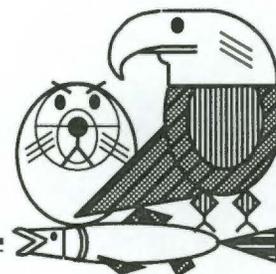


Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

TO: Agency Liaisons

FROM: *Jim*
Jim Ayers
Executive Director

DATE: May 18, 1994

RE: Instructions to project leaders

The enclosed letter has been developed by a working group interested in expanding the involvement of spill area communities in Trustee Council restoration activities.

Please send this letter to all project leaders within your particular agency as soon as possible. I realize that some projects are already in the field, but I believe the recommendations included in this letter will still be valuable.

I consider this to be a high priority.

Rebecca
Please sign memo
and letter for Jim.
Attach copy of photo
guidelines (need to get
from C.J.)
make copies for
- liaisons - rdg file
- LJ ✓
- Jim ✓
- Eric ✓
- Mel ✓
Sandy ✓
Veronica ✓
Mark ✓
Dawn ✓
Bea ✓
liaisons should
get good - non
faxed
copies.
send to
Byron

Trustee Agencies

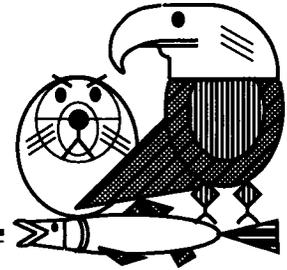
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



May 18, 1994

Dear Project Leader:

As many of you prepare for this summer's field season (realizing that some research is already underway!), I would like to call to your attention some issues of great importance to the Trustee Council. The Trustee Council approved your project because the Trustees believe your research or activity will lead to restoration of the damaged resources in the spill area. As we begin our work, we should keep in mind these thoughts:

- Please respect the rights of private landowners and be sensitive to any cultural differences you may encounter.
- All possible efforts should be made to hire local residents to participate in your research activities. This not only provides employment opportunities, it also provides the opportunity to share the details of your research efforts with local communities that have a personal interest in the injured resources and may still have concerns about the safety of the subsistence resources they rely upon.
- If your research activity will be conducted in the vicinity of an oil spill community, please notify the contacts on the attached list, explain that you are doing research on behalf of the EVOS Trustee Council, describe the scope of your research efforts, and invite local residents to share their observations that are related to your research and make note of these. In addition, please offer to make a presentation to the community either before or after your field work (or both). Invite community representatives, if possible, to visit your field sites.
- Notify the Trustee Council's Project Coordinator, Eric Myers, at 278-8012 if you are given ideas in communities for other possible research or restoration projects.
- Notify the Trustee Council's Information Specialist, L.J. Evans at 278-8012 or toll-free within Alaska at 1-800-478-7745 if you have any interesting research, information or anecdotes, etc., that we can share with the public in our newsletter.
- Please take photographs of your field work for use in publications and educational programs about Trustee Council activities. This is important since accountability to the public is part of our mission, and photographs enhance communication. Attached are guidelines for the kinds of photographs needed for these purposes.

Trustee Agencies

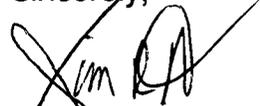
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

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

Trustee Council staff have organized a work group to examine additional ways to involve spill area communities in our research efforts and to incorporate local traditional knowledge into scientific databases. If you have any ideas about this, please contact L.J. Evans at 278-8012.

I appreciate your cooperation with these efforts and wish you a successful field season.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim RA", written over a large, loopy scribble that extends downwards from the signature area.

James R. Ayers
Executive Director

Chenega Bay

Larry Evanoff, President
Chenega Bay IRA Council
General Delivery
Chenega Bay, AK 99574-9999
Phone: 573-5132
Fax: 573-5120

Tatitlek

Gary Kompkoff, President
Tatitlek Village IRA Council
P.O. Box 171
Tatitlek, AK 99677
Phone: 325-2311
Fax: 325-2298

Port Graham

Elenore McMullen, Chief
Port Graham Village Council
General Delivery
Port Graham, AK 99603
Phone: 284-2227
Fax: 284-2222

Nanwalek (formerly English Bay)

Vincent Kvasnikoff, President
Nanwalek Traditional Council
General Delivery
Chenega Bay, AK 99603
Phone: 281-248
Fax: 281-2226

Akhiok

David Eluska, Acting President
Akhiok Tribal Council
P.O. Box 5072
Akhiok, AK 99615
Phone: 836-2229
Fax: 836-2209

Karluk

Alicia Lynn Reft, President
Karluk IRA Council
General Delivery
Karluk, AK 99608
Phone: 241-2218
Fax: 241-2208

Larsen Bay

Virginia Squartsoff, President
Larsen Bay Tribal Council
P.O. Box 35
Larsen Bay, AK 99624
Phone: 847-2207

Fax: 847-2207

Old Harbor

Tony Azuyak Sr., President
Old Harbor Tribal Council
P.O. Box 62
Old Harbor, AK 99643
Phone: 286-2215
Fax: 286-2277

Ouzinkie

Joe Llanos, President
Ouzinkie Tribal Council
P.O. Box 13
Ouzinkie, AK 99644
Phone: 680-2259
Fax: 680-2214

Port Lions

Bobby Nelson, President
Port Lions Tribal Council
P.O. Box 69
Port Lions, AK 99550
Phone: 454-2234
Fax: 454-2434

CHIGNIK REGION VILLAGE COUNCIL PRESIDENTS AS OF MAY 17, 1994**Chignik Bay**

George Tinker, President
Chignik Bay Village Council
P.O. Box 68
Chignik Bay, Alaska 99564
Phone: 749-2231
Fax: 749-2231

Chignik Lagoon

Rodney Anderson, President
Chignik Lagoon Village Council
P.O. Box 18
Chignik Lagoon, Alaska 99565
Phone: 840-2264
Fax: 840-2288

Chignik Lake

Johnny Lind, President
Chignik Lake Village Council
P.O. Box 4
Chignik Lake, Alaska 99548
Phone: 845-2234 (home)/ 845 2212 (office)/
Fax: 845-2217

Perryville

Harry W. Kosbruk, President
Perryville Village Council
General Delivery
Perryville, Alaska 99648
Phone: 853-2203
Fax: 953-2230

Ivanof Bay

Archie Kalmakoff, President
Ivanof Bay Village Council
P.O. Box HCR
Ivanof Bay, Alaska 99695
Phone: 669-2204
Fax: 669-2207

Photos of Trustee Council Activities

The Trustee Council Public Information Office needs photographs of Trustee-funded activities to use for reproduction in:

- Trustee Council annual report, newsletters, and other documents
- Slide shows or other educational presentations put together by Trustee agency representatives
- Press kits for distribution to magazine and newspaper reporters, for local, national or international publications.

The photographs we are looking for will feature work on Trustee Council projects, preferably current or within the last year. Photographs of field work are especially useful, but interesting indoor shots are also very effective if the activities pictured are relevant to Trustee Council projects.

The photographs can be color slides, color prints or black and white prints. The kind of shots needed include close-ups of project work, longer shots showing people engaged in some aspect of project work, or photographs which might fall into the category of research or scientific photographs, such as views of lesions on fish. In all cases, sharp focus is a very important quality.

You may send prints, negatives, or original or duplicate slides. In the case of slides, please note on the photograph whether you are sending an original or a duplicate. Please label all slides and photographs with the photographer's name, the date and location where the photograph was made, the agency the photographer was working for, and information about what is going on in the picture. We will always credit the photographer, and will request that the press credit the photographer and the agency in all cases if the photo is used by another publication.

We promise to be very careful with these photographs and to return them promptly. Please be sure to include complete return address information with your photographs.

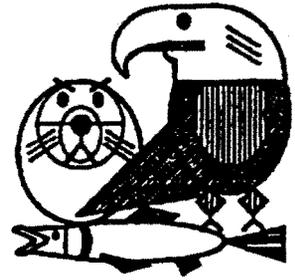
May 17, 1994

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Bonnie Maguire
Administrative Support Assistant

FROM: June Arkoulis-Sinclair
Administrative Officer

DATE: May 17, 1994

RE: EVOS Signs

Please initiate a request for the following signs:

1. Elevator directory -

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
859A Executive Director's Office

2. Sign on door to Room 859A

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
EXECUTIVE DIRECTOR'S OFFICE

cc: Mary Rivera, Administrative Assistant

Trustee Agencies

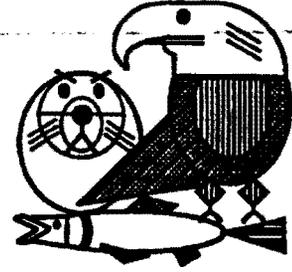
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



May 17, 1994

Mr. Samuel J. Fortier
Fortier & Mikko
Attorneys at Law
Denali Towers North
2550 Denali Street, Suite 604
Anchorage, AK 99503

RE: Your Letter of May 3, 1994

Dear Mr. Fortier:

I am in receipt of your letter of May 3, 1994 advising me that Port Graham has not agreed to an *Exxon Valdez* Oil Spill Trustee Council appraisal of Port Graham properties. As you are aware I had received information and advice to the contrary. I apologize for the misunderstanding.

By way of this letter I am hereby withdrawing a request for an appraisal and pre-appraisal meeting. No further negotiations related to *Exxon Valdez* Oil Spill Trustee Council will be authorized or considered without your expressed written request to me.

Sincerely,

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

James R. Ayers
Executive Director

JRA/mir

cc: Dave Gibbons, U.S. Forest Service
Chuck Gilbert, National Park Service

Trustee Agencies

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

FORTIER & MIKKO
A PROFESSIONAL CORPORATION
Attorneys at Law

DENALI TOWERS NORTH
2550 DENALI STREET
SUITE 604
ANCHORAGE, ALASKA 99503

TELEPHONE (907) 277-4222
FAXLINE (907) 277-4221

SAMIRI, J. FORTIER
DAGMAR C. MIKKO
STEVEN E. SUMIDA*
JOHN L. HOFFER, JR.**

RECEIVED
MAY 13 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

*Also admitted in Wyoming
**Also admitted in Washington

May 3, 1994

James R. Ayers
Executive Director
EVOS TRUSTEE COUNCIL
645 G Street
Anchorage, AK 99501

Re: Your Letter of April 28, 1994
Our File No. 84-210-13

Dear Mr. Ayers:

This law firm represents Port Graham Corporation. I have received a copy of your letter of April 28, 1994 addressed to a third party land owner. Port Graham was mentioned in that letter.

I am, to say the least, taken aback by the tenor of your letter as well as some of the positions you are apparently taking.

First, I am concerned that your letter implies an appraisal is "to be undertaken" with regard to Port Graham Corporation lands in the Kenai Fjords area. An appraisal has already been undertaken. In addition, Port Graham Corporation presently has a Memorandum of Understanding ("MOU") with the National Park Service. Port Graham Corporation has not authorized the National Park Service to assign the contract to the Trustees Council. Indeed, the MOU specifically reflects the parties' understanding that the purchase is pursuant to the United States Government's criminal fine monies received from Exxon.

James R. Ayers
May 3, 1994
Page 2

Second, as you may not be aware, the MOU between the Park Service and Port Graham Corporation anticipates that Port Graham Corporation retains the appraiser.

Third, as you may be aware, the process is not moving forward. Rather, the Park Service has decided to reject the appraisal.

Fourth, there are no negotiations on going between Port Graham Corporation and the Park Service at this point. Indeed, Port Graham, after having expended tens of thousands of dollars, is apparently no further ahead than it was in October when it entered into the MOU with the Park Service.

Fifth, Port Graham has not agreed that the Park Service can substitute appraisal instructions. Nor, for that matter, has Port Graham agreed that any other appraisal is necessary, prudent or appropriate.

Sixth, Port Graham Corporation has not agreed to even consider an appraisal performed under the new instructions. As you are no doubt aware, Port Graham is perfectly happy with the instructions negotiated in October 1993. Moreover, Port Graham did not agree that the monies it has already expended on the appraisal process will be 'solely at its expense' as your letter states. The MOU is contrary to that belief.

We have not commented upon the finalized standardized instructions, because those instructions are inapplicable to Port Graham Corporation. If we were to comment on the instruction, we would point out to you that the instructions are unfair, misleading, and inappropriate under all circumstances, especially in view of the fact that Port Graham Corporation has previously negotiated appraisal instructions, which are at variance with those attached to your letter.

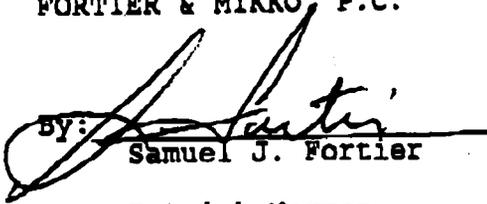
There are, of course other concerns raised by your letter of April 28th. However, we will not belabor those at this point, because we are certain that the Park Service must have provided you with copies of the appraisal instructions and MOU under which Port Graham undertook its discussions with the Park Service since your letter indicates that you are familiar with the process. While we are certain that realty officials for the land acquiring agencies for both governments see nothing wrong with instructions which give them veto power, we do.

James R. Ayers
May 3, 1994
Page 3

Until Port Graham Corporation has agreed to either an assignment of rights from the Park Service to the Trustees Council, or you have otherwise obtained Port Graham's permission with regard to amending either the MOU or the appraisal instructions, please do not assume that Port Graham is interested in the process you propose.

Very truly yours,

FORTIER & MIKKO, P.C.

