molly McCammon
Director of Operations

mm/raw

Trustee Agencies

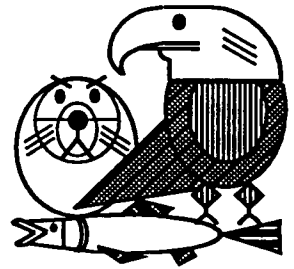
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

TO: Sandy Rabinowitch/DOI

FROM: Molly McCammon, Director of Operations *M*

DATE: April 29, 1994

SUBJ: NEPA Compliance for FY 94 Work Plan Projects

The purpose of this memorandum is to ask for your assistance in obtaining documentation of NEPA compliance on projects 1) for which the Department of the Interior (DOI) has the lead, or 2) projects for which DOI has the NEPA compliance lead. The FY 94 Work Plan approved by the Trustee Council includes funding for the following projects for which DOI is identified as the lead agency:

- #94020/Black Oystercatcher - Intertidal
- #94039/Murre Population Monitoring
- #94041/Introduced Predator Removal
- #94102/Marbled Murrelet Foraging
- #94159/Spring Marine Bird & Otter Survey
- #94173/Pigeon Guillemot Monitoring
- #94506/Pigeon Guillemot Recovery (close out of 93034)

In addition to the projects identified above, it is my understanding that DOI is the lead federal agency for NEPA compliance regarding:

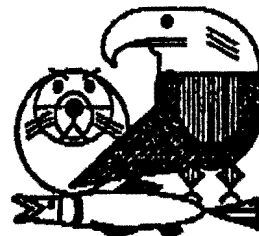
- #94007/Site Specific Archeological Restoration (combined with 94386)

(It is my understanding that an EA was prepared for Project #93006, that may apply to Project #94007 and satisfy NEPA requirements, although I am not aware of a formal finding to this effect.)

If there are other FY 94 Work Plan projects for which DOI has the NEPA lead, please let me know. Please work with Eric Myers/Restoration Project Coordinator to ensure that appropriate documentation of NEPA compliance is provided for these projects, including a finding that a project qualifies for a Categorical Exclusion (CE). Thank you in advance for your assistance.

Trustee Agencies

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

Exxon Valdez Oil Spill Trustee Council**Restoration Office****645 "G" Street, Suite 401, Anchorage, AK 99501-3451****Phone: (907) 278-8012 Fax: (907) 276-7178**

April 28, 1994

Donna Nadell, President
Eyak Corporation
PO Box 340
Cordova, AK 99574

Luke Borer, President
Sherstone, Inc.
PO Box 340
Cordova, AK 99574

Dear Ms. Nadell and Mr. Borer,

Thank you for your letter of April 11, 1994. We appreciate your sincere efforts to work with us. Your letter states that Sherstone, Inc. anticipates resumption of timber harvest operations this summer on some of the Eyak Corporation's lands. We recognize that Sherstone's harvesting activities will be conducted with the protection of fisheries, wildlife, and scenic values in mind. Because of the *Exxon Valdez* oil spill and the resultant stresses placed on resources and services injured by the spill, the Trustee Council continues to be interested in providing additional protection for those injured resources and services through acquisition and protection of habitat on the Eyak Corporation lands. The areas of prime interest are: 1) the "core lands" around Power Creek, Eyak Lake, and Eyak River, 2) "Areas of Special Biological Importance" which includes Sheep Bay, Windy Bay/Deep Bay, and Port Gravina, and 3) "Areas Contributing to Restoration" which includes Orca Narrows.

1) "Core lands"-The Council is interested in acquiring fee title to the core lands. The Trustee Council recognizes the Eyak Corporation's interest in development of hydroelectric potential in the Power Creek area and is willing to discuss proposals from Eyak Corporation to retain ownership and development rights to the Power Creek hydroelectric site. The Trustee Council also recognizes that the Eyak Corporation may wish to retain a portion of the core lands for the Eyak Shareholder Land Use Program.

2) "Areas of Special Biological Importance"-The Trustee Council also wants to discuss additional protection measures for Sheep Bay, Windy Bay/Deep Bay, and Port Gravina. These areas have been identified by Trustee Council staff as being of particular value for

Trustee Agencies

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

Nadell & Borer - April 28, 1994

2

restoration purposes. The Council would prefer to acquire fee title to these areas, but is willing to consider alternative proposals to protect injured resources and services while at the same time providing for the Eyak Corporation's needs for economic development and the Eyak Shareholder Land Use Program.

3) "Areas Contributing to Restoration"-Orca Narrows is an area of importance both for recreation and tourism. It is the desire of the Trustee Council and the community of Cordova to protect the scenic viewshed in that area. Accordingly, if Eyak Corporation agrees, the Council wants to discuss proposals to do so.

The Council requests that the Eyak Corporation grant public access to all lands on which less than fee title interests are acquired by the United States. To the extent permitted by law, such grant of public access would apply only to lands which are "unimproved" as that term is defined in AS 09.45.795, and would apply only so long as AS 09.45.795, or a substantially similar statute, continues in force. The Council acknowledges the Eyak Corporation's needs to reasonably regulate uses on those lands.

The price the Trustee Council is willing to pay for lands and interests is fair market value as determined by an appraisal. The fair market value will be determined, and the appraisal conducted, pursuant to standardized appraisal specifications being used by the state and federal trustee agencies.

The Trustee Council shares your belief that this or any other acquisition proposal must be subject to approval by the shareholders.

To facilitate discussions, any lands or interests in lands, including commercial timber interests, not owned by the Eyak Corporation or its wholly owned subsidiaries need to be identified at the outset of any negotiations.

We are requesting a detailed proposal from your Boards of Directors that accommodates your interests while meeting the terms of protection outlined in this letter. Upon reaching mutual agreement regarding the proposal, we will proceed with an appraisal.

As an interim measure, the Trustee Council is interested in acquiring protection for those Corporation lands on which timber harvesting is scheduled prior to April 1, 1995. It is the Trustee Council's understanding that these lands comprise a sub-parcel of the Orca Narrows parcel from which Sherstone, Inc. plans to harvest an estimated 8MMBF of timber between now and April 1, 1995.

Should the Boards of Directors of the Eyak and Sherstone Corporations wish to offer to the Trustee Council sale of the commercial timber rights to this sub-parcel, the offer should recognize that the sale would be at fair market value as determined by an appraisal. Further, the offer should include a properly executed action of the respective Boards of Directors of the Eyak and Sherstone Corporations which certifies that, as a condition of the sale of the commercial timber rights to the Orca Narrows sub-parcel, that no other commercial timber harvesting will occur on Corporation lands subject to this letter prior to April 1, 1995, notwithstanding subsequent actions, if any, prior to April 1 1995 by the

Nadell & Borer - April 28, 1994

3

Trustee Council, the Boards of Directors of the Eyak and Sherstone Corporations or the shareholders thereof with respect to a more comprehensive protection package.

Upon receipt of an offer and properly executed Corporate action regarding Orca Narrows as outlined above, the Trustee Council is prepared to act expeditiously on such offer, and if such action is favorable, to immediately execute a purchase agreement and order the necessary appraisal for the Orca Narrows sub-parcel on a priority basis.

We stand ready to meet with you at your earliest convenience to discuss a detailed proposal. Thank you again for your patience and work with the Trustee Council.

Sincerely,



Jim Ayers
Executive Director

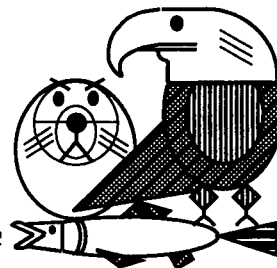
cc: Trustee Council

Exxon Valdez Oil Spill Trustee Council

Restoration Office

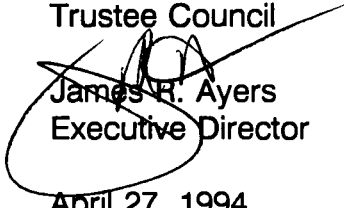
645 G Street, Suite 401, Anchorage, Alaska 99501-3451

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



MEMORANDUM

To: Trustee Council

From:  James R. Ayers
Executive Director

Date: April 27, 1994

Subj: April 28, 1994 Trustee Council Meeting

Attached is an agenda for our meeting tomorrow April 28, with accompanying documents respectively. The first item is a resolution regarding the Prince William Sound herring problem that requires action to deal with the emergency surrounding the herring decline and viral infections, "Disease Impacts on Prince William Sound Populations." This item can be handled by motion.

This subproject was assembled immediately after the Pacific herring began returning to Prince William Sound in reduced numbers, in a weakened and diseased state. Subproject 94320-S will be a component of the "Prince William Sound System Investigation" (project 94320).

The second item includes a copy of Eyak and Sherstone's letter to Mike Barton with a draft response letter from the Trustees to Eyak. The draft response needs resolution so as to provide Eyak opportunity to take action during their annual board meeting on Friday April 29.

Trustee Agencies

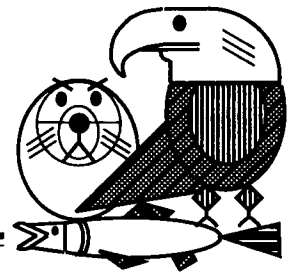
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL
APRIL 28, 1994 MEETING
TELECONFERENCE

DRAFT

APRIL 28, 1994 @ 10:00 a.m.

Trustee Council Members:

MICHAEL A. BARTON
Regional Forester, Alaska Region
U.S. Department of Agriculture-Forest Service

BRUCE M. BOTELHO/CRAIG TILLERY
Attorney General/Trustee
State of Alaska/Representative

GEORGE T. FRAMPTON, JR.
Assistant Secretary for Fish, Wildlife & Parks
U.S. Department of the Interior

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

Steve Pennoyer - Chair
Juneau Location - Forest Service Conference Room 541A

1. Approval of Agenda
Order of the Day
2. Pacific Herring - Prince William Sound
3. Executive Session
(To Discuss Habitat Protection Acquisition Strategies)

Attachments:

- Resolution Regarding Herring in Prince William Sound
- Draft letter to Eyak and Sherstone
- Copy of Original Letter From Eyak to Mike Barton

Adjourn

DRAFT

April 27, 1994

Subproject 94320-S Funding Resolution

Background - On April 11, 1994, the Trustee Council formally authorized projects to proceed as part of the 1994 Work Plan. These included Project 94320 with its numerous components designed to study the Prince William Sound ecosystem, particularly as it relates to fisheries. Shortly after the meeting, the 1994 Pacific herring run began to return to Prince William Sound in a severely depleted, weakened and diseased state. Consequently, the Executive Director and staff from the Department of Fish and Game met with other scientists, including Dr. Spies, and designed an additional research component entitled "Disease Impacts on Prince William Sound Herring Populations" (94320-S) to investigate the failing herring run. This component is intended to determine if viral hemorrhagic septicemia (VHS) is present in the herring population and to ascertain if the disease is the cause of the weakened run or merely an opportunistic pathogen in a population already weakened from other causes. There was no record of VHS in Sound herring prior to 1993. Field sampling of this data has already begun because the herring run is short-lived.

No additional allocation of funds is being sought from the Trustee Council. Funds are available to transfer from other, already approved projects. Funding this Project 94320 component involves transferring \$72,000 from 94320-E, which represents money saved on that project from ADF&G's competitive bid vessel charter process, and transferring \$25,000 from Project 94139, which became available after the Port Dick component of this project was withdrawn. The Executive Director and the Chief Scientist highly recommend this project action be approved.

DRAFT

Resolution - Be it resolved that "Disease Impacts on Prince William Sound Herring Populations," Subproject 94320-S, will be incorporated into the Prince William Sound System Investigation, Project 94320, to investigate the disease impacts on the 1994 Pacific herring run in Prince William Sound, that the project will be funded with funds previously authorized in Projects 94320-E and 94139, and that total Trustee Council costs for this project will not exceed the \$95,000 identified above.

Date _____
MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service

Date _____
BRUCE M. BOTELHO
Attorney General
State of Alaska

Date _____
GEORGE T. FRAMPTON
Assistant Secretary for Fish,
Wildlife, & Parks

Date _____
STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

Date _____
CARL L. ROSIER
Commissioner
Alaska Department of Fish
and Game

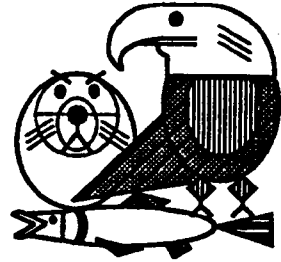
Date _____
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



April 27, 1994

DRAFT

Thank you for your letter of April 11, 1994. Your letter states that Sherstone anticipates resumption of timber harvest operations this summer on some of Eyak Corporation's lands. We assume that Sherstone's harvesting activities will be conducted with the protection of fisheries, wildlife, and scenic values in mind. The timber which was harvested in the Cordova area early this century has regenerated and supports outstanding fisheries and wildlife values. Thus, the more modern forest practices available now, including those covered in the Forest Practices Act, should enable Sherstone, Inc. to provide significant protection for these values under normal circumstances.

However, because of the *Exxon Valdez* oil spill and the resultant stresses placed on resources and services injured by the spill, the Trustee Council continues to be interested in providing additional protection for those injured resources and services through acquisition and protection of habitat on Eyak Corporation lands. The areas of prime interest are: 1) the "core lands" around Power Creek, Eyak Lake, and Eyak River, 2) "Areas of Special Biological Importance" which includes Sheep Bay, Windy Bay/Deep Bay, and Port Gravina, and 3) "Areas of Scenic and Recreational Importance" which includes Orca Narrows.

1) "Core lands"-The Council is interested in acquiring fee title to the core lands. The Trustee Council recognizes Eyak Corporation's interest in development of hydroelectric potential in the Power Creek area and is willing to discuss proposals from Eyak Corporation to retain ownership and development rights to the Power Creek hydroelectric site. The Trustee Council also recognizes that Eyak Corporation may wish to retain a portion of the core lands for the Eyak Shareholder Land Use Program.

2) "Areas of Special Biological Importance"-The Trustee Council also wants to discuss additional protection measures for Sheep Bay, Windy Bay/Deep Bay, and Port Gravina. These areas have been identified by Trustee Council staff as being of particular value for

Trustee Agencies

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

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

restoration purposes. The Council would prefer to acquire fee title to these areas, but is willing to consider alternative proposals to protect injured resources and services while at the same time providing for Eyak Corporation's needs for economic development and the Eyak Shareholder Land Use Program.

3) "Areas of Scenic and Recreational Importance"-Orca Narrows is an area of importance both for recreation and tourism. It is in the best interests of the Eyak Corporation, the Trustee Council and the community of Cordova to protect the scenic viewshed in that area. Accordingly, the Council is willing to discuss proposals to do so.

The Council requests that the Eyak Corporation grant public access to all lands on which less than fee title interests are acquired by the Council. Such grant of public access would apply only to lands which are "unimproved" as that term is defined in AS 09.45.795, and would apply only so long as AS 09.45.795, or a substantially similar statute, continues in force. The Council would be willing to discuss Eyak Corporation's needs to reasonably regulate uses on those lands.

The price the Trustee Council would be willing to pay for lands and interests is fair market value as determined by an appraisal. The fair market value would be determined, and the appraisal conducted, pursuant to standardized appraisal instructions approved by the Council and the Eyak Corporation.

The Trustee Council shares your belief that this or any other proposal must be subject to approval by the shareholders.

To facilitate discussions, any lands or interests in lands, including commercial timber interests, not owned by Eyak Corporation or its wholly owned subsidiaries need to be identified at the outset of any negotiations.

We believe your Board is aware of the public negotiations which surrounded the purchase of the Seal Bay lands on Afognak Island by the Trustee Council, and the Council is hopeful Eyak Corporation will follow a similar public process during negotiations. The Trustees look forward to working with you and are willing to consider whatever proposals you want to discuss.

Sincerely,

DRAFT

Jim Ayers
Executive Director

**The Eyak Corporation**

P.O. Box 840 Cordova, Alaska 99574
(907) 424-7161 Fax (907) 424-5161

April 11, 1994

Mike Barton
Regional Forester
U.S. Forestry Service
P.O. Box 21628
Juneau, Alaska 99802-1628

VIA-FACSIMILE - 686-7840

Mike,

The Eyak Corporation, Sherstone, Inc. and The Exxon Valdez Oil Spill Trustee Council have expended vast amounts of time and money attempting to achieve something desired by all of us and by the local residents of the Cordova area. That is the very emotional issue and balancing act of habitat preservation in the Eastern Prince William Sound.

We at Sherstone have proceeded as previously stated, and project to begin timber harvest operations this summer. These operations encompass Orca Narrows, East Simpson Bay and the Rude River. As noted in previous discussions with the Council these areas are low on their priority list. The Eyak Corporation and Sherstone control vast amounts of additional land and timber which are higher on the priority list of the Council.

Mike, past discussions have resulted in strong feelings and statements on both sides, since we said at our last meeting, that our door is always open, we suggest that those attitudes be put aside and that informal discussions be schedule to explore any possibilities or options that may be available.

To that end we at Sherstone and Eyak invite you, the Executive Director, and members of the Council to meet with us at a mutually convenient time in the near future.

Sincerely,

Luke Borer, President
Sherstone, Inc.

Donna Nadell, President
The Eyak Corporation

TOTAL P.01

TOTAL P.01

*** MULTI TRANSACTION REPORT ***

TX/RX NO.

9109

INCOMPLETE TX/RX

TRANSACTION OK

[09] 5867589
[10] 5867555
[11] 4655375
[12] 4654759
[13] 7896608
[14] 2572510
[15] 5624871
[25] 5867840
[26] 4652075
[27] 2022084684
[28] 5867249
[29] 4652332
[31] 4655070
[36] 2787022

J. AYERS
D. GIBBONS
M. BRODERSEN
J. MONTAGUE
MORRIS-WRIGHT
S. RABINOWITCH
C. FRIES
M. BARTON
B. BOTELHO
G. FRAMPTON
S. PENNOYER
C. ROSIER
J. SANDOR
ALEX-CRAIG

ERROR

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO. 9112

CONNECTION TEL 2714102

CONNECTION ID

START TIME 04/27 17:20

USAGE TIME 03'33

PAGES 8

RESULT OK

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO. 9110

CONNECTION TEL 2026245857

CONNECTION ID

START TIME 04/27 17:09

USAGE TIME 04'25

PAGES 8

RESULT OK

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO. 9111

CONNECTION TEL 2026395784

CONNECTION ID

START TIME 04/27 17:14

USAGE TIME 04'04

PAGES 7

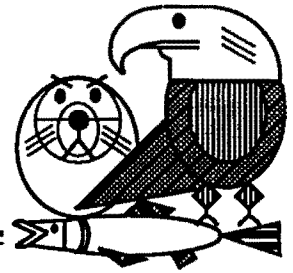
RESULT OK

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



FAX COVER SHEET

To: Mr Ayers Number: _____

From: Rebecca Date: 4-28-94

Comments: _____ Total Pages: 2

As you can see on the next pg,
I've spoken to each TC member's office
to confirm that they received the 8
pg document we sent last night.

RAW

Trustee Agencies

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

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

All Documents Faxed to the Trustee Council
Must Be Followed Up With Phone Calls
To Ensure Arrival and Delivery

Meeting in the Forest Service Conf Rm

This Confirmation Sheet **MUST** be Attached to the Faxed Document.

✓ Mr. Barton (Renee) yes
586-8863 Date & Time: 4/28 8:15

✓ Mr. Frampton (Cathy) Roselyn Dan Sakura
202-208-4416 Date & Time: 4/28 8:27

✓ Mr. Pennoyer (Linda) Barbara yes
586-7221 Date & Time: 4/28 8:20

✓ Mr. Rosier (Carla) Cathy
465-4100 Date & Time: 4/28 8:29

✓ 202-624-5858 minus fax cover
Mr. Sandor (Martha) Sheet
465-5050 Date & Time: 4/28 8:21

✓ Mr. Tillery (Vicki) yes here in Anch
269-5274 Date & Time: 4/28 Mary 8:34

Description of Document:
8pgs re: Herring & Eyak

✓ Deborah Williams 271-5485
4/28 8:36 Ift msg on recorder yes 8:40

Comments:

George may attend via teleconf.

Your Initials: RAW

Spies Barbara yes 9:51 4/28
510-373-7142

All Documents Faxed to the Trustee Council

Must Be Followed Up With Phone Calls

To Ensure Arrival and Delivery

Meeting in the Forest Service Conf Rm

This Confirmation Sheet MUST be Attached to the Faxed Document.

✓ Mr. Barton (Renee) yes
586-8863 Date & Time: 4/28 8:15

✓ Mr. Pennoyer (Linda) yes
586-7221 Date & Time: 4/28 8:20

✓ 202-624-5858 minus fax cover
Mr. Sandor (Martha) Sheet
465-5050 Date & Time: 4/28 8:21

Description of Document:
8pgs re: Herring & Eyak

Comments:

Your Initials: RAN

✓ Mr. Frampton (Cathy) Dan Sakura
202-208-4416 Date & Time: 4/28 8:27

✓ Mr. Rosier (Carla) Cathy
465-4100 Date & Time: 4/28 8:29

✓ Mr. Tillery (Vicki) yes here in Anch
269-5274 Date & Time: 4/28 Mary 8:34

Deborah Williams 271-5485 ✓
4/28 8:36 1st msg on recorder yes 8:40

George may attend via teleconf.

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9144	
CONNECTION TEL		5867589
CONNECTION ID	J. AYERS	
START TIME	04/28 09:01	
USAGE TIME	00'54	
PAGES	2	
RESULT	OK	

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9147
CONNECTION TEL	5103737834
CONNECTION ID	B.SPIES
START TIME	04/28 09:14
USAGE TIME	05'07
PAGES	8
RESULT	OK

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



FAX COVER SHEET

To: Bob Spies
Trustee Council Number: _____
From: Jim Ayers Date: 4-27-93
Comments: _____ Total Pages: 8

FOR Thursday's teleconference

Bob Spies

*

John Sandor 202-624-5857

Craig Tillery 278-7022

Steve Penoyer 586-7249

Dan Sakura 202-208-4684

Deborah Williams 271-4102

Mike Barton

Carl Rosier

TC pkg sent
out on April 27

Trustee Agencies

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

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

Barton
POB 70

Douglas AK.


99824

MEMORANDUM

Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G St, Anchorage, Alaska 99501

To: Distribution List Below

Date: April 27, 1994

From: L.J. Evans 
For Molly McCammon

Subj: **Community
Knowledge Transfer**

Molly asked me to contact each of you and set up a teleconference meeting to develop the community involvement process you discussed during the April 13-15 workshop. Our calendar looks good for next Wednesday, May 4, at 1:30 P.M. for a meeting of about 1½ hours duration. Please let me or Molly know ASAP if this time will not work for you. The meeting in Anchorage will take place in the large conference room at our offices, 645 G St., on the fourth floor. If you will be participating via teleconference please call Rebecca Williams at 278-8012 and let her know where you can be reached by telephone at the time of the meeting.

During the workshop some of you noted that you have information on other programs which bear some resemblance to this project. Please fax brief summaries of these projects to Molly at 276-7178 by Friday, April 29, and I will make sure everyone receives a copy of all of them before the Wednesday meeting.

	Name/Affiliation	Telephone	FAX
	Bud Antonelis/NMFS	206/526-4042	206/526-6615
here	Ted Birkedal/NPS (if ms)	257-2668	257-2510
here	Judy Bittner/ADNR	762-2622	762-2535
out in field	Marilyn Dahlheim/NOAA	206/526-4020	206/526-6615
	Jim Fall/ADF&G	267-2359	349-4712
NO	Gail Irvine/NBS	257-2529	257-2510
	Molly McCammon/EVOSTC	278-8012	276-7178
here	Rita Miraglia/ADF&G	267-2358	349-4712
NO	Dan Rosenberg/ADF&G	267-2453	344-7914
NO	Tom Rothe/ADF&G	267-2206	344-7914
out in field	David Salmon/PWSSC	424-5800	424-5820
Andy	Bob Spies/AMS	510/373-7142	510/373-7834
	Martha Vlasoff/Tatitlek	325-2235	325-2232
yes	Bruce Wright/NMFS (never received)	789-6600	789-6608
	Kate Wynne/UAF Kodiak	486-1517	486-1540
	Linda Yarborough/USFS	271-2511	251-3992

David Schell maybe

Karen Holzer / Delta
 @ the request of
 martha V.
 Institute
 non-profit

*** ACTIVITY REPORT ***

TRANSMISSION OK

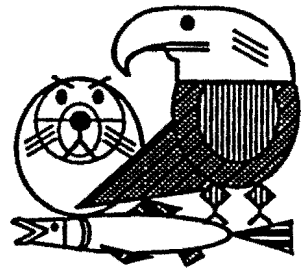
TX/RX NO.	9277	
CONNECTION TEL		7896608
CONNECTION ID	MORRIS-WRIGHT	
START TIME	05/04 11:54	
USAGE TIME	01'23	
PAGES	3	
RESULT	OK	

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



FAX COVER SHEET

To: Bruce Wright Number: _____

From: Rebecca Date: 5-4-94

Comments: Total Pages: 3

Re: 1:30 mtg today

Pls deliver

Trustee Agencies

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

Rebecca: info for
Wed teleconf meeting
4

I have not confirmed
Elenore, but she's
not on the list so
here is her contact
info →

L.J. could you make sure
Martha Ulasoff and
Gary Kompkoff

are called Wed. at
this #

325-2302
(Gary's #).

also - could you include

Elenore Mc Mullen Phone 284-2227
Port Graham FAX# 284-2222

in this meeting.

Thanks.

Also - Martha developed a concept paper
she would like FAXED to
everyone. I'm having Rebecca
re-type it with some changes she made.

Concept for the Community Involvement Process
Proposed by Martha Vlasoff

In order to enhance information on injured resources in the spill area in a cost effective manner, a program for involvement of local residents is proposed. The first step in this process would be to enlist the cooperation of the scientists currently researching the affected *Exxon Valdez* Oil Spill (EVOS) ecosystem to formulate a series of questions which address their most significant concerns about injured species.

These questions would then be posed for the public (subsistence hunters, subsistence fishermen, commercial fishermen, Elders and others identified by the village or community as having traditional knowledge related to the environment) in an effort to answer the questions posed by the EVOS scientists based on their observations related to those species.

A second objective would be to develop an integration process for the public to be incorporated into the scientific database as on-site observers in regard to the major scientific concerns. This will increase public awareness and appreciation for scientific knowledge, lead to training and education in the related science fields in local communities, and at the same time encourage an exchange of information between the people who are valued locally for their traditional knowledge and the scientific community who have the task of understanding the oil spill-affected areas.

At a workshop sponsored by the EVOS Trustee Council entitled Research Priorities For Restoration held April 13-15, 1994 in Anchorage, Martha Vlasoff held a meeting with the EVOS scientists regarding the formation of a process whereby an open communication through mutual respect might be established to increase monitoring possibilities and encourage better understanding between the Scientific community and the local communities.

It was decided that because there were multiple agencies who would have the potential for helping to facilitate this exchange (State Office of History and Archaeology, Alaska Department of Fish and Game Subsistence Division and Prince Williams Sound Science Center) and because the affected villages and communities need to be involved in the initiation and implementation of such an undertaking, we should proceed with a teleconference as the next step to accomplishing the goal of incorporation of traditional knowledge into the equation of what is and what is not recovering from the Oil Spill, and if not, why not.

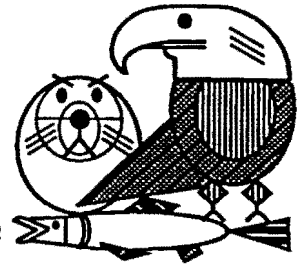
Some of the specific ideas that came out of the short initial meeting were to use similar structures that other community-involved projects have used, such as the work being done by the Alaska Fisheries Science Center with the people of St. Paul Island or the Science Outreach Program being facilitated by the University of Alaska Sea Grant Marine Advisory Program with the people of Kodiak and Chenega on seal research. There was discussion that the local people can identify problems in the ecosystems on a year-round basis as opposed to the limited time researchers remain in the field. Everyone agreed this is just the beginning of the relationship.