BY: 

Samuel J. Fortier

cc: Patrick Norman
Charles Gilbert

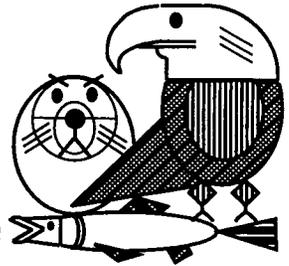
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



May 17, 1994

David E. Olerud, Director
The American Bald Eagle Foundation
POB 49
Haines, Alaska 99827

Dear Mr. Olerud:

Thank you for sending us a copy of your proposal from the American Bald Eagle Foundation. Your proposal as written, has been accepted for review. However, I am sending you the FY95 proposal packet, in case you wish to submit additional information after reviewing the packet.

If you have any questions on the FY95 work plan process, please contact Bob Loeffler at the *Exxon Valdez* Restoration Office, 278-8012.

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

THE AMERICAN BALD EAGLE FOUNDATION

P.O. BOX 49
HAINES, ALASKA 99827
(907) 766-2736

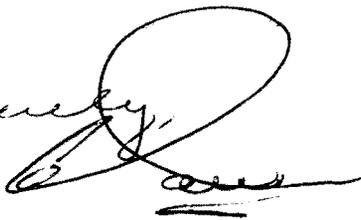
5-4-94

Dear Jim,

Thank you for returning my phone call.

As per your request, you will find the proposal to the Exxon Oil Spill Committee. I appreciate your evaluation of it. For further input, please talk to Dr. Jim Scott at the Arctic Animal Hospital in Anchorage. He probably has the greatest experience in relation to birds & oil.

If there is any need for further questions please feel free to call me.

Sincerely,


RECEIVED
MAY 09 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

February 27, 1993

Trustee Council Members
Exxon Valdez Oil Spill
645 G Street
Anchorage, AK 99501

Dear Trustee Council Members:

The American Bald Eagle Foundation wishes to submit for your consideration the following proposal: the establishing of an endowed chair for Bald Eagle Ecology and Management Studies at the University of Alaska Southeast (UAS) funded by the Exxon Valdez Oil Spill (EVOS) settlement funds under its enhancement provision.

For this purpose we will explain the correlation between EVOS and the UAS and Southeast Alaska:

1. Bald eagle studies in Southeast provided methodology and comparisons important to assessing eagle damage in Prince William Sound.
2. Marking studies have shown that Southeast is part of the normal range of eagles that nest in Prince William Sound particularly for the birds under age five which are not yet ready to nest.
3. Some of the oiled eagles rescued in the Sound were sent to the Alaska Raptor Rehabilitation Center in Sitka for rehabilitation.
4. Personnel and the motor vessel Surfbird of the U.S. Fish and Wildlife Service, normally occupied full-time in regular eagle research and management, lost three valuable years from their regular program while diverted to Prince William Sound.

5. Researchers, other people, and resources from Southeast were diverted to oil studies and clean-up to the detriment of their regular assignments.
6. Considerable losses in revenues were sustained by Southeast attributed to cancellations by tourists who dropped Alaska altogether from their travel plans due to the oil spill.

Short term studies initiated after the Exxon Valdez oil spill indicated that more than 11% or about 900 of 8,000 bald eagles thought to have been the pre-spill population in Prince William Sound died in the oil spill of 1989. That year, reproduction by surviving eagles was nil. Since then, reproduction appears to have returned to normal and recovery to pre-spill numbers may be achieved in as little as four years. Of course, long term effects are not predictable from the short term studies. No means for enhancing the bald eagle population was identified, though a fear of loss of nesting sites due to logging was expressed.

In 1989 the American Bald Eagle Foundation (ABEF), a group of concerned Alaskan's and other citizens interested in preserving and eulogizing our National Bird, approached Chancellor Marshall Lind about establishing an American Bald Eagle Research Institute (ABERI) affiliated with the University of Alaska Southeast. An ABERI board of directors was established in late 1989 and a set of by-laws adopted.

As its first project ABERI undertook to produce an up-to-date anthology for a three-credit correspondence course on American bald eagles being promoted across the country by the Office of Continuing Education at UAS. Material for the anthology was compiled by hosting a conference attended by knowledgeable eagle people and scientists. The assumption then was that although Alaskans are not well represented in the national cogitation over bald eagles, they have in fact, a much closer association with eagles than most people from other areas.

A conference held in the fall of 1990 assembled an impressive number of Alaskan Biologists, Refuge Managers, Ornithologists, Geologists, Forest Ecologists and an important group of speakers on the role of bald eagles in Indian and American symbolism, conservation, tourism and much more. Eagle experts from the Atlantic states, the Midwest and the Pacific states were also present to put our conference in the proper national context. From this gathering a most exciting book was compiled which is currently being edited and will soon be published with financial support from the ABEF.

A second project of ABERI was to develop a computerized bald eagle bibliography for the library at UAS. (The National Wildlife Federation had previously published a bald eagle bibliography dating back to 1979 and sold in book form some 2000 titles at \$9.00 each). During the winter of 1991-92 the ABEF funded a student to compile the computerized bibliography of more than 3000 titles (including those from the National Wildlife Federation). This bibliography is now for sale at cost at UAS in the form of a printout or as a computer disk. Many of the listed research papers were acquired for the Egan Library, National Wildlife Federation, incidently, whose funding for the bald eagle research has expired, recognizes UAS as the proper repository for their eagle files. What was then hope for UAS in becoming a leader in Bald Eagle studies has now emerged as reality.

A third project for ABERI is to have an internationally recognized academic authority on bald eagles come to UAS and establish the world's foremost bald eagle Ecology and Research Center, and write the planification and documentation. Professor James D. Fraser of the Virginia Polytechnic Institute, a leading American raptor scientist with a record of bald eagle research across America, was approached. Professor Fraser was interested in spending the 1992-93 academic year at UAS while on sabbatical from VPI. Unfortunately, even with half of his salary paid by VPI, it was impossible to generate the other half in Alaska at that time, and so the effort has been deferred.

In addition to the work done by ABERI, the three-credit correspondence course on bald eagles (referenced earlier) initiated by UAS is being well accepted and has been purchased by several hundred students across America. Also, UAS has encouraged expansion of the Alaska Raptor Rehabilitation Center at Sitka which now rents a UAS building and is self supported as a result of grants, memberships and paid visits by several tourists each year. Furthermore, UAS has helped build the Dave Olerud Bald Eagle Visitor and Education Center in Haines by teaching building construction courses there.

The University of Southeast Alaska is irrevocably involved with bald eagle research, and is ready to accept the responsibilities with challenges that will come with major funding.

The University of Alaska Southeast is aspiring to take advantage of the world's foremost bald eagle resources for studies and research that will lead to proper management of optimum eagle population levels on into decades, centuries ahead through the establishment of an endowed research and education program.

Allow me please to summarize the objectives of UAS with respect to the bald eagle:

1. To provide leadership in bald eagle research in Prince William Sound, in coastal Alaska ,and everywhere else in Alaska and the lower 48 states.
2. To chair the ABERI at UAS and coordinate bald eagle research and education at all of its UAS campuses.
3. To provide public service, undergraduate teaching, graduate research and post doctoral studies in bald eagle ecology.

4. To produce properly trained scientists in a field related to bald eagles.
5. To enhance existing UAS programs in the fields of biology, resource management policy, and public administration.
6. To research eagle management in the wilderness settings of Alaska.
7. To research eagle management in remote resource development places such as logging sites, mining, fish processing, aquaculture, or others.
8. To research eagle management in urban and suburban settings where eagle presence is particularly valuable but conflicts with other endeavors that can occur.
9. To research eagle management and people management in areas important to the tourist industry.
10. To produce scientific, educational, and popular literature on our National Bird.
11. To further develop proposals and apply for private and institutional grants needed to achieve all of these objectives.

From the short term studies also mentioned previously, we have learned that the bald eagles of the oil spill areas are expected to recover naturally from their extensive losses leading to the conclusion that all EVOS settlement funds are not necessarily needed for the bald eagle's restoration, rehabilitation, or replacement. However, under the enhancement provision, a long term program is warranted if not mandated because the knowledge and technology for such enhancement is not currently available.

An endowed chair at UAS could be expected to attract the finest talent in the field of science and education. This would in turn bring forth the best students in that field, who ultimately would make discoveries to enhance eagle populations where need be.

Of course, one significant point that must be covered in this proposal, is the economic consideration we must grant the bald eagle. Alaska's small cities need to capitalize on whatever natural assets they have: the bald eagle resource is most important to the tourist industry. Being home to the world's leading bald eagle research facility is an economic diversification that would perpetually benefit the people of the capital city as well as all the people of Alaska.

The American people suffered an emotional loss from the great oil spill into Alaska's pristine waters. Such ecological tragedies are difficult to quantify, but people everywhere would look up and appreciate knowing that culminating from this tragic disaster there arose a world-wide respected Research Educational Complex.

In conclusion, UAS and ABERI have estimated that a two-and-a-half million dollar donation to the University of Alaska Foundation will provide endowment income for a full professorship, overhead for the position, and inflation proofing in perpetuity. Three-and-a-half million dollars will generate enough revenue to support at least one graduate assistant in the program as well.

Members of the American Bald Eagle Foundation and the American Bald Eagle Research Institute strongly believe that the proposed academic chair for Bald Eagle Ecology at the University of Alaska Southeast would be a sound investment in the education and future of our youth, our state, and our country. We hope you will feel that our proposal would be appropriate usage of a relatively small portion of the Exxon Valdez oil spill settlement funds.

Page Seven

Thank you for the serious consideration we hope you will give to this most important proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "David E. Olerud". The signature is written in black ink and is positioned above the typed name.

David E. Olerud
Director

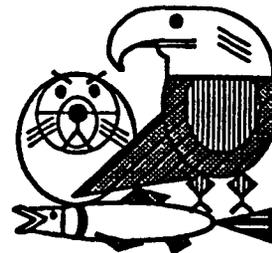
/lao

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



To: Restoration Work Force

May 17, 1994

From: Habitat Work Group

Re: Small Parcel Process

Please find enclosed a packet of information currently being sent to landowners who respond to our solicitation for their participation in the Exxon Valdez oil spill habitat protection process. The packet describes a method for landowners to nominate their lands as part of the Trustee Council Small Parcel Element of the Comprehensive Habitat Protection Program.

If you wish to nominate a small parcel for acquisition you must have the landowner's signature attesting to the fact that they are a willing seller at fair market value. This must be accompanied by all relevant information as detailed in the nomination form and submitted by July 15, 1994.

If you have any questions, please feel free to contact the Habitat Work Group.

Trustee Agencies

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

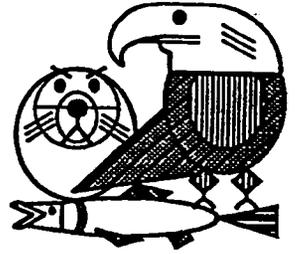
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



Dear Landowner:

Thank you for nominating your land for the *Exxon Valdez* Oil Spill Habitat Protection Process. Please find enclosed a two-page nomination form, a summary of the small parcel element of the Comprehensive Habitat Protection Process (including a list of injured resources and services), and a map depicting the oil spill area.

We would appreciate your assistance in filling out the enclosed nomination form as completely as possible. The more information you can provide about your parcel, the easier it will be for us to evaluate your nomination. Location maps, legal descriptions, boundary surveys, photographs, etc. would be especially helpful.

We need to have this information by **July 15, 1994**. You will be notified by letter or postcard when we have received your completed nomination form. You will also be notified of the result of our evaluation at a later date.

If you have any additional questions, please call the Oil Spill Public Information Center at (907) 278-8008, toll free within Alaska at 1-800-478-7745.

Trustee Agencies

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

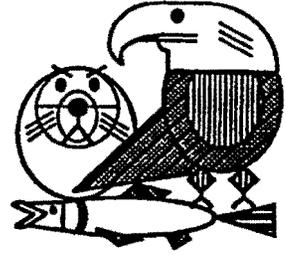
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



Dear Landowner:

Thank you for nominating your land for the *Exxon Valdez* Oil Spill Habitat Protection Process. We are following up on your initial contact with the restoration office. Please find enclosed a two-page nomination form, a summary of the small parcel element of the Comprehensive Habitat Protection Process (including a list of injured resources and services), and a map depicting the oil spill area.

We would appreciate your assistance in filling out the enclosed nomination form as completely as possible. The more information you can provide about your parcel supplementing what is already on file at the restoration office, the easier it will be for us to evaluate your nomination. Location maps, legal descriptions, boundary surveys, photographs, etc. would be especially helpful.

We need to have this information by **July 15, 1994**. You will be notified by letter or postcard when we have received your completed nomination form. You will also be notified of the result of our evaluation at a later date.

If you have any additional questions, please call the Oil Spill Public Information Center at (907) 278-8008, toll free within Alaska at 1-800-478-7745.

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
Comprehensive Habitat Protection Process
Small Parcel Element**

INTRODUCTION

In 1991, the U.S. District Court approved the settlement of a lawsuit involving the 1989 *Exxon Valdez* Oil Spill. The terms of the civil settlement required Exxon to pay the United States and the state of Alaska \$900 million over 10 years to restore the resources injured by the spill, and the reduced or lost services they provide. Under the court-approved terms of the settlement, a Trustee Council of three federal and three state members were designated to administer the restoration fund and to restore the resources and services injured by the spill.

The Comprehensive Habitat Protection Process, approved by the Trustee Council in July 1992, is the method for evaluating and ranking lands for habitat protection as part of the overall restoration program. The Comprehensive Process consists of both large and small parcel evaluation and ranking elements.

The first phase, large parcel element (parcels greater than 1,000 acres), was accepted by the Trustee Council on November 30, 1993, and subsequently reviewed by the public.

The small parcel element is a continuation of the effort started in the large parcel element. This document explains how the small parcel element evaluates the benefits of small parcel protection (less than 1,000 acres) to the recovery of injured resources and services.

The goal of the small parcel element is to protect lands that are linked to the recovery of injured resources and services. Emphasis in this evaluation will be placed upon the resource/service value of a small parcel and the relationship of the parcel to the surrounding land. Significant restoration benefits that can be achieved by protecting small parcels include:

- 1) Creating restoration and enhancement opportunities for resources and/or services;
- 2) Improving management of lands that contain linked habitats;
- 3) Facilitating access to public lands and resources; and,
- 4) Eliminating potential threats to key habitats of injured species.

The small parcel element is divided into nomination, evaluation, ranking, negotiation, acquisition and post-acquisition management phases. These phases are depicted graphically in Figure 1. The small parcel element also includes **threshold criteria and evaluation and ranking criteria**. The threshold criteria are designed to eliminate nominations that would not fulfill restoration objectives. The evaluation and ranking criteria are used to prioritize or rank those candidate lands that are in compliance with the threshold criteria.

NOMINATIONS

The Trustee Council is soliciting nominations from landowners in the oil spill area. Each nomination will be initially recorded and evaluated against a set of threshold criteria. These threshold criteria (Table 1) are designed to determine whether or not a nomination is acceptable for further consideration. Nominations will be rejected if they do not meet all of these minimum requirements:

Table 1: Threshold Criteria

- 1) There is a willing seller of the parcel or property right;
- 2) The parcel is linked to the restoration of one or more injured resources and/or services;
- 3) The seller acknowledges that the governments can purchase the parcel or property rights only at fair market value;
- 4) The acquired property rights can reasonably be incorporated into public land management systems in a manner that will facilitate restoration objectives; and,
- 5) The parcel is located within the oil spill area (see map).

PARCEL EVALUATION

If parcels are found to be in compliance with threshold criteria they will be subjected to a more comprehensive review using a set of evaluation and ranking criteria. These evaluation criteria are designed to examine the following factors:

- The parcel's linkage to key habitats/sites of an injured resource or service;
- The protection potential for injured resources/services that would be obtained; and,
- The ability to better manage public resources to promote the recovery of injured resources or services.

A list of injured resources and services that are linked to upland and nearshore habitats was developed from the Draft Restoration Plan, Summary of Injury and the recommendations of the chief scientist. These are listed in Table 2, Linked Resources and Services.

Table 2: Linked Resources and Services

Resources	Services
Sockeye Salmon	Recreation
Pink Salmon	Designated Wilderness
Dolly Varden	Subsistence
Cutthroat Trout	Archeological Resources
Pacific Herring	
Bald Eagle	
Black Oystercatcher	
Common Murre	

Linkage to a small parcel means: a) that the parcel contains habitat for a resource that is important during key life stages, or b) activities on the parcel have a significant influence on key habitats located on adjacent public lands. Key habitats include: spawning areas, overwintering areas, concentrated nesting areas, haulouts, seabird colonies (rookeries), dense seagrass beds, mussel beds, etc. Areas of more general use, such as feeding habitat, migration corridors or nearshore spawning habitat will not be considered key in this context.

Services are considered linked to a small parcel if the parcel has strategic value that extends beyond the parcel boundaries. For example, a small parcel may provide the only public access to an adjacent area of public land or the parcel contains the only or best camping, subsistence harvest or sport fishing site in the area. Scenic viewsheds and other more general service values are not considered key in this evaluation.

Information submitted as part of a nomination will be reviewed as part of the evaluation. Corroborating data will be solicited from resource agency staff on specific parcels. Information used in the evaluation process will include resource agency data on anadromous fish streams, marine mammal haulout areas, bald eagle nest locations, seabird colony locations, spruce bark beetle infestation maps, and any other pertinent information. *Exxon Valdez* oil spill natural resources damage assessment studies and agency planning studies will also be reviewed.

In determining the protection potential for injured resources and services that a parcel will provide, the process considers the susceptibility of injured resources/services to adverse impacts from human activities. Potential threats to resources and their habitats include both disturbance and habitat degradation or loss. These criteria will evaluate the potential threats of development on the parcel to the habitats of injured resources/services both on the parcel and on adjacent lands.

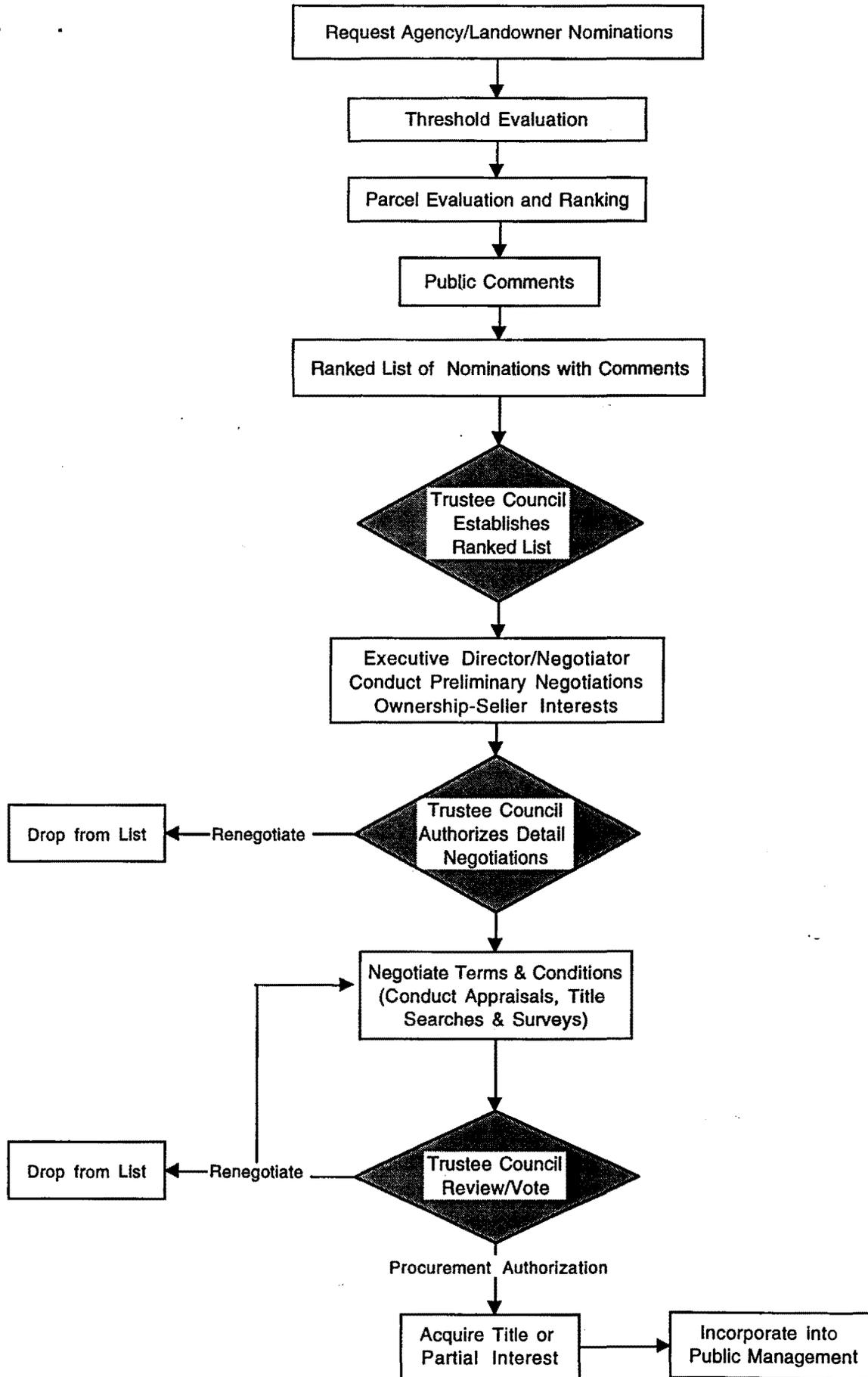
Ranking

Each of the scored parcels will be assigned a ranking of high, moderate or low. This assignment represents the degree to which acquisition of full title benefits the linked resources and services identified to occur on the specific parcel. The rankings will be assigned on the basis of staff's review of the results of the evaluation.

Public Comment

Following Trustee Council staff parcel evaluation and ranking, the public will have the opportunity to comment. These comments will be incorporated with staff recommendations in establishing a list of prioritized parcels for Trustee Council review and possible acquisition.

SMALL PARCEL PROTECTION PROCESS



SMALL PARCEL NOMINATION FORM

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Please Print or Type

Part 1: Landowner Information

Landowner: _____ Phone: _____
Address: _____ Fax: _____
Co-owner: _____
Other contacts/agents: _____
Subsurface owner: _____

Part 2: Parcel Information

Legal description of property: (township, range, section) _____

General description of property: _____

Is your property located within or adjacent to a State or Federal Park, Refuge or National Forest or other public land unit? If so, which one? _____

Approximate acreage: _____ acres

Are there any developments on the site: _____

Are there any hazardous materials on the property? (waste oil, mine tailings, dump) (Y/N/Unknown) _____

Please provide the following if available: surveys, photos, maps, copy of deed, etc.: _____

SMALL PARCEL NOMINATION FORM

Part 3: Threshold Criteria:

Are you willing to sell your property at fair market value? (Y/N) _____

Is the parcel within the Oil Spill area?(see attached map) (Y/N) _____

*Describe or list any injured resources/services that occur on or are affected by your property:

Tell us how acquisition of your property will benefit restoration: _____

General comments: _____

Part 4:

Signature of landowner: _____ Date: _____

and

Signature of co-owner: _____ Date: _____

Signature of co-owner: _____ Date: _____

A nomination does not bind you to sell your property, nor does it bind the Trustee Council to buy your lands.

Please submit each nomination on a separate nomination form.

*A list of all injured species/services is included.

If you need additional space please use additional sheets.

INCOMPLETE NOMINATION FORMS WILL NOT BE CONSIDERED

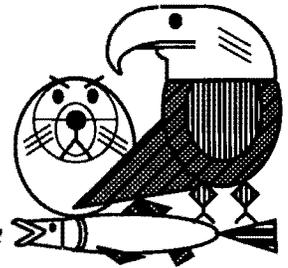
NOMINATION DEADLINE JULY 15, 1994

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 Members
Public Advisory Group Members

FROM: Jim Ayers
Executive Director

DATE: May 17, 1994

RE: Agenda for May 31 Trustee Council meeting

Attached is the draft agenda for the May 31 Trustee Council meeting, scheduled for Juneau and teleconferenced to Anchorage.

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

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

5/16/94
4:19 pm
DRAFT

MAY 31, 1994 @ 1:00 P.M.

Trustee Council Members:

JAMES A. WOLFE/Trustee Representative
Director, Engineering & Aviation Management
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

Steven Pennoyer, Chair
Juneau location - National Marine Fisheries Service Conference Room 445C

1. Approval of Agenda
 - Order of the Day
2. Reports
 - Executive Director's Report (James R. Ayers)
 - Financial Report (June Sinclair)
 - Project Status (Eric Myers)
 - Restoration Plan EIS (Rod Kuhn)
 - Institute of Marine Science (Kim Sundberg)
 - Public Information and Communication
 - Public Meetings (Molly McCammon)
 - FY95 Work Plan Process (Molly McCammon)
 - Habitat Protection and Acquisition Status (Dave Gibbons)
3. 2:30 p.m. Executive Session on Habitat Protection and Acquisition Strategies
Trustee Council and Appropriate Staff Only.

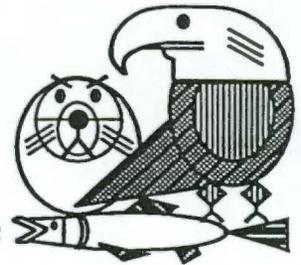
Adjourn

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

Agency Liaisons
Public Advisory Group
To: Trustee Council Number: _____

From: Jim Ayers Date: _____

Comments: _____ Total Page _____

Please forward to the
in your office. Thank

FAX to
Trustees
Liaisons
and
PAG.

then FAX to Jim
indicating all have
been faxed.

MR. AYERS:

This ^{draft} Document has been sent
to the TC, Agency Liaisons & the PAG.