Exxon Valdez Oil Spill Trustee Council

Restoration Office


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

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



MEMORANDUM

TO: Molly McCammon, Director of Operations

FROM: Eric Myers 

DATE: 4/28/94

SUBJ: Restoration Work Force Meeting 4/28 — Meeting Notes

There was a brief meeting of the Restoration Work Force on Wednesday, April 27th:

1. New Herring Pathology Project. According to Jerome Montague, the DPD is almost ready to go to Spies. Jerome Montague will prepare information for the Trustee Council regarding this project.
2. Next Trustee Council meeting. There will be a Trustee Council meeting April 28th.
3. Update on the Subsistence Project. Jerome Montague reported that the revised scope of work has been drafted by Jim Fall that reflects work in FY 95 as well as FY 94. He wanted direction regarding whether that was the intent. Where the idea of work in FY 95 came from was not clear.
4. Equipment Policy. Discussion of the progress on developing a clear policy regarding inventory, ownership and management of property acquired with Trustee Council funds. June Sinclair reported that a review of the Trustee Council's operating procedures found that there was not clear policy on the question of ownership. Dave Gibbons related that the Trustee Council meeting transcripts show more explicit policy direction as related by Charlie Cole. Apart from the ownership issue, the question of what to do with equipment remains... leave it with agencies or collect and warehouse? Jim Ayers reiterated need to accumulate information from each agency regarding an inventory of items, location and agency. Sandy Rabinowitch related that

Trustee Agencies

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

some of the individual agencies equipment policies may have to be taken into account. June Sinclair is working with David Bruce to draft policy.

5. Project 94191/Egg-Alevin Mortality Budget. Byron Morris and Bruce Wright related that NOAA intends to proceed with the MFO work as part of Project 94191/Egg-Alevin Mortality because of its importance but will use NOAA funding rather than Trustee Council funds for that portion of the project because of the Chief Scientists review and recommendation that this element of the project be dropped. NOAA is nevertheless requesting that the overall Trustee Council budget for Project 94191/Egg-Alevin Mortality remain the same rather than revised downward (approximately 13.0 is at issue). More information is forthcoming from NOAA.

6. FY 95 Work Plan Meeting with Contracting Officers. Jim Ayers indicated that he would be available to attend the Friday April 29th meeting to discuss the FY 95 Work Plan process with Contracting Officers.

7. Appraisal Process. Dave Gibbons briefly related that there is now a revised 12-step appraisal process.

cc:

Jim Ayers

Byron Morris/NOAA

Jerome Montague/ADF&G

Dave Gibbons/USFS

Sandy Rabinowitch/DOI

Mark Brodersen/ADEC

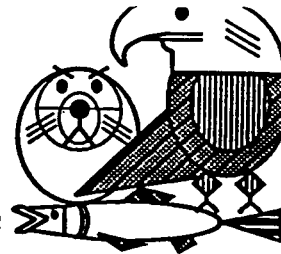
Veronica Gilbert/ADNR

Exxon Valdez Oil Spill Trustee Council

Restoration Office


645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations 

DATE: April 28, 1994

SUBJ: Project #94244/Harbor Seal and Sea Otter Co-op Assistance

The purpose of this memo is to clarify that Project #94244/Harbor Seal and Sea Otter Co-op Assistance has been authorized.

As you will note in the attached correspondence between the Chief Scientist and the Executive Director, a number of projects were identified as not being in need of peer review and approval due to the nature of the projects involved. This list of projects includes Project #94244/Harbor Seal and Sea Otter Co-op Assistance. Accordingly, the project should be considered as authorized.

attachment

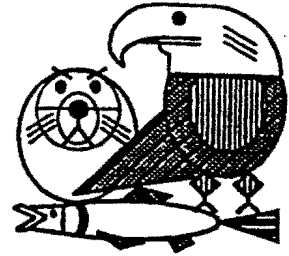
cc: Jim Ayers
Bob Spies
Joe Sullivan

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Dr. Bob Spies, Chief Scientist

FROM: 
James R. Ayers
Executive Director

DATE: March 25, 1994

RE: Scientific Peer Review of FY 94 Work Plan Projects

I have reviewed the memorandum you sent to Molly McCammon dated March 16, 1994 (copy enclosed) regarding projects that you do not believe require a scientific peer review of the Detailed Project Descriptions (DPD).

The purpose of this memorandum is to let you know that I concur with your assessment with the understanding that the projects identified in the attached list will be subject to all appropriate agency and public review and/or permitting processes.

JRA/mir

Enclosures

cc: Mark Brodersen, ADEC
Dave Gibbons, USFS
Veronica Gilbert, ADNR
Molly McCammon, EVOS-Anchorage
Eric Myers, EVOS-Anchorage
Byron Morris, NOAA
Jerome Montague, ADF&G
Sandy Rabinowitch, DOI

Trustee Agencies

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

A P P L I E D
marine
 S C I E N C E S

March 16, 1994

TO: Molly McCammon
 FROM: Andy Gunther *AG*
 Bob Spies *BS*
 RE: Peer Review of Detailed Project Descriptions

The purpose of this memo is to provide you with a list of those Detailed Project Descriptions that we do not believe will require scientific peer review. This list includes DPDs that we have received during the last two weeks, and some that we anticipate receiving in the future. In the latter case, we may change our recommendation upon review of the DPD, although we expect that instance to be rare. We would like your concurrence with our recommendations.

There are two major criteria that we have used to screen the DPDs, and if a project satisfies either criterion we have placed it on the list. The first criterion is to determine if a project does not have a scientific component, such as the Habitat Protection and Acquisition Fund (94126). The second criterion is a judgment as to whether the technical or scientific portion of the project is routine in nature. It is our opinion that projects without sophisticated or complex scientific components do not need to be reviewed by outside scientific experts. An example of such a project is the Chenega Chinook Release Program (94272).

Please review the list and let us know if you agree with our assessment. Some of the projects below may benefit from an independent review by experts who are not scientists (e.g., Institute of Marine Science-Seward Improvements [94199]).

Project Number	Project Title
94126	Habitat Protection and Acquisition Fund
- 94244	Harbor Seal and Sea Otter Co-op Subsistence Harvest Assistance
94272	Chenega Chinook Release Program
- 94279	Subsistence Food Safety Testing
94320-E	PWSAC-PWS System Investigation-Experimental Fry Release
94320-H	PWSAC-PWS System Investigation-Experimental Manipulation
94417	Waste Oil Disposal Facilities
94422	EIS for the Restoration Plan
94425	Marine Mammal Book
94507	Symposium Proceedings Publication
94199	Institute of Marine Science-Seward Improvements
94424	Restoration Reserve

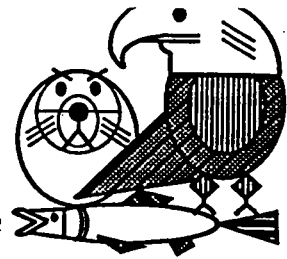


Exxon Valdez Oil Spill Trustee Council

Restoration Office


645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations 

DATE: April 28, 1994

SUBJ: Project #94279/Subsistence Food Safety Testing

The purpose of this memo is to clarify that Project #94279/Subsistence Food Safety Testing has been authorized.

As you will note in the attached correspondence between the Chief Scientist and the Executive Director, a number of projects were identified as not being in need of peer review and approval due to the nature of the projects involved. This list of projects includes Project #94279/Subsistence Food Safety Testing. Accordingly, the project should be considered as authorized.

attachment

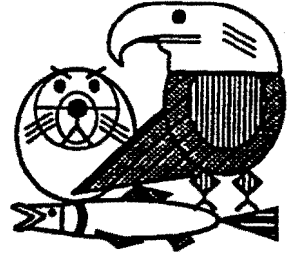
cc: Jim Ayers
Bob Spies
Joe Sullivan

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Dr. Bob Spies, Chief Scientist

FROM: 
James R. Ayers
Executive Director

DATE: March 25, 1994

RE: Scientific Peer Review of FY 94 Work Plan Projects

I have reviewed the memorandum you sent to Molly McCammon dated March 16, 1994 (copy enclosed) regarding projects that you do not believe require a scientific peer review of the Detailed Project Descriptions (DPD).

The purpose of this memorandum is to let you know that I concur with your assessment with the understanding that the projects identified in the attached list will be subject to all appropriate agency and public review and/or permitting processes.

JRA/mir

Enclosures

cc: Mark Brodersen, ADEC
Dave Gibbons, USFS
Veronica Gilbert, ADNR
Molly McCammon, EVOS-Anchorage
Eric Myers, EVOS-Anchorage
Byron Morris, NOAA
Jerome Montague, ADF&G
Sandy Rabinowitch, DOI

Trustee Agencies

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

A P P L I E D
marine
 S C I E N C E S

March 16, 1994

TO: Molly McCammon
 FROM: Andy Gunther *[Signature]*
 Bob Spies *[Signature]*
 RE: Peer Review of Detailed Project Descriptions

The purpose of this memo is to provide you with a list of those Detailed Project Descriptions that we do not believe will require scientific peer review. This list includes DPDs that we have received during the last two weeks, and some that we anticipate receiving the future. In the latter case, we may change our recommendation upon review of the DPD, although we expect that instance to be rare. We would like your concurrence with our recommendations.

There are two major criteria that we have used to screen the DPDs, and if a project satisfies either criterion we have placed in on the list. The first criterion is to determine if a project does not have a scientific component, such as the Habitat Protection and Acquisition Fund (94126). The second criterion is a judgment as to whether the technical or scientific portion of the project is routine in nature. It is our opinion that projects without sophisticated or complex scientific components do not need to be reviewed by outside scientific experts. An example of such a project is the Chenega Chinook Release Program (94272).

Please review the list and let us know if you agree with our assessment. Some of the projects below may benefit from an independent review by experts who are not scientists (e.g., Institute of Marine Science-Seward Improvements [94199]).

Project Number	Project Title
94126	Habitat Protection and Acquisition Fund
- 94244	Harbor Seal and Sea Otter Co-op Subsistence Harvest Assistance
94272	Chenega Chinook Release Program
- 94279	Subsistence Food Safety Testing
94320-E	PWSAC-PWS System Investigation-Experimental Fry Release
94320-H	PWSAC-PWS System Investigation-Experimental Manipulation
94417	Waste Oil Disposal Facilities
94422	EIS for the Restoration Plan
94425	Marine Mammal Book
94507	Symposium Proceedings Publication
94199	Institute of Marine Science-Seward Improvements
94424	Restoration Reserve



Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

Phone 907-278-8012 Fax 907-276-7178

FAX COVER SHEET

To:	Restoration Work Force June Arkoulis-Sinclair, EVRO Chris Rutz, ADNR Carol Fries, ADNR Bob Henderson, NOAA	Number:	In memory ✓ 586-7589 ✓ 762-2484 ✓ 562-4871 ✓ 206-526-6025 ✓
From:	Veronica Gilbert ADNR/EVRO	Date:	4/27/94
		Total Pages:	7

Attached is the agenda for the meeting with Trustee agency contracting officers on Friday at 9 a.m. and a revised issue paper on competition in the FY 95 work plan. The revisions reflect the changes we discussed at Tuesday's teleconference as well as those designed to focus attention on important items that were repeatedly overlooked in previous versions.

Copies are being faxed directly to June Arkoulis-Sinclair, EVRO; Chris Rutz and Carol Fries, ADNR; and Bob Henderson, NOAA.

Jerome, Mark, Dave, and Sandy - Please make sure the contracting officers for your agencies receive the attached agenda and issue paper.

FAX COMPLETE

A G E N D A
FY 95 Work Plan
Trustee Agency Contracting Officers

Teleconference

645 G. St., Anchorage • 4th Floor Conference Room
Federal Building, Juneau • NMFS Large Conference Room
Friday, April 29, 1994 • 9:00 a.m. to noon

Please bring to this meeting copies of statutes, regulations, and policies that pertain to competitive procurement of professional services. Of particular interest is 1) the federal counterpart to Alaska Statutes 36.30.265, a copy of which is attached, and 2) whether Trustee agencies may submit proposals in competition with private parties. As a matter of policy, the attached issue paper excludes Trustee agencies from submitting competitive proposals in response to requests for expressions of interest (RFQ) and subsequent requests for proposals (RFPs). We would like to know if there are legal proscriptions as well.

Discuss 4/27/94 draft of "Competition in the FY 95 Work Plan - Issue Paper."

1. Is the proposed approach workable under the contracting rules of your agency?
2. What do you recommend to improve the proposed approach?
3. Advise the Restoration Office on the following administrative questions:
 - Would State law require Alaska bidder's preference in evaluation of competitive proposals? If so, does this requirement conflict with federal mandates?
 - What administrative constraints apply to unsolicited proposals?

List of Participants:

<u>Agency</u>	<u>Agency Liaison</u>	<u>Contracting Officer</u>
Executive Director's Office	Molly McCammon Eric Myers	June Arkoulis-Sinclair
AK Dept. of Environ.Cons.	Mark Brodersen Bob Loeffler	David Bruce
AK Dept. of Fish and Game	Jerome Montague	Earnie Greek Dugan Petty, DOA Steve White, DOL
AK Dept. of Nat.Res.	Veronica Gilbert	Chris Rutz (available Thurs a.m., not Fri.)
U.S. Dept. of Interior	Sandy Rabinowitch	To be decided.
U.S. Dept. of Commerce, NOAA	Byron Morris	Bob Henderson
U.S. Dept. of Agriculture, USFS	Dave Gibbons	Glen McGuire/Steve Zeckler

Competition in the FY 95 Work Plan - Issue Paper

Issue

The Draft Restoration Plan encourages competitive proposals for restoration projects and expects that "the number of competitive contracts awarded to nongovernmental agencies...will continue to increase." The issue facing us is **how** to encourage competitive proposals in the FY 95 work plan.

Analysis

Two major approaches to encouraging competitive proposals are:

- A. **Status Quo.** The simplest way for the Trustee Council to encourage competitive proposals is to urge or direct Trustee agencies to continue to explore use of private organizations to implement restoration projects. Trustee agencies often issue RFPs for professional services or support services such as vessel charters. In FY 95, such RFPs would probably be issued after a detailed project description is approved.
- B. **Two-track Project Evaluation Process.** The status quo appears to work well for most restoration projects. However, encouraging competition at an earlier stage, that is, before detailed project descriptions are approved, may do more to foster innovation and counter the perception of a closed shop.

The Restoration Work Force has discussed this issue and identified the following five factors as important considerations in designing a procedure for encouraging competitive proposals.

- 1. **Management Responsibilities.** Trustee agencies have management responsibilities for resources and services injured by the oil spill. Projects that entail the exercise of discretion reserved to public agencies by law may not be appropriate for competitive proposals.
- 2. **Competition with the Private Sector.** Some Trustee agencies may be legally prevented from competing with the private sector. Even if a Trustee agency were legally allowed to compete with the private sector, it may be unwise for the Trustee Council to allow such competition because it may create the appearance of conflict of interest.

3. **Public Review.** We expect that brief (three to five pages) project descriptions will be prepared for all projects and published in the Draft Work Plan for public review. These will be prepared after a one-month invitation to the public to submit project ideas and a decision by the Executive Director (in consultation with the Trustee Council) as to which project ideas should go forward into the Draft Work Plan. Should the competitive process (requests for preliminary proposals) begin before the public comment period on the Draft Work Plan has closed, or afterward?
4. **Timing.** How early should the competitive process begin: a) before the Trustee Council approves the work plan, b) after they approve the work plan but before detailed project descriptions are approved, or c) after detailed project descriptions are approved? The Trustee Council is not likely to make any commitment of funds for FY 95 until the Restoration Plan is adopted, the public comment period on the Draft Work Plan has closed, and the Executive Director has made his recommendations. These actions are projected to take place on or about October 31, 1994.
5. **Project Duration / Multi-year Funding.** These are related questions. We expect that projects will be funded through completion of final reports, which usually extends the need for funding into the next fiscal year. We also expect the Trustee Council will be receptive to multi-year projects, such as those that require three to five years of study. The mechanism for multi-year authorizations has not yet been worked out, but the Trustee Council will probably choose to reconfirm the project's funding annually.

Illustration of a Two-track Project Evaluation Process

This section describes *for discussion purposes only* a two-track procedure for evaluating proposals. The first track, or **Status Quo**, describes in general how projects have been evaluated in the past. The second track, or **RFQ/RFP Process**, refers to a two-step procurement process, as described in Alaska Statutes 36.30.265 (copy attached), which would encourage competition earlier than does the status quo. We would like to know if there is a federal counterpart to this statute and will ask the federal contracting officers to direct us to the pertinent statutes, regulations, and policies for their respective agencies.

In this illustration, Trustee agencies would not be allowed to compete with the private sector under either track. It also envisions a request for preliminary proposals (RFQ) before the Trustee Council approves funding for the project, but would defer issuance of the request for proposals (RFP) until after funding decisions are made (10/31).

Two-track Project Evaluation Process

Period	Status Quo	RFQ/RFP Process *
05/15 - 06/15	Solicitation of restoration project proposals (three to five-page brief project descriptions).	
06/15 - 07/15	Scientific and technical review of proposals.	
06/15 - 07/31	The Executive Director, in consultation with the Trustee Council, decides which projects should be in the Draft Work Plan and, furthermore, which projects should be developed by Trustee agencies (and perhaps implemented through a competitive process) and which should be developed through the RFQ/RFP process.	
06/15 - 08/15	Trustee agencies revise brief project descriptions, if necessary.	Trustee agencies develop requests for preliminary proposals (AS 36.30.265 and its federal counterpart).
08/15 - 09/30	Public reviews Draft Work Plan..	Public reviews Draft Work Plan. Non-Trustee agencies and private parties prepare and submit preliminary proposals.
10/01 - 10/20	Executive Director reviews public comments on the Draft Work Plan and prepares his recommendations.	Preliminary proposals are evaluated. Executive Director reviews public comments on the Draft Work Plan and prepares his recommendations.
10/31	Trustee Council decides which projects to fund.	Trustee Council decides which projects to fund.
After 10/31	Implement projects through: • agency personnel • RFP or • sole source.	If the Trustee Council approves the project, a request for proposals (RFP) is issued to those determined to be technically qualified through the evaluation of preliminary proposals.

*RFQ/RFP refers to the two-step procurement process, as described in AS 36.30.265 (copy attached).

Effect of amendments. — The 1989 amendment, effective September 10, 1989, deleted "as defined in AS 36.30.100(c)" at the end of subsection (b).

The 1992 amendment, effective June

23, 1992, in subsection (b), added ", or qualifies for a preference under AS 36.30.170(e) or (f)" to the end and made a related stylistic change.

Sec. 36.30.260. Contract execution. A contract awarded under competitive sealed proposals must contain

- (1) the amount of the contract stated on its first page;
- (2) the date for the supplies to be delivered or the dates for construction, services, or professional services to begin and be completed;
- (3) a description of the supplies, construction, services, or professional services to be provided; and
- (4) certification by the project director for the contracting agency, the head of the contracting agency, or a designee that sufficient funds are available in an appropriation to be encumbered for the amount of the contract. (§ 2 ch 106 SLA 1986)

Sec. 36.30.265. Multi-step sealed proposals. When it is considered impractical to initially prepare a definitive purchase description to support an award based on listed selection criteria, the procurement officer may issue an expression of interest requesting the submission of unpriced technical offers, and then later issue a request for proposals limited to the offerors whose offers are determined to be technically qualified under the criteria set out in the expression of interest. (§ 10 ch 102 SLA 1989)

Sec. 36.30.270. Architectural, engineering, and land surveying contracts. (a) Notwithstanding conflicting provisions of AS 36.30.100 — 36.30.260, a procurement officer shall negotiate a contract for an agency with the most qualified and suitable firm or person of demonstrated competence for architectural, engineering, or land surveying services. The procurement officer shall award a contract for those services at fair and reasonable compensation as determined by the procurement officer, after consideration of the estimated value of the services to be rendered, and the scope, complexity, and professional nature of the services. When determining the most qualified and suitable firm or person, the procurement officer shall consider the

(1) proximity to the project site of the office of the firm or person unless federal law prohibits this factor from being considered in the awarding of the contract; and

(2) employment practices of the firm or person with regard to women and minorities.

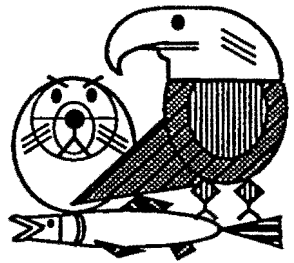
(b) If negotiations with the most qualified and suitable firm or person under (a) of this section are not successful, the procurement officer shall negotiate a contract with other qualified firms or persons of

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations *for*

DATE: April 27, 1994

SUBJ: Project #94086/Herring Bay Monitoring Studies

The purpose of this memorandum is to approve work to proceed under Project #94086/Herring Bay Monitoring Studies consistent with the recommendations of the Chief Scientist as reflected in his memorandum dated April 26, 1994 (attached). In particular, I would like to learn of the outcome of efforts to further coordinate Project #94086/Herring Bay with NOAA's mussel growth studies.

attachment

cc: Jim Ayers
Bob Spies
Joe Sullivan
Byron Morris
Jeep Rice
Eric Myers

Trustee Agencies

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

A P P L I E D
marine
S C I E N C E S

April 26, 1994

TO: James Ayers
Executive Director

FROM: Robert B. Spies
Chief Scientist

THRU: Eric Myers

RE: Project 94086 ("Herring Bay monitoring studies")

Project 94086 ("Herring Bay monitoring studies") was delivered to my office with a request to expedite the peer-review process. The DPD for these projects arrived in our office on March 11, and the review of this project has been received.

The intertidal zone was greatly affected by the spill; many animals and plants were directly killed by the oil and by its cleanup. The Trustees have been supporting intertidal monitoring of Prince William Sound, the Kenai Peninsula and the Kodiak-Alaskan Peninsula areas since 1989. There were not only area-wide assessments, but intense studies of effects in Herring Bay, a hard-hit area on the north end of Knight Island. The investigators have done a particularly good job of comprehensively assessing the injury to shoreline resources. The work proposed under this detailed project description represents an extension of past work with emphasis on following the complex interactions between species on the recovering shorelines. Another part of this work involves the characterization of natural differences between oiled and unoled shorelines. As an example of the outcome of this work, it appears that the oiled shorelines naturally receive stronger currents (perhaps the reason they were oiled) which has implications for the differences observed in animal and plant distributions. It may be that the observed differences in organism abundance between oiled and unoled areas may represent greater damage than was first apparent.

The reviewer was generally positive on the proposed project: his comments are provided on the attached review. I arranged a conference call on April 25th to discuss these comments with the investigators. Nearly all of the reviewer's comments were satisfactorily addressed during the call. The one areas that needs further consideration is the potential overlap of the mussel growth studies with those to be done by NOAA in the oiled mussel bed study. This apparently can be resolved by discussion between Dr. Rice of the NOAA Auke Bay laboratory and Dr. Highsmith of the University of Alaska, Marine Science Institute.

I recommend that Project 94086 be approved, with the provision that the investigators coordinate, if possible and practical, the mussel growth studies in Herring Bay with the planned studies of the NOAA group on physiological impairment of mussels in oiled mussel beds.

As you are aware, the analysis that the peer reviewers and I have provided these Detailed Project Descriptions is focused upon their technical merit. I recommend that each project be given a budgetary review in addition to the technical review provided by my office.

CC: M. McCammon
J. Montague
R. Highsmith
S. Rice (Jeep)



REVIEW OF HERRING BAY MONITORING STUDIES PROJECT FOR 1994

Policy comments:

First, I must admit to some confusion over the process now in place for incorporating peer review into the Restoration program. Explicitly, I am providing peer review here of a project that has a starting date one month in the past. Furthermore, it has presumably already received Trustee Council support for funding in the 1994 Workplan. Consequently, the intent of soliciting my peer review comments is unclear. More importantly, has the program already been initiated on the intended time table or is it being delayed for review? Should I make review comments as if I were reviewing a proposal that could be meaningfully modified before its start-up, or should I merely do a superficial job of saying whether this makes enough sense to go forward? In brief, the intent and role of the peer review is unclear when it occurs essentially after the start of the field season and the project itself.

General Comments:

I support continued monitoring and restoration work on the intertidal habitat. The intertidal community was severely injured by EVOS and the recovery is incomplete. Some damages are continuing to propagate through the larger ecosystem that have their origin in the intertidal. Specifically, continued reproductive impairment in harlequin ducks, black oystercatchers, recently emerging declines in goldeneyes, and possibly other sublethal effects on higher-level consumers can be traced to consumption of oiled mussels and other intertidal prey. Further work in this habitat, which is the dinner table and the baby nursery for so many important vertebrate consumers of the coastal ecosystem, is a vital component of the restoration monitoring program.

Specific comments:

(1) Rather than focus all effort on the experimental study sites at Herring Bay, I would prefer to see some effort devoted to resampling of some of the stratified random sample pairs from the CHIA study, especially those where recovery was far from complete at last evaluation. It would not be appropriate to reproduce the large costs of that previous CHIA program, but some type of representative sampling that still allowed rigorous contrasts over time would seem feasible.

(2) I do not see the value of continuing to scrape portions

of quadrats clean and following their colonization. This has been repeatedly done by the CHIA and Herring Bay experimental programs in past years, with what appears to be modest value to the results. What is the justification for needing to do more of this monitoring of scraped plots (Objective a)?

(3) Following the recovery of Fucus, the barnacles, Nucella, limpets, and littorines is indeed a proper emphasis, based upon results of the previous studies. This is where the impacts of the spill continue to be evident.

(4) The goal of assessing whether mussels grow at different rates on oiled vs control shores is an important means of evaluating and testing the possibility that oiled shores tend to be intrinsically more productive biologically because of greater exposure to faster current flows and more food and larvae. The methods (Objective b) do not make clear how local biological milieu may be held constant or controlled for in these comparisons of mussel growth between oiled and unoiled sites. That could be important, especially in dense mussel beds where deletion of foods could conceivably occur. Again here, I question why mussel recruitment onto cleared plots is to be measured once again. Furthermore, what relevance does recruitment to cleared plots have to recovery from the spill if the actual damages from EVOS did not truly clear the shore but thinned it instead?

(5) Insufficient information is provided on results of deploying the dissolution blocks in 1993 to allow adequate review of whether the 1994 protocol (Objective c) is an appropriate response to what has already been learned about potential differences in flows between oiled and control shores.

(6) The continuation of Fucus measurements started in 1991 seems appropriate (Objective e). This component should also address the possibility that the oiled shores possess intrinsically higher growth rates of Fucus, analogous to the hypothesis being tested for mussels.

(7) Absolutely no methodology is presented to identify the means by which allelochemicals from Fucus could be identified, quantified, or tested for their impacts on ephemeral algae (Objective e). Furthermore, there is no good justification provided for why knowledge of this mechanism is necessary to understand damage or recovery. It was my understanding that the bloom of ephemeral algae was relatively short-lived and ended by 1991.

(8) I recall seeing data on Fucus egg settlement from 1990 or 1991, but I have not seen information showing that egg settlement differences persisted through 1993. This information is necessary to judge the merits of continuing these measurements (Objective f).

(9) It would be nice if this study could devote effort, if

practical, to assessing whether some of the more long-lived (and difficult to sample!) species such as octopus, chitons, etc, still show spill-related injury. This question was never satisfactorily addressed in the original CHIA sampling design and may be too costly to address now. But some thought about the issue may produce a means now of targeting sampling at reasonable cost on some of these species.