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

*** MULTI TRANSACTION REPORT ***

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 D. PEARCE
 M. BRODERSEN
 J. MONTAGUE
 S. RABINOWITCH
 C. FRIES
 B. BOTELHO
 G. FRAMPTON
 S. PENNOYER
 C. ROSIER
 J. SANDOR
 ALEX-CRAIG
 D. WILLIAMS
 P. BRODIE
 J. CLOUD
 R. ELIASON
 D. FISCHER
 J. FRENCH
 R. KNECHT
 V. MCCORKLE
 G. MCCUNE
 J. MCMULLEN
 B. PHILLIPS
 J. STURGEON
 C. TOTEMOFF
 L. WILLIAMS
 D. MUTTER
 D. GIBBONS ✓
 MORRIS-WRIGHT ✓

AL.
TC + Barton next pg

*** MEMORY LIST ***

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		[31] J.SANDOR				
		[36] ALEX-CRAIG				
		[37] D.WILLIAMS				

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

This Confirmation Sheet MUST be Attached to the Faxed Document

✓ ^{Wolfe (Pat) 11/15/01} Mr. Barton (Renee) ^{yes}
586-8863 Date & Time: 5/17 1:01

✓ ^{Barbara} Mr. Pennoyer (Linda) ^{yes}
586-7221 Date & Time: 5/17 11:51

✓ Mr. Sandor (Martha) ^{yes}
465-5050 Date & Time: 5/17 11:53

✓ Ms. Williams (Debbie) ^{yes} ^{Loinda 5/17 11:57}
✓ Mr. Frampton (Cathy) ^{yes}
202-208-4416 Date & Time: Troy 5/17 1:02 ^{yes}

✓ Mr. Rosier (Carla) ^{yes} ^{marlene}
465-4100 Date & Time: 5/17 11:56

✓ Mr. Tillery (Vicki) ^{thinks so, will call back if there was a problem}
269-5274 Date & Time: 5/17 11:55

Description of Document: 3 pgs, fx cvr sht, draft agenda & memo

Comments:

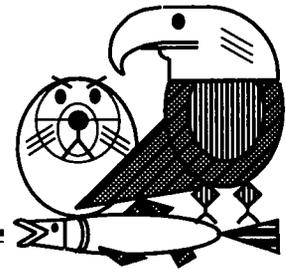
Your Initials: RAW

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: May 17, 1994

Subj: May 18 RWF Meeting

The weekly Restoration Work Force meeting is Wednesday, May 18, at 9:00 a.m. The Juneau location is the U.S. Forest Service conference room on the 5th floor.

The topics of discussion will include the First Quarter FY95 Budget and draft technical evaluation criteria for project proposals (attached).

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 PROPOSED TECHNICAL EVALUATION CRITERIA**I. Threshold Criteria -**

- A. Legal under the terms of the settlement
- B. Addresses a need identified in the invitation
- C. Has sufficient project detail for evaluation

II. Technical Evaluation Criteria

Rate the proposal on each of the five following factors using a scale of 1 to 5 (5 is highest)

A. The overall scientific (research) and/or technical (restoration) merits of the proposal as demonstrated through (1) understanding of the problem, (2) soundness of the technical approach, and (3) innovation and uniqueness of the project.

B. The potential contribution of the proposal to the Trustee Council mission. For research proposals, this should reflect the priority given to the research need to which the proposal is addressed. For restoration proposals this should reflect the importance of the expected result of the proposal.

C. The offering organization's capabilities, related experience, facilities, techniques, or unique combinations thereof that are integral factors for achieving the proposal objectives.

D. The qualifications, capabilities, and experience of the key personnel, including the proposed principal investigator, team leader, and other critical personnel who are necessary to achieve the proposal objectives.

E. The offeror's record of past performance with similar types of proposals.

(These are typical of the types of evaluation criteria that are used with BAA's and should be equally suitable for all proposals. We could give equal weight to all criteria or more weight to some. In a typical RFP, A & B together would carry as much weight (or more) as C, D, E. In some cases, A&B would be evaluated first, and those that rate high would then be evaluated for the remaining criteria.)

*** MULTI TRANSACTION REPORT ***

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	[18] 5223148	J. SULLIVAN
	[19] 7863636	L. BARTELS
	[20] 7863350	C. BERG
	[35] 5103737834	B. SPIES

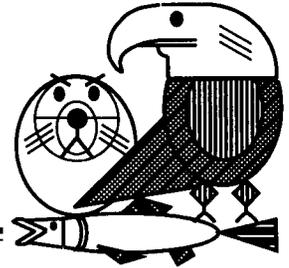
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Exxon Valdez Oil Spill Trustee Council

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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
Simpson Building Staff
Bob Spies, Chief Scientist

FROM: Molly McCammon 
Director of Operations

DATE: May 16, 1995

RE: Update on activities and assignments

1. Scheduling of meetings

Please advise Rebecca Williams when scheduling any meetings, especially those requiring use of Simpson Building conference rooms. Rebecca maintains the master schedule.

2. Afognak State Park

The Afognak State Park bill was passed by the Alaska Legislature minutes before the regular session ended. The language in the supplemental budget providing for extension of LBA authorization of state funds beyond July 1 is still pending as of Friday.

3. Trustee meeting

The Trustee Council will meet in Juneau at 1 pm Tuesday, May 31 to be briefed on a number of projects and have an executive session on Habitat Protection and Acquisition strategies.

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. Court request

The court request for the Eyak purchase and the projects funded at the April 11 Trustee meeting is in draft and out for review. Get your comments back to June Sinclair by the close of business May 16.

5. Work Plan Timeline

Attached is the timeline for the FY95 Work Plan that was agreed to by the work force last week.

DRAFT**FY 95 Work Plan Timeline**

Period	Task
05/16 - 06/15	Invitation to submit FY 95 Restoration Projects. (Deadline for main process is 6/15; deadline for two experimental procurements is 6/30.) Trustee Council briefed on May 31.
06/16 - 06/25	Staff review and organization of proposals.
06/28	Public Advisory Group briefing and review.
06/27 - 07/10	Chief scientist and technical review.
07/11 - 07/12	Chief scientist and technical review committee finalize recommendations for Draft FY 95 Work Plan.
07/13 - 07/15	Restoration Work Force and Executive Director review proposals for inclusion in Draft Work Plan.
07/16 - 07/31	Revisions, combinations, and addition of projects if needed.
08/01 - 08/11	Prepare Draft Work Plan.
08/12 - 08/31	Print and mail Draft Work Plan.
09/01 - 09/30	Review of the Draft Work Plan by the Public Advisory Group, the Science Review Board and the general public.
10/01 - 10/14	Compile comments received.
10/15 - 10/20	Executive Director prepares recommendations.
10/31	Trustee Council approves Work Plan.
11/01 - 12/1	Agencies prepare detailed project descriptions, prepare requests for proposals (RFPs).
12/1 - 01/31	Scientific or peer review of detailed project descriptions.
1/15 - 1/20	Principle Investigator Workshop to review results of 1994 field season.
02/01 - 02/28	Approve detailed project descriptions (revise if needed) and negotiate contracts.

*** MULTI TRANSACTION REPORT ***

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	[35] 5103737834	B. SPIES

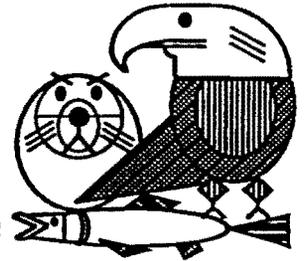
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



FAX COVER SHEET

Jim Ayers
Restoration Work Force
Bob Spies

To: _____ Number: _____

From: Molly McCammon Date: 5-16-94 6/17/94

Comments: _____ Total Pages: 5

Pls forward to the individuals indicated
above. Thank you.

Pls forward to
Joe Sullivan

Thx

Trustee Agencies

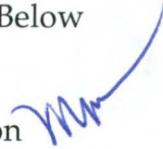
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

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

MEMORANDUM

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

To: Distribution List Below Date: May 13, 1994

From: Molly McCammon  Subj: **May 16 Meeting -
Community Knowledge
Transfer**

The second meeting of the Community Involvement Working Group will be held Monday, May 16 at 1:30 P.M. The Anchorage location will be the 4th floor conference room of the EVOS Restoration Office, 645 G Street. 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.

Attached are drafts of a letter to go out to all Trustee Council principal investigators (scientists) and meeting notes. In addition, for those who were not at the first meeting, I am attaching copies of the various materials provided at that time.

<i>Name/Affiliation</i>	<i>Telephone</i>	<i>FAX</i>
Bud Antonelis/NMFS	206/526-4042	206/526-6615
Ted Birkedal/NPS	257-2668	257-2510
Judy Bittner/ADNR	762-2622	762-2535
Marilyn Dahlheim/NOAA	206/526-4020	206/526-6615
Jim Fall/ADF&G	267-2359	349-4712
Gail Irvine/NBS	257-2529	257-2510
Margie Macaulay/BBNC	278-3602	276-3924
Molly McCammon/EVOSTC	278-8012	276-7178
Eleanor McMullen/Pt.Graham	284-2227	284-2222
Rita Miraglia/ADF&G	267-2358	349-4712
Margaret Roberts/KTC	486-4449	486-3361
Dan Rosenberg/ADF&G	267-2453	344-7914
Tom Rothe/ADF&G	267-2206	344-7914
David Salmon/PWSSC	424-5800	424-5820
Bob Spies/AMS	510/373-7142	510/373-7834
Martha Vlasoff/Tatitlek	325-2235	325-2232
Bruce Wright/NMFS	789-6600	789-6608
Kate Wynne/UAF Kodiak	486-1517	486-1540
Linda Yarborough/USFS	271-2511	251-3992

Dear Project Leader

As many of you prepare for this summer's field season (realizing that some research is already underway!), I would like to call to your attention some issues of great importance to the Trustee Council. The Trustee Council approved your project because the Trustees believe your research or activity will lead to restoring the damaged resources in the spill area. As we begin our work, we should keep in mind these thoughts:

- Please respect the rights of private landowners and be sensitive to the cultural differences you may encounter.
- All possible efforts should be made to hire local residents to participate in your research activities. This not only provides employment opportunities in an economically devastated region, it also provides the opportunity to share the details of your research efforts with local communities that still have concerns about the safety of their subsistence resources they rely upon.
- If your research activity will be conducted in the vicinity of an oil spill community, please notify the contacts on the attached list, explain you are doing research on behalf of the EVOS Trustee Council, describe the scope of your research efforts, ask if there are any community members who may have information important to your research, and offer to make a presentation to the community either before or after your field work (or both). Invite community representatives, if possible, to visit your field sites.
- Notify the Trustee Council's Project Coordinator, Eric Myers, at 278-8012 if you are given ideas in communities for other possible research or restoration projects.
- Notify the Trustee Council's Information Specialist, L.J. Evans at 278-8012 or toll-free within Alaska at 1-800-478-7745 if you have any interesting research, information or anecdotes, etc., that we can share with the public in our newsletter.
- Please take photographs of your field work for use in publications and educational programs about Trustee Council activities. This is important as accountability to the public is part of our mission, and photographs enhance communication. Attached are guidelines for the kinds of photographs needed for these purposes.

Trustee Council staff have organized a working group to examine additional ways to involve spill area communities in our research efforts and to incorporate local traditional knowledge into scientific databases. If you have any ideas about this, please contact L.J. Evans at 278-8012.

Sincerely,
James R. Ayers, Executive Director

DRAFT

DRAFT

**MEETING NOTES
COMMUNITY INVOLVEMENT AND USE OF TRADITIONAL KNOWLEDGE
MAY 4, 1994**

Attended by:

Anchorage: Molly McCammon
L.J. Evans
Rita Miraglia
Ted Birkedal
Judy Bittner
Linda Yarborough
Karen Hosler

Tatitlek: Martha Vlasoff
Gary Kompkoff
Pam Carter, DCRA

Port Graham: Elenore McMullen
Frances Norman

Cordova: Nancy Bird, PWSSC

Kodiak: Kate Wynne, Kodiak Marine Advisory Program

Juneau: Bruce Wright, NOAA

Seattle: Bud Antonelis, NMFS

Calif: Bob Spies, Chief Scientist

This meeting was the result of a concept paper developed by Martha Vlasoff of Tatitlek regarding a Community Involvement Process (attached). A preliminary discussion was held on April 14 with a group of Trustee Council scientists attending a Restoration Research workshop in Anchorage. This group affirmed the importance of local

traditional knowledge which can be obtained from a variety of sources including subsistence users and commercial fishermen.

Discussion focused on two areas: what could be done for the 94 field season, and what long-term efforts could be made for 1995 and beyond.

Short-term:

Bud Antonelis suggested that representatives from research groups stop by villages before and after their project to relay what they're doing with their work.

Nancy Bird noted that as part of its efforts this summer, the PWSSC intended to hire a person to provide communication with PWS communities about the SEA projects, and obtain knowledge from those communities back to the researchers.

Rita Miraglia offered use of the Subsistence Restoration Project newsletter which has a mailing list of 4000, mostly in spill area communities.

Bob Spies noted that researchers need to be alert for information from local residents that may be important subjects for future research or restoration efforts. For example, locals are worried about the lack of octopus and gumboat chitons in PWS, yet the current nearshore research projects are not designed to find out what is the cause of the decline in these intertidal species. This would make a good project for next year.

Elenore McMullen from Port Graham asked that communities be provided information on the status of resources specifically for their region. Bob Spies replied that this may be difficult since a lot of the damage assessment and restoration studies are done in specific areas with the idea that the information they provide could be inferred to other areas. However, it may be worthwhile to try to generate a more regionalized status of injured resources report and make this available to communities.

PROPOSED ACTION: To develop a letter to be sent to all project leaders that would describe some protocols for interacting with spill area communities and include a list of contact persons and phone numbers.

Long term:

Martha Vlasoff asked that since the Archaeology Office and Subsistence Division both have ongoing projects, that they be assigned the lead for developing a project to use local traditional knowledge and incorporate it into existing scientific observations and databases. She also recommended holding a workshop on the topic to get interested folks in the communities together to work on this. She recommended that after the archaeology project and subsistence project have their community meetings, that they develop a list of folks interested in such a workshop.

- Bob Spies urged finding a "spark plus" to make sure this project moves forward. There was some discussion about contracting this effort out.

A smaller working group was established to followup on these efforts:

Martha Vlasoff, Tatitlek

Karen Hosler, a private consultant working on similar projects

Rita Miraglia, Div of Subsistence

Judy Bittner, Office of Archaeology

LJ Evans

Bob Spies

Elenore McMullen, Port Graham

Margaret Roberts - Kodiak Tribal Council (needs to be contacted)

Margie Macauley - BBNC (needs to be contacted)

The next meeting was set for May 16, 1:30 pm and will be set up by the Trustee Council staff.

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.

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Aleut Stewardship Camp
Goals and Objectives
(revised September 14, 1993)

Purpose: To bring together western science and Aleut traditional knowledge and experience. To help young people understand, appreciate, and practice stewardship.

Goals:

1. To increase children's knowledge of island and marine ecosystems.
2. To increase children's knowledge and understanding of Aleut culture and stewardship ethics.
3. To acquaint children with western science through learning about research being done on the Pribilof Islands.
4. To increase children's self esteem.
5. To provide outdoor experiences.

Objectives:

1. To learn about the birds on the Pribilof Islands, including English and Aleut names, life cycles, nesting habits, migration patterns, food habits, special adaptations, population status, and interrelationships with other components of the ecosystem.
2. To learn about northern fur seals, including life cycles, food habits, haulout behavior, migration patterns, special adaptations, population status, and interrelationships with other components of the ecosystem.
3. To learn to identify the most common plants on the islands, their English and Aleut names, special adaptations, interrelationships with other components of the ecosystem, and use by local people now and in the past.
4. To learn about Aleut customs and stories relating to animals and plants, historical activities and traditions, and the interrelationships of Aleut people with other components of the ecosystem.
5. To learn keen observation skills, patience, and importance of total group's knowledge instead of just the individual's knowledge, and to learn safety when hiking outdoors.
6. To learn about ocean pollution issues and fur seal and seabird population declines.
7. To provide fun activities for summertime enjoyment, such as hikes, beach walks, games, etc.

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THE AMIQ INSTITUTE
P.O. BOX 254
ST. PAUL, ALASKA 99660
PH. (907)546-2331 FAX (907)546-3199

The Amiq Institute is composed of people who share a vision for restoration of the health of the Bering Sea ecosystem and the vitality of coastal indigenous cultures which are spiritually, culturally, and economically connected to it. Although not a membership organization, the institute's constituents are the people of the Bering Sea who will guide its efforts.

The Pribilof Islands, in the middle of the Bering Sea, are one of the richest marine environments on earth: breeding grounds of the world's largest population of fur seals, nesting site for millions of seabirds, and the richest bottom fishery in the world. The islands have been home to 750 native Aleut people for 200 years. Since the cessation of the fur seal harvest in 1985, this "Galapagos of the North" has experienced dramatic and chaotic change. It is now widely acknowledged that the health of the Bering Sea is suffering, as evidenced by the severe and sustained decline of at least 16 species of birds, marine mammals, and fish over the past 15 years. These declines are the direct result of environmental changes and commercial activities. Several Bering Sea species have already been classified as threatened or depleted, and the declines continue. Resource managers and scientists are unable to determine the causes for these declines despite extensive research over the years.

The declining health of the Bering Sea ecosystem threatens the viability of coastal cultures which depend on the Bering Sea. It is causing our people to suffer.

The Amiq Institute seeks to serve the people of the Bering Sea through exercise of its vision. The foundation for the institute is 13 years of research and examination of a people, the Aleuts, and their historical and contemporary relationship to their land and the sea which surrounds it. This cross-cultural research effort was undertaken by Susanne Swibold and Helen Corbett, research associates with the Arctic Institute of North America, Canada, in collaboration with the people of St. Paul, Pribilof Islands. Some of the results of this effort include the production of four interlocking documentary films, daily journals, oral history recordings, and photographs. These research components have been examined in the context of the living processes in the Bering Sea bio-region.

Imminent plans of the Amiq Institute include:

1. synthesis of all research materials, including collation of 100,000 photographs;
2. use of the synthesized materials in a comprehensive handbook on the people, geology, flora, fauna and processes of this unique Pribilof Island ecosystem;

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exchange. This process will begin through Susanne Swibold and Helen Corbett's expedition to the Commander Islands in 1994.

Although it is not possible to pre-determine what specific direction, programs, initiatives, and other actions may be born from a living, creative process, we believe that the spirit of our shared vision in practice will facilitate cooperation with all peoples to form new relationships with creation. This we know is urgently needed for successful environmental stewardship and vitality of diverse cultures.

The Amiq Institute is a registered non-profit, 501 (c) (3) organization. For more information, please contact its founders: Ilarion Mercurieff at the above address; or Susanne Swibold and Helen Corbett, P.O. Box 910, Canmore, Alberta TOL 0M0; Ph. (403)678-5027; Fax (403)678-2879.

3. development of an environmental stewardship program and spirit camp for Aleut youth;
4. a book documenting the results of rapid, involuntary change to the Pribilof Aleuts and their dramatic effect in altering the islands' ecosystem;
5. an expedition to the Commander Islands, Siberia to compare their similarities and differences with the Pribilofs; and to connect the Aleut people from these two areas, whose lives depend on the sea.

Our shared vision recognizes that restoration means an active process of healing ourselves in all aspects: physical, mental, emotional, and spiritual. The healing process requires honesty with ourselves and a healthy questioning of all of the personal and institutional actions we take for granted. Dishonesty, both individually and institutionally, is the basis for our dysfunctional behavior, rooted in fear and separation from all creation. We recognize that the problems of the Bering Sea are not solely based on the inadequacies and failures of resource management efforts or scientific research, but reflect our own dysfunctions. Until we address our own behavioral dysfunctions, the human structures we create, such as wildlife and resource management agreements, treaties, and scientific research programs, will not be successful. This vision recognizes that we must engage in the process of healing ourselves while reconnecting with the sea and all the flora and fauna of our region. From this process of healing will come the true understanding of our kinship and physical connection with other creation. This understanding will be the force which guides our actions for restoring our home.

Our vision recognizes that any act of healing and restoration requires a living, dynamic process. Today's conventional approaches for dealing with environmental challenges are limited by dishonesty and fear which weaken human creativity and imagination and strengthen a persistent detachment from creation. The Amiq Institute seeks to weave this vision of healing and restoration into all of its actions so that processes can develop which effectively address the declining health of the Bering Sea and the mounting challenges to the life force of coastal cultures.

The institute seeks to facilitate community-based action for restoration and healing by working with the Bering Sea Coalition, composed of coastal cultures on the U.S. side of the Bering Sea. We recognize that integration of all the human components in the Bering Sea is essential for concerted restorative actions and healing. The Amiq Institute will work to reconnect the coastal peoples on both sides of the Bering Sea for these purposes and to help foster creative processes for cultural and economic

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THE PRIBILOF STEWARDSHIP CAMP

March 29, 1994

Pribilof School District
P.O. Box 905
St. Paul Island, AK 99660

ATTN: Mark Shellinger, Tammy White, Board of Directors

RE: Letter of Intent

The Pribilof Stewardship Camp is an organization in which representatives of the Cities of St. Paul and St. George, Pribilof School District, TDX Corporation, Tanaq Corporation, the Traditional Council of St. George, the Nature Conservancy, the Alaska Maritime Wildlife Refuge, NMFS, and USF&W have come together to create a unique learning environment for the children of both islands.

In the beginning the representatives formed a Planning Committee to decide what type of atmosphere would present the best opportunity for the children to learn under practical instruction. It wasn't long before we could see how intense outdoor activities and experiences provided the means to fulfill the goals we had set forth: to increase the children's knowledge of island flora and fauna, Aleut culture and traditions, and stewardship ethics, while also instilling self-esteem, respect for the elders, property, and one another.

To this end we are endeavoring to combine indoor classroom instruction such as learning how to make Aleut crafts with outdoor field trips and several extended camp-outs. We need camp equipment and supplies in order to make the experience as conducive to joyful learning as possible and, therefore, we intend to request donations in the form of equipment and funds from companies and interested parties. But, because we have not incorporated nor received status as a non-profit organization, ask that the Pribilof School District oversee the collection of funds in a special account and become the caretakers of the equipment we accumulate until such time as we do incorporate and become a recognized non-profit organization.

It is our desire that the funds be retained for the sole use of the Pribilof Stewardship Camp and that the equipment be used only by the Pribilof Stewardship Camp or the Pribilof School District on either island for activities in which the children of the Pribilof Islands participate.

At your earliest convenience, let us know if you are willing to supervise our funds and equipment. We thank you in advance for all your help in making the Pribilof Stewardship Camp a successful experience for our children.

On behalf of the Planning Committee,

Sincerely,

Linda A. Walton

Alaska Heritage Stewardship Program

The Alaska Heritage Stewardship Program is based in the belief that the most effective counter to vandalism is prevention through public education and increased oversight of threatened sites. The program promotes local citizen groups and individuals taking an active role in the protection of sites. This volunteer based organization attracts people motivated by an interest and concern for cultural resources. Flexible in design, the program is responsive to local needs and interests. The organization includes a state coordinator, stewards, land managers and, if necessary, local coordinators.

Recognizing that archaeological sites and materials are irreplaceable resources, the Alaska Heritage Stewardship Program works to:

- * foster local participation in the protection of archaeological resources and promote cooperation among agencies, individuals and groups interested in the preservation of cultural resources;
- * increase public awareness of the value and significance of cultural resources;
- * discourage site vandalism and the sale of and trade in antiquities;
- * conserve archaeological resources for the purposes of scientific study and interpretation;
- * maintain cultural resources without disturbance as part of the natural landscape;
- * discourage the insensitive public display of human skeletal remains and sacred objects;
- * encourage meaningful interpretive exhibits that emphasize the understanding of past lifeways, not merely the display of artifacts.

The program gives individuals and groups interested in archaeology and history an outlet for that interest through formation of spill area amateur archaeology interest groups. The local groups, through the course of their normal activities, will track activities at archaeological sites that have suffered from vandalism. Other possible activities include interpreting the prehistory of the local area for local and tourist interests, and, under the direction of a professional archaeological advisor, help locate and map sites, excavate, process the collections and analyze the materials collected. Another major benefit of such local archaeological organizations and promotion of their activities is providing an alternative for local individuals who are damaging sites in the Spill area to pursue their interests constructively.

Training, at a minimum, includes the purpose, history and organization of the stewardship program; overview of cultural resource laws; the basic techniques of archaeological field research and data recovery; and the prehistory and history of the region. Depending on interest, additional training might include supplementary survey techniques, mapping and orientation, photographic techniques, oral history collection, and cataloging of artifact collections.

Roles and Responsibilities

The State Historic Preservation Officer (SHPO)

The Office of History and Archeology, in the Alaska Department of Natural Resources, is under the direction of the State Historic Preservation Officer who is appointed by the governor. The SHPO provides overall direction for the Program.

The State Coordinator

The State Coordinator is appointed by the SHPO to coordinate the state-wide operations of the program. The State Coordinator reports annually on the activities of the Stewards, recruits Local Coordinators, develops recommendations on state wide policy, procedures and standards, and publishes a newsletter.

Local Coordinators

Local Coordinators are the backbone of the Stewardship program. Local Coordinators are Stewards willing to be a local contact and coordinator for several stewards. Ideally the Local Coordinators are selected by the stewards and approved by the State Coordinator. Local Coordinators recruit volunteers to serve as Stewards; conduct the basic training program; work with local land managers to determine site monitoring priorities, and establish a program of preservation activities. Local Coordinators advise the State Coordinator on matters of policy, procedures and standards.

Stewards

A Steward is a volunteer certified and appointed by the SHPO. A Stewards primary duty is to monitor selected sites, record their condition and report evidence of disturbance to the responsible land manager. Stewards may perform other activities as defined in their volunteer agreements, or as requested by the Regional Coordinator or State Coordinator, provided they are qualified by training or experience. Other Steward projects may include recording local history, documenting private collections and assisting in scientific excavations. These other possibilities are outlined more fully in the chapter on Steward Activities.

Land Manager

Land Managers may be any federal or state land managing agency, Native Regional and Village Corporations, boroughs and municipalities, or individual landowners. The Land Manager makes an agreement with the State for participating in the program. Land managers select sites for monitoring. They may supply technical expertise, assist in training and help develop new preservation activities to meet the needs of the Stewards.

Federal agency Land Managers will likely be represented by a smaller entity, such as a National Park, Wildlife Refuge or Forest. In most cases these entities will appoint a land manager representative to interact with the Local Coordinator.