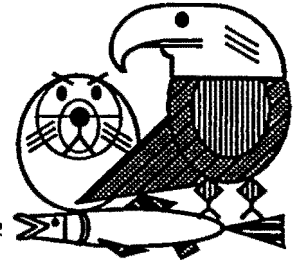
(10) More explicit and meaningful interactions between this intertidal habitat study and the now separate studies on important vertebrate consumers, such as black oystercatchers and harlequin ducks, would be appropriate so as to come closer to an understanding of the integrated coastal ecosystem.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



M E M O R A N D U M

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations *dfm*

DATE: April 27, 1994

SUBJ: Project #94427/Experimental Harlequin Duck Breeding Survey

The purpose of this memorandum is to approve work to proceed under Project #94427/Experimental Harlequin Duck Breeding Survey consistent with the recommendations of the Chief Scientist as reflected in his memorandum dated April 26, 1994 (attached).

Please provide me with a copy of the supplemental material requested by the Chief Scientist (i.e., the additional information regarding development of the sampling scheme and an evaluation of the success of the project).

attachment

cc: Jim Ayers
Bob Spies
Joe Sullivan
Eric Myers

Trustee Agencies

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

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

A P P L I E D
marine
S C I E N C E S

April 26, 1994

TO: James Ayers
Executive Director

FROM: Robert B. Spies *RRS*
Chief Scientist

THRU: Eric Myers

RE: Project 94427 ("Experimental harlequin duck breeding survey")

Project 94427 ("Experimental harlequin duck breeding survey") was delivered to my office with a request to expedite the peer-review process. The DPD for these projects arrived in our office on April 19, and the review of this project has been received. As we have agreed, I plan to provide a formal recommendation for each project that summarizes the purpose of each study and its relationship to restoration management objectives.

Harlequin ducks were injured by the spill; they were directly killed and there have been very few breeding pairs or broods seen in western Prince William Sound since 1989. Harlequin duck studies have been funded since 1990 by the Trustees. Future progress depends on a complete evaluation of the status of the injury and the recovery, which should be available in the final reports from past work. We expect that ADF&G will have most of the reports not yet received and revisions of reports that have been reviewed available soon. It is plain that further restoration work with this species will require a better survey method to be developed. This currently proposed project will lay the ground work for better surveys in the future by solving some of the "how to" problems for this species.

The reviewer was very positive on this project and his comments were rather minor in nature as can be seen from the attached review.

I recommend that Project 94427 be approved, with the following provisions:

1. More information be supplied about how the sampling scheme is to be developed. This was requested by the reviewer and could be provided in the form of a supplementary letter to the DPD.
2. The investigators should provide an evaluation of their success in designing a new methodology before September 30, 1994.

As you are aware, the analysis that the peer reviewers and I have provided these Detailed Project Descriptions is focused upon their technical merit. I recommend that each project be given a budgetary review in addition to the technical review provided by my office.

CC: M. McCammon
J. Montague
T. Rothe
W. Regelin



Proposed Project "Experimental Harlequin Duck Breeding Survey"

Need:

The need for a monitoring survey is well, if briefly, laid out in the introduction. Harlequin duck populations are demonstrably depressed in the spill area in Prince William Sound, and reproduction has been almost nil since the spill. There is no other research or monitoring of this population being conducted. Harlequin ducks are not included in the standardized waterfowl surveys conducted by state and federal agencies under the coordination of the Pacific Flyway Council. Additionally, harlequin ducks from this region are unrepresented on the nationally conducted Breeding Bird Surveys, nor will they be recorded on the Partners In Flight monitoring scheme being implemented for neotropical migrant birds. Because of the geographic location of the area and the specific habitats occupied, only surveys designed specifically for harlequin ducks will provide a reliable basis for monitoring the status of this injured population. Monitoring the status of the population is the minimal conservation effort.

Objectives and Methodology:

The objectives are appropriate and clearly stated, but the methods are so briefly stated that it is difficult to assess the likelihood of success in some cases. I will examine each objective individually.

1. Conducting a boat survey - The protocol, location and timing of surveys for harlequin ducks have been previously worked out for this area. This type of survey can be done and will not require any development and testing during this project.
2. Testing methods of classifying age and sex composition - This is really a development of criteria for classifying age and sex, as stated in the Methods. Plumage classes and characteristics are fairly well known for harlequin ducks. This objective is mostly a case of writing up a protocol for field use. Training observers would be desirable to obtain consistent results.
3. Compare reliability of classification methods and select a viable option - Not much detail in the methodology about how comparisons will be made nor how a "viable" option will be selected. This is perhaps the weak point of the proposal. A specific method of analysis, preferably statistical, and the

selection criteria need to be established before data is collected. One difficulty is that the "true" values are unknown, making it difficult to compare among methods and select the "best", by which is usually meant the most accurate. However, accuracy is the one thing that cannot be measured. Hence, setting evaluation criteria before collecting data is important for an objective analysis.

4. Design a sampling regime - I did not see anything in the methods about testing different sampling schemes. To me a sampling regime means things such as the number of replicates, size of sample unit, and other things collectively called statistical sampling design. Perhaps the authors meant something different from what I have indicated, but sampling design is vital to "...reliably estimating numbers...." A brief description of how a sampling regime will be developed is needed.

I have one suggestion to make regarding the collection of data. A small helicopter might be a superior platform for collection of data. A helicopter has the advantage over a boat in terms of perspective of the observers and maneuverability close to shore. Perspective may be especially important for photography and videography. The practicality of using a helicopter in Prince William Sound for this type of survey can only be judged by those with experience in this and similar areas, i.e. the project leaders.

Qualifications:

Both Dan Rosenberg and Tom Rothe are highly qualified via training and experience to conduct the project. Both have extensive experience censusing and surveying waterfowl and other aquatic birds. Consultation with a statistician versed in wildlife survey methodology is probably warranted.

Conclusions:

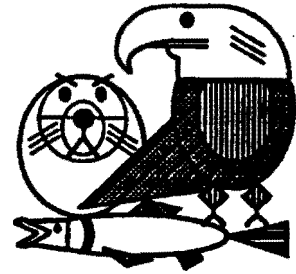
In my opinion the project is important, has a high probability of successful completion and is conducted and directed by qualified individuals.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 26, 1994

Mr. William H. Timme
Middleton, Timme & Luke
Law Offices
550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501

Dear Mr. Timme:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised by you and others that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide

Trustee Agencies

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

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

opportunities for sellers desiring to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

You stated in your letter that acquisitions by the Council should not be treated like other governmental acquisitions because public funds are not involved. That assumption is incorrect. The funds received by the two governments were in settlement of federal and state legal claims against Exxon resulting from the oil spill. Congress has appropriated the federal portion of these funds, and expenditure of the state's portion is subject to review by the Alaska Legislature. The use of these funds is controlled by various statutory and trust obligations, including the Federal Clean Water Act, as well as the Memorandum of Agreement and Consent Decree entered by the United States District Court for the District of Alaska on August 28, 1991.

The Trustee Council has no inherent authority to directly procure or expend funds, or to acquire property in its name. Instead, it must utilize the existing authorities of one or more of the trustee agencies for any procurement. The Trustee Council intends to comply with the applicable governmental requirements for procurement of real property.

Your letter also expresses some confusion over the Council's policy for the interest in land it seeks to acquire. While acquisition of the full fee estate may be, in many cases, the preferred restoration approach, the Council has expressed its intention to attempt to accommodate the concerns of the sellers in this regard. I have enclosed excerpts describing the Habitat Protection and Acquisition portions of the Draft Restoration Plan produced by the Council in November 1993. This draft plan will not be finalized until completion of the environmental impact statement which is now in preparation and intended to be released to the public in June for comment. The Council also publicly discussed in some detail at several meetings last year its willingness to consider less than fee acquisition with respect to lands owned by Eyak Corporation which were subject to imminent threat of development. I trust that this adequately clarifies the Council's position in this regard.

I am very disturbed by the innuendo and outright misstatements contained in your April 6 letter. Such unfounded allegations serve no beneficial purpose. As Executive Director, I wish to assure you that the State and Federal governments do not intend to allow such allegations to negatively impact the habitat protection program. The wisdom underlying the Uniform Federal Appraisal Standards is that they are designed to eliminate subjective attitudes from the land acquisition process.

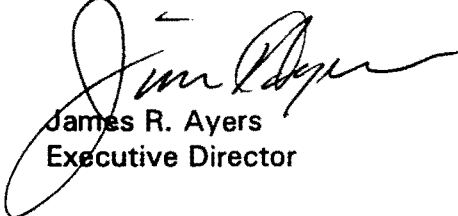
I have enclosed a copy of a letter I have received from Maria Lisowski from the Office of General Counsel for the United States Forest Service addressing allegations in your letter of April 6, 1994 specific to the Forest Service. I have investigated some of these allegations myself and can advise you that I concur absolutely with Ms. Lisowski's response to them.

You allege bias from the fact that the United States Forest Service considered using Cal Kerr and Charles Heran to appraise land at Chenega. It is my view that it would be inappropriate to retain anyone under contract as an expert witness in the Exxon litigation to appraise land for the Trustee Council.

April 26, 1994

I understand that your clients have concerns that the appraiser may not value the so-called "public interest" component or "natural land" component of your clients' lands. This is a governmental acquisition issue that has appeared in a number of contexts nationwide. The Trustee Council, in authorizing the appraisal of fair market value, does not intend to, nor do we believe it can, deviate from the federal standard applied throughout the United States.

Sincerely,



James R. Ayers
Executive Director

JRA/mir

Enclosures: 1. Letter from Maria Lisowski dated April 19
2. PP. 18-20 of the Draft Restoration Plan
3. Finalized standardized instructions



United States
Department of
Agriculture

Office of
General
Counsel

RECEIVED

APR 19 1994

EVOS TRUSTEE
COUNCIL

P.O.Box 21628
Juneau, Alaska
99802-1628
(907) 586-8826

April 19, 1994

James Ayers
Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G Street
Anchorage, AK 99501

Re: Response to Timme Letter

Dear Jim:

I have received a copy of an April 6, 1994, letter to you written by Mr. Bill Timme. Mr. Timme makes several allegations of wrongdoing, including an intentional misrepresentation of the law by myself, and inappropriate conduct undertaken by the Forest Service contract appraiser and the Forest Service Regional Appraiser. For the reasons described below, such allegations are patently false and only serve to inflame the parties participating in the Trustee Council restoration acquisition process. While neither I nor the Forest Service wish to aggravate such discussions, we are compelled to respond to these allegations to clarify the record.

First, Mr. Timme alleges I represented that "the federal government was precluded from paying more than the appraised value for lands being acquired" during a meeting in Juneau earlier this year. As you were in attendance, you may recall I indicated that under Section 301(3) of Public Law 91-646, an agency may not offer to acquire property for less than the agency's approved appraisal of the fair market value of such property. 42 U.S.C. § 4651(3). I also indicated that it appeared an agency is not prohibited from paying more than the appraised fair market value, but that Congressional approval of such a transaction would be necessary. To support this understanding of the need for Congressional approval, I cited House Report 102-116, dated June 19, 1991.

This Congressional direction was issued in conjunction with the Department of the Interior and Related Agencies Appropriations Act ("Interior Appropriations Act") for fiscal year 1992. The Report provides the following: "Land shall not be acquired for more than the approved appraised value (as addressed in Section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures."

Arguably this direction only applies to acquisitions funded by appropriations contained in the 1992 Interior Appropriations Act. However, the Forest Service informs me that in its experience, since issuing this direction Congress has required approval of acquisitions for more than the appraised fair market value for acquisitions funded through appropriations. Because any use of joint trust funds by the federal government are subject to the Congressional appropriations process, see Section 207 of Public Law 102-229, 105 Stat. 1715-6, and Appendix D of the Exxon Valdez Oil Spill Trustee Council Financial Operating Procedures, an acquisition by the Council for more than the approved appraised fair market value appears to require Congressional approval. The above discussion is consistent with the advice I provided at the Juneau meeting with Mr. Timme and simply does not constitute an "intentional misrepresentation" of the law either by myself or the Forest Service.

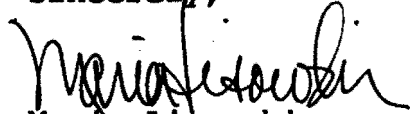
Second, Mr. Timme alleges that for the Chenega appraisal, Chenega was offered the choice of either Charles Heran or Diane Black-Smith, who had been associated with Cal Kerr to perform the timber valuations. He also alleges that Mr. Heran and Mr. Kerr have been retained as experts by Exxon Corporation in the pending private plaintiffs oil spill litigation. To the Forest Service's knowledge, Mr. Heran has not been retained by Exxon Corporation. While Mr. Heran occasionally performs appraisal activities for the Forest Service, he has not been awarded a contract to undertake appraisal work related to the Trustee Council's restoration program. With respect to Mr. Kerr, the Forest Service dismissed outright the possibility of using Mr. Kerr to conduct appraisal activities upon learning of his association with Exxon. Neither the Forest Service nor the Trustee Council is currently considering the use of Mr. Kerr to perform appraisal activities.

Third, Mr. Timme alleges that Forest Service Regional Appraiser, Rich Goossens, is in regular communication with Diane Black-Smith, the appraiser under contract with the Forest Service to appraise land interests for the acquisitions proposed pursuant to the Trustee Council's restoration program. In addition, he alleges Mr. Goossens prepared spreadsheets of comparables for Ms. Black-Smith and guided her with regard to the determination of the highest and best use as part of the Chenega appraisal. Mr. Goossens serves as the Contracting Officer's Representative for the Forest Service contract with Ms. Black-Smith's firm. As such, he is in frequent communication with Ms. Black-Smith regarding normal contract administration matters such as progress reports to justify requests for payment and qualifying subcontractors to perform work required under the contract. Mr. Goossens did not prepare any spreadsheets or otherwise provide any evaluation data to Ms. Black-Smith or any member of her firm regarding the highest and best use determination. The only information that has been provided by Mr. Goossens is a copy of the *Uniform Appraisal Standards for Federal Land Acquisitions* (1992), and several copies of references to

appraisal publications that are readily available to the public and the appraisal community.

I believe this responds to Mr. Timme's unsubstantiated allegations and sets the record straight. Please feel free to contact me should you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria Lisowski', written over the typed name.

Maria Lisowski
Acting Assistant Regional Attorney

cc: M.Barton, RF
J.Wolfe, EAM
D.Gibbons, EAM
R.Goossens, LMW
A.Swidorski, ADOL

Habitat Protection and Acquisition

Habitat protection and acquisition is one of the principal tools of restoration. It is important in ensuring continued recovery in the spill area.

Resource development, such as harvesting timber or building subdivisions, may alter habitat that supports resources or services. Protecting and acquiring land may minimize further injury to resources and services already injured by the spill, and allow recovery to continue with the least interference. For example, the recovery of harlequin ducks might be helped by protecting nesting habitat from future changes that may hamper recovery.

Habitat protection and acquisition may include purchase of private land or interests in land such as conservation easements, mineral rights, or timber rights. Different payment options are possible, including multi-year payment schedules to a landowner. Acquired lands would be managed to protect injured resources and services. In addition, cooperative agreements with private owners to provide increased habitat protection are also possible.

Most public comments on the restoration alternatives favored using habitat protection and acquisition as a means of restoration. In addition, most of those who commented also asked that it receive a majority of the remaining settlement fund.

In the Alternatives for the Draft Restoration Plan, the public was asked to describe areas they would like the Trustee Council to acquire or protect. Many people recommended areas for purchase. The areas recommended are distributed throughout the spill area and are listed in Appendix C.

If restoration funds are used to protect a parcel, it must contain habitat important to an injured resource or service. The following injured resources might benefit from the purchase of private land or property rights: pink and sockeye salmon, Dolly Varden and cutthroat trout, Pacific herring, bald eagle, black oystercatcher, common murre, harbor seal, harlequin duck, marbled murrelet, pigeon guillemot, river otter, sea otter, intertidal organisms, and archaeological sites.

Habitat protection and acquisition is a means of restoring not only injured resources, but also the services (human use) dependent on those resources. Subsistence, recreation, and tourism, benefit from the protection of important fish and wildlife habitats, scenic areas, such as those viewed from important recreation or tourist routes, or important subsistence harvest areas. For example, protecting salmon spawning streams benefits not only the salmon, but also commercial, subsistence, and recreational fishermen.

Habitat protection on existing public land and water may include recommendations for changing agency management practices. The purpose, in appropriate situations, is to increase the level of protection for recovering resources and services above that provided by existing management practices. The Trustee Council may conduct studies within the spill area to determine if changes

to public land and water management would help restore injured resources and services. If appropriate, changes will be recommended to state and federal management agencies. Recommendations for special designations, such as parks, critical habitats, or recreation areas, may be made to the Alaska legislature or the U.S. Congress.

Habitat and Acquisition Protection Policies

In addition to the policies of Chapter 2, the following specific policies apply to Habitat Protection and Acquisition.

- Private lands considered for purchase will be ranked according to the potential benefits that purchase and protection would provide to injured resources and services. Those parcels that greatly benefit the injured resources and services will be highly ranked.
- State and federal governments will purchase lands on the basis of a willing seller and a willing buyer.
- In order to make the best use of restoration funds, purchases will not exceed fair market value. Appraisal of individual parcels of land will precede all purchases.
- Habitat protection will follow an ecosystem approach by emphasizing acquisition of large parcels, such as watersheds, that support multiple injured species and ecologically linked groups of species. Protecting and acquiring small parcels may benefit larger surrounding areas, provide access to public land, or provide critical benefits to a single resource or service.
- Public comments will be considered when determining habitat protection priorities. Many comments about specific parcels have already been received.
- Acquired land will be managed by the most appropriate state or federal agency based on the resources to be protected, management needs, and ownership of surrounding and nearby lands.
- Except where specific restoration activities for acquired land exceeds normal agency efforts, land management costs will be met from existing agency budgets.
- Lands acquired with restoration funds will be managed in a manner benefitting injured resources and services. Covenants that outline management objectives will be determined by the time of purchase.
- Subsistence use should not be displaced through acquisition or protection of land or changing management practices

Making Decisions About Habitat Protection and Acquisition

The Restoration Plan provides general guidance for Habitat Protection and Acquisition activities. More detailed guidance will be given in the *Comprehensive Habitat Protection and Acquisition Process: Large Parcel Evaluation and Ranking*. That document was completed in November 1993. This comprehensive process will outline criteria and procedures for evaluating and ranking large parcels of private lands for protection and acquisition.

The large parcel analysis will address private property parcels larger than 1,000 acres that are within the spill area and whose owners have indicated an interest in having their lands evaluated for the protection and acquisition program. Smaller parcels may be evaluated in the future. For each parcel of land, the Trustee Council will decide the type of protection or ownership rights needed for restoration, and how it will be managed. In addition, for each parcel the Council will decide whether and when to begin negotiations with the landowner. The type of protection and management will also be the subject of negotiation with the landowner.

UNLESS SPECIFICALLY STATED OTHERWISE, THE FOLLOWING SPECIFICATIONS APPLY TO BOTH FEE SIMPLE LAND APPRAISALS AND PARTIAL ESTATE INTEREST APPRAISALS.

C.3 GENERAL SPECIFICATIONS

A. The Contractor shall furnish all materials, supplies, tools, equipment, personnel, travel and shall complete all requirements of this contract including performance of the professional services listed herein.

Four copies of the Draft Appraisal Report shall be submitted in a three ring loose-leaf binder. The Contractor will furnish one original and three copies of the final appraisal. The report shall provide an estimate of cash fair market value for the fee simple estate free of all assessments, and shall conform to the Uniform Standards of Professional Appraisal Practice (USPAP) as published by The Appraisal Foundation, and the Uniform Appraisal Standards for Federal Land Acquisitions, 1992 Edition, (ISBN 0-16-038050-2)(UASFLA).

The Narrative Appraisal Report shall conform to recognized appraisal format, principles, and practices applicable to estimating cash fair market value, as required in the UASFLA.

B. Narrative Appraisal Report.

The Contractor shall make a detailed field inspection and identification of the item(s) of property as specified in each Task Order, and shall make such investigations and studies as are appropriate and necessary to enable the Contractor to derive sound conclusions and to prepare the appraisal report.

C. Examination Notice.

The Contractor shall provide the property owner and the governmental representative a minimum of 10 days advance notice of the examination date and shall give the owner, or his designated representative, and the Government an opportunity to accompany the Contractor during his inspection of the property. These notices shall be documented in the Contractor's transmittal letter of the appraisal report. The Contractor shall certify that the signatore of the report has personally visited the subject property(s) and all of the comparable transactions used in the comparative analysis.

D. Updating of Report.

Upon the request of the Government, the Contractor shall during a two-year period following the valuation date of the appraisal report show value as of a specified date. The Contractor will furnish one original and three copies of the updated report, which shall include sales data or other evidence to substantiate the updated conclusion of value if a change in value occurs.

E. Testimony.

Upon the request of the United States Attorney or the Department of Justice, or the Alaska Attorney General, the Contractor shall testify in any proceedings, as to the value as of the valuation date of any and all property included in the appraisal report.

Item (F) is applicable to partial estate interest appraisals only.

F. Estate to be Appraised.

1. When a partial estate interest is appraised, it will conform to UASFLA and will incorporate a before and after appraisal meeting agency standards as described in the task order.

2. After the market value of the fee estate has been determined, the appraiser may be requested to determine the contributory value of the various estates. The contributory value of the various estates must equal the market value of the fee estate.

C.4 TECHNICAL SPECIFICATIONS

4.1 REPORT

A. Format.

The report shall be typewritten on bond paper sized 8 1/2 by 11 inches with all parts of the report legible and shall be bound with a durable cover and labeled on the face. The label will identify the appraised property, the contract number, appraiser's name and address, and the date of the appraisal. All pages of the report, including the exhibits, shall be numbered.

B. Contents.

The report shall be divided into tabulated parts:

- Part I - Introduction
- Part II - Factual Data
- Part III - Analyses and Conclusions
- Part IV - Addenda

The content of the report shall, as a minimum, contain the following:

1. PART I - INTRODUCTION

a. Title Page shall include (1) the borough name(s) and general location(s) of the property; (2) that the appraisal is for the lead agency identified in the task order; (3) name and address of individual and the firm or corporation making the appraisal report; (4) the report date.

b. Table of Contents shall be arranged in accordance with the sequence of topical headings with corresponding page numbers.

c. Summary of Facts and Conclusions shall be a brief resume of the essential highlights of the report in order to offer a convenient reference to basic facts and conclusions. Items which shall be included are (1) name of project and agency; (2) owner of record; (3) location or legal description; (4) name of appraiser; (5) dates of field work; (6) date of inspection; (7) effective date of appraisal; (8) interest under appraisement; (9) size; (10) highest and best use; (11) appraised values.

d. Statement of Assumptions and Limiting Conditions. The Contractor shall include in the report a statement of assumptions and limiting conditions related to the appraisal of the property.

e. References. The Contractor shall list the sources of data incorporated in the report, such as records, documents, technicians, or other persons consulted along with a statement of their qualifications and identification of their contribution to the report.

2. PART II - FACTUAL DATA

a. 1. Purpose of Appraisal for Partial Estate Interest Appraisal. The Contractor shall state that the purpose is to estimate total compensation for the estate to be acquired considering damages and/or benefits to the remainder. It shall include the function of the appraisal and a description of the estates appraised in both the before and after conditions.

2. Purpose of Appraisal for Fee Simple Land Appraisal. The Contractor shall state that the purpose is to estimate fair market value for the property. It shall include the function of the appraisal, and a definition of all values required and property rights appraised.

b. Definition of Fair Market Value. The definition is that as described in the UASFIA and expanded upon in USPAP.

c. Estate Appraised. Describe the Estate to be appraised and the legal description of the subject property.

d. Area and Neighborhood Data. The report shall include a concise discussion of market area, trends in use, and neighborhood and area analysis. This data (social, economic, and political) shall provide the basic information leading to a conclusion of highest and best use and shall include only information that directly affects the value of the property being appraised.

e. Property Data. The report shall include a narrative description of significant land features and all improvements. This section shall show the availability and suitability or adaptability of the property for the highest and best use. The property data shall include, as a minimum, the following:

1. A description of the land, giving dimensions, size, shape, access status and characteristics, land types, topography, timber, livestock forage, mineral character, and other characteristics that might affect value. If there is an indication that timber or mineral deposits have commercial value, this should be stated. If part of the property is assigned higher value than other portions, prepare a map delineating the various land classes.

2. A discussion of outstanding rights or possessory interests (easements, permits, leases, adverse possession, etc.) describing the type, area, condition, terms, rates, and their effect on value.

3. A description of all improvements, discuss each with reference to its physical condition, present use, obsolescence, and its contribution to the highest and best use.

4. A statement of the current assessed value and dollar amount of property taxes and discuss their effect on value.

5. A description of the zoning and other restrictions for the subject property and discuss their effect on value.

6. A discussion of the effect on value of reservations and covenants described in the estate.

7. Distinguish between any real property and personal property values.

8. A discussion of any environmentally threatening factors that may affect the property such as toxic waste, physical hazards, or noxious materials.

3. PART III - ANALYSES AND CONCLUSIONS

- a. Analyses of Highest and Best Use. State the highest and best use or combination of uses that can be made of the property (land and improvements) for which there is a current private open market. Give evidence of the demand for such use. If the highest and best use is different than the present use, discuss how the property is available, suitable, adaptable, and in demand for the new use. Be cautious in identifying highly speculative uses that are contingent on occurrences that are not demonstrated in the marketplace within which the subject might compete. Investment for profit or speculation in and of themselves are not acceptable highest and best uses without the identification of the physical interim use and future use that is being

anticipated. Highest and best use cannot be predicated on a demand created solely by the project for which the property is acquired (e.g., rock quarry, when the only market is a highway project for which the property was acquired). A proposed highest and best use cannot be the use for which the government is acquiring the property (e.g., missile test range, airfield, park), unless there is a prospect and demand for that use by others than the government.

b. Data Analysis. This section, divided into topical headings, shall contain the appraiser's discussion and analysis of market trends and elements of value. The text may refer to factual data included in the Addenda to the report.

The appraiser shall specifically state his conclusion, the factual data calculations, and the process of reasoning that led him/her to that conclusion.

The following items, as a minimum, shall be discussed in this section:

1. Cash Versus Contract Sales. All value estimates made in the appraisal report will be on the basis of cash or cash equivalence. The effect of financing on market value will be considered and the conclusions documented in this section. Cash equivalent is defined as: That price that would have been in effect, had the terms been all cash.

2. Price-time Trends.

3. Physical Characteristics. The effect on value of elements such as size, location, access characteristics and status, road or highway frontage, restrictive covenants, zoning, utilities, view, vegetative cover, water frontage, mineral character and potential, and other elements of value as demonstrated in the market will be explored and analyzed.

c. Estimate of Value. The appraiser's estimates of value shall be developed in a logical sequence using accepted approaches to value supported by confirmed factual data.

1. Approaches to Value. Value shall be based upon the properties' highest and best use, which may differ from present use, and shall be supported by confirmed transactions of comparable lands having similar highest and best uses. In all cases, the three approaches to value (cost, income, and direct sales comparison) shall be considered, and used, if applicable. At a minimum, the appraisal report shall contain a direct sales comparison approach which analyzes and compares the subject to all appropriate comparable sales, ending in a subject property value indication based on each sale. All such direct comparison indications shall then be correlated to a final estimate of value.

2. Comparable Sales. The appraiser shall personally visit, investigate, list in the report, and be prepared to testify with respect to all sales which may be pertinent to the valuation of the subject. The sales considered and not actually used by the appraiser shall be listed in a table in the Addenda. This list shall cite pertinent facts such as date, size, buyer and seller, price, terms, location, etc., and include a remark as to why each sale was not used in the estimate of value. All comparable sales used in the valuation discussion shall meet the test of market value. All transactions used shall be verified with parties knowledgeable of the sale, (grantor, grantee, broker). Include date of confirmation, the name of the party with whom the sale was confirmed, and the name of the person confirming the sale.

The appraiser shall examine all prices and terms of comparable sales as to their equivalency to cash. Where comparable sales prices are adjusted because of terms or for other reasons, the amount of the adjustment shall be supported by presentation of factual evidence and the appraiser's reasoning.