*** ACTIVITY REPORT ***

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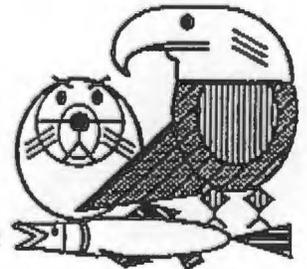
*martha
Vlasoff
will be
here*

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: See distribution on 2nd pg Number: _____

From: Molly McCommon Date: 5-16-94

Comments: _____ Total Pages: 15

PLS forward to the person on the
list (on 2nd page) for today's 1:30
mtg

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9610
CONNECTION TEL	5103737834
CONNECTION ID	B.SPIES
START TIME	05/16 11:10
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RESULT	OK

*** ACTIVITY REPORT ***

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*** ACTIVITY REPORT ***

TRANSMISSION OK

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*** ACTIVITY REPORT ***

TRANSMISSION OK

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PAGES	12
RESULT	OK

*** ACTIVITY REPORT ***

TRANSMISSION OK

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PAGES	15
RESULT	OK

*** ACTIVITY REPORT ***

TRANSMISSION OK

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RESULT	OK

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TRANSMISSION OK

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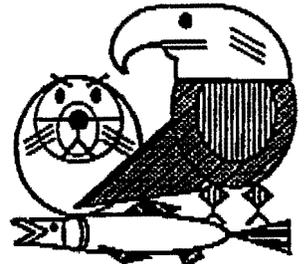
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PAGES	15	
RESULT	NG	9

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: See distribution on 2nd pg Number: _____

From: Molly McCammon Date: 5-16-94

Comments: _____ Total Pages: 15

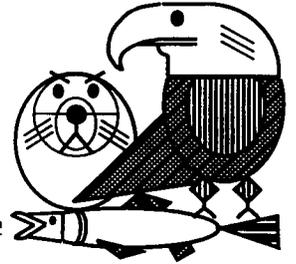
Pls forward to the person on the
list (on 2nd page) for today's 1:30
mtg

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



MEMORANDUM

TO: Jerome Montague
ADF&G

FROM: Molly McCammon 
Director of Operations

DATE: May 13, 1994

RE: Navy Information

Thank you for your response to my memo concerning possible assistance from the Navy in the Trustee Council's restoration efforts. Jim Ayers asked me to have you contact directly the person who contacted him regarding this. His name is Ron Ellis, with the Naval Air Warfare Center (317 - 351-4709), and I believe he's an old school-mate of Jim's. I am also including additional information provided by Mr. Ellis, as well as the response from Byron Morris.

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



**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
Auke Bay, Alaska 99821**

May 2, 1994

MEMORANDUM FOR: Molly McCammon
FROM: Byron Morris
SUBJECT: Navy Information

There is nothing in the immediate future that we find useful to any of our projects from the information from the Navy you provided. Navy sonobuoys have been very useful in the past for bioacoustics work with cetaceans. We have routinely used them in the Beaufort Sea to detect the presence and migration of bowhead whales, based on the whales' vocalizations. However, we are not anticipating any projects of a similar nature that we would propose to conduct for either humpback or killer whales in the oil spill area, at this time.

One potential use of sonobuoys may develop if anthropogenic factors are considered important in the recovery of certain injured speices. In 1989, we were concerned that the amount of vessel traffic in PWS might be having an adverse impact on the distribution and movements of humpback whales in important feeding areas. We used sonobuoys to measure ambient background noise but detected no effect of increased ship noise. However, the effort was cursory. If noise from boat traffic is still believed to cause an adverse impact to any injured species, sonobuoys will be an important tool for such a study. However, I am not proposing such a study be done.



MEMORANDUM

State of Alaska DEPARTMENT OF FISH AND GAME

TO: Molly McCammon
Director of Operations
Trustee Council

DATE: May 3, 1994

FILE NO:

FROM: 
Jerome Montague
Chief of Restoration
Habitat and Restoration Division
Department of Fish and Game

TELEPHONE NO.: 465-4125

SUBJECT: Naval Assistance for
Restoration

I am encouraged by the notes you sent me that the Navy is interested in assisting us, in some fashion, in our restoration effort. The materials you attached only suggest sharing equipment which is addressed herein as is sharing sea and air research platforms which are not mentioned in your materials.

In my previous position of administering whale research I had a number of interagency agreements with the Naval Ocean Systems Center and other branches of the Navy. Our primary uses were sonobuoys and for hydrophone arrays for monitoring whale calls and documenting responses to and characteristics of marine industrial sounds. While restoration's marine mammal work does not require this support, the Navy's transducer and hydrophone equipment and experience may be just what we need for improved sonar counting of salmon in the Kenai River for instance. The department is currently using some criminal restitution funds to begin development of a better sonar system for Cook Inlet streams. Assistance by the Navy for this task is desirable.

The AN/PSC-2 Digital Communications Terminal appears to have valuable application in transmitting digital data from ship collectors to shore based processing facilities. I have checked with some subproject leaders in project 94320 and learned that the ability to transmit data with radio would speed processing time and eliminate the risk of loss or damage during handling of hard disks.

Should the Navy be willing to have cooperative use of vessels and aircraft there would be wide application in a number of restoration projects. Use of slow, low flying reconnaissance aircraft would be useful for harbor seal, sea otter and perhaps killer whale projects. While many vessels we use are fishing boats, some Navy vessels would be good for our oceanographic and intertidal projects or general logistic support as is necessary for some river otter and harlequin duck projects. Finally, a submersible would be useful for subtidal and perhaps herring projects.

Molly McCammon

-2_

May 3, 1994

In summary, there is considerable potential benefit for Trustee Council and Navy cooperation. This cooperation would give us access to technology and equipment that is not available, could provide considerable cost savings to us, and would allow the Navy to keep their equipment and personnel active and field tested. The real question at this point is to what degree the Navy wishes to share equipment and expertise with us. I would be very interested in contacting the appropriate Trustee agency and Navy personnel to set-up a meeting to discuss more specific proposals.

cc w/attach:

Joe Sullivan
Dana Schmidt
Kathy Frost

w/out attach:

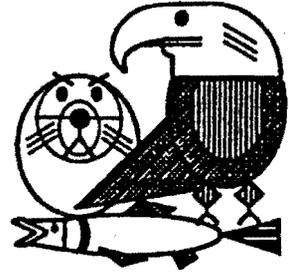
Frank Rue

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Bob Baldauf
Office of Budget
Department of the Interior

FROM: June Anoullis-Sinclair
Administrative Officer

DATE: May 11, 1994

RE: New Court Request

I am currently putting the next court request submittal together and need your assistance. In the last request an interest figure of \$22,427 was deducted for the NRDA&R account and an unobligated balance of \$3,106,555 was deducted for the period March 1, 1992 through September 30, 1993. I need to know for this latest request if there has been any interest posted since March 31, 1994 and if there is an unobligated balance available.

I hope to get a draft circulated to everyone no later than Friday. I realize you are working on the quarterly report package but would appreciate receiving this information from you as soon as possible. Thanks.

BBRC

Trustee Agencies

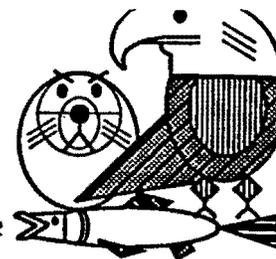
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Caryn Smith/MMS

FROM: Eric Myers, Restoration Project Coordinator

DATE: 5/11/94

SUBJ: DPDs for Project 94320/PWS System Investigation

Please find attached the following Detailed Project Descriptions (DPDs) for Project 94320/PWS System Investigation (also known as the "SEA plan").

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

If you have further questions, or if I can provide additional assistance, please let me know.

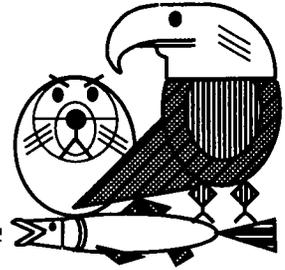
attachments

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

To: Restoration Work Force

From: Molly McCammon 
Director of Operations

Date: May 10, 1994

Subj: RWF Meetings This Week

The weekly Restoration Work Force meeting this week is Wednesday, May 11, at 9:00 a.m. The Juneau location is the USFS conference room on the 5th floor.

This meeting will be immediately followed (at 10:00 a.m.) by a RWF meeting on competition in the 1995 Work Plan process. A draft of the proposed timeline is attached.

On Thursday, May 12, the RWF and the Coordinating Committee (although still not complete) will meet on the Draft Invitation for Restoration Ideas for 1995. This meeting will begin at 10:00 a.m. However, all comments on the draft are expected to be turned in to Bob Loeffler by Wednesday noon.

Work Force members are expected to be in Anchorage for these meetings.

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

FY 95 Work Plan Timeline

DRAFT

Period	Task
05/12 - 05/13	Identify research priorities.
05/16 - 06/15	Invitation for project ideas and submission of brief project descriptions. Brief Trustee Council on May 31.
06/16 - 06/25	Staff review and organization of proposals.
06/27	Public Advisory Group briefing and review.
06/27 - 07/10	Chief scientist and technical review. Recommend which research to pursue through Broad Agency Announcement.
07/11 - 07/12	Chief scientist and technical review committee finalize recommendations for Draft FY 95 Work Plan.
07/13 - 07/15	Restoration Work Force and Executive Director review proposals for inclusion in Draft Work Plan and determine which research to pursue through a Broad Agency Announcement.
07/16 - 07/31	Revisions, combinations, and identification of data gaps.
08/01 - 08/11	Prepare Draft Work Plan.
08/12 - 08/31	Print and mail Draft Work Plan.
08/01 - 09/01	Agencies prepare detailed project descriptions..
09/01 - 09/30	Review of the Draft Work Plan by the Public Advisory Group, the Science Review Board and the general public.
10/01 - 10/14	Compile comments received.
10/15 - 10/20	Executive Director prepares recommendations.
10/31	Trustee Council approves Work Plan.
11/01 - 12/15	Agencies revise detailed project descriptions and prepare requests for proposals. NOAA issues a Broad Agency Announcement.
12/15 - 01/31	Scientific or peer review of detailed project descriptions and responses to the Broad Agency Announcement.
02/01 - 02/28	Approve detailed project descriptions and negotiate contracts.

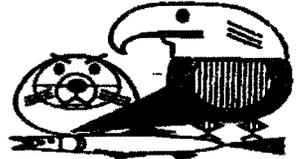
DRAFT**Alternative of FY 95 Work Plan Timeline**

Period	Task
05/12 - 05/13	Identify research priorities.
05/16	Invitation for project ideas and Broad Agency Announcement (BAA) issued jointly. Information packet for general invitation ready on 5/16; not until 6/01 for BAA.
05/16 - 05/31	Define technical evaluation criteria and procedures, design proposal submission format, and prepare synopsis of Broad Agency Announcement.
06/30	Brief project descriptions and responses to BAA due.
07/01	Public Advisory Group briefing and review.
07/01 - 07/29	Scientific and technical review of proposals.
08/01 - 08/02	Chief scientist and technical review committee finalize recommendations for Draft FY 95 Work Plan.
08/03 - 08/05	Restoration Work Force and Executive Director review proposals for inclusion in Draft Work Plan.
08/07 - 08/19	Prepare Draft Work Plan, including revisions of brief project descriptions, combinations, and identification of data gaps.
08/20 - 08/31	Print and mail Draft Work Plan.
08/07 - 08/31	Agencies prepare detailed project descriptions..
09/01 - 09/30	Review of the Draft Work Plan by the Public Advisory Group, the Science Review Board and the general public.
10/01 - 10/14	Compile comments received.
10/15 - 10/20	Executive Director prepares recommendations.
10/31	Trustee Council approves Work Plan.
11/01 - 12/15	Agencies revise detailed project descriptions and prepare requests for proposals.
12/15 - 01/31	Scientific or peer review of detailed project descriptions.
02/01 - 02/28	Approve detailed project descriptions and negotiate contracts.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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FAX COVER SHEET

To: Restoration Work Force Number: _____

From: Molly Date: 5-10-94

Comments: _____ Total Pages: 4

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member in your ofc Thank You!

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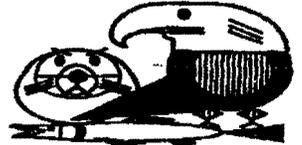
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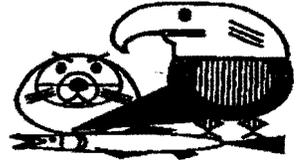
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LOCAL NAME
LOGO

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EVOS Restoration

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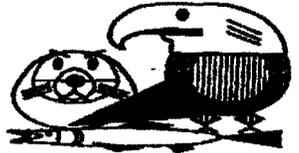
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From: Molly Date: 5-10-94

Comments: _____ Total Pages: 4

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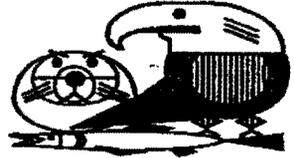
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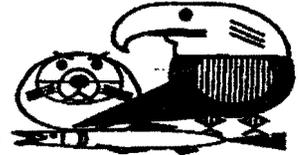
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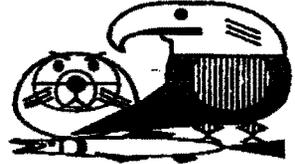
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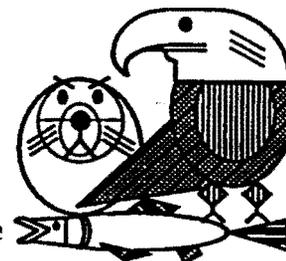
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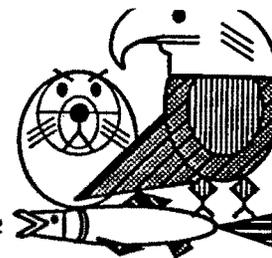
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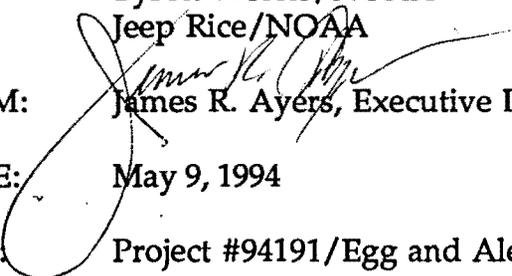
645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Byron Morris/NOAA
Jeep Rice/NOAA

FROM:  James R. Ayers, Executive Director

DATE: May 9, 1994

SUBJ: Project #94191/Egg and Alevin Mortality

I have reviewed your memorandum dated April 26, 1994 regarding Project #94191/Egg and Alevin Mortality in response to my authorization of April 7, 1994 and the associated recommendations of the Chief Scientist. This project has been further reviewed by the Chief Scientist who recognizes that the MFO analyses could form a link between the field and lab exposure measurements and also the value of the histopathological measurements as a means of linking field and laboratory measurements (see attached). The Chief Scientist also observed that the peer review would have benefited from more complete justifications for the proposed work being available in the 94 DPD.