The sale price of comparable sales used in this appraisal report shall be adjusted for appreciation or depreciation, if any, for the period of time between the sale date and the valuation date (Market condition). The amount of the adjustment shall be clearly stated. The basis for the adjustment in the form of an analysis of available pertinent market evidence shall be presented. Sales and resales of unaltered properties similar to the comparables and in the same market area are preferred indicators of market condition. To be useful, such sales and resales must have occurred during the approximate period for which other comparables are being adjusted. Raw statistics on broad classes of property and covering large geographic areas will not suffice as a basis for the above described adjustments.

When using the direct sales comparison approach, the appraiser shall, for each sale listed, discuss: parties to the transaction, date of the transaction, acreage, legal description of the property, interest conveyed, consideration, conditions of payment (cash or terms--contract sales will be discussed and conclusions made as to their cash equivalence), improvements (kind and whether they contribute to highest and best use), personal property, any outstanding rights and reservations and their effect on value, and physical description--topography, cover, etc. Each comparable site should be described in narrative form in sufficient detail to indicate how it compares to the subject property in elements affecting value. Buyer and seller motivation of the comparable transaction must be discussed. The potential for development as of the date of purchase shall be explored and presented.

When adjustments are made to comparable sales, the basis for the adjustments shall be shown in sufficient detail and supported by all available market evidence to allow the reviewer to judge their validity and acceptability. The data will be presented in narrative form as well in comparison grids or

tables. When the value of the subject property and comparables are highly similar, lump sum adjustments are acceptable, although the elements of dissimilarity affecting value shall be listed. If quantified adjustments are made, they shall be directly supported by verified market evidence.

3. In the direct sales comparison approach, the last sale of the subject property shall be listed. If it is a valid sale, it shall be qualified and given appropriate consideration in the value conclusion.

4. In the income and cost approaches, all cost and income estimates shall be supported by comparative costs or rental data for similar properties. The methods used to determine capitalization rates, accrued depreciations, and depreciation rates shall be discussed and computations and comparisons shown. Comparison charts (such as rental comparisons, constructions cost comparisons, etc.) shall be developed where feasible.

Items 5 through 8 are applicable only to partial estate interest appraisals:

5. In accordance with established legal principles and procedures, the before value of the property shall be estimated as of the date of the appraisal without allowance of enhancement and/or diminution in value due to the project.

6. In the before acquisition appraisal, sales occurring after the date of the project shall be used in estimating value only if there is no project-related enhancement and/or diminution. In the after acquisition appraisal, applicable sales occurring up to the date of the appraisal shall be used with full consideration given to the effects of the acquisition and the project in the estimate of value.

7. In the after acquisition appraisal, the estimate of value shall be developed by comparison with sales of properties encumbered by similar easements. If this cannot be done, the appraiser shall develop the estimate by direct comparison or other use of sales which give evidence of the value attributable to the subject's utility in its encumbered state.

8. The after acquisition appraisal shall, as a minimum, contain the following:

- a. A brief description of the partial estate interest acquired.
- b. A description of the property rights acquired and a discussion of all the restrictions on the grantor and effect, if any, on the value of the subject.
- c. A discussion of the appraiser's interpretation of the property rights acquired.

d. A comprehensive description of the remainder in the after acquiring condition.

e. A discussion of the effect of the acquiring and the project on the remainder, showing highest and best use in the after condition and describing how benefits or damages occur.

d. Correlation and Final Value Estimate. The appraiser shall interpret the foregoing estimate and shall state his/her reasons why one or more of the conclusions reached in the estimate of value section are the best indicators of market value of the subject. The indicated value estimates derived through more than one approach to value will be correlated to reach the final estimate of value. If only the direct sales comparison approach is used, the indications given by the various sales will be correlated to reach the final estimate, showing which sale or sales were considered most comparable and provided the best value indicators. Where the "before and after" method is used to estimate just compensation, separate correlations are needed for the "before estimate" and the "after estimate".

The following item is applicable to partial estate interest appraisals only:

e. Estimate of Total Compensation. The appraiser's estimate of total compensation shall be derived as the difference between the estimated market value before the acquiring and the estimated market value of the property after the acquiring and as affected by the project. The method automatically takes into account diminution in value of and any benefits to the remainder.

This shall be shown as follows:

Value Before	\$ _____
Value After	\$ _____
Estimate of Just Compensation	\$ _____

The estimate of just compensation shall be summarized as follows:

Value of Part Acquired	\$ _____
Damages	\$ _____
Benefits	\$ _____
Estimated Total Just Compensation	\$ _____

The sum of the value of the part acquired and damages, less the benefits, must equal the difference between the before and after values.

- f. A Certification Statement will be included that is consistent with USPAP and UASFLA.

4. PART IV - ADDENDA

All maps shall be originals of high quality with properties depicted in color (i.e. subject - red; comparable - green). They shall be of sufficient detail, with legend, scale, and north arrow, in order that properties may be readily located on the ground using the maps.

The addenda shall include:

- a. Area Map - Small scale map showing the general location of the subject neighborhood.
- b. Neighborhood Map - Shall show the subject property and its immediate vicinity. The area and neighborhood maps may be combined if appropriate.
- c. Subject Property Map or Plat - A large scale map that clearly shows the dimensions and topography of the subject property.
- d. Comparable Sales Location Map - This shall show the location of sales used in estimating market value of the subject property in relationship to the subject.
- e. Comparable Sales Form - For all transactions used in the appraisal, show all of the pertinent information concerning each comparable. At a minimum, each verification will display the names of the state and geographic location, recording district, community area, grantor, grantee, estate purchased, instrument, tax parcel number, book/page, date, size, price, unit price, date of verification by whom and with whom, terms, legal description, access, utilities, zoning, highest and best use, current use, improvements, vegetation, topography, and soils. There should also be a remarks section.
- f. Full legal description of subject property as presented in the preliminary title report.
- g. Statement of the date(s) the subject property was inspected with the property owner or its representative and the governmental representative (or a statement that the property owner or the governmental representative(s) was invited but declined to accompany appraiser on the inspection).
- h. Photographs - The Contractor shall provide representative original color photographs of the subject property and all comparables in each copy of the final report. Photographs may be provided as a separate exhibit in the

addenda or included along with the narrative description of the subject property and sales. The following information shall be shown with each photograph:

1. Identification of scene in photograph (direction of view, etc.). The direction of view may be indicated on a map. If the photograph was taken from a distance such as an aerial or high vantage point, the approximate property boundaries must be clearly shown on the photograph. The boundaries of an area being appraised must be identified on one or more photographs of the subject, as appropriate.

2. The name of the individual taking the photograph.

3. The date the photograph was taken.

i. Other Material - The appraiser shall include all other pertinent documents provided by the Contracting Officer or representative, plus appropriate charts, maps, etc.

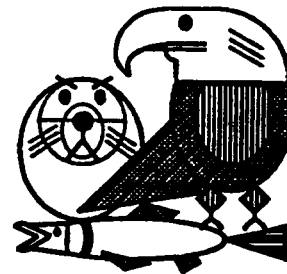
j. Qualifications of Appraiser - The qualifications of the appraiser shall be included in the report as evidence that the responsible person is qualified to make such an appraisal.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 26, 1994

Mr. Carroll Kompkoff
Tatitlek Corporation
P.O. Box 650
Cordova, AK 99574

Dear Mr. Kompkoff:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised by you and others that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring to obtain at their expense, appraisals conforming to UASFLA

Trustee Agencies

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

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

April 26, 1994

and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

You stated in your letter that acquisitions by the Council should not be treated like other governmental acquisitions because public funds are not involved. That assumption is incorrect. The funds received by the two governments were in settlement of federal and state legal claims against Exxon resulting from the oil spill. Congress has appropriated the federal portion of these funds, and expenditure of the state's portion is subject to review by the Alaska Legislature. The use of these funds is controlled by various statutory and trust obligations, including the Federal Clean Water Act, as well as the Memorandum of Agreement and Consent Decree entered by the United States District Court for the District of Alaska on August 28, 1991.

The Trustee Council has no inherent authority to directly procure or expend funds, or to acquire property in its name. Instead, it must utilize the existing authorities of one or more of the trustee agencies for any procurement. The Trustee Council intends to comply with the applicable governmental requirements for procurement of real property.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Ayers", with a long, sweeping horizontal line extending to the right.

James R. Ayers
Executive Director

JRA/mir

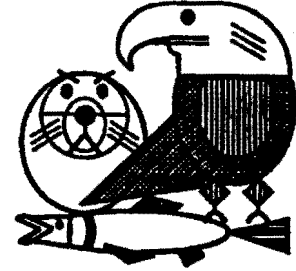
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Mr. Howard Valley
Chairman
Afognak Joint Ventures
P.O. Box 1277
Kodiak, AK 99615

Dear Mr. Valley:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

Mr. Howard Valley

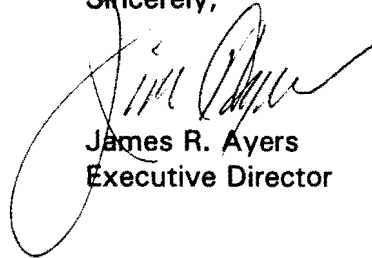
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", written over the typed name and title.

James R. Ayers
Executive Director

JRA/mir

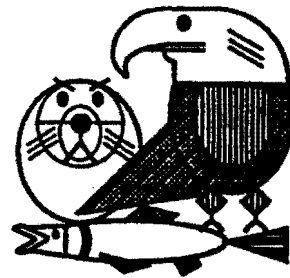
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Mr. Ralph Eluska
President
Akhiok-Kaguyak Corporation
5028 Mills Dr.
Anchorage, AK 99508

Dear Mr. Eluska:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

Mr. Ralph Eluska

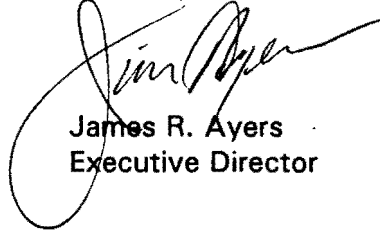
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", written over a large, loopy circular flourish.

James R. Ayers
Executive Director

JRA/mir

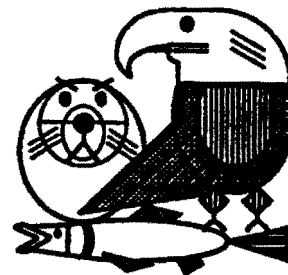
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Mr. Charles W. Totemoff
President
Chenega Corporation
P.O. Box 60
Chenega Bay, AK 99574-9999

Dear Mr. Totemoff:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way as you know. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

Mr. Charles W. Totemoff

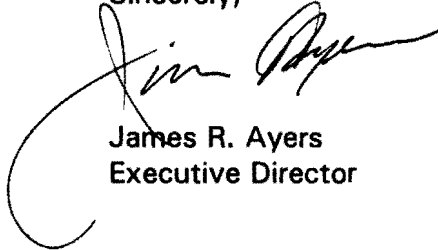
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", written over the typed name and title.

James R. Ayers
Executive Director

JRA/mir

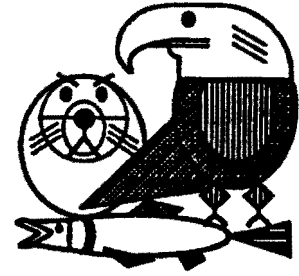
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Mr. Donald Emmal
President
English Bay Corporation
1637 Stanton Avenue
Anchorage, AK 99508

Dear Mr. Emmal:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

Mr. Donald Emmal

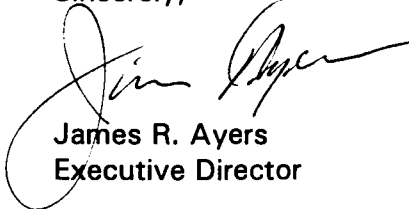
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", written over the printed name and title.

James R. Ayers
Executive Director

JRA/mir

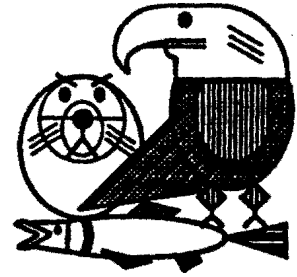
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Ms. Donna Nadell
President
Eyak Corporation
4792-5 Business Park Boulevard
Anchorage, AK 99503

Dear Ms. Nadell: *Donna*

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

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

Ms. Donna Nadell

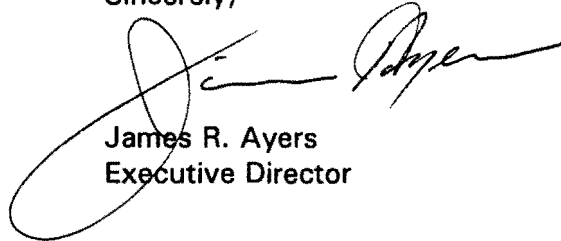
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'James R. Ayers', is written over a large, loopy circular flourish.

James R. Ayers
Executive Director

JRA/mir

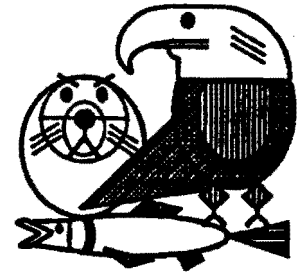
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

The Honorable Jerome Selby
Mayor
Kodiak Island Borough
710 Mill Bay Road
Kodiak, AK 99615-6331

Dear Mayor Selby: *Jerome*

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

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

The Honorable Jerome Selby

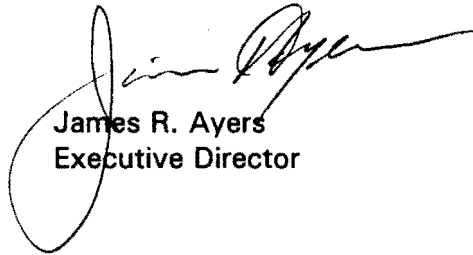
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", is written over the typed name and title.

James R. Ayers
Executive Director

JRA/mir

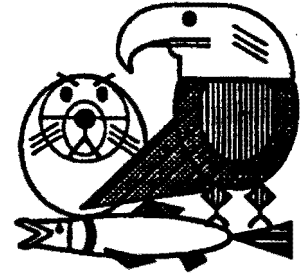
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Mr. Uwe Gross
President
Koniag Incorporated
4300 B Street, #407
Anchorage, AK 99503

Dear Mr. Gross:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

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

Mr. Uwe Gross

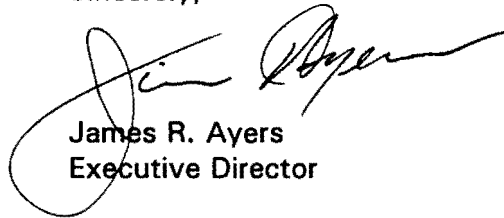
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", is written over the typed name and title.

James R. Ayers
Executive Director

JRA/mir

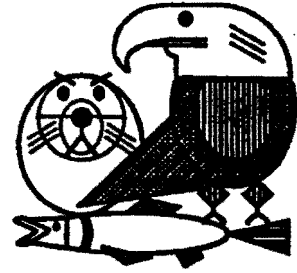
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Mr. Pat Norman
President
Port Graham Corporation
P.O. Box PGM
Port Graham, AK 99603-8998

Dear Mr. Norman:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

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

Mr. Pat Norman

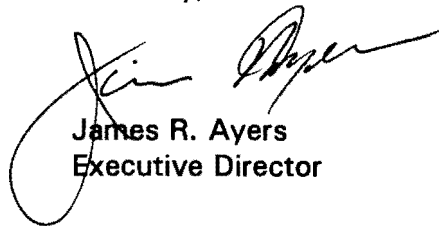
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Ayers", is written over the typed name and title.

James R. Ayers
Executive Director

JRA/mir

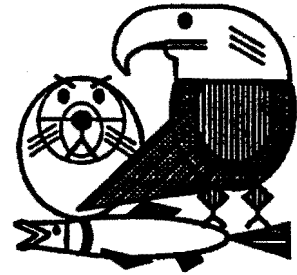
Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



April 28, 1994

Mr. Emil Christiansen
President
Old Harbor Corporation
P.O. Box 71
Old Harbor, AK 99643

Dear Mr. Christiansen:

I am pleased to enclose for your information a copy of the finalized standard appraisal instructions. The realty officials of the land acquiring agencies of both governments have carefully reviewed and considered the comments from yourself and representatives of other interested landowners. We have incorporated those suggestions that were appropriate. This lengthy process has been undertaken in order to underscore our intention that the appraisal process be fair. Fairness is, of course, an objective for not only the sellers, but also the public for whose benefit such acquisitions are to be made. It is important to note that these are public funds. Therefore, we are responsible for maintaining the highest of standards in protection of the Public trust.

The instructions are intended to establish fair market value consistent with the requirements of Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), Uniform Standards of Professional Appraisal Practice (USPAP) and federal and state law. They are drawn largely verbatim from UASFLA and USPAP. They are substantively identical to instructions used by the United States in literally thousands of willing seller transactions over at least the last fifteen years.

I am also pleased to advise you that the preliminary negotiations phase has been completed with respect to a number of parcels. An appraisal of the lands and interests in lands at Chenega is already well under way. I have also authorized negotiators to undertake appraisals for lands and interests in land held by the Kodiak Island Borough on Shuyak Island and by Port Graham in the Kenai Fjords National Park. In order to move the restoration program forward in a comprehensive and timely manner, it is my hope that preliminary negotiations for other parcels will be completed shortly and that, with the concurrence of sellers, we will be able to commence additional appraisals.

I fully recognize the concern raised that the appraisal process be fair. Some of the sellers have asked whether the Trustee Council would consider a second appraisal conducted by sellers. I would like to assure you that the appraisal process will provide opportunities for sellers desiring

Trustee Agencies

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

Mr. Emil Christiansen

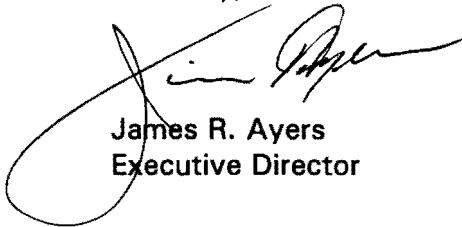
- 2 -

April 28, 1994

to obtain at their expense, appraisals conforming to UASFLA and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

On behalf of the Trustee Council and myself, your participation in this process has been most appreciated.

Sincerely,

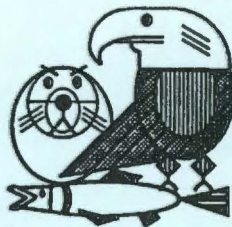
A handwritten signature in black ink, appearing to read "Jim Ayers", is written over the typed name and title.

James R. Ayers
Executive Director

JRA/mir

Enclosures: Finalized standardized instructions

Exxon Valdez Oil Spill Trustee Council
Executive Director's Office
Route Slip



Trustee Council Members

<input type="checkbox"/> Mike Barton, Forest Service	<input type="checkbox"/> Steve Pennoyer, NOAA
<input type="checkbox"/> Bruce Botelho, Attorney General	<input type="checkbox"/> Carl Rosier, ADF&G
<input type="checkbox"/> Paul Gates, DOI	<input type="checkbox"/> John Sandor, ADEC

Trustee Council Representatives

<input type="checkbox"/> Craig Tillery, Trustee Rep., DOL	<input type="checkbox"/> Dan Sakura
<input type="checkbox"/> George T. Frampton, Jr., DOI	
<input type="checkbox"/> Deborah Williams, DOI	

Agency Liaisons

<input type="checkbox"/> Mark Brodersen, ADEC	<input type="checkbox"/> Jerome Montague, ADF&G
<input type="checkbox"/> Dave Gibbons, FS	<input type="checkbox"/> Byron Morris, NMFS
<input type="checkbox"/> Veronica Gilbert, ADNR	<input type="checkbox"/> Sandy Rabinowitch, DOI

Anchorage Office

<input checked="" type="checkbox"/> Molly McCammon	<input type="checkbox"/> Eric Myers
<input checked="" type="checkbox"/> Rebecca Williams	<input type="checkbox"/> L.J. Evans
<input type="checkbox"/> Bob Loeffler	<input type="checkbox"/> Other _____

Other

Office: _____ ATTN: _____

☐ Action
☐ CC
☐ BCC
☐ Circulate
☐ Comment
☐ Return to: _____

☐ Draft Response
☐ Reply Directly
☒ For Your Files
☐ For Your Info
☐ Signature

Remarks:

RECEIVED
MAY 02 1994

**EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL**

From: *Mary*
(Rev. 04/94)

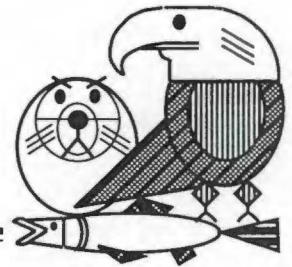
Date: 4/26/94

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



April 26, 1994

Eleanor Huffines
POB 981
Palmer, Alaska 99645

Dear Ms. Huffines:

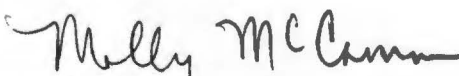
Thank you for your interest in the *Exxon Valdez* Trustee Council's Habitat Protection Process.

Currently, staff are developing a procedure to evaluate parcels less than 1,000 acres in size, located within the oil spill effected area, which have willing sellers. This *Small Parcel Evaluation & Ranking* process will be a component of the ongoing Comprehensive Habitat Protection Process adopted by the Trustee Council. It will contain suites of threshold criteria and evaluation criteria that assess the value of protecting small parcels to meet the goals of restoration.

The small parcel process should be completed sometime in April. Once it is approved, it will include a nomination process that will be publicly noticed. Until that public notice goes out, all information regarding parcels and nominations should be held, since we are not prepared to receive this information at this time.

Again, thank you for your interest in this process. We are looking forward to working with you in the future.

Sincerely,


Molly McCammon
Director of Operations

mm/raw

To	<u>LJ Rebecca</u>	Date	<u>4-25</u>
<div style="border: 1px solid black; padding: 2px; text-align: center;">While You Were Out</div>		Time	<u>11:46</u> a.m. p.m.
M	<u>Eleanor Huffines</u>		
Of			
Phone	<u>745-4047</u>		
	<small>Area Code</small>	<small>Number</small>	<small>Extension</small>
Message	<u>Re: small parcels</u>		
<u>Pls send letter - address on other side</u>			
Signed		<u>fy</u>	
<small>Wilson Jones</small>			

☒ Please Call
☐ URGENT
☒ Telephoned
☐ Wants to See You
☐ Will Call Again
☐ Returned Your Call

Trustee Agencies

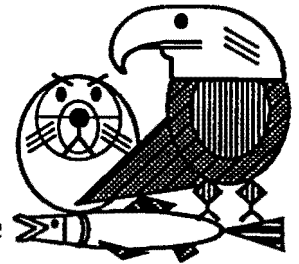
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations *MM*

DATE: April 26, 1994

SUBJ: Project #94272/Chenega Chinook Release

The purpose of this memo is to clarify that Project #94272/Chenega Chinook Release has been authorized.

As you will note in the attached correspondence between the Chief Scientist and the Executive Director, a number of projects were identified as not being in need of peer review and approval due to the nature of the projects involved. This list of projects includes Project #94272/Chenega Chinook Release. Accordingly, the project should be considered as authorized subject to meeting all other applicable legal regulatory or permitting requirements.

attachment

cc: Jim Ayers
Bob Spies
Joe Sullivan

Trustee Agencies

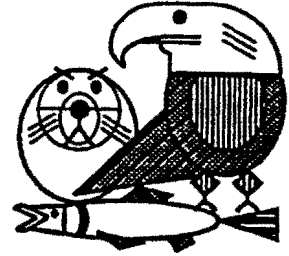
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture, and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Dr. Bob Spies, Chief Scientist

FROM: 
James R. Ayers
Executive Director

DATE: March 25, 1994

RE: Scientific Peer Review of FY 94 Work Plan Projects

I have reviewed the memorandum you sent to Molly McCammon dated March 16, 1994 (copy enclosed) regarding projects that you do not believe require a scientific peer review of the Detailed Project Descriptions (DPD).

The purpose of this memorandum is to let you know that I concur with your assessment with the understanding that the projects identified in the attached list will be subject to all appropriate agency and public review and/or permitting processes.

JRA/mir

Enclosures

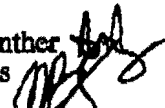
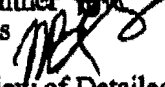
cc: Mark Brodersen, ADEC
Dave Gibbons, USFS
Veronica Gilbert, ADNR
Molly McCammon, EVOS-Anchorage
Eric Myers, EVOS-Anchorage
Byron Morris, NOAA
Jerome Montague, ADF&G
Sandy Rabinowitch, DOI

Trustee Agencies

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

A P P L I E D
marine
 S C I E N C E S

March 16, 1994

TO: Molly McCammon
 FROM: Andy Gunther 
 Bob Spies 
 RE: Peer Review of Detailed Project Descriptions

The purpose of this memo is to provide you with a list of those Detailed Project Descriptions that we do not believe will require scientific peer review. This list includes DPDs that we have received during the last two weeks, and some that we anticipate receiving in the future. In the latter case, we may change our recommendation upon review of the DPD, although we expect that instance to be rare. We would like your concurrence with our recommendations.

There are two major criteria that we have used to screen the DPDs, and if a project satisfies either criterion we have placed it on the list. The first criterion is to determine if a project does not have a scientific component, such as the Habitat Protection and Acquisition Fund (94126). The second criterion is a judgment as to whether the technical or scientific portion of the project is routine in nature. It is our opinion that projects without sophisticated or complex scientific components do not need to be reviewed by outside scientific experts. An example of such a project is the Chenega Chinook Release Program (94272).

Please review the list and let us know if you agree with our assessment. Some of the projects below may benefit from an independent review by experts who are not scientists (e.g., Institute of Marine Science-Seward Improvements [94199]).

Project Number	Project Title
94126	Habitat Protection and Acquisition Fund
94244	Harbor Seal and Sea Otter Co-op Subsistence Harvest Assistance
94272	Chenega Chinook Release Program
94279	Subsistence Food Safety Testing
94320-E	PWSAC-PWS System Investigation-Experimental Fry Release
94320-H	PWSAC-PWS System Investigation-Experimental Manipulation
94417	Waste Oil Disposal Facilities
94422	EIS for the Restoration Plan
94425	Marine Mammal Book
94507	Symposium Proceedings Publication
94199	Institute of Marine Science-Seward Improvements
94424	Restoration Reserve

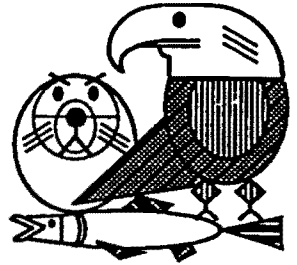


Exxon Valdez Oil Spill Trustee Council

Restoration Office


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

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



MEMORANDUM

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations 

DATE: April 26, 1994

SUBJ: Project #94166/Herring Spawn Deposition

The purpose of this memorandum is to clarify that work under Project #94166/Herring Spawn Deposition has been authorized as a result of prior, early approval by the Trustee Council.

As you know, in order to ensure timely implementation, Project Project #94166/Herring Spawn Deposition was given special early approval at the November 30, 1993 Trustee Council meeting, prior to overall consideration of the FY 94 Work Plan that was later approved on January 31, 1994.

this approval preceded the Detailed Project Description (DPD) preparation, peer review and Executive Director approval process identified in the FY 94 DPD guidance packet (February 8, 1994) for projects approved at the January 31, 1994 meeting. Accordingly, this project is considered to be previously authorized.

cc: Jim Ayers
Bob Spies

Trustee Agencies

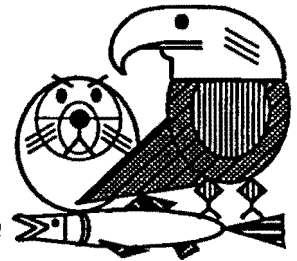
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture, and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office


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

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



MEMORANDUM

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations 

DATE: April 26, 1994

SUBJ: Project #94259/Restoration of Coghill Lake Sockeye

The purpose of this memo is to formally approve work to proceed on Project #94259/Coghill Lake Sockeye, consistent with the recommendations of the Chief Scientist in his April 25, 1994 review (attached).

As you can appreciate, Project #94259/Restoration of Coghill Lake Sockeye is proposed as a multi-year project with long-term cost implications. The project concept calls for a five-year (one sockeye life cycle) fertilization effort to boost the natural productivity of Coghill Lake. The project has projected costs of \$324.1/year. The review also indicates that the project is not without risk. The mixing characteristics of the fresh and saltwater strata in Coghill Lake, and the associated potential for toxic effects on the freshwater food web, are of particular concern. The review observes that there are what appear to be substantial physical dynamics at play in the lake that we do not fully understand (e.g., as evidenced by the presence of gas bubbles). The attached review also points out that it is not a certainty that lake fertilization will restore the sockeye salmon population in Coghill Lake. At the same time, as noted by the Chief Scientist, this project offers one of the few opportunities identified to date that will directly benefit an injured species while also contributing to the restoration of commercial fishing.

As this project moves forward, your suggestions would be appreciated regarding the means by which the project's success in meeting its stated objectives can be evaluated in an on-going manner.

attachment

cc: Jim Ayers
Bob Spies
Joe Sullivan


Trustee Agencies

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

A P P L I E D
marine
S C I E N C E S

April 25, 1994

TO: James Ayers
Executive Director

FROM: Robert B. Spies 
Chief Scientist

THRU: Eric Myers

CC: Peter Montesano
Mark Willette

RE: Project No. 94529

Project 94259 ("Restoration of the Coghill Lake Sockeye Salmon Stock") was delivered to my office with a request to expedite the peer-review process. The DPD for Project 94259 arrived at Applied Marine Sciences on March 14, and the review for this project was received on April 19. As we have agreed, I plan to provide a formal recommendation for each project that summarizes the purpose of each study and its relationship to restoration management objectives. Given the time sensitive nature of this project, I thought this informal recommendation might allow this project to proceed. The warm spring has resulted in an early smolt migration from Coghill Lake, and field work for this project will need to begin very soon.

The purpose of Project 94259 is to restore the natural productivity of Coghill Lake through fertilization, which will support a zooplankton crop to feed the young salmon for the one to three years they spend in the freshwater environment. Once adult salmon begin to return to the lake in large numbers, it is thought that their decomposing bodies will provide the fertilization necessary to support future salmon generations. The Department of Fish and Game has conducted a similar fertilization project on Fraser Lake (Kodiak Island), where fertilization has successfully increased the zooplankton population and number of out-migrating smolts.

The review of Project 94259 was positive, and this is one of the few opportunities we have to do something directly for a species be injured by the spill. There are, however, two aspects of this project to which I would like to draw your attention. First, this project is designed to proceed for five years in order to achieve its stated objectives. You should therefore consider this to be a multi-year restoration effort. If the fertilization program is carried out for a shorter time period, it is less likely to achieve its objective of restoring a healthy zooplankton population in the lake.

In addition, it is not a certainty that lake fertilization will restore the sockeye salmon population of Coghill Lake. At the end of the active fertilization phase, for example, the returning adults may not provide enough nutrients to maintain a large sockeye population. Coghill Lake also contains a significant amount of saltwater, which due to density-driven stratification remains on the bottom of the lake in a separate layer (a "meromictic" lake). Nutrients that diffuse from the upper freshwater region into the saltwater layer become unavailable to the food web that support the sockeye salmon.



In meromictic lakes, the freshwater region (the upper 30 meters for Coghill) may remain distinct from the saltwater for centuries, or may mix periodically. A natural event that results in significant mixing of the two portions of the lake would probably have a toxic effect upon the freshwater food web. There is evidence of large gas bubbles breaking the winter ice cover, indicating that there are processes at work in the underlying water and sediments that we do not fully understand.

Despite these risks, I believe the project has a significant chance of success. I recommend that this project be approved with the following provisions:

1. The Department of Fish and Game should integrate the work on Coghill Lake with related projects being conducted in other parts of the State, such as Kodiak Island (my discussions with ADF&G personnel indicate that this is planned). Particular attention should be given in this regard to any information that will allow us to develop a better understanding of how returning adult salmon contribute to the nutrient cycling of Coghill Lake. The principal investigators should consider including stable carbon isotope analyses in future years to separate "marine" carbon (probably from salmon) from "terrestrial" carbon.

2. The ongoing physical and biological sampling should be adaptive in design, allowing early results to be used in refining the sampling scheme.

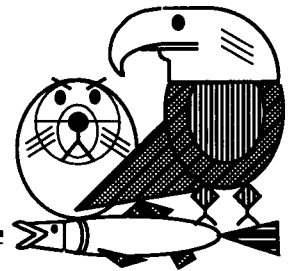
As you are aware, the analysis that the peer reviewers and I have provided this Detailed Project Description is focused upon its technical merit. I recommend that this project be given a budgetary review in addition to the technical review provided by my office. This is particularly appropriate for Project 94259 as it is a multi-year study.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

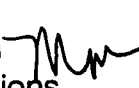
645 G Street, Suite 401, Anchorage, Alaska 99501-3451

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



MEMORANDUM

To: Restoration Work Force

From: Molly McCammon 
Director of Operations

Date: April 26, 1994

Subj: Wednesday's RWF Meeting

There **will** be a Restoration Work Force staff meeting Wednesday, April 27 at 9:00 a.m. even though it is a federal holiday. Those individuals in Juneau who want to participate, please give Rebecca the telephone number where you will be and she will ensure that you are patched in via teleconference.

P.S. Jim Ayers will be in Anchorage for the meeting.

Trustee Agencies

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

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

*** MULTI TRANSACTION REPORT ***

TX/RX NO.

9015

INCOMPLETE TX/RX

TRANSACTION OK

[09] 5867589
[10] 5867555
[11] 4655375
[12] 4654759
[13] 7896608
[14] 2572510
[15] 5624871
[17] 2713992
[18] 5223148
[19] 7863636
[20] 7863350
[35] 5103737834

J. AYERS
D. GIBBONS
M. BRODERSEN
J. MONTAGUE
MORRIS-WRIGHT
S. RABINOWITCH
C. FRIES
R. THOMPSON
J. SULLIVAN
L. BARTELS
T. DEGANGE
B. SPIES

ERROR

04/26/94

10:34

907 276 7178

EV Restoration

001

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9016	
CONNECTION TEL		5867589
CONNECTION ID	J.AYERS	
START TIME	04/26 10:34	
USAGE TIME	00'50	
PAGES	2	
RESULT	OK	

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



FAX COVER SHEET

FAX COMPLETE

To: Restoration Work Force Number: _____

From: Molly McCammon Date: 4-26-94

Comments: _____ Total Pages: 2

Please deliver to the Restoration
Work Force Member in your ofc.
Thank you

Mary -
would you
forward this
to June. ^{Thx} Rebecca

Trustee Agencies

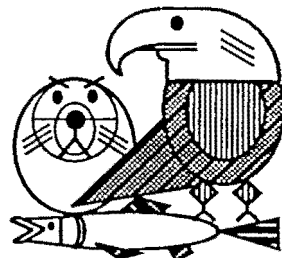
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



M E M O R A N D U M

TO: Byron Morris/NOAA

FROM: Molly McCammon, Director of Operations *mm*

DATE: April 26, 1994

SUBJ: NEPA Compliance Requirements
for Project #94255/Kenai River Sockeye Restoration

The purpose of this memorandum is to ask for your clarification regarding the NEPA compliance requirements for Project #94255/Kenai River Sockeye Restoration.

In your attached memorandum to the record dated March 28, 1994 it is indicated that an Environmental Impact Statement (EIS) would be needed to meet NEPA requirements for the project. Alternatively, it has been suggested to me that Project #94255/Kenai River Sockeye Restoration is a continuation of 1993 Project #93015/Kenai Sockeye Restoration that qualified for a Categorical Exclusion (CE) as indicated in the attached memo to Ken Rice dated December 8, 1992 and that this CE should apply to the work in FY 94.

As you may be aware, the Alaska Department of Fish and Game has requested expedited review and approval of the DPD for Project #94255/Kenai River Sockeye Restoration in order to get this project underway as quickly as possible. Your clarification of the NEPA compliance requirements for this project would be appreciated in order to determine whether this project can proceed this field season.

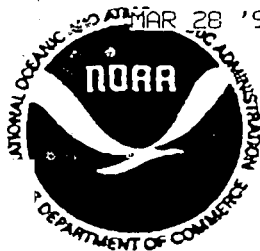
attachments

cc: Jim Ayers
Jerome Montague
Joe Sullivan
Eric Myers

Trustee Agencies

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

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



MAR 28 '94 10:34 OOSDAR



P.1/3
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
OFFICE OF OIL SPILL DAMAGE ASSESSMENT AND RESTORATION

P.O. 210029
11305 GLACIER HWY
BUKE BAY, ALASKA 99821

TELEPHONE: (907) 789-6600
FAX: (907) 789-6608

RAPIDFAX TRANSMISSION: 2 PAGES TO FOLLOW

DATE: 3/28

FROM: Byron Morris

TO: Molly McCammon

FAX NUMBER: _____

SUBJECT: NEPA Compliance on 94 Work Projects

COMMENTS -





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Oil Spill Damage
Assessment and Restoration
P.O. Box 210029
Anchorage, Alaska 99521

March 28, 1994

MEMORANDUM FOR: The Record
FROM: Byron Morris *Byron Morris*
SUBJECT: NEPA Compliance on 1994 Work Plan Projects

For the following projects that NOAA has been assigned lead federal agency responsibilities for NEPA compliance, we have determined that the level of compliance to be required of the lead agency is as stated below.

The following 1994 Work Plan projects qualified for a Categorical Exclusion (CE) under NOAA regulations.

94064	CE	Harbor Seal Monitoring
94068	CE	Feasibility Study - Clean Sand Deposition to Promote Clam Recruitment
94070	CE	Restoration of Fucus
94081	CE	Monitoring Recruitment of Littleneck Clams
94083	CE	Shoreline Recovery Monitoring
94086	CE	Herring Bay Experimental & Monitoring Studies
94092	CE	Killer Whale Recovery Monitoring
94137	CE	Stock ID of Chum Sockeye & Chinook
94163	CE	Forage Fish Study
94145	CE	Shoreline Assessment
94147	CE	Monitoring Program
94166	CE	Herring Spawn Deposition Study
94167	CE	Herring Genetic ID
94184	CE	Pink Salmon Coded Wire Tag Recovery
94185	CE	Coded Wire Tagging
94187	CE	Otolith Marking



94189	CE	Pink Salmon Stock Genetics
94191	CE	Monitoring Oil-Related Egg and Fry Mortality (93003 <i>in</i>)
94192	CE	Hatchery Straying Study
94241	CE	Rockfish Monitoring Plan
94258	CE	Sockeye Overescapement
94279	CE	Subsistence Food Safety Testing
94280	CE	Spot Shrimp Surveys
94285	CE	Subtidal Recovery Monitoring
94290	CE	Hydrocarbon Data Analysis

The following projects were determined to require an Environmental Assessment (EA) before further action could be approved.

94085	EA	Mussel Bed Monitoring and Restoration
94266	EA	Shoreline Oil Removal
94272	EA	Chenega Chinook & Coho Release
94277	EA	Village Mariculture Project
94320	EA	Ecosystem/Baseline - Hatchery Component

The following projects were determined to required an Environmental Impact Statement (EIS) to meet NEPA requirements under NOAA regulations.

94199	EIS	Alaska Sealife Center
94255	EIS	Kenai River Sockeye Restoration (93015 <i>cont/CE</i>)
94273	EIS	Port Graham Salmon Hatchery



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Oil Spill Damage
Assessment and Restoration
P.O. Box 210029
Anchorage, Alaska 99521

December 8, 1992

MEMORANDUM FOR: Ken Rice
FROM: Byron Morris *Byron*
SUBJECT: NEPA Compliance

NOAA has been assigned lead federal agency for the 1993 Work Plan projects shown on the list below. We have made a determination that most of these projects qualify for a Categorical Exclusion under NOAA regulations, but some will require an Environmental Assessment or Environmental Impact Statement. I have identified these below. We are not planning to conduct Environmental Analyses of these projects prior to a Trustee Council decision to proceed further with them.

Project No.	Title	NEPA Req.
93003	Pink Salmon Egg/Fry	CE
93012	Genetic Stock ID Kenai River	CE
93014	Coded Wire Tag QA	CE
93015	Kenai Sockeye Restoration	CE
93017	Subsistence Restoration	CE
93019	Chugach Mariculture Project	EA
	This project involves construction and operation of a facility	
93020	Bivalve Shellfish Hatchery	CE
93030	Red Lake Restoration	EA
	Release of hatchery raised smolts requires assessment	
93031	Red Lake Mitigation	EA
	Release of hatchery raised smolts requires assessment	
93036	Oiled Mussel Beds	CE
93038	Shoreline Assessment	EA
	Oil removal methods and scope need assessment.	
93039	Herring Bay Experimental	CE
93041	Natural Recovery Monitoring	CE
93042	Killer Whales	CE
93046	Harbor Seals	EA
	Tagging of harbor seals needs assessment	
93047	Subtidal Monitoring	CE
93050	Update of Restoration Study #5	CE
93053	Hydrocarbon Data Analysis	CE

cc: Ken Chalk
Henry Gerke

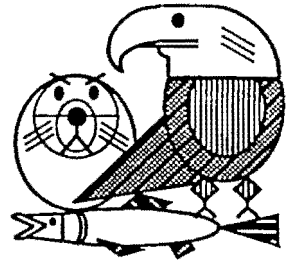


Exxon Valdez Oil Spill Trustee Council

Restoration Office

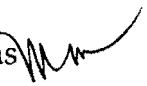
645 G Street, Suite 401, Anchorage, AK 99501-3451

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



MEMORANDUM

TO: Sandy Rabinowitch/DOI-NPS

FROM: Molly McCammon, Director of Operations 

DATE: April 26, 1994

SUBJ: Project #94159/Spring Marine Bird and Sea Otter Survey

The purpose of this memorandum is to clarify that work under Project #94159/Spring Marine Bird and Sea Otter Survey has been authorized as a result of prior early approval by the Trustee Council.

As you know, in order to ensure timely implementation, Project #94159/Spring Marine Bird and Sea Otter Survey was given special early approval at the November 30, 1993 Trustee Council meeting, prior to overall consideration of the FY 94 Work Plan that was later approved on January 31, 1994.

This approval preceded the Detailed Project Description (DPD) preparation, peer review and Executive Director approval process identified in the FY 94 DPD guidance packet (February 8, 1994) for projects approved at the January 31, 1994 meeting. Accordingly, this project is considered to be previously authorized.

cc: Jim Ayers
Bob Spies
Karen Oakley

Trustee Agencies

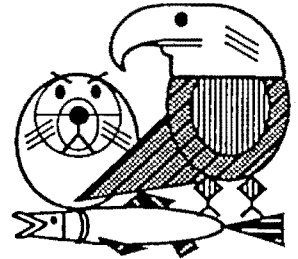
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture, and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

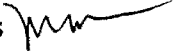
645 G Street, Suite 401, Anchorage, AK 99501-3451

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



MEMORANDUM

TO: Byron Morris/NOAA

FROM: Molly McCammon, Director of Operations 

DATE: April 26, 1994

SUBJ: NEPA Compliance for Project #94320/PWS System Investigation

It is my understanding that all of the Project #94320/PWS System Investigation sub-projects other than the hatchery related portions of the project (i.e., Project #94320-K/PWSAC Experimental Release and Project #94320-L/PWSAC Experimental Manipulation) qualified for a Categorical Exclusion (CE) under NOAA's NEPA guidelines.

While I understand that there is a hand written note to that effect, in order to maintain an appropriate administrative record for these projects, I would appreciate a memorandum on letterhead for the file.

Your assistance is appreciated.

Trustee Agencies

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

DRAFT as of 4/26 1:00 pm

PORT GRAHAM
(Nanwalek by representation)

April 27 - 1:00 p.m. at Community Center

Molly McCammon, Joe Sullivan and Rita Miraglia (Rita will be in Nanwalek already, she is willing to travel to Port Graham to participate in the public meeting.)

Molly's travel schedule:

(Cherri will make Molly's reservations and reserve round trip to Port Graham. Melonie will contact Alaska Airlines for Joe's ticket to be delivered to his office.)

Depart Homer 4/27 12:00 pm - Arrive Port Graham 12:30 pm

Depart Port Graham at close of meeting. Make a call via CB from Community Center to Charter service for flight out - arrive in Homer 30 minutes later.

On the way to Port Graham there will also be a stop in Nanwalek to pick up Jim Kvasnikoff, Kathy Booster and Rita Miraglia.

There is no one available to represent the Seldovia Village Tribe, Council, or City.

Contacts: Francis Norman, Council staff 284-2227
James Kvasnikoff, Nanwalek 281-2229

.DRAFT as of 4/26 1:00 pm

HOMER

April 27, 1994

Molly McCammon, Joe Sullivan

Radio KBBI talk show at 9:00 a.m.

travel to Port Graham Nanwalek

Public Meeting at Homer Senior Center 7:00 p.m.

Molly's and Joe's travel schedule:

(Cherri will make Molly's reservations and reserve round trip to Port Graham. Melonie at ADF&G will contact Alaska Airlines for Joe's ticket to be delivered to his office.)

Depart Anchorage 4/27 7:20 am - Arrive Homer 8:10 am

Participate in KBBI live call-in talk show at 9:00 am. Arrive at Station at 8:45. Located at 3913 Kachemak Way (if you are facing city hall, Kachemak Way is street on the right side of the building, KBBI is on the right side of street, grey building w/big dish antennae). Host is David Webster.

Depart Homer 11:30 pm - Arrive Port Graham 12:00 pm

Depart Port Graham 3:30 pm - Arrive Homer 4:00 pm?
(depends of length of Port Graham's public meeting)

Public meeting at Homer Senior Center, 7:00 pm

Depart Homer 4/27 10:20 pm - Arrive Anchorage 12:30 pm (one hour layover in Kenai)

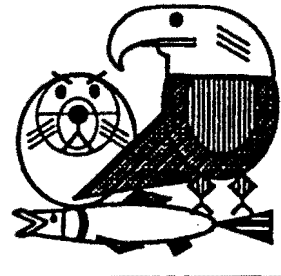
Contacts: David Webster, KBBI 235-7721
Janice Liggett, Homer Senior Center 235-7655
James Kvasnikoff, Nanwalek 281-2229

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Molly McCammon

FROM: June Arkoulis-Sinclair

DATE: April 25, 1994

RE: Approving Officer Affidavit

Enclosed please find an Approving Officers Affidavit , Signature Authorization Card and Approving Officer Operating Procedure. Please sign the affidavit and signature card and return to me.

Enclosures

mmappadv.wpd

Trustee Agencies

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

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

MEMORANDUM

State of Alaska
Department of Fish and Game

TO: Director
Division of Administration
Department of Fish And Game

DATE:
FILE NO:
TELEPHONE NO: 465-

FROM: _____ (Director)
Division of _____
Department of Fish and Game

SUBJECT: Delegation of
Approving Authority

Your concurrence with the appointment of the following individual as Approving Officer is requested:

Name: _____

PCN: _____ Duty Station: _____

Job Class: _____

The above named individual shall have the responsibility and authority as specified below, in accordance with the Department of Fish and Game's Standard Operating Procedures (SOP), Section II-016. This delegation shall become effective _____.

_____ Personnel Documents	_____ Evaluations (02-252)
PARF (11-054)	(Supervisor Only)
Transfer Sheet (11-025)	
_____ Payroll Documents	_____ Obligation Documents
Time Sheets (11-83)	Purchase Requisitions (02-099)
Leave Slips (02-035)	Field Purchase Order (02-004)
	Invoices
_____ Accounting Documents	_____ Reimbursable Services Agreement
Travel Authorization (02-027)	(02-098)
Adjustment Vouchers (02-049)	


Enclosed as provided in the SOP Section II-016 are the following documents:

1. Affidavit, signed by the named individual.
2. Signature Cards (3).

Concur _____ Date _____

Director
Division of Administration

Enclosures

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE				No. II-016	PAGE 016-6
				ISSUED 07/01/88	EFFECTIVE 07/01/88
SUBJECT APPROVING OFFICER					
CHAPTER DEPARTMENT POLICIES					
SUPERSEDES	No.	PAGE	DATE	APPROVED BY 	
ALL PREVIOUS EDITIONS					

6. As appropriate, take corrective or disciplinary action against officers or employees (and Approving Officers) who knowingly violate the authority and responsibility established under this Policy and Procedure.

7. Consult with the Director of the Division of Administration prior to any disciplinary action, under these policies and procedures, and to advise, in writing, the Director of the Division of Administration of any disciplinary action enacted under these policies and procedures.


8. Manage and keep current, the list of appointed Approving Officers for the division. The division director is responsible for immediately notifying the Director of the Division of Administration, if an appointed Approving Officer:
 - a. Leaves the employment of the division
 - b. Has had their Authorized Delegation of Authority revoked or suspended in whole or part (includes purchasing authority)
 - c. Is to be removed from the authorized list of Approving Officers for any reason

Appointed Approving Officer Each Officer or employee, as an Approving Officer for the department, shall be bound and charged with the responsibility and authority required under these policies and procedures. The authority and responsibility entrusted to the Approving Officer, through the approval of the Delegation of Authority, mandates the unhampered exercise of independent judgement, judgement based on first hand knowledge (and information) and judicious and expedient rendering of that judgement. The Approving Officer must also rely on their independent judgement to recognize extraordinary circumstances which would require further documentation.

Approving Officers must also attest to the technical correctness of transactions and documents as follows:


1. Approve and code invoices (includes Field Purchase Orders-FPO's) for payment. In approving the invoices, FPO's and other payment documents the Approving Officer is confirming the following:
 - a. The claim is valid and the procedures used in the procurement process meet divisional, departmental and State purchasing rules and guidelines (and the provisions and conditions provided for in the contract award manual.)

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE				No.	PAGE
				II-016	016-7
				ISSUED	EFFECTIVE
				07/01/88	07/01/88

SUBJECT	APPROVING OFFICER				
CHAPTER	DEPARTMENT POLICIES				
SUPERSEDES	No.	PAGE	DATE	APPROVED BY	
	ALL PREVIOUS EDITIONS				

- b. The goods and/or services have been received.
 - c. The financial coding of the claim as an expenditure transaction, constitutes a valid claim against the appropriation charged and sufficient "unobligated" funds exist to pay the claim.
2. Approve all adjusting journal entries (AJE's) for processing. In approving the AJE transaction Approving Officer is confirming the following:
 - a. The adjustment is valid and does not cause a transfer between appropriations. If the adjustment is a transfer between appropriations, its purpose is to correct a clerical error, to redistribute overhead items or distribute payroll expenses based on time sheets or a documented cost allocation plan, or to correct an expenditure processed against the divisional dump code.
 - b. The adjustment is necessary and warranted for the proper presentation of financial information and is in conformity with state and departmental policies and procedures for adjusting entries.
 - c. The narrative explanation and the supporting documentation demonstrates or justifies the need for the adjustment.
3. Approve all travel claims. While it is not intended that the Approving Officer have the authority to approve the intent and need for the adjustment travel, it is the responsibility of the Approving Officer to approve the validity of the amount claimed and the appropriateness of the appropriation charged.

Reference RESPONSIBILITIES as described above for invoices.
4. Approve all Purchase Requisitions. Approval by the Approving Officer is confirmation that:
 - a. The proposed acquisition is a valid obligation of the appropriation charged.
 - b. Sufficient funds exist for encumbrance against the proposed obligation.
 - c. Goods and/or services have not been received.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE				No. II-016	PAGE 016-8
				ISSUED 07/01/88	EFFECTIVE. 07/01/88
SUBJECT APPROVING OFFICER					
CHAPTER DEPARTMENT POLICIES					
SUPERSEDES	No. ALL PREVIOUS EDITIONS	PAGE	DATE	APPROVED BY 	

5. Approve Timesheets. In approving a timesheet, the Approving Officer is confirming that:
 - a. The time worked by the employee is accurately reflected on the timesheet and has been approved by the supervisor.
 - b. Overtime reported on the timesheet has been approved by the supervisor.
 - c. Budget codes indicated for overtime charges are valid and sufficient funds exist to cover the obligation.

6. Approve Leave Slips. In approving a leave slip, the Approving Officer is confirming that:
 - a. Leave type and duration is correct as reported on the timesheet.
 - b. Approved LWOP or default from sick or annual leave up to 45 days must be approved by the division director. LWOP in excess of 45 days must be approved by the Commissioner.

7. Approve Form 11-054, Personnel Action Request Form (PARF). In approving a PARF the Approving Officer is confirming that:
 - a. All information and changes are correct and in accordance with applicable personnel rules, departmental policies and as directed by the Division of Administration.
 - b. All necessary approvals have been obtained.

8. Approve Form 11-025, Transfer Sheet. In approving the Transfer sheet, the Approving Officer is confirming that:
 - a. PCN will be performing the duties in the new location.
 - b. Verification whether the position is vacant. If filled, confirmation of the concurrence of the incumbent.

9. Approve Form 02-252, Performance Evaluation Report. In approving the Performance Evaluation Report, the Approving Officer is confirming that:
 - a. All appropriate information is completed.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE			No. II-016	PAGE 016-9
			ISSUED 07/01/88	EFFECTIVE 07/01/88
SUBJECT		APPROVING OFFICER		
CHAPTER		DEPARTMENT POLICIES		
SUPERSEDES	ALL PREVIOUS EDITIONS	DATE	APPROVED BY <i>One Belmworth</i>	
<ul style="list-style-type: none"> b. Position description has been reviewed and evaluation signed by rater. c. Evaluation signed by the employee or a reason noted on the evaluation indicating why it was not signed. d. Narrative Section is objective, based on performance measures, and appears appropriate for job responsibilities. <ul style="list-style-type: none"> 10. Advise Supervisor of employees who have numerous administrative violations for corrective counseling or disciplinary action. 11. Advise Supervisor or higher authority if a document approved by another Approving Officer is believed to be in violation of administrative regulation. 12. Document, in writing, those circumstances where a document is approved which might otherwise appear to be a non-valid or inappropriate action. 				

ALASKA DEPARTMENT OF FISH AND GAME

APPROVING OFFICERS AFFIDAVIT

I, _____ (print name), in accepting the responsibilities and authority accorded an Approving Officer of the State of Alaska, Department of Fish and Game, do hereby affirm that to the best of my abilities, I shall perform those duties and responsibilities in accordance with the Laws of the State of Alaska, the State Administrative Manual, the Department of Fish and Game Standard Operating Procedures, and direction from the Commissioner or Division of Administration.

I affirm that I shall exercise independent judgment in deliberating the validity and appropriateness of the actions I am charged with approving. I will not permit undue influence to hamper the exercise of that independent judgment, nor shall I be capricious, dilatory or malicious in dispensing that judgment.

To the best of my ability, I will approve only those actions which are valid and appropriate within the scope of applicable State Laws, administrative procedures and the facts surrounding the nature of that action. In extraordinary circumstances, I will document in writing those circumstances which compelled my approval of what might otherwise appear to be a non-valid and/or inappropriate action.

I have reviewed the Department of Fish and Game's Standard Operating Procedures and understand the responsibilities and authority accorded an Approving Officer.

I understand that I will be held accountable in accordance with AS 37.10.030 and AS 37.10.040, which in part state:

SECTION 37.10.030:

"The officer or employee approving or certifying a voucher

- (1) is responsible for the existence and correctness of the facts recited in the certificate or stated on the voucher or its supporting papers for the legality of the proposed payment under the appropriation or fund involved.
- (2) shall be held accountable for and required to make good to the State the amount of an illegal, improper, or incorrect payment resulting from a false, inaccurate, or misleading certificate made by him, or a payment prohibited by law or which does not represent a legal obligation under the appropriation or fund involved."