With specific regard to Project #94191, it is appropriate to recognize that this project is a continuation of efforts from 1993 with year round culturing and exposures. In view of the additional information you have provided that clarifies the objectives and utility of the MFO and histopathological measurements, it is appropriate that the proposed work proceed as part of the authorized project scope of work.

It is widely recognized that the timing of the annual work plan/project budget cycle must be accelerated in FY 95 in order to make most productive use of the peer review and project approval process. The effort to get Trustee Council approval of the FY 95 work plan by the end of October will provide more time for peer review. I also support devising a means by which multi-year projects can be approved so as to minimize unnecessary repeated reviews.

cc: Bob Spies
Molly McCammon

attachment

May 5, 1994

To: Jim Ayers, Executive Director *MS*
From: Bob Spies, Chief Scientist
Re: Reply to Morris/Rice on usefulness of MFO and histopathology
measures in salmon larvae experimentally exposed to oil
(project 94191)

With regard to the memo of April 26th from NOAA in defense of their detailed project description (94191), there are some important points advanced by Drs. Rice and Morris. The primary and most meritorious argument is that the MFO analyses form the link between the field and the laboratory. By measuring the level of MFO induction in the laboratory exposure assessments they can apparently relate the results previously obtained in the field after the spill to the conditions of exposure in the experiment. This link then provides the basis for deciding whether laboratory conditions pertained to field conditions, and therefore whether they can be accepted as representing the effect of oil in the environment. By extension the histopathological measurements may link a level of damage with the MFO in laboratory exposures that might also be related back to the field. I would also agree that these measurements add relatively large amounts of good scientific information at little cost. It is clear, however, that arguments supporting the inclusion of these measurements were not clearly linked to the objectives of the study and on the basis of the information supplied at the time of the review that I and the reviews made an appropriate recommendation.

I think that this type of situation could be improved by:

1. Encouraging investigators to submit more complete justifications for their proposed work.
2. Align the review process so that it precedes the start of agency work. This is being done for 1995.
3. Submission of fuller multi-year proposals for review once at the beginning of the work with only periodic updates on progress sent out for further review.

CC: M. McCammon
E. Meyers
S. Rice
S. Sharr
S. Pennoyer
J. Seeb
B. Bue

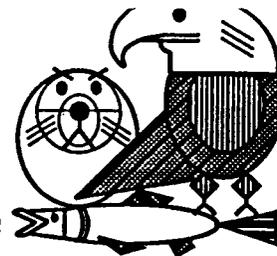


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Restoration Office

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



MEMORANDUM

TO: Dr. Ted Cooney/UAF

FROM: Eric Myers, Restoration Project Coordinator

DATE: 5/6/94

SUBJ: Recently Received DPDs for Project #94320

Molly McCammon recently received in the mail copies of DPDs for the following four Project #94320 sub-projects:

94320-J/Information Systems-Modeling	PWSSC/Patrick
94320-M/Physical Oceanography	PWSSC/Salmon
94320-N/Nearshore Fish	PWSSC/Thomas
94320-P/Program Management	PWSSC/Scheel

It appears that these are the officially final, signed copies of the earlier versions of the DPD that were included in the Trustee Council's packet on which the April 11, 1994 approval action was based. The cover page on these DPDs reflects signature dates both before and after the April 11, 1994 Trustee Council meeting (see attached)

I would appreciate your clarification. Specifically, are there any changes in these DPDs relative to prior versions reviewed by the Trustee Council? (I provided a copy of these four DPD's and spoke with Dean Hughes of the Alaska Department of Fish and Game who has been working with Joe Sullivan to coordinate Project 94320. He was also not aware of these more recent versions of the DPD.)

Your clarification would be greatly appreciated. Also, should we be expecting copies of other final, signed versions of Project 94320 DPDs?

cc: Joe Sullivan
Dean Hughes

RESEARCH PROPOSAL

TO: Mr. James Ayers, Executive Director
 EVOS Trustees Council, Restoration Office
 645 G Street, Anchorage Alaska 99501
 (907) 276-8012, -7116 facsimile

FROM: Institute of Marine Science (IMS)
 School of Fisheries and Ocean Sciences (SFOS)
 University of Alaska Fairbanks (UAF)
 Fairbanks, Alaska 99775-1080

and

Prince William Sound Science Center (Science Center)
 P.O. Box 705, Cordova, Alaska 99574
 (907) 424-5800, -5820 facsimile

TITLE: Sound Ecosystem Assessment (SEA)
 Observational Physical Oceanography in Prince William Sound
 and the Gulf of Alaska (SEA-OCEAN)

PRINCIPAL INVESTIGATORS:

Dr. Donald Schell
 Director, Institute of Marine Science
 School of Fisheries & Ocean Sciences, University of Alaska Fairbanks (IMS/SFOS/UAF)

Dr. David Salmon
 Prince William Sound Science Center &
 Affiliate Assistant Professor, IMS/SFOS/UAF

NEW/CONTINUING: New

PROPOSED STARTING DATE: March 1, 1994

PROPOSED DURATION: Two years

AMOUNT REQUESTED: FY94 SEA-OCEAN- Total \$ 657.31.
 FY95 SEA-OCEAN- Total \$ 514.31.

Donald Schell / R³ 4/13/94
 Donald Schell Date
 Director, IMS/SFOS-UAF
 (907) 474-7531

David Salmon 4/9/94
 David Salmon Date
 Principal Investigator
 (907) 424-5800

A.V. Tyler 4/14/94
 A.V. Tyler Date
 Associate Dean, SFOS
 (907) 474-6732

Ted DeLada 4/20/94
 Ted DeLada Date
 Director, Office of Arctic Research

Joan Osterkamp 4-13-94
 Joan Osterkamp Date
 Executive Officer, SFOS
 (907) 474-7824

G.V. Thomas
 G.V. Thomas Date
 President, PWS Science Center
 (907) 424-5800

MEMORANDUM

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

To: Molly McCammon Date: May 6, 1994

From: L.J. Evans *LE* Subj: **Good Morning
America**

The Good Morning America crew will be broadcasting live from Alaska during the week of May 16 - 20. Their video crew was here a couple of weeks ago filming some news and feature segments which will be broadcast during the week. They did one segment on the *Exxon Valdez* oil spill which will be broadcast on Tuesday, May 17. The segment includes some comments from Bob Spies regarding the status of resources injured by the spill. Good Morning America airs in Anchorage on KIMO-Channel 13 from 7:00 - 9:00 a.m.

Here is the Good Morning America schedule for the entire week:

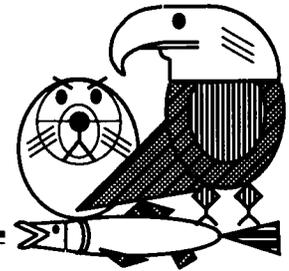
<i>Day</i>	<i>Broadcast Live From:</i>	<i>News Features (may be more)</i>
Monday May 16	Juneau	Mendenhall Glacier
Tuesday May 17	Anchorage	EVOS and Valdez
Wednesday May 18	Sitka	Skagway
Thursday May 19	Alyeska/Girdwood	Portage Glacier
Friday May 20	Kenai & Barrow	Kenai Peninsula

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: May 6, 1994

Subj: Locations of Wednesday Staff Meetings

As discussed at the May 4, Restoration Work Force meeting I am redistributing this updated memo that details the central Juneau meeting location. The Juneau site will be the Forest Service conference room on the 5th floor except the following dates when the meetings will be at NMFS in room 413:

June 1 - NMFS
September 14 - NMFS

Please note: The meeting on **Wednesday, May 25** will be in the Protective Resources Management Division (PRMD) conference room. This room is located on the 4th floor of the Federal Building. Go through 461 (which is a corridor) and signs will guide you to the conference room.

The Anchorage location will always be the 4th floor conference room in the Simpson Building.

cc: Jim Ayers
June Sinclair
Eric Myers
Rod Kuhn
Habitat Work Group
L.J. Evans
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

*** MULTI TRANSACTION REPORT ***

TX/RX NO. 9352

INCOMPLETE TX/RX

TRANSACTION OK	[09] 5867589	J. AYERS
	[10] 5867555	D. GIBBONS
	[11] 4655375	M. BRODERSEN
	[12] 4654759	J. MONTAGUE
	[13] 7896608	MORRIS-WRIGHT
	[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

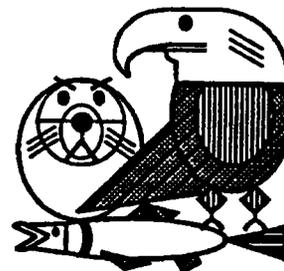
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Dave Gibbons, USFS

FROM: James R. Ayers
Executive Director

DATE: May 6, 1994

RE: Appraisal Authorization

You are hereby authorized to undertake an appraisal for the lands and interests in Kodiak lands property under the ownership of Akhiok-Kaguyak Corporation, Koniag Corporation and Old Harbor Corporation, respectively. 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



United States Department of the Interior



FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.

Anchorage, Alaska 99508-6199

IN REPLY REFER TO:

ARW

Mr. Jim Ayers
 Executive Director
 Exxon Valdez Oil Spill
 Trustee Council
 Restoration Office
 645 G Street, Suite 401
 Anchorage, Alaska 99501-3451

MAY 6 1994

Dear Mr. Ayers:

The U.S. Fish and Wildlife Service (Service) requests authority to appraise lands on Kodiak Island within the Kodiak National Wildlife Refuge. The lands are owned by Koniag, Inc., Akhiok-Kaguyak, Inc., and Old Harbor Corporation. Discussions have been held with all the land owners who have indicated a willingness to sell most of their lands if an acceptable agreement can be reached.

The appraisal would be done by the United States Forest Service large parcel contract appraiser in accordance with the standardized appraisal instructions. The appraisal would be reviewed by federal and state review appraisers in accordance with the Memorandum of Understanding executed March 21, 1994.

The Service will be using multiple funding sources for acquisition. Land and Water Conservation Fund money, restitution funds, and donations from non-profit organizations are expected to supplement restoration funds. The Service plans to supplement appraisal costs from these sources and not rely solely on restoration funds. We will work out the details with your staff if you concur.

Sincerely,

Glenn W. Elison
 U.S. Fish and Wildlife Service
 Negotiator

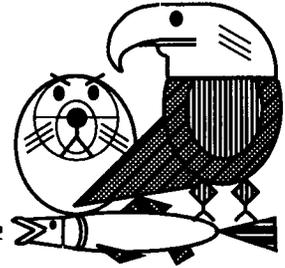
OPTIONAL FORM 99 (7-90)		# of pages ▶
FAX TRANSMITTAL		
To Jim Ayers	From Glenn Elison	
Dept./Agency	Phone # 786-3545	
Fax # 586-7589	Fax # 786-3640	
NSN 7540-01-317-7368 5095-101		GENERAL SERVICES ADMINISTRATION

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
Simpson Building Staff
Bob Spies, Chief Scientist

FROM: Molly McCammon 
Director of Operations

DATE: May 6, 1995

RE: Update on activities and assignments

1. Meeting Notes

Attached are the draft meeting notes for the May 2 and 3 meetings. Please get any changes back to me by Monday noon.

2. FY95 Work Plan Process

The "competition" subcommittee held a teleconferenced meeting Thursday, May 5 to further discuss procedures for soliciting proposals for the FY95 Work Plan. The results of that meeting will be circulated to the Workforce by Monday. A work session on these procedures is anticipated for **Wednesday, May 11**.

Bob Loeffler, Eric Myers and Veronica Gilbert are nearing completion of the Draft Proposer Packet for the FY95 Work Plan. This includes a chapter which describes the research and monitoring priorities developed during the April 13-15 workshop. The goal is to get this packet to you on Monday, May 9, ask for comments by Wednesday, and have a work session on the packet on **Thursday, May 12**, all in anticipation of going out to the public on **May 15**.

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

3. More on the herring project

Attached are articles that appeared in the **Oil Spill Intelligence Report** and in **Time Magazine**. Because of questions raised about the process used in putting together the herring studies, a memo is being prepared to further describe staff actions, the process of adaptive management, and how to ensure that financial and legal procedures are adhered to throughout implementation of a field project.

4. Habitat acquisition

A status report is being prepared on all current habitat protection/acquisition activities. The small parcel solicitation process will be from May 15 - July 15.

5. Quarterly reports and project status reports

The first quarterly report is essentially done, with the second report due to be finished next week. June Sinclair, Veronica Gilbert and Eric Myers will meet to ensure that a consistent database is being developed for project status, and that it provides the level of detail needed by all parties.