SECTION 37.10.040: -

"The liability of a certifying officer or employee is enforced in the same manner as provided by law with respect to enforcement of the liability of a disbursing and other accountable officer."

Signed: _____ Date: _____

ALASKA DEPARTMENT OF FISH & GAME
SIGNATURE AUTHORIZATION CARD
APPROVING OFFICER

Name _____ Division _____
(Print or Type)

PCN _____ Duty Station _____

Signature _____

DO NOT COMPLETE/ADMINISTRATION USE ONLY

Delegated Authority (Circle as Applicable):

1. Personnel Documents

2. Evaluations

3. Payroll Documents

4. Obligation Documents

5. Accounting Documents

Approved: _____ Director Div of Admin

MEMORANDUM

State of Alaska

TO: Director
Division of Administration
Department of Fish and Game

DATE:

FILE NO:

TELEPHONE NO: 465-

FROM: Division of
Department of Fish and Game

SUBJECT: Delegation of Approving
Authority

Your concurrence with the appointment of the following individual as Approving Officer is requested:

Name: _____

PCN: _____ Duty Station: _____

Job Class: _____

The above named individual shall have the responsibility and authority as specified below, in accordance with the Department of Fish and Game's Standard Operating Procedures (SOP), Section II-061. This delegation shall become effective _____.

____ Personnel Documents
PARF (11-054)
Transfer Sheet (11-025)

____ Evaluations (02-252)
(Supervisor only)

____ Payroll Documents
Time Sheets (11-83)
Leave Slips (02-035)

____ Obligation Documents
Purchase Requisitions (02-099)
Field Purchase Order (02-004)
Invoices

____ Accounting Documents
Travel Authorization (02-027)
Adjustment Vouchers (02-049)

Enclosed as provided in the SOP Section II-061 are the following documents:

1. Affidavit, signed by the named individual.
2. Signature Cards (3).

Concur _____
Director
Division of Administration

Date _____

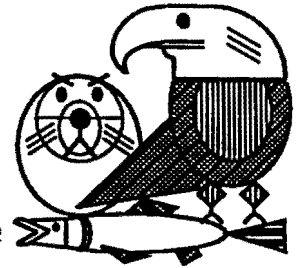
Enclosures

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

TO: Restoration Work Force:
[] Byron Morris/NOAA
[] Jerome Montague/ADF&G
[] Dave Gibbons/USFS
[] Sandy Rabinowitch/DOI
[] Mark Brodersen/ADEC
[] Veronica Gilbert/ADNR

FROM: Molly McCammon, Director of Operations *MM*

DATE: April 25, 1994

SUBJ: Trustee Council Meeting Actions

Please find enclosed a copy of the Trustee Council Action minutes from the April 11, 1994 meeting together with attachments.

enclosure

Trustee Agencies

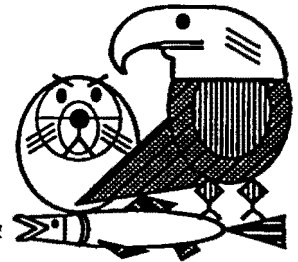
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture, and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



TRUSTEE COUNCIL MEETING ACTIONS

April 11, 1994 — Juneau, Alaska — 1:00 pm

by James R. Ayers
Executive Director

Members Present:

DRAFT

Trustee Council

Jim Wolfe* (USFS)¹
George Frampton (USDOJ)²
Steve Pennoyer (NMFS)
John Sandor (ADEC)³
Craig Tillery (Alaska Department of Law)⁴
Chuck Meacham (ADF&G)⁵

* Chair

- ¹ Jim Wolfe served as an alternate for Mike Barton
- ² Deborah Williams served as an alternate for George Frampton for a portion of the meeting
- ³ Mark Brodersen served as an alternate for John Sandor for a portion of the meeting
- ⁴ Craig Tillery served as an alternate for Bruce Botelho
- ⁵ Chuck Meacham served as an alternate for Carl Rosier

Teleconference sites included the Anchorage Restoration Office, the Cordova LIO, the Kodiak LIO and the Seward LIO.

1. Approval of the Agenda

APPROVED MOTION: Approved the Agenda. (Attachment A)

2. Project #94320/PWS System Investigation

APPROVED MOTION: Approved the remaining project components and budgets for Project #94320/PWS System Investigation consistent with the conditions identified in the memorandum dated April 7, 1994 from the Executive Director to the Trustee

Trustee Agencies

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

DRAFT

Council (Attachment B). In addition to endorsing the recommendations contained in that memorandum, the Trustee Council specifically

- expressed the view that the indirect rates reflected in the project budgets for the University of Alaska and the Prince William Sound Science Center were for FY 94 only and not to be considered a precedent;
- affirmed that ownership of equipment purchased with Trustee Council funds would remain with Trustee Council agencies;
- recognized Dr. Ted Cooney as the overall project leader for Project #94320 for FY 94;
- indicated that the principles of adaptive management should be integrated into Project #94320 such that the project can respond to the biological opportunities available and change the scale of the work effort accordingly;
- indicated that the use of deterministic modeling be further reviewed before being incorporated into future research efforts; and
- indicated that the results of the 1994 field season should be reviewed in mid-September, prior to the Trustee Council taking action on the FY 95 Work Plan, and that a more detailed review be undertaken, together with review of other projects, at an annual workshop in mid-January in order to modify or revise the scope of work for FY 95.

3. Project #94191/Oil Related Egg and Alevin Mortality

APPROVED MOTION:

Approved an increment of \$97.7 thousand in supplemental funding for Project #94191/Oil Related Egg and Alevin Mortality to replicate the results of studies that found inheritable (genetic) damage in pink salmon.

DRAFT

4. Project #94199/IMS Improvements at Seward

APPROVED MOTION: Approved an increment of \$83.0 thousand in supplemental funding for the continued work effort on meeting NEPA compliance requirements, reviewing economic and other assumptions of the proposed project, developing an integrated funding approach and formulating a recommendation for the Trustee Council consistent with the terms of the civil Settlement.

5. Project #94428/Subsistence Restoration Planning and Implementation

APPROVED MOTION: Approved \$99.2 thousand to design and implement a one-time subsistence restoration planning process coordinated among state and federal agencies and affected subsistence communities for use in identification of FY 95 subsistence restoration projects. The Trustee Council specifically directed that staff utilize the results of recent federal subsistence impact research and to carefully consult with state and federal attorneys regarding the permissible uses of the civil Settlement for subsistence restoration.

6. Project #94427/Experimental Harlequin Duck Breeding Survey

APPROVED MOTION: Approved \$20.4 thousand for limited intensive boat surveys of harlequin ducks in selected shoreline segments of western Prince William Sound in order to test several methodologies of classifying age and sex composition to design a sampling regime for future work.

The meeting was adjourned with next meeting of the Trustee Council tentatively scheduled for some time in June.

Attachment A Agenda

Attachment B James R. Ayers to Trustee Council, memo re: Project #94320/PWS System Investigation dated April 7, 1994

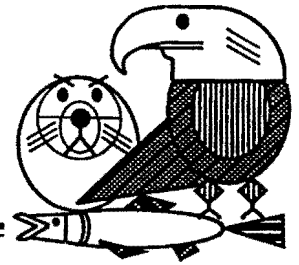
ATTACHMENT A

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



**AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL
CONTINUATION OF JANUARY 31, 1994 MEETING
TELECONFERENCE**

DRAFT

APRIL 11, 1994 @ 1:00 p.m.

Trustee Council Members:

MICHAEL A. BARTON
Regional Forester, Alaska Region
U.S. Department of Agriculture-Forest Service

BRUCE M. BOTELHO/CRAIG TILLERY
Attorney General/Trustee
State of Alaska/Representative

GEORGE T. FRAMPTON, JR.
Assistant Secretary for Fish, Wildlife & Parks
U.S. Department of the Interior

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

Chair: Jim Wolfe, U.S. Forest Service
U.S. Forest Service Conference Room 445C, Juneau

1. **Approval of Agenda**
Order of the Day
2. **Reports**
 - **Executive Director's Report**
 - **Implementation Strategy**
 - **Adaptive Management**
 - **Science Review Board**
 - **Habitat Acquisition & Protection**
 - **Appraisal Process**
 - **Small Parcel Process**
 - **Follow-up to Motion on Private Landowner Habitat Protection Options**
 - **Restoration Reserve**
 - **EIS Report (Rod Kuhn)**
 - **Update on Recreation & Subsistence Planning**
 - **Report on Forum and Public Participation Efforts**
 - **Financial Report**

Trustee Agencies

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

- 1994 Work Plan
 - * A. Review scope and detailed budgets of Project 94320
 - * B. Increment for Project 94191
 - * C. Increment for NEPA for Project 94199
 - D. Report on status of NEPA Compliance for 1994 Projects

4. New Business

- * ● Proposed Project 94428 - Subsistence Restoration Planning
- * ● Proposed Project 94427 - Harlequin Duck Boat Surveys & Methodology Testing

Adjourn

* Indicates action items.

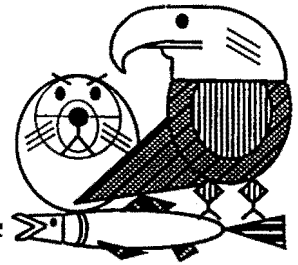
ATTACHMENT B

Exxon Valdez Oil Spill Trustee Council

Restoration Office


645 G Street, Suite 402, Anchorage, Alaska 99501

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



M E M O R A N D U M

TO: Exxon Valdez Oil Spill Trustee Council

FROM: James R. Ayers, Executive Director 

DATE: April 7, 1994

SUBJ: Project #94320/PWS System Investigation — Recommendation

The purpose of this memorandum is to provide the Trustee Council with my recommendation regarding the funding and implementation of Project #94320/Prince William Sound System Investigation.

In summary, it is my recommendation that Project #94320 (which is, in fact, a collection of sixteen interrelated sub-projects) be approved by the Trustee Council to proceed consistent with the recommendations and conditions described below. Included with this memorandum are copies of the Detailed Project Descriptions (DPDs) for each of the sixteen projects as listed in Table 1. Budget information for each "sub-project" is summarized in Table 2. (Copies of the detailed budgets have been provided to each of the Trustee Council agency liasons.)

Prior Trustee Council Action on Project #94320

On January 31, 1994, the Trustee Council conditionally approved Project #94320/PWS System Investigation with a total budget of \$6.25 million subject to integration and coordination of the various project parts and a favorable scientific peer review of the various Detailed Project Descriptions (DPDs) under the direction of the Chief Scientist. The Trustee Council specifically reserved to itself the final decision on the overall approval of the project, while simultaneously directing the Executive Director to identify time-sensitive elements of the proposed work effort that required immediate funding in order to allow the project to proceed in a timely manner.

Trustee Agencies

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

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

In response to the Trustee Council direction to identify time-sensitive elements of the project, the Executive Director, in consultation with the Chief Scientist and agency staff, developed a recommendation that was transmitted to the Trustee Council on March 4. This recommendation, as accepted by the Trustee Council, authorized a total of \$1,529.0 in time-sensitive expenditures (largely equipment purchases, vessel charter costs and some limited project administration funding for the Prince William Sound Science Center to offset the cost of developing DPDs) together with \$1.75 million for the PWSAC hatchery release and manipulation portions of the project pending NEPA compliance which has since been secured (Attachment A).

In addition to the identification of these time-sensitive elements of the project, the Chief Scientist has overseen a comprehensive scientific peer review of the overall project and its various constituent parts and prepared a formal recommendation. In some cases, this review process included direct consultation and discussion between the peer review scientists and the principal investigators and resulted in revisions to the proposed work and scope of services. The Chief Scientist's recommendation is attached to this memorandum (Attachment B). Additionally, a Project #94320 Summary has been prepared by Dr. Ted Cooney in his capacity as the lead scientist for the project.

Executive Director's Recommendation

As a collaborative, interdisciplinary effort developed to address critical questions about the ecological health and recovery of spill damaged resources in PWS, the interrelated sub-projects being pursued through Project #94320 constitute an extraordinarily ambitious attempt to address a number of important research questions that the Trustee Council can use to: 1) guide further restoration activities; 2) improve management of common property fishery resources as a means of effecting restoration; and 3) identify important marine resources and processes for long-term recovery monitoring.

I concur with the findings and recommendations of the Chief Scientist that the project represents a "valid, defensible, sophisticated ecosystem approach" to understanding the factors controlling pink salmon production in Prince William Sound as well as the biological oceanography of PWS and, in this way, can make an important contribution to the overall restoration mission of the Trustee Council. While the primary focus of the project revolves around pink salmon, the project also includes important components that start to address herring, marine mammals, and certain sea birds. As indicated by the Chief Scientist, "understanding the ecological factors [that are limiting the recovery of these resources] is an integral part of the ecosystem approach" to restoration that the Trustee Council has endorsed.

It is imperative to underscore the ambitious nature of this collective research effort and to stress that a critical evaluation of the success of the first year of work will be essential to determining the appropriate scope and level of future efforts. A number of the project components that are central to the success of Project #94320 (e.g., the hydroacoustics work) involve highly innovative research methodologies that remain to be proven and workable in the field. Not only are there technical issues (e.g., the ability to successfully interpret hydroacoustics data to identify salmon predators), there are formidable logistical challenges to implement the program "on the water" in a manner that will yield useful results. Additionally, the ability to productively accumulate, analyze and interpret what will be enormous quantities of raw data remains to be determined.

Consistent with the peer review findings and recommendations of the Chief Scientist, my own recommendations concerning implementation of Project #94320 are as follows:

1. Project Leadership

During development and review of the DPDs for the project, it became critically apparent that successful project implementation will require strong project leadership and management. As noted by the Chief Scientist, the consensus-based process that led to the formulation of the PWS research proposals reflected in Project #94320, must now give way to a strong leader-based process needed for the day-to-day execution of the work effort. In recognition of this need, Dr. Ted Cooney of the University of Alaska has assumed the role of "lead scientist" for implementation of Project #94320 for this year.

To ensure needed overall project accountability, it is both appropriate and important that the Trustee Council formally recognize Dr. Cooney's initial leadership role for Project #94320 and clearly communicate that the Trustee Council will expect Dr. Cooney to exercise both the leadership and authority necessary to successfully implement the various interrelated sub-projects as they get under way in this first critical year. Leadership responsibility and accountability should be emphasized as essential to continued Trustee Council support for the project. The future leadership and direction of Project #94320 warrants further evaluation by the Chief Scientist, the Executive Director and the Trustee Council.

2. Adaptive Management and Project Implementation

Closely related to recommendation #1 above, is the need to ensure that the various sub-projects are implemented in a manner that is responsive to the exceptional logistical and deployment challenges being confronted this first year. A large portion of the overall project effort depends upon

the timely acquisition and use of hydroacoustic equipment to track cohorts of hatchery released salmon and to study blooms of zooplankton. The peer review process has resulted in substantial questions about whether the project, as originally envisioned, can be fully implemented this first year given delays in procurement, the need to calibrate equipment, field test logistics, etc. The ability to respond to real-time circumstances in the field is critical. The Chief Scientist is planning to spend time in PWS this summer in order to obtain a first-hand understanding of project implementation and will provide periodic briefings to the Executive Director and the Trustee Council regarding project implementation progress.

The Trustee Council should communicate the clear expectation that, as noted by the Chief Scientist, research "objectives and plans have to be tailored to the biological realities..." If logistical or biological circumstances preclude the ability to implement a certain portion of the work effort this year, the researchers must anticipate the need to curtail their activity and expenditures accordingly. Implementation of this first field season will necessitate flexibility and a willingness on the part of the investigators to scale the work effort to the biological opportunities that are available. In some cases, this may mean deferring significant portions of the proposed work effort to a future field season (e.g., if the plankton bloom occurs earlier than needed research equipment can be deployed).

3. Data Management and Modeling

The PWS System Investigation research effort will generate enormous quantities of raw data. The ability to successfully manage, synthesize and interpret this raw data will be a major factor in determining the overall success of the project (see project #94320-J/Information Systems-Modeling). While the data management and analysis effort is clearly needed as an integral part of the overall Project #94320 work effort, the Chief Scientist's peer review process identified substantial questions about the utility of a deterministic modeling effort to address fisheries management issues.

I strongly concur with the questions and concerns regarding the highly technical nature of deterministic modeling. I recommend that this aspect of the work effort be closely scrutinized by the Chief Scientist and peer reviewers as part of the FY 95 work plan development effort.

4. Project #94320 — Program Review and Evaluation

A frank and critical review of the Project #94320's successes (and, inevitably, some failures) is essential. To that end, the Chief Scientist has been working with the various project Principle Investigators to identify,

on a project-by-project basis, specific deliverables, work products and "milestones" that can be used to assess the success of the project's first year of implementation. These "mid-September 1994 milestones" are needed in order to formulate a recommendation to the Trustee Council regarding a continued work effort in FY 95.

I strongly commend the Chief Scientist's proposal for a critical review of the overall project in mid-September and urge that the Trustee Council communicate an expectation that future funding and support for the PWS System Investigation effort will be substantially determined by the success in meeting these "milestones." In addition, the results of the 1994 field season should be given a more in-depth review in mid-January 1995 (at the same time that initial results of other FY 94 projects are available). This will provide an additional opportunity for modification or revision of the scope of work planned for FY 95.

5. NEPA Compliance

ADF&G successfully addressed NEPA compliance requirements pertaining to the hatchery release (94320-K) and manipulation (94320-L) components of the project through the preparation of an Environmental Assessment (EA). This EA was approved by NOAA with a Finding of No Significant Environmental Impact (FONSI) on March 28, 1994.

A copy of the FONSI for the hatchery related portions of the project is on file. It is my understanding that all other parts of Project #94320 are eligible for a Categorical Exclusion under NEPA. In any case, no project element will be allowed to proceed prior to a determination of full NEPA compliance.

6. Budget Issues

At the January 31, 1994 Trustee Council meeting, Project #94320 was conceptually approved, subject to integration and coordination of the various project parts and a favorable scientific peer review, with a budget not to exceed \$6.25 million. As a result of a budget review involving the various affected agencies, the University of Alaska, PWSAC, the PWS Science Center, and the Trustee Council staff, budget allocations for each of the proposed projects have been developed as reflected in Table 2.

Review of the detailed project budgets has been exceptionally difficult and accomplished within a very short timeframe — detailed budget information pertaining to the PWS Science Center projects was only received on April 4. For the most part, the budgets proposed for the various components appear appropriate for the work proposed. However, as noted previously and also reflected in the comments of the Chief

Scientist, the PWS System Investigation represents an extremely ambitious work effort and it is possible, if not likely, that certain portions of the work effort will not be ready to proceed at full capacity this field season. In the event this occurs, the Trustee Council should make clear that it fully expects that expenditures from the budgets of affected sub-projects will be correspondingly reduced.

Some points of note include a highly competitive vessel charter market, that has resulted in some cost savings to this part of the budget. Additionally, in order to ensure flexibility regarding the possibility of needing to terminate charters due to changing biological or logistical circumstances, ADF&G included a provision in its vessel charter contracts allowing for termination of charters on short notice. The budget review also resulted in a reduction of some personnel costs in order to not exceed the 5.5 months remaining in the fiscal year.

Three particularly significant issues emerged during the budget review:

- **University of Alaska/PWSSC Indirect Rate** — For FY 93, the Trustee Council and the University of Alaska agreed to an indirect rate of 20% of project costs. This is a significant reduction from the University's standard 41% indirect rate, but significantly more than the rates typically approved for Trustee Council projects (15% for personnel and 2 - 7% for contractual). There appears to be a fundamental disagreement regarding what constitutes the definition of total direct costs. The University's definition is 20% of total project costs — that is, both direct and indirect costs — which is, in effect, **a 25% rate on direct project costs**. As a University of Alaska sub-contractor, the PWS Science Center adopted the same methodology for calculating indirect rates. (The extra cost for the University of Alaska is mitigated somewhat by the fact that they did not charge the full 20% rate on the "pass through" funding for the PWS Science Center contract. In fact, the University charged only approximately \$11.2 to administer the PWS Science Center contract. Unfortunately, this is an issue that only surfaced six days prior to the Trustee Council's scheduled meeting.)

In view of the need to move forward quickly and get work in the field, I recommend that the University of Alaska and PWS Science Center budgets be accepted as proposed with the express understanding that the indirect rate used is an exception and will apply to this start up year only. Further, it should be made clear that, to the extent that any work is to be undertaken by the University of Alaska or the PWS Science Center on behalf of the Trustee Council in FY 95 or beyond, indirect rates will be calculated as 20% of direct project costs as is the case with other Trustee Council funded projects. It is worth noting that this issue could be avoided in the future by putting projects such as these through a formal,

competitive Request for Proposal (RFP) process and that this option for project implementation is currently under review.

- **Equipment Ownership** — Questions regarding equipment ownership emerged during the budget review. (The PWS Science Center had offered to waive its indirect charges on equipment purchased for sub-projects they are implementing if they were granted ownership of the equipment.) Trustee Council staff have clarified to both the University of Alaska and the PWS Science Center that one of the Trustee Council agencies, acting on behalf of the Trustees must retain ownership of the equipment. At this point, the University of Alaska and PWS Science Center budgets reflect funding for the purchasing, insurance, storage, maintenance and repair of equipment purchased with Trustee Council funds.

I recommend that the RSA between ADF&G and the University of Alaska (which includes the PWS Science Center) be amended to reflect that these services (purchasing, insurance, storage, maintenance and repair) are being paid for in this budget year and that these services will not be charged for in the future to the extent that these projects continue. In the future, it may be possible to avoid this problem by having one of the Trustee Council agencies purchase, store and maintain equipment.

- **Otolith Thermal Mass Marking** — As a result of further review and evaluation of project #94320-C/Otolith Mass Marking it became apparent that the original budget was substantially below what it would take to implement the project because 1) it was mistakenly assumed that boilers and other equipment would be installed inside existing buildings which is not possible due to fire code and lack of space; and 2) larger boilers would be needed to ensure that sufficient water can be heated to produce the number of banding "rings" for the thermal banding codes.

At this point, ADF&G has withdrawn the thermal mass marking portion of the project in order to fully reevaluate project costs and will review the proposal as part of the FY 95 work plan process. (A small portion of the project involving chemical marking of otoliths using oxytetracycline is still proposed for funding. It is the expectation of ADF&G that this portion of the project will qualify for a Categorical Exclusion under NEPA.)

7. Long-Term Implications

Finally, it is important to put Project #94320 into the larger context of the overall Trustee Council restoration effort. In essence, the sixteen FY 94 sub-projects that collectively comprise the Project #94320/PWS System Investigation constitute an elaborate and ambitious pilot project to implement an ecosystem approach to restoration. The project investigators are to be commended for their exceptional effort and commitment in designing an important and pioneering restoration

research and monitoring program. At the same time, the PWS System Investigation effort should be clearly viewed as part of the overall ecosystem approach to restoration being pursued by the Trustee Council. This overall approach must also provide for the restoration of a wide range of resources and services beyond those addressed by Project #94320.

To the extent that portions of the PWS System Investigation effort are found to be workable and successful in the field and are determined to make a worthwhile contribution to the overall restoration mission of the Trustee Council within the terms of the civil Settlement, long-term funding (perhaps 5 to 10 years for certain project components) will be needed and should be provided. Again, the appropriate level of funding is yet to be determined and will be substantially influenced by the success of the various sub-projects in meeting their first year "milestones."

* * * * *

Table 1	Project #94320 — PWS System Investigation (index)
Table 2	Project #94320 — Budget Summary
Attachment A	Project #94320 — Time-Sensitive Elements
Attachment B	R. Spies, Chief Scientist to J. Ayers, Executive Director Scientific Review and Recommendations for Project 94320 Memorandum dated April 4, 1994

Table 1

Project #94320 — PWS System Investigation

94320-A/Salmon Growth and Mortality	ADF&G/Willette	Tab A
94320-B/CWT Recovery-PWS Pinks (94184)	ADF&G/Sharr	Tab B
94320-C/Otolith Mass Marking (94187)	ADF&G/Sharr	Tab C
94320-D/Pink Salmon Genetics (94189)	ADF&G/Seeb	Tab D
94320-E/Salmon Predation	ADF&G/Willette	Tab E
94320-F/Harbor Seals-Trophic Interactions	ADF&G/Frost	Tab F
94320-G/Phytoplankton and Nutrients	UAF/McRoy	Tab G
94320-H/Zooplankton in Ecosystem	UAF/Cooney	Tab H
94320-I/Trophic-Stable Isotopes	UAF/Schell	Tab I
94320-J/Information Systems-Modeling	PWSSC/Patrick	Tab J
94320-K/PWSAC-Experimental Release	PWSAC/Olsen	Tab K
94320-L/PWSAC-Experimental Manipulation	PWSAC/Olsen	Tab L
94320-M/Physical Oceanography	PWSSC/Salmon	Tab M
94320-N/Nearshore Fish	PWSSC/Thomas	Tab N
94320-P/Program Management	PWSSC/Scheel	Tab P
94320-Q/Avian Predation on Herring Spawn	USFS/Bishop	Tab Q

(DRAFT 4/11/94)

Table 2

Project #94320/PWS System Investigation

Budget Summary

BUDGETS FOR 94320 SUBPROJECTS

SUBPROJECT NUMBER	INTERIM BUDGET	REMAINING BUDGET	TOTAL BUDGET
94320A	\$0.0	\$263.4	\$263.4
94320B	47.8	196.6	244.4
94320C	0.0	53.9	53.9
94320D	0.0	171.2	171.2
94320E	0.0	907.1	907.1
94320F	0.0	26.0	26.0
94320G	0.0	141.5	141.5
94320H	0.0	300.1	300.1
94320I	0.0	60.5	60.5
94320J	0.0	756.5	756.5
94320K	0.0	46.6	46.6
94320L	0.0	1,750.0	1,750.0
94320M	0.0	773.1	773.1
94320N	0.0	666.9	666.9
94320P	100.0	51.8	151.8
94320Q	0.0	84.8	84.8
TOTAL	\$147.8	\$6,250.0	\$6,397.8

Attachment A

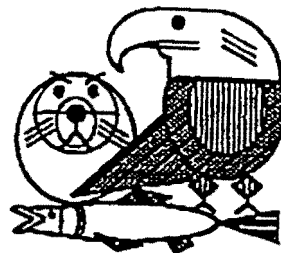
Project #94320/PWS System Investigation Time-Sensitive Project Elements

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

**MEMORANDUM****TO:** Jerome Montague, ADF&G
Dave Gibbons, USFS**FROM:** 
James R. Ayers
Executive Director**DATE:** March 11, 1994**RE:** Project 94320

The six Trustees have reviewed and accepted my March 4, 1994 recommendation concerning the time-sensitive elements of Project 94320. You are authorized to proceed only with the expenditures as outlined in the memo to myself and the Trustees from Dr. Spies dated March 2, 1994. These are:

Hydroacoustic equipment	\$270.0
Physical oceanography, zooplankton and phytoplankton equipment	310.0
Fish food and coded wire tags for PWSAC	45.0
Juvenile salmon predation/growth/survival	
Vessel charters	793.5
Equipment (seines)	44.0
PWSSC project administration	25.0
Avian predation study startup costs	<u>41.5</u>
TOTAL	\$1,529.0

Expenditures for the hatchery research and manipulation portion of the project are not authorized at this time. Those hatchery research related funds will be authorized only when NEPA compliance has been clarified and successfully completed and when the Detailed Project Description is revised.

JRA/mir

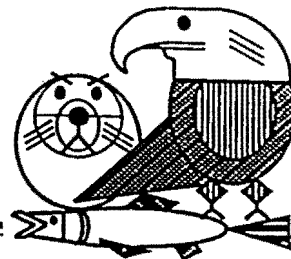
cc: Restoration Work Force
Trustee Council Members
Molly McCammon, Director of Operations**Trustee Agencies**State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



MEMORANDUM

To: Mike Barton
U.S. Forest Service

From: Jim Ayers *by mn*
Executive Director

Date: March 4, 1994

Subj: Authorization for Project # 94320

As directed by the Trustee Council at your January 31, 1994 meeting, I have been in consultation with Dr. Spies and the Prince William Sound System Investigation study group concerning the time-sensitive elements of Project # 94320. I concur with the recommendations of Dr. Spies as reflected in the attached documents.

I. Equipment and Vessel Charters

Attached you will find several supporting documents including: 1) a memo from Dr. Spies describing his recommendation for the time-sensitive elements of Project # 94320; 2) a more detailed memo from Dr. Spies and an agency work group describing further why some equipment is recommended for purchase at this time and why certain other equipment purchases can be deferred; 3) a letter from Dr. Ted Cooney describing how elements of the overall project would be delayed and/or compromised depending on the timing of equipment purchases and final approval of the Detailed Project Descriptions (DPDs).

I recommend that I move forward with Dr. Spies' recommendations for equipment purchase, vessel charters, and start-up personnel costs. As described by Dr. Spies, this funding is an appropriate initial investment in the research capability the Trustee Council will need for continuing investigations of the PWS ecosystem. The recommended expenditures will provide the essential research infrastructure; enable the research to proceed immediately on a pilot phase and permit an expanded effort as methodologies and techniques are determined to be successful. Ownership of the equipment will remain with the Trustee Council for future Trustee projects.

Trustee Agencies

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

II. Detailed Project Descriptions

Because Detailed Project Descriptions are still being completed and reviewed, I am unable to give you a final recommendation on the full scope of work that should be authorized for Project # 94320. I anticipate that the DPD review will be completed by mid to late March.

I recommend that the full scope of Project # 94320 be reviewed by the Trustee Council at a teleconferenced meeting in late March.

III. Funding for Prince William Sound Aquaculture Corporation (PWSAC)

Included in Project # 94320 is \$1.75 million to compensate PWSAC for the costs of manipulating fry releases as an integral part of the research effort. It is my understanding that an additional \$250 thousand, above the original estimate of \$1.5 million, is needed for this component of the project.

There has been some question about whether the hatchery funding should be subject to an Environmental Assessment. However, because this project consists fundamentally of mariculture activities that have been on-going in PWS since the mid-70s and have gone through a comprehensive permitting and public participation process, I believe there is a strong argument for considering this project a "no action alternative" under NEPA and accordingly subject to a categorical exclusion under NOAA's NEPA guidelines. Additionally, this project should fall under NOAA's general permit for mariculture facilities, which include hatcheries. Finally, it should be noted that the project will have no impact on endangered or threatened species.

Although a final determination has yet to be made on the NEPA question, there is a serious time element involved with this project. I strongly recommend each Trustee work with staff so we can resolve this question as quickly as possible.

Time Sensitive elements of Project #94320

In accordance with your instructions I am providing you with the time sensitive elements of Project #94320. I am prepared to implement those elements immediately, subject to NEPA compliance. Please advise me in writing by Monday, March 7, 5 p.m., whether or not you require a teleconference to further consider these time sensitive elements prior to their implementation. Other components of Project # 94320 will be peer reviewed and brought back to you for consideration before any further expenditure of funds.

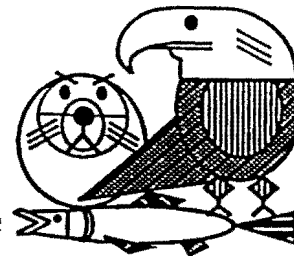
Please contact Molly McCammon at 278-8012 immediately if you would like a detailed briefing on the above recommendation by Dr. Spies and Dr. Cooney.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

To: Trustee Council

From: Dr. Robert Spies
Assisted by Byron Morris & Alex Wertheimer (NMFS), Jerome Montague (ADF&G), George Rose, Bill Percy and Andy Gunther

Thru: James R. Ayers
Executive Director

Date: March 2, 1994

Subj: Recommendation for Time-critical Expenditures for Project # 94320

On January 31, 1994, the Trustee Council conditionally approved \$6.25 million for Project 94320 (Prince William Sound System Investigation) subject to the successful integration of this project with project #s 94163, 94184, 94185, 94187, 94189, 94192, 94259 and those portions of projects # 94421 that involve research. The Trustees directed the Executive Director to determine which elements of this project were time-critical and to report back to the Council for further action.

Subsequently, we have been directed by the Executive Director to meet with the principals of the Sound Ecosystem Assessment (SEA) group and to develop a recommended course of action concerning this project with respect to time-critical expenditures. The following is that recommendation.

RECOMMENDED ACTIONS

A. Time-critical equipment and personnel expenditures.

We recommend that the Trustee Council immediately approve the following equipment and personnel expenditures for Project # 94320:

- | | |
|---|----------|
| 1. Hydroacoustic equipment | \$ 270.0 |
| 2. Physical oceanography, zooplankton and phytoplankton equipment | 310.0 |
| 3. Fish food and coded wire tags for PWSAC | 45.0 |

Trustee Agencies

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

4.	Juvenile salmon predation/growth/survival	
	Vessel charters	793.5
	Equipment (seines)	44.0
5.	PWSSC project administration	25.0
6.	Avian predation study startup costs	<u>41.5</u>
	SUBTOTAL	\$1,529.0
7.	PWSAC Experimental Manipulation	<u>1,750.0*</u>
	TOTAL	\$3,279.0

additional * Authorized subject to NEPA compliance. It is anticipated that an
\$250.0 will be needed by PWSAC to complete this
portion of the project.

B. Procurement conditions

We recommend that the Trustee Council approve the following procedures for moving forward with the time-critical elements of this project:

1. Procurement of all equipment identified for UAF and the Prince William Sound Science Center (PWSSC) via a Reimbursable Services Agreement (RSA) between ADF&G and UAF.
2. Vessel charters competitively procured by ADF&G for the full charter period, but based on a daily charter rate, with provision for ending the contract at any time without penalty.
3. Procurement of \$1.795 million to PWSAC pending NEPA compliance, approval of sole source justification by the Alaska Department of Administration and approval of the Detailed Project Description for that portion of Project # 94320.

DISCUSSION

The scientific questions being asked by the Prince William Sound System Investigation are laudable and appropriate in order to answer basic questions about the health of the Prince William Sound fisheries. The investigators are scientifically qualified, clear about their goals, and enthusiastic. Significant portions of the investigations proposed

as parts of project # 94320 are very ambitious, in particular, those pertaining to juvenile salmon predation. These include the purchase, delivery and implementation of highly sophisticated equipment, the coordination of several vessels and crew, as well as extremely complex field logistics in order to obtain sampling data.

Although the peer review of Detailed Project Descriptions (DPDs) for all of the component parts of project # 94320 has not yet been completed, we nevertheless feel that the recommended expenditures are justified at this time and represent a sound investment in the research capability that will be needed over the next several years.

At the same time, we emphasize that expenditure commitments (especially the salmon predation studies that require extensive vessel support) should be structured and conditioned to accommodate an initial pilot phase that demonstrates the feasibility of the proposed methods. The pilot study should be designed so that it is possible to roll in the rest of the program to full field operation upon a determination that the pilot phase is successful.

Finally, it should be emphasized that the long lead time associated with procurement and deployment of the equipment necessitates an immediate decision if large portions of the study effort are to be undertaken in the coming field season in concert with the spring plankton bloom.

Final Council action is needed as quickly as possible. Any delays will result in a reduced program.

(Note: The recommended purchases and authorizations addressed above is not a complete list of equipment needs for project # 94320 and reflects only equipment and other procurement needs with long lead times that are critical to have "in the water" by April 15.)

* * * * *

A more detailed memorandum, including a discussion of equipment requests that are not recommended for funding at this time, is provided as an attachment.

Attachment B

Robert Spies, Chief Scientist
to James Ayers, Executive Director

Scientific Review and Recommendations for Project 94320

Memorandum dated April 4, 1994

April 4, 1994

TO: James Ayers, Executive Director
FROM: Robert Spies, Chief Scientist
RE: Scientific Review and Recommendations
for Project 94320

At the last Trustee Council meeting on January 31, 1994, the Council approved Project 94320 as part of the 1994 Workplan. This action was contingent on favorable peer review of the Detailed Project Descriptions (DPDs) written by the principal investigators for the various components of this project. A comprehensive review includes both technical and fiscal aspects of this project. Over the last two months, I have received the DPDs for Project 94320 and obtained expert review of their technical merit. Although a few of these reviews are still outstanding, I now have enough information to provide you with my analysis and recommendation for Project 94320 based on its technical merit. I have also provided an attachment that provides some background information on the development of this project.

I am also recommending that a detailed review of the budget, which I have not done, be carried out before you formulate your final recommendations to the Trustee Council. In addition you may wish to give further consideration to the specific manner in which the four general recommendations listed below can be implemented.

Recommended Actions

I recommend that the Trustee Council approve Project 94320 with the following provisions:

1. The SEA program needs to rethink how the leadership of the project can be strengthened. The current consensus-based process, which has been appropriate for formulating goals, should give way to a leader-based process needed for the day-to-day execution of the mandate set out by the Trustee Council, in partnership with the public, and for flexible management of the scientific process.
2. The principles of adaptive management need to be applied so that maximum flexibility in the scientific program is maintained while at the same time scientific objectives are pursued in a cost effective manner. For instance, if the major releases of juvenile salmon occur before all of the acoustic equipment is operable on the charter vessels, then objectives and plans have to be tailored to the biological realities, the most useful biological data should be gathered, and the vessel charters terminated after that data is gathered.
3. There should be a scientific review in mid-September of 1994 that evaluates the success of the program and what aspects of the program should be modified in the coming year. This review would involve the principal investigators, program manager, the chief scientist, selected peer reviewers and others designated by the executive director. The Chief Scientist would prepare a memo to the executive director that evaluates the

progress of the program and makes recommendations regarding relevant portions of the 1995 workplan.

4. I support the information and modeling efforts this year as they are mainly supportive of data interaction and visualization that is so important to the integration of this project. There are, however, serious questions about how effective a deterministic model of the system could be for fisheries management and we will subjecting this aspect of the project to further review with the idea of developing a substantial recommendation for whether this should be funded in 1995.

Background

A lack of understanding of the processes controlling the population fluctuations of injured populations limits the Trustees' ability to restore damaged resources in oil spill area. In order to (1) effectively guide the restoration of Prince William Sound after the *Exxon Valdez* Oil Spill, (2) improve the management of common property fishery resources damaged by the spill in order to effect restoration, and (3) identify key marine resources and processes for long-term monitoring, the Council has committed to improving our understanding of the functioning of the Prince William Sound ecosystem. This commitment was expressed by the Trustees at their September meeting through support of an ecosystem approach to studying the Sound and the greater oil spill area.

To begin the process of developing this ecosystem approach, the Trustee Council sponsored a workshop in Cordova during December of 1993. A Steering Committee was established to organize and conduct the workshop, and report its findings to the Council. The major objectives of this workshop were to obtain the advice of national experts and experienced local scientists in designing a multi-disciplinary study of the Prince William Sound marine ecosystem, and to review and critique an ecological study plan (the SEA plan) prepared by the Prince William Sound Fisheries Ecosystem Planning Research Group.

The Steering Committee reported their findings and recommendations in a January 14, 1994, memorandum to the Executive Director. The Committee's two key findings, strongly supported by the peer reviewers at the workshop, were that (1) the SEA plan contains an innovative, reasonable, and scientifically-testable hypothesis to explain how certain ecological processes may control fluctuations of key fisheries resources in PWS, and (2) the ecological approach described in the SEA could form the basis of a program that would make an important scientific contribution to the Trustee's mission of restoring a healthy, productive, and biologically diverse ecosystem within spill area.

The relevance of the SEA Plan to the Trustee's mission led to the development by SEA scientists of project proposals for 1994 workplan. After review by the Executive Director, myself, and others, these proposals were modified and incorporated in Project 94320. After the Council's action of contingent approval on January 31, the principal investigators prepared DPDs for review by the Chief Scientist and peer reviewers.

Peer Review Process for Project 94320

The peer review of Project 94320 has been conducted in three phases. First, a preliminary review by myself and several key peer reviewers who attended the Cordova Workshop determined that the overall scientific questions being asked by Project 94320 are laudable and appropriate to answer basic questions about the health of Prince William Sound fisheries. The principal investigators are scientifically qualified, clear about their goals, and enthusiastic. Consequently, we recommended to the Executive Director that certain portions of Project 94320 be given a "fast-track" approval. If 94320 was to go forward in the field in April of 1994, those portions of the

project recommended for "fast track" approval needed immediate funding rather than waiting until review of the DPDs was complete. The vast majority of the fast track approval was required for ordering scientific equipment and arranging vessel charters.

The second phase of the peer review process involved the specific review of individual DPDs by scientific experts. The Council currently has over 60 North American scientists, with expertise ranging from cytogenetics to oceanography, who have provided expert review during the NRDA and restoration process. Given the very short time-frame available for review of the DPDs for 94320, I was very pleased with our success at obtaining reviews from top scientists around the country. The purpose of these reviews has been to obtain independent scientific assessments of (1) the validity of the scientific methods proposed in each project, and (2) whether the project as proposed will meet its stated objectives. In addition, two scientists besides myself reviewed all of the DPDs that were available by March 15 to obtain an "overall" assessment of the integration of various project elements.

The third phase of the peer review was to obtain an assessment of the overall integration of the seventeen components of project 94320. Two senior peer reviewers agreed to perform this task, although not all the DPDs were available in time to be included in this review. The table below indicates that of the 12 DPDs being reviewed, nine were available for this overall review (please note that some of the delays were administrative and not the responsibility of the principal investigators). In addition, I have reviewed all of the DPDs, as has my associate Dr. Andrew Gunther.

The following table lists the status of the review of 94320 DPDs.

Included in "Overall" Review	Project Title	DPD Received by Chief Scientist	Review Status
✓	Avian Predation on Herring Spawn	March 2	specific reviews complete
✓	Salmon Growth & Mortality	March 2	specific reviews complete
✓	Salmon Predation	March 2	specific review complete
✓	Observational Physical Oceanography in PWS. & the Gulf of Alaska	March 3	specific review complete
	Experimental Fry Release	March 7	no review proposed
✓	Sound Ecosystem Assessment (SEA) & Related Studies: Summary	March 7	included in overall review
✓	The Role of Zooplankton in the PWS Ecosystem	March 7	specific review complete
	Trophic interactions of Harbor Seals	March 7	no review proposed
	Experimental Manipulation	March 7	no review proposed
✓	An Ecosystem Research plan for Nearshore Fish	March 7	specific reviews complete
✓	Confirming Food Web Dependencies in the PWS Ecosystem using Stable Isotope Tracers	March 14	included in overall review, specific review not complete
✓	Information Systems and Model Development	March 15	included in overall review, specific review not complete
	Coded Wire Tag Recoveries from Pink Salmon in Prince William Sound	March 18	no review proposed
	Otolith Marking-In season Stock Separation	March 18	specific review complete
	Genetic Structure of Pink Salmon Stocks	March 18	specific review not complete
	Program Management		no review proposed
	Plankton Dynamics: Phytoplankton and Nutrients	March 22	specific review not complete

In keeping with past practices, projects of a routine nature, or those with methods that have been reviewed in previous years, have not received a review ("no review proposed").

Overall Analysis

This project represents a valid, defensible, sophisticated ecosystem approach to understanding the factors controlling pink salmon production in Prince William Sound to help guide the Trustee Council's restoration activities. It can also provide valuable information about the biological oceanography of the northern Gulf of Alaska, and in this way will contribute to resource management throughout the oil spill area. Although the project in the first year does not begin to comprehensively address herring, a small project on bird predation on herring spawn is included. In a more comprehensive sense herring has been part of the planning process, and the project can include a more inclusive approach to herring production in the future. Also, of great concern in Prince William Sound and the northern Gulf of Alaska are the mammals (e.g., harbor seals and Stellar sea lions) and sea birds (e.g., marbled murrelets and pigeon guillemots). These species were injured by the spill and are in general decline in the area. Understanding the ecological factors limiting their recovery is a integral part of the ecosystem approach that the Trustees will wish to develop. These species can be included by way of coordination of other programs with the existing efforts within project 94320. The integrative links have already begun to be forged between this study and the forage fish study (94163), among others.

I would like to re-emphasize that for this program to be truly effective it may be necessary to provide from five to ten years of funding, although the level of funding is yet to be determined. This was a strong message from the peer reviewers attending the Cordova workshop. The reason for this recommendation is that the climatic conditions that are such an important source of variation need to be studied over a period of years to understand the relationships between climate, oceanography, and fisheries returns. Each year is in a sense a new natural experiment; the experiment must be repeated under different conditions to draw the appropriate conclusions. Hopefully, we will have a series of years in the near future that will provide the properly variable conditions.

It is critical to note that a comprehensive assessment of the first year's accomplishments towards understanding the complex factors controlling pink salmon production will not be available until early 1995. Since this will be after the Trustee Council approves the 1995 workplan, two years of funding will be committed before the Council has a good sense of what the program is producing. Given this situation, I believe it is imperative to measure the extent to which project 94320 is achieving its first-year objectives. I have therefore requested project-specific milestones from each of the principal investigators for September 1994, and for March 1995. Examples for the milestones for September 1994 include:

1. Preliminary assessment of oceanic transport in and out of PWS during spring and summer of 1994. This will verify our ability to determine if the Sound is acting like a "lake" or a "river".
2. Geotime coded acoustical measurements of juvenile salmon target strength and the fish assemblage associated with the juvenile salmon. This will provide the first measurement of the distribution of juvenile salmon and their predators during a single season.
3. Make a preliminary assessment of the major zooplankton taxa associated with swarms and layers of acoustically and optically censused macrozooplankton. This will verify our ability to measure relative zooplankton distributions using hydroacoustic technology.

4. Demonstration of a functional data management interface for accessing and visualizing empirical data sets and model output. This interface will be critical for providing interactive data management and analysis tools to principal investigators.

Assessment of progress against these milestones should occur in a meeting in Cordova to acquaint selected reviewers and myself of the state of the program after its first field season. I would be prepared to provide the Trustee Council with a formal assessment and recommendation prior to your vote on the 1995 workplan.

I would like to emphasize that the short time for review has made things difficult for all involved. The scientists proposing these studies are very committed, and have moved ahead with planning and preparation at their own risk to make the 1994 field season a meaningful first year. I strongly support the Executive Director's efforts to accelerate the 1995 planning process to move DPD production and review to the late fall. This change would also be welcomed virtually unanimously by the peer reviewers, based upon the comments I received during the review process.

As of today I have been told that the principal investigators still do not have access to the funding for this project that was "fast-tracked" earlier this year. While there are probably good reasons for these administrative delays, I am extremely concerned about the ability to mobilize the equipment and personnel required to be present in the field in mid-April. When last I inquired, the hatcheries were expecting to release the salmon around April 20, which corresponds to the expected peak of the zooplankton populations in Prince William Sound. The objectives Project 94320 will be able to achieve for the 1994 season will be significantly reduced if the principal investigators are not in the field by mid-April. If start up is delayed until early to mid-May only the final stages of the macrozooplankton populations can be censused, and only the later (and smaller) releases of juvenile salmon will be available for predation studies. I will monitor the progress of the mobilization of equipment and personnel if the Council approves Project 94320, and will advise the Executive Director as the situation develops.

Specific Analyses of Each Component

94320-A: Salmon Growth & Mortality

The purpose of this project is to: (1) estimate the growth of juvenile pink salmon in 1994 and compare the rates to past years, (2) describe their migration through PWS, (3) estimate their diet and compare it to past years, (4) determine the role of food abundance in limiting growth, (5) evaluate past relationships between juvenile growth rates and fry-to-adult survival, and (6) develop techniques to estimate mortality of juveniles in PWS and the Gulf of Alaska. There may be a predictable relationship between food availability to juvenile, juvenile growth rates and survival from juvenile to adult. This project will continue to explore these relationships and in the context of the other studies, particularly those on salmon predation and zooplankton abundance, help improve our understanding of the main factors that determine adult returns.

The reviewers thought that the investigators proposed for this part of the program had proven that they can do this kind of work successfully. The principal investigators also must devise a strategy to determine if faster growing juvenile salmon move to deeper water sooner, as this would make the school that is followed a more and more biased sample over time.

94320-B: Coded Wire Tag Recoveries from Pink Salmon in Prince William Sound

The purpose of this study is to recover coded wire tags (CWTs) from pink salmon caught by commercial fishermen, researchers, and others. The recovery of the tags and subsequent analyses will provide, among other objectives, data regarding (1) the contribution of tagged hatchery stocks to the commercial harvest, and (2) the growth and marine survival rates of tagged hatchery stocks. These data are quite valuable to fisheries managers, and used for both planning and in-season regulation. The data on salmon growth and survival will also be used in conjunction with data from salmon predation, oceanographic, and zooplankton studies to test the basic hypothesis regarding factors controlling pink salmon production in Prince William Sound.

This study utilizes methods that have been reviewed in past years. It does not contain experimental or non routine elements, and so was not sent out for peer review. A pilot study has been proposed this year to test thermal and chemical marking of otoliths as an alternative to CWTs. Until the results of this study are available CWTs will remain the only feasible method for developing the data described above regarding growth and survival of hatchery salmon.

94320-C: Otolith Marking: In-Season Stock Separation

This is a proven technology in other species of fish for putting marks or checks on the otoliths (ear bones) of juveniles. This has not been tried on a wide scale with juvenile pink salmon previously and this project proposes to try to mark large numbers of hatchery fish by this method in 1994. This methodology, if successful, will replace the more costly coded wire tag method currently used on a portion of hatchery-released fish. This new tag can nearly universally mark hatchery fish and perhaps settle some long-standing potential objections to CWTs (e.g., potential alteration of the olfactory sense). This project alone has a great chance to greatly improve salmon management practice.

94320-D: Genetic Structure of Pink Salmon Stock

The objective of this project is to define the genetic structure of pink salmon stocks in PWS. Potential sources of variation include stream-to-stream differences, even and odd-year stocks, upstream and intertidal spawners, early and late-season spawners. The program proposes to evaluate a series of analyses of allozyme frequencies in fish from a wide geographic range and from two hatcheries and apply a series of statistical measures to determine if different allele frequencies exist, the extent of the difference, and, if there are systematic differences, to construct measures of genetic distances between substocks. In addition a pilot study using DNA techniques will be carried out using mitochondrial DNA.

94320-E: Salmon Predation

The purpose of this project is to: (1) determine the role that variable predation plays in overall survival of pink salmon, and (2) identify and describe the predators and mechanisms of predation under various conditions. This is an ambitious program that will track cohorts of juvenile pink salmon after they are released into PWS, attempt to identify their predators, and examine the mode of interaction of predators with the juvenile fish. This involves a highly coordinated group of vessels using state-of-the-art hydroacoustic equipment to track the juvenile fish and their predators as the fish progress from the Esther Island hatchery towards the southeast passages from PWS to the Gulf of Alaska. At the same time there will be real-time sampling of oceanographic conditions, plankton abundance, predators and the juveniles themselves.

This sort of effort has never been attempted before, and this has caused some nervousness among the reviewers particularly with regard to coordination of vessels, calibration of the acoustic equipment and a myriad of details that have to "go right" for this effort to be successful. However, it appears to be possible and is definitely worth the effort, as much can be learned. As mentioned previously, if there are irresolvable technical problems that arise early in the program, the major costs associated with this project, the vessel charters, can be terminated without penalty.

94320-F: Trophic Interactions of Harbor Seals

This is a small but potentially important part of the overall project. The objective of this portion of the project is to determine if links between various food sources and the harbor seal population in PWS can be established either by use of lipid-specific analysis or analysis of stable isotope ratios. The technique being proposed is a relatively new application. The key scientist in the country to act as a peer reviewer has already reviewed the proposal, so I did not think that it needed to go out for review. I do plan to recommend that a general review be performed on the use of lipid markers to indicate food sources in marine food webs.

94320-G: Plankton Dynamics: Phytoplankton and Nutrients

The objective of this part of the program will be to: (1) describe the spatial and temporal extent of the spring-summer phytoplankton bloom in PWS, (2) measure phytoplankton primary productivity, (3) identify the major species comprising the bloom, and (4) describe the distribution and abundance of the dissolved inorganic nutrients important to phytoplankton growth. Besides the obvious importance of this program for describing the primary production that eventually supports larval fish growth and production, this program will be making a major contribution in itself to our basic understanding of the PWS system. There has simply been very little work done in this area and this study will be a pioneering one in phytoplankton dynamics of PWS.

This DPD was delayed by the University of Alaska due to questions about potential conflict of interest because the principal investigator attended the Cordova workshop. The Department of Law determined that this was not a problem, and the DPD was then released by the University, although too late to obtain a review prior to preparation of this memo.

94320-H: The Role of Zooplankton in the Prince William Sound Ecosystem

The purpose of this project is to: (1) determine the timing, duration and magnitude of the bloom of mixed layer zooplankton stocks in western and northern PWS in the spring and summer, (2) determine how changes in vertical distribution of zooplankton affect their predators, (3) provide estimates of zooplankton abundance to calibrate the acoustic instrumentation used to locate and track swarms and patches of zooplankton in PWS, (4) determine the coupling of the phytoplankton and zooplankton blooms, and (5) provide taxonomic assistance with identification of zooplankton. The main goal of the project is to test the "River-lake" hypothesis that postulates that in years when PWS is swept continuously by buoyancy driven coastal currents during the spring plankton bloom food for juvenile fish is poor, and in years when PWS is not so swept, a "lake" year, there are better feeding conditions for juvenile pink salmon. A second and related hypothesis, "prey switching", is that certain fish that feed on zooplankton in "lake" years, when they are abundant, become predators of juvenile pink salmon instead in "river" years when zooplankton are less abundant.

94320-I: Confirming Food Web Dependencies in the Prince William Sound Ecosystem using Stable Isotope Tracers

The objective of this project is to use the predictable shifts in stable isotope ratios of carbon and nitrogen that occur with increasing trophic level to determine if the river-lake and prey switching hypothesis described above can be confirmed. As both of these elements are cycled further up the food chain the heavier natural isotopes (^{13}C and ^{15}N) become relatively less abundant. Such shifts are easily measured and shifts of these isotopes in predatory fish during various types of years "river" or "lake" provide a novel way to test these hypotheses. This represents a novel application of stable isotope ratios in that such measurements, seasonal changes in food stable isotope ratios, reflected in a small measurable change of total isotope ratios against the background of carbon accumulated under different conditions.

94320-J: Information Systems and Model Development

This study component is the data and information management element for all the major portions of 94320. The major objectives of this component are (1) to process the data developed by all parts of the project (including available satellite imagery), (2) integrate these data using geographic coordinates and date of collection, (3) adapt an existing computer interface for use by principal investigators for data analysis and interpretation, and (4) plan for the development of a numerical model of the Prince William Sound ecosystem in future years. This program component also includes purchase and modification of the aquashuttle sampling device for biological oceanography, and establishment of a high-speed Internet connection to Cordova for data transmission and analysis.

I have seen an example of the oceanographic computer interface to be adapted for this program (ECMOP), which will provide all investigators with the capacity to examine their data visually in time and space in a form analogous to a Geographic Information System (GIS). Data sets can be overlaid, allowing analysis of the basic hypotheses regarding the relation between oceanographic conditions and zooplankton distributions. Data sets from sequential sampling days can be "animated", developing a visual representation of changing conditions with time in the study area. The Internet connection will allow data to be quickly transferred between Fairbanks (where satellite images are downloaded), the University of Maryland, and Cordova, and will allow principal investigators in different locations to work with data stored in Cordova. I believe the data collection equipment and data analysis tools to be developed under this component will allow the principal investigators to test and refine their basic ecological hypotheses regarding factors controlling the production of Prince William Sound fisheries. I will be receiving a specific review of this component soon, and I will also be keenly focused upon the interim products to be produced under this study component. These products will be vital for developing useful information from the entire 94320 project.

While I and all of the peer reviewers at the Cordova workshop supported the testing of these "conceptual" or "descriptive" models, there are some very critical questions that must be examined before a major commitment is made to developing a complex numerical model. Such a model, if valid, would be an extremely valuable predictive tool for fisheries management. These models have been developed at many institutions around the country for oceanographic features, and a few of these models include plankton elements. However, developing a model that can use oceanographic and plankton data to predict salmon and herring returns is fraught with such unknowns and complications that there is much skepticism regarding the eventual success of such an effort. For example, these models rely upon assumptions regarding "boundary" conditions that may create enough uncertainty to limit the predictive use of the model on time scales of interest. In the current year, these efforts are limited, and the Trustees should not make a significant

commitment in this regard without careful consideration of the likelihood of developing a useful product.

94320-K: Experimental Fry Release

94320-L: Experimental manipulation

These are fairly routine aspects of the project in that the standard approaches to aquaculture used previously will again be employed to raise fry from eggs. The juveniles will be released from the hatchery after attaining specified sizes, at certain times in relation to plankton abundance and at certain places. By releasing tagged lots and having a juvenile sampling and tag recovery component in other parts of this program it will be possible to do "natural experiments" whose outcome will point to conditions that are optimal for survival of juveniles. Since this projects was somewhat routine in nature it was not peer reviewed and no opinion is offered in relation to its value for restoration.

94320-M: Observational Physical Oceanography in PWS & the Gulf of Alaska

The purpose of this project is to: (1) determine the structure and variability of the climatic patterns and oceanographic features in PWS and the Gulf of Alaska, (2) determine the relationship between the atmospheric forcing and the wind and buoyancy driven ocean currents, (3) determine how currents act to disperse or retain food resources, (4) and determine the relationship between climatic and oceanographic cycles, physical features and changes in abundance of important species. The basic oceanographic process that will influence the abundance of fish food resources will be studied through charting currents and physical structure of the water in relation to biological phenomenon. In essence this provides the physical evidence for testing the "River-Lake" hypothesis. The basic measurements will be conducted with conductivity/temperature/depth measurements (CTDs), acoustic doppler current profilers (ADCPs) and chemical analyses of water samples. In addition towed vehicles with attached instruments will provide the "sections" needed to further characterize water structure. In the future the use of permanent buoys will be considered to supplement these other data gathering modes. The investigator has requested and received assurances that continuing advice from other oceanographers regarding fruitful approaches to measuring physical processes on a scale appropriate to biological resources will be made available.

94320-N: An Ecosystem Research plan for PWS Nearshore Fish

The purpose of this project is to: (1) evaluate the distribution of macrozooplankton in PWS in real time in order to describe the prey field for juvenile pink salmon, and (2) describe the distribution of predators of juvenile fish in real time. This will be an integral part of the complex field studies centered around fry releases in northwestern PWS and provides an important part of the biological picture for the purposes of coordinating net sampling of predators and zooplankton. The investigator faces the challenge of ground truthing the measurements of zooplankton by hydroacoustical methods against the more conventional methods. There is considerable controversy on the ability of single-frequency hydroacoustic equipment to quantitatively measure zooplankton and this is, therefore, a challenging area on the cutting edge of biological oceanography for the investigators. Data interpretation will need to rely whenever possible on the simultaneous net and hydroacoustic data for zooplankton abundance to be convincing.

94320-P: Program Management

Although the SEA program originally requested sizable resources for program management it appeared to some of us that what was being requested was a whole different management structure outside the Trustee Council management process. This was viewed as duplicative. There is however, as there are with other Trustee Council sponsored projects, a need for program direction and leadership.

I believe that the management of the overall program requires strengthening by changing the way that program direction is formulated. The program was developed by consensus among a diverse group of scientists and the public, but it cannot be managed by committee. Some hard real-time decisions will undoubtedly be made during the next field season. These decisions cannot be made by consensus--that will undoubtedly paralyze the program. The open public process that lead up to the workshop is a good one and needs to continue to provide general guidance to the process, but the day to day execution of the mandate requires a single strong leader. The leadership should absolutely committed to the success of the program and we need a leader that will work untiringly towards this end.

94320-Q: Avian Predation on Herring Spawn

The purpose of this study is to assess the impact of avian predation on herring spawn, with the goal of integrating this information into a model to predicts herring embryo survival. Better information regarding factors influencing the mortality of herring eggs should improve our ability to predict the spawning biomass of herring in Prince William Sound. The investigators will use avian census techniques to compare bird densities at sites of low and high density of egg deposition in different habitat types. Predator exclusion techniques will attempt to quantify predation from different sources. In this first year, the project will be limited to herring spawning sites along the northeastern shore of Montague Island.

Review of this DPD has greatly strengthened the experimental design. Proposals to collect lipid samples in an effort to determine the energetic importance of herring spawn has been eliminated, and the principal investigator is pursuing suggestions to provide samples to the stable isotope component (see below) if feasible. The proposal to collect seabirds for dietary analysis has been removed in favor of netting the birds and using regurgitation techniques to examine diet. In practice, it may be difficult to quantify bird predation as separate from predation by small fishes or invertebrates using exclosures. If the Trustee Council does not expand Project 94320 in future years to include pacific herring, the full value of the avian predation study will not be realized. This project is well integrated with the Herring Spawn Deposition and Egg Loss Survey (Project 94166).

A G E N D A
FY 95 Work Plan
Restoration Work Force

DRAFT

Teleconference

645 G. St., Anchorage • 4th Floor Conference Room
Federal Building, Juneau • NMFS Large Conference Room 445C - 586-7350
Monday, April 25, 1994 • 1:30 p.m. to 4:00 p.m.

1. Discuss 4/22/94 draft of "Competition in the FY 95 Work Plan - Issue Paper" (attached).
 - Does it address all of the major policy issues related to competition in the FY 95 work plan?
 - Do you agree with the proposed approach (p.2), i.e., two tracts?
 - Is the proposed timeline workable?

2. Set agenda for the Friday, April 29, meeting with agency contracting officers. See attached draft agenda and list of participants.

A G E N D A
FY 95 Work Plan
Trustee Agency Contracting Officers

DRAFT

Teleconference
645 G. St., Anchorage • 4th Floor Conference Room
Federal Building, Juneau • NMFS Large Conference Room
Friday, April 29, 1994 • 9:00 a.m. to noon

Discuss 4/25/94 draft of "Competition in the FY 95 Work Plan - Issue Paper" sent to each participant earlier this week).

1. Is the proposed approach workable under the contracting rules of your agency?
2. What do you recommend to improve the proposed approach?

List of Participants:

<u>Agency</u>	<u>Agency Liaison</u>	<u>Contracting Officer</u>
Executive Director's Office	Molly McCammon	June Sinclair
AK Dept. of Environ.Cons.	Mark Brodersen	David Bruce
AK Dept. of Fish and Game	Jerome Montague	Earnie Greek (will arr. AGO rep.)
AK Dept. of Nat.Res.	Veronica Gilbert	Chris Rutz (available Thurs a.m., not Fri.)
U.S. Dept. of Interior	Sandy Rabinowitch	Winston Jacobson (avail. Thurs, not Fri.)
U.S. Dept. of Commerce, NOAA	Byron Morris	Bob Henderson
U.S. Dept. of Agriculture, USFS	Dave Gibbons	Glen McGuire/Steve Zeckler

Competition in the FY 95 Work Plan - Issue Paper

DRAFT

Issue

The Draft Restoration Plan encourages competitive proposals for restoration projects and expects that "the number of competitive contracts awarded to nongovernmental agencies...will continue to increase." The issue facing us is how to encourage competitive proposals in the FY 95 work plan.

Analysis

Background: Each year, project ideas are solicited from agencies and the public. Trustee agencies then write brief project descriptions of those project ideas that are endorsed by the Trustee Council. Brief project descriptions are compiled into a draft work plan, which is reviewed by the public. If the Trustee Council approves a project, it is assigned to one of the Trustee agencies and is often implemented, in part, through a competitive process. That is, the agency may issue a request for proposals for professional services or support services such as vessel charters.

Considerations: In designing an approach to increasing competition, the following factors should be considered.

1. **Implementation or Development, or Both.** Competition already exists in the implementation of restoration projects, once the Trustee Council has approved funding for the project. However, encouraging competition at an earlier stage, that is, in the development of restoration projects, may do more to foster innovation and counter the perception of a closed shop.
2. **Management Responsibilities.** Trustee agencies have management responsibilities for resources and services injured by the oil spill. Projects that entail the exercise of discretion reserved to public agencies by law may not be appropriate for competitive proposals.
3. **Exclusion of Trustee Agencies.** Some Trustee agencies may be legally prevented from competing with the private sector or may choose not to compete to avoid the appearance of conflict of interest. Should the Trustee agencies be encouraged to compete with the private sector or should they be excluded from competition? silent on the matter?
4. **Public Review.** If a project is to be implemented through a competitive process, the intent to do so is usually stated in the draft work plan, which is subject to

public review. However, if a restoration project is developed through competitive proposals, there are a few additional considerations: should the public review the successful proposal, the core of the request for proposals/preliminary proposals (minus boilerplate), the decision whether or not to develop the project through competitive proposals, or just the project idea?

5. **Timing.** If a project is to be implemented through a competitive process, requests for proposals are issued after the Trustee Council has approved the project. For FY 95 this is expected to occur on 10/31/94. However, if a restoration project is developed through competitive proposals, should the competitive process begin before the Trustee Council approves the project or after? Issuing a request for preliminary proposals before the Trustee Council approves the project would yield more information on which to base the decision and would allow the contract to be awarded by February or March (?). If the request for proposals is delayed until after the project is approved on 10/31, the Trustee Council would have to base its decision on the core of the request for proposals, which would give them less information than responses to the request for preliminary proposals.

Proposal for Discussion Purposes

The proposal for discussion purposes deals with the five policy considerations as follows:

1. **Implementation or Development, or Both.** In this proposal the work plan would develop projects along two tracts: those developed by agencies (may be implemented through RFP) and those developed through competitive proposals.
2. **Management Responsibilities.** Between 5/15 and 6/15, agencies and the public advise the Executive Director on which projects should be developed through a competitive process and which should be developed by agencies. By 7/30, the Executive Director makes the decision.
3. **Exclusion of Trustee Agencies.** This proposal neither excludes Trustee agencies from competing, nor encourages them to do so.
4. **Public Review.** The proposal would encourage the public to suggest ideas to be developed competitively during the solicitation of proposals (5/15 - 6/15) but would not afford the public to review the request for preliminary proposals.
5. **Timing.** The proposal issues a request for preliminary proposals before the Trustee Council approves funding for the project, but would defer the final RFP until after funding decisions are made (10/31).

DRAFT

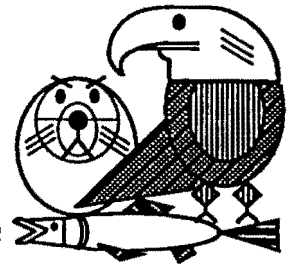
Period	Projects Developed by Agencies (may be implemented through RFP)	Projects Developed through Competitive Proposals
5/15 - 6/15	Solicitation of project ideas. Submissions should indicate whether this project should be undertaken by a public agency and why (e.g., the project would entail a high degree of decision making by a certain public agency or the agency has particular expertise and would be precluded from competing with universities and the private sector).	
6/15 - 7/15	Science Review Board reviews project ideas and submits its recommendations to the Executive Director.	
7/15 - 7/30	The Executive Director decides which projects should be in the draft work plan and, furthermore, which projects should be developed by trustee agencies (and perhaps implemented through a competitive process) and which should be developed through competitive proposals.	
8/01 - 8/15	The Trustee agency prepares a brief project description. (This work could begin earlier.)	Requests for preliminary proposals (AS 36.30.265 and its federal counterpart) would be developed based on broad research objectives, e.g., to understand what factors are limiting recovery of the nearshore ecosystem.
8/15 - 9/30	Review of brief project descriptions by the public and the Science Review Board.	Agencies and other private parties prepare preliminary proposals.
10/01-10/15		Science Review Board evaluates competitive proposals and submits recommendations to Exec. Director.
10/15-10/20	Executive Director prepares recommendations to the Trustee Council.	
10/31	The Trustee Council decides which projects to fund.	
After 10/31	Issue RFPs if necessary to implement the project.	Request for proposals issued to those determined to be technically qualified through the evaluation of preliminary proposals.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

TO: Jerome Montague/ADF&G

FROM: Molly McCammon, Director of Operations *mm*

DATE: April 25, 1994

SUBJ: Supplemental Funding for Project #94191/Egg and Alevin Mortality — Authorization

The purpose of this memorandum is to formally authorize work to proceed on the supplemental portion of Project #94191/Oil Related Egg and Alevin Mortality. As you know, the additional funding authorized by the Trustee Council at the recent April 11 meeting will support a replication of prior work that found a heritable factor for egg mortality and has the wholehearted support of the Chief Scientist as reflected in the attached memorandum.

attachment

cc: Jim Ayers
Byron Morris
Bob Spies
Eric Myers

Trustee Agencies

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


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

RECEIVED
APR 11 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

April 6, 1994

TO: James Ayers
Executive Director

FROM: Robert B. Spies 
Chief Scientist

CC: Molly McCammon
Byron Morris
Jeep Rice
Jerome Montague
Jim Seeb
Sam Scharr

RE: Support of a supplemental allocation for Project 94191, Oiled Related Egg
and Alevin Mortalities

Purpose of Study

This memo is to confirm my support of supplemental funding of Project 94191 for \$97.7K. I supported this project in my longer memo to you. Last year's results indicate that there is a heritable factor for egg morality that differs systematically between oiled and unoiled streams. This was an unanticipated result; I expected to find that the differences in egg mortality were due to environmental factors such as oil, or other factors that differ from stream to stream. Since the finding was so startling and also points to a lasting oil effect we need to repeat this study this year to make it more creditable. The supplemental funding is to repeat this part of the study. I wholeheartedly support this supplemental allocation.

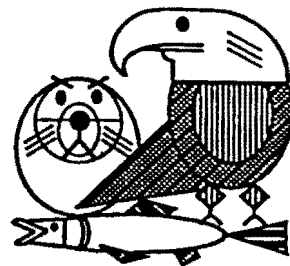


Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



We are updating the *Exxon Valdez* Oil Spill Trustee Council mailing list. A postcard has been provided for your convenience to return the requested information. We would appreciate your assistance in answering the following questions to help us keep you better informed.

1. Do you want to remain on the mailing list? Failure to respond by June 15, 1994 will result in your removal from the mailing list.
2. Is the address shown on the attached mailing label correct? If not, please make the necessary changes on the postcard outlined below and return it to our office.
3. Do you want to receive only the newsletter and annual report? These will provide you with periodic updates on activities, information on injuries, information on future activities, deadlines for public comment, and availability of larger documents.
4. Do you want to receive all documents made available for distribution? This includes newsletters and annual reports, as well as large technical planning documents such as restoration draft work plans and environmental impact and assessment statements?

Thank you for your cooperation. Remember, failure to respond by June 15, 1994 will result in your removal from the mailing list.



Affix label here

Do you want to remain on the mailing list? ☐ YES ☐ NO

Is the address label above correct? ☐ YES ☐ NO (indicate changes below)

Receive newsletters and annual reports? ☐ YES ☐ NO

Receive all technical documents? ☐ YES ☐ NO



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
645 G Street, Suite 401
Anchorage, AK 99501-3451

BULK RATE
US POSTAGE
PAID
PERMIT #1013
ANCHORAGE

ADDRESS CORRECTION REQUESTED

Affix
Stamp
Here

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
645 G Street, Suite 401
Anchorage, AK 99501-3451

MEMO

Beverly - please insert
this into the April 1994
Reading File Binder.
Thanks! Rebecca

TO: Molly McCammon, Director of Operations
FROM: Eric Myers, Project Coordinator
DATE: 4/21/94
SUBJ: Uplands Ecosystem Research Priority Work Session

A teleconference work session has been scheduled for Friday April 22, 1994 at 2:00 pm in the 4th floor conference room. Anticipated participants include the following:

Dave Gibbons/USFS	in Anchorage	
Jerome Montague/ADF&G	via teleconference	(465-6160)
Dana Schmidt/ADF&G	via teleconference	(262-9369)
Glen Juday/UAF	via teleconference	(474-6717)
Art Weiner/Habitat Work Group	in Anchorage	
Bruce Wright/NOAA	via teleconference	(789-6601)
Kathy Kuletz/USFWS (1)	in Anchorage	
Dave Irons/USFWS (1)	in Anchorage	
Tom Rothe/ADF&G (2)	in Anchorage	
Dan Rosenberg/ADF&G (2)	in Anchorage	

¹ one or both of these individuals may attend to provide information about murrelets

² one or both of these individuals may attend to provide information about harlequins

Rebecca has indicated that she will make arrangements for the teleconference.

please

Thanks,

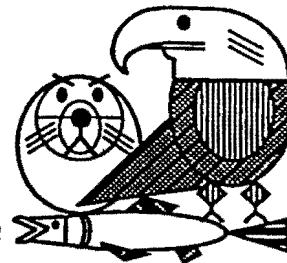
Eric

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



We are updating the *Exxon Valdez* Oil Spill Trustee Council mailing list. A postcard has been provided for your convenience to return the requested information. We would appreciate your assistance in answering the following questions to help us keep you better informed.

1. Do you want to remain on the mailing list? Failure to respond by June 15, 1994 will result in your removal from the mailing list.
2. Is the address shown on the attached mailing label correct? If not, please make the necessary changes on the postcard outlined below and return it to our office.
3. Do you want to receive only the newsletter and annual report? These will provide you with periodic updates on activities, information on injuries, information on future activities, deadlines for public comment, and availability of larger documents.
4. Do you want to receive all documents made available for distribution? This includes newsletters and annual reports, as well as large technical planning documents such as restoration draft work plans and environmental impact and assessment statements?

Thank you for your cooperation. Remember, failure to respond by June 15, 1994 will result in your removal from the mailing list.



Affix label here

Do you want to remain on the mailing list? ☐ YES ☐ NO

Is the address label above correct? ☐ YES ☐ NO (indicate changes below)

Receive newsletters and annual reports? ☐ YES ☐ NO

Receive all technical documents? ☐ YES ☐ NO

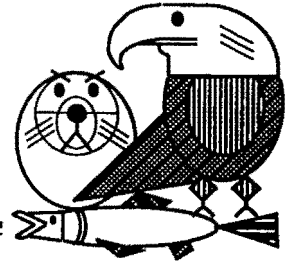


Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

TO: Jim Ayers, Executive Director
Restoration Work Force

FROM: Molly McCammon
Director of Operations

DATE: April 21, 1994

RE: Update on activities and assignments

1. Habitat Protection & Acquisition

- Thursday, April 21, at 9 a.m. the appraisers and state and federal attorneys will meet to finalize appraisal specs. The use of second appraisals is being incorporated into those. Staff have developed a 13 step process for appraisal review. This meeting will be followed by a meeting with all negotiators on Friday, April 22, at 9 a.m. in Anchorage. Dave Gibbons reports that the Department of Justice has now become involved in the standardized appraisal process issue, in support of the Trustee Council approach.

- The Department of Interior has requested an appraisal for Port Graham lands and the Department of Law has requested an appraisal for Shuyak. An appraisal is expected to be requested soon for Chenega parcels. English Bay is still being worked on.

- Habitat staff have been working on developing the three geographic packages for habitat acquisition for Prince William Sound, the Kenai Peninsula, and Afognak/Kodiak. Those should be finalized soon.

2. Restoration Plan EIS

Assuming all agencies remain in agreement on the percentages for restoration activities for the Restoration Plan alternative, the Draft EIS should be available for

Trustee Agencies

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

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

agency review on **May 2**. Agencies will then have two weeks to review and comment, with the final draft going to the printer the first week of June.

3. Herring Project

In response to the apparent collapse of the Prince William Sound herring fishery this year, agency staff met to determine if additional efforts could be accomplished this year to assist in the recover of herring. A new sub-component was added to the Prince William Sound System Investigation, **Project 94320-S** and is to be funded with a combination of Trustee funds saved from other projects and state general funds. A Detailed Project Description is now being developed. Jerome Montague will be circulating the brief description to all work force members. Byron Morris is coordinating the NEPA compliance for this new component, which is expected to receive a CE.

4. Followup to workshops

- **Upland ecosystem.** A small working group will meet by teleconference **Friday, April 22 at 2 p.m.** to develop some proposed research priorities for the upland ecosystem. Eric Myers is coordinating, with the assistance of Dave Gibbons. Please let Eric know if you have comments or suggestions or plan to attend.

- All drafts of Interdisciplinary Teams (Birds, mammals, fish, nearshore and archaeology) research priorities and Pelagic and Nearshore Ecosystem priorities are due to Bob Loeffler by **Friday, April 22**. Bob, Eric, and Veronica Gilbert will re-format into a single document that will be sent out for review to the workforce, Spies and several other peer reviewers, and the participants at last week's workshop. Turn-around for review will be very tight.

- Drafts of recovery monitoring strategies are being sent to Byron Morris who will have a draft for review by next week. If it is decided to have one or several statisticians review these strategies, a final draft will probably not be available until later summer or early fall. However, we are hopeful we will have a useful draft to include in the FY95 proposal packet by May 15.

- Any recommended changes to the Draft Restoration Plan or to the Draft Implementation Structure should be given to Veronica, Bob or Eric by **April 22**.

- **Contracting/bidding/RFP procedures.** Veronica and Bob are setting up a meeting with the work force on **Monday, April 25** to discuss draft options for these procedures. A meeting with work force members and agency procurement personnel is being set up tentatively for **Friday, April 29**, in either Juneau or Anchorage. We will have more information out to you regarding this as soon as possible.

5. Public Meetings

The meeting in **Chenega** was cancelled due to poor flying weather. Instead, a teleconference was held with both **Chenega** and **Tatitlek**. Both communities are very interested in subsistence projects and recreation projects.

The trip to **Valdez** on **April 19** was successful with an appearance on a Sound-wide radio call-in show, a presentation to the Rotary Club, meetings with city staff, and a public meeting that attracted 4 people (2 reporters and 2 others, but we did have to compete with a sunny, gorgeous evening!).

Homer and **Port Graham** are scheduled for next **Wednesday, April 27**. A presentation in **Fairbanks** is tentatively scheduled for **April 28**. Ground-breaking ceremonies are scheduled for the **Kodiak** museum on **May 28**. This is the date requested by **KANA** and the city and borough of **Kodiak** because lots of people will be in town for the **Crab Festival** and actual construction is now not scheduled to begin until **June 1**. However, we are checking with the Governor's office and all Trustees, and if **May 26** or **27** works better, the **Kodiak** folks would be willing to change the date to one of those. **Rebecca Williams** is checking with all parties to finalize a date for this event.

6. Juneau Office

The **Juneau** office is moving to Room 859-A in the Federal Building. The new mailing address is P.O. Box 20122, **Juneau, AK 99802**. The main phone number remains **586-7238**, and the FAX number remains **586-7589**.

7. April 11 Meeting Notes

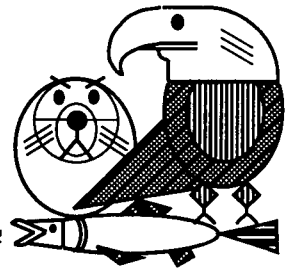
Attached is a draft of the meeting notes for the **April 11** Trustee Council meeting. Please review ASAP and return any comments back to **Eric Myers** by **Friday, April 22**. I apologize for the delay in getting these out. We were side-tracked by the workshops last week.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



April 21, 1994

Richard A. Chaloupka
3683 Gorier Avenue
Columbus, Georgia 31909

Dear Mr. Chaloupka:

Thank you for your letter of April 1, concerning your property in the Port Fidalgo area.

Currently, staff are developing a procedure to evaluate parcels less than 1,000 acres in size, located within the oil spill effected area, which have willing sellers. This *Small Parcel Evaluation & Ranking* process will be a component of the ongoing Comprehensive Habitat Protection Process adopted by the Trustee Council. It will contain suites of threshold criteria and evaluation criteria that assess the value of protecting small parcels to meet the goals of restoration.

The small process should be completed sometime in April. Once it is approved, it will include a nomination process that will be publicly noticed. Until that public notice goes out, all information regarding parcels and nominations should be held, since we are not prepared to receive this information at this time.

Again, thank you for your interest in this process. We are looking forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Molly McCammon".

Molly McCammon
Director of Operations

mm/raw

Trustee Agencies

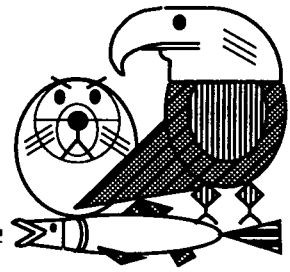
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



April 21, 1994

Amy Bollenbach
POB 3429
Homer, Alaska 99603

Dear Ms. Bollenbach:

Thank you for your interest in the *Exxon Valdez* Trustee Council's Habitat Protection Process.

Currently, staff are developing a procedure to evaluate parcels less than 1,000 acres in size, located within the oil spill effected area, which have willing sellers. This *Small Parcel Evaluation & Ranking* process will be a component of the ongoing Comprehensive Habitat Protection Process adopted by the Trustee Council. It will contain suites of threshold criteria and evaluation criteria that assess the value of protecting small parcels to meet the goals of restoration.

The small process should be completed sometime in April. Once it is approved, it will include a nomination process that will be publicly noticed. Until that public notice goes out, all information regarding parcels and nominations should be held, since we are not prepared to receive this information at this time.

Again, thank you for your interest in this process. We are looking forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script that reads "Molly McCammon".

Molly McCammon
Director of Operations

mm/raw

Trustee Agencies

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

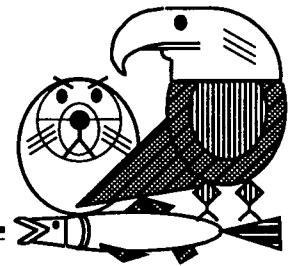
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



April 21, 1994

Barbara Seaman
Kachemak Heritage Land Trust
POB 2400
Homer, Alaska 99603

Dear Ms. Seaman:

Thank you for your interest in the *Exxon Valdez* Trustee Council's Habitat Protection Process.

Currently, staff are developing a procedure to evaluate parcels less than 1,000 acres in size, located within the oil spill effected area, which have willing sellers. This *Small Parcel Evaluation & Ranking* process will be a component of the ongoing Comprehensive Habitat Protection Process adopted by the Trustee Council. It will contain suites of threshold criteria and evaluation criteria that assess the value of protecting small parcels to meet the goals of restoration.

The small process should be completed sometime in April. Once it is approved, it will include a nomination process that will be publicly noticed. Until that public notice goes out, all information regarding parcels and nominations should be held, since we are not prepared to receive this information at this time.

Again, thank you for your interest in this process. We are looking forward to working with you in the future.

Sincerely,

Molly McCammon
Director of Operations

mm/raw

Trustee Agencies

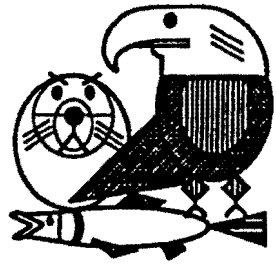
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: See Distribution

FROM: June Arhoulis-Sinclair
Director of Administrative Services

DATE: April 20, 1994

RE: FFY 94 Revised Programs

I am tracking EVOS authorization activity and will need copies of any revised programs you may have processed so far this fiscal year. In the future, please copy me on revised program memos sent to the Office of Management and Budget so that our information will be current.

Thank you for your assistance.

Distribution

Mark Broderson, ADEC Liaison
Jerome Montague, ADF&G Liaison
Carol Fries, ADNR Liaison

rpreq:jas

Trustee Agencies

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