6. Procedures for DPD reviews and final report reviews

Several instances have occurred in the past few weeks which raise questions about the process for reviewing DPDs, settling differences between PIs and the peer reviewers and Chief Scientist, as well as the process for reviewing final reports, incorporating peer reviewer comments, and distributing them. Molly McCammon and Eric Myers are working with Bob Spies on a detailed set of procedures for this year's and future projects, as well as trying to clean up past project files. You'll be hearing more about this in the future.

7. Collection issues

The FWS marbled murrelet study (Project #94102) includes the proposed collection of birds as part of its study plan. FWS researchers plan to meet with Jim Ayers and Bob Spies in about a week to review the rationale for the collection activities. In the meantime, Bob Spies and Eric Myers will work with Sandy Rabinowitch and Jerome Montague to develop a draft collection policy for the Trustee Council.

8. Restoration Plan EIS

The EIS is out for agency review. Comments are due back by May 13. Dave Gibbons said he will be identifying any major issues that the agencies have conflicting opinions on and will plan a meeting on those if needed.

9. New regional forester

Alaska's new regional forester is Phil Janik, now with the USFS in Washington, D.C., but formerly the USFS Director of Wildlife, Fisheries and Subsistence for Alaska. Mr. Janik will probably come on board in July. Until then, Jim Wolfe is continuing to serve as the Trustee Council representative.

10. Institute of Marine Science - Seward

A status report is being prepared and will be sent to the Trustee Council next week, along with the Scoping Document for the EIS.

11. Community Involvement Meeting

A teleconferenced meeting was held May 4 with a number of interested researchers, agency folks, and members of the public to discuss ways to obtain and incorporate the environmental knowledge available from local people in the spill area communities. The ad hoc group decided as a first step, to draft a letter to all PIs describing some protocols to use when doing research in the vicinity of spill area communities: contacting the village councils, offering to meet with the community to describe the work being planned or share the results of the field seasons, hiring locals when possible, arranging for visits to research sites, etc. A listing of all the contact persons for each community would be attached to the letter.

A small working group was also formed which plans to meet on May 16 to follow up on longer-term efforts to get local people more involved in the Trustee Council's research efforts.

CHRONICLES

DISPATCHES

By NATALIE PHILLIPS, in Anchorage

No Herring. Care for a Lawyer?



AL GRILLO-SABA

The vast schools of herring that normally return to Alaska's Prince William Sound this time of year didn't show up. Nor did they return last spring. Here's what's showing up in their stead: dozens and dozens of attorneys, paralegals, secretaries, biologists, economists and officials of the Exxon Corp. They are settling in for the summer to write the final chapter in the story of the nation's largest oil spill, which began in 1989 when the *Exxon Valdez* spilled more than 11 million gal. of inky black crude into the pristine Prince William Sound.

What is known in Anchorage as "the little people's trial" will begin this week in federal court. Back in the fall of 1991, the state and federal governments settled their lawsuits against Exxon for \$1 billion. But 12,000 fishermen, deckhands, business owners, landowners and Alaska natives who claim to have suffered from the spill are hoping a jury will hand them an additional \$15 billion from the company's till.

A verdict is months away. But already the trial is having its effect on the local economy: the city's rental-apartment and office-space markets have been saturated by battalions of lawyers and experts. And many other Anchorage businesspeople—restaurateurs, hoteliers, copyshop owners—are looking forward to the ripple effect of a world-class trial.

It's not as much of a win-win situation 150 miles away in the town of Cordova, a tight-knit community on Prince William Sound of some 2,000 fishermen, artists and Eyak natives. "There may be a mini-boom in Anchorage, but there is a major bust still going on in Cordova," says Torie Baker, a



J.L. ALLEN-KUHL

Are effects of the Exxon Valdez disaster still being felt?

board member of the Cordova District Fishermen United. This year, for the second spring in a row, the town's 900 fishermen set out for herring and came up empty; normally they would haul a catch worth somewhere around \$10 million. Yes, a smattering of herring did manage to make it to the sound, up from their winter home in the Gulf of Alaska, but they were covered with sores and swam erratically. Worse, the area's pink salmon are also vanishing, leaving many fishermen on the brink of bankruptcy.

Not surprisingly, Exxon officials are quick to point to the abundant herring harvests the first few springs after the accident; they say there is no link between the five-year-old spill and what is happening now. Not surprisingly, this is not a popular position in Cordova. The culprit, most fishermen readily agree, is the 11 million gal. of oil. "It's a gut-level thing," says Baker. "Yes, there is an effect out there [from the spill]. The thing that is so telling is that everywhere else in Alaska, there are major runs on fish this spring." And so to court. The fishermen have pinned their hopes for economic survival on the outcome of their lawsuit against Exxon, even though they acknowledge that the proceeds from a winning verdict could be tangled up in appeals for years.

"This is on everybody's lips," says Cordova mayor Margy Johnson. "Everyone's looking for a sense of closure. It's like there was a death in the family and we're waiting for the will to be read." It's apt to be a long sitting.

Post-it™ brand fax transmittal memo 7671 # of pages 1

To: NATALIE PHILLIPS

From: MARY WOODLEY

Co: -I'll find you a couple of copies -

Dept:

Phone: 310-268-7210

FAX: 258-2157

week, a shaky cease-fire collapsed, and savage fighting erupted again in the capital, Kigali. In what U.N. workers described as the biggest and fastest exodus they had ever seen, more than 250,000 people poured into neighboring Tanzania. By late Friday, lines at the border stretched for five miles. In New York City U.N. Secretary-General Boutros Boutros-Chali urged the Security Council to reconsider its decision to withdraw most of its forces and asked that peacekeepers be permitted to use force to prevent further massacres similar to those he said had claimed 200,000 victims in the past three weeks.

Air-Crash Mystery
A China Airlines jetliner crashed and burned in Nagoya, Japan, after the pilot radioed the control tower that he was making a second landing attempt. At week's end the death toll was 263.

Tragedy in Kenya
A government ferry carrying more than three times its licensed passenger load of 150 capsized while taking

oil spill INTELLIGENCE REPORT

API's letter states that it agrees with the congressional intent of OPA 90 that the vessel owners and operators show evidence of financial responsibility, but that the proposed rule limits "the methods provided for in OPA 90 for evidence of financial responsibility and very narrowly construe the conditions of application of the methods considered to be acceptable." Referring to the rulemaking as "restrictive," API contends that it has "proposed options" to solve the problem, such as self-insurance plans and an assignment of right of claim option. This method might "facilitate

a more workable rulemaking utilizing the traditional, tried and proven P&I club coverage as a basis for compliance," the letter says.

API contends that it would be "imprudent" to proceed with a final rulemaking that "does not adequately reflect the intent of Congress for flexibility and discretion." If the rulemaking proceeds, it could significantly disrupt trade in the US, which would lead to severe economic and commercial ramifications, API contends.

Scientists Express Alarm over Decline in Prince William Sound Herring Stocks; Explore Tie to Exxon Valdez Oil Spill

Scientists in Alaska, USA, have become alarmed in recent weeks as evidence mounts that the Pacific herring run in Prince William Sound has declined for the second straight year. On 22 April, officials from the Alaska Department of Fish and Game announced that studies are showing that far fewer herring than expected were returning to Prince William Sound and that many of those that had returned were not spawning. This decline is unique to Prince William Sound, as other spring herring runs in Alaska are breaking size and volume records, scientists say.

This discovery has led the Exxon Valdez Trustee Council, in conjunction with state officials, to propose a series of additional studies to determine whether the decline is linked to the 1989 Exxon Valdez oil spill. Scientists had already planned herring studies to be done in 1994 as part of the Exxon Valdez Trustee Council 1994 Workplan. Exxon Corporation has repeatedly denied any correlation between the decreasing fish populations and the oil spill.

The 24 March 1989 Exxon Valdez spill coincided with the annual spring migration of herring spawners to nearshore staging areas. Over 40% of areas used by herring to stage, spawn, or deposit eggs, and over 90% of areas needed for summer rearing were exposed to crude oil, according to information presented at a 2-5 February 1993 forum on the damages resulting from the spill (see **OSIR**, 11 February 1993).

John Wilcock of Fish and Game told **OSIR** that scientists expected the herring to suffer adverse effects from the oil because they were spawning at the time and because they spawn in the intertidal zone, a heavily oiled area. However, he said that if indeed studies tie the adverse impacts to the oil,

scientists would be somewhat surprised at the "severity" of the effects four years after the spill. He explained that the oiling of the herring beds in 1989 should have resulted in damage to one class of herring. However, "we've seen losses of adults from all age groups, not just 1989," Wilcock explained. Fish and Game is currently trying to determine the reason for this occurrence and to determine whether the damage can be linked to the oil.

Some scientists speculate that a variety of effects stemming from the oil could be causing the population decline, such as changes to the abundance of prey or predators and possible sublethal effects of the oil, which lowered the herring's resistance to disease. All these variables make determining what effect, if any, the oil had on the herring difficult, Wilcock said. Wilcock believes that it may be "years down the road" before scientists can definitively link the herring damage to the oil, but he hopes that their research will lead to the answers to some important questions. For example, does oil cause genetic damage in herring, and can it reduce herring's resistance to disease?

Proposed Studies

Scientists say that 21% of the fish returning in 1994 have lesions, which appear as discolored or bloody spots on their skin. In 1993, Fish and Game scientists confirmed the presence of a virus in fish with similar lesions. They are now testing the 1994 fish to see if the same virus is present. Proposed studies by Fish and Game and the Trustee Council will investigate whether the virus is involved in the apparent decline in the herring spawning population and try to determine the magnitude of this effect.

"We don't know for sure if [the virus] is the cause of the problem. That's what we need to find out."

oil spill INTELLIGENCE REPORT

explained Joe Sullivan of Fish and Game. Sullivan went on to explain that scientists are not sure yet whether the virus, viral hemorrhagic septicemia virus (VHSV), is even the cause of the lesions. VHSV has the potential to infect many species of bony fish, he explained, but its presence does not always result in disease. Some fish species, salmon for example, can carry the virus without apparent harm. Others, such as rainbow trout in European hatcheries, suffer severe mortalities when exposed to a different strain of VHSV, he said.

In addition to trying to find a link between the virus and the decline in fish, the Trustee Council will try to determine whether the presence of the lesions causes a higher mortality rate in herring, and

later they will determine whether healthy herring can "catch" the virus from infected herring.

Trustee Council members are particularly concerned about the effect that the decline in the herring population will have on other species in Prince William Sound. "Herring are an important food source to a number of marine birds and mammals that were injured by the Exxon Valdez oil spill," said Robert Spies, chief scientist for the Trustee Council. "A major reduction in the number of herring in Prince William Sound has the potential for significant impact throughout the ecosystem. Collapse of the herring population could seriously limit the recovery of other species injured by the spill, such as otters, seals, and sea birds."

New York Spill Drill: Dispersant Spraying Equipment Is Key Issue

A problem with the type of dispersant spraying equipment available to apply Corexit 9527 put a halt to the potential use of dispersants at a 14 April USCC-sponsored spill drill in New York Harbor, USA. The drill was the third held by the USCG's National Strike Force Coordination Center (NSFCC) under the new National Preparedness for Response Exercise Program (PREP) guidelines and the first that included equipment deployment (see **OSIR**, 22 December 1992). The drill revolved around a collision between a barge and tanker in the lower bay of New York Harbor at 5:53 am local time (LT). In the simulation, the barge spilled 526,000 gallons of No. 6 oil and the tanker an undetermined amount of crude oil.

Shortly after the spill, a group of scientists considered the use of Corexit 9527 as a means of dispersing the oil offshore in an attempt to lessen the shoreline impact. Randy Austin of the New York Department of Environmental Protection explained that initial trajectories indicated that the oil would not hit the New York shoreline until the evening of 14 April. Based on this, responders considered using dispersants to break up the slick at-sea, and began discussing plans for dispersant use. However, the drill organizers changed the scenario at 1:00 pm LT, reporting that oil had already begun to hit the New York shoreline on Coney Island. Scientists ruled out the use of dispersants in New York State waters at that time, but considered using dispersants on oil expected to rebound off the New York coast and hit the New Jersey, USA, coastline.

Representatives from the states of New York and New Jersey and the National Oceanic and Atmos-

pheric Administration (NOAA) approached the National Response Corporation (NRC), the primary responder for the drill, and asked whether it could provide the equipment needed to test the Corexit 9527 on the spilled oil. According to NRC's Steve Candito, NRC was prepared to apply dispersants from a vessel-based system using a fire monitor. He explained that NRC had gotten the idea to use the fire monitor system from an Exxon Chemical Company paper on dispersant application techniques. NRC assumed that this was a "well-accepted" application method. Candito explained, but New York and New Jersey officials would not approve the technique.

Austin explained that officials were concerned that the equipment would not provide a uniform application of the dispersant. The proposed system didn't seem to correspond to "an orthodox application of dispersants," Austin told **OSIR**.

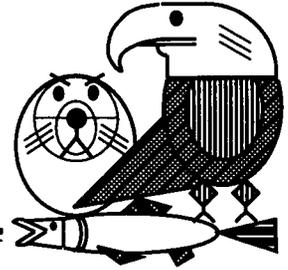
In light of the drill, New York and New Jersey state officials plan to determine what equipment would be acceptable for dispersant application in the area and if there is enough of such equipment available in the New York/New Jersey area that could be utilized during a spill. Austin said that New York State will rely on equipment that meets methodologies accepted by the dispersant manufacturer. Candito explained that NRC is also examining the equipment it has available and plans to meet with officials from both states. NRC hopes to convince state officials that the fire monitoring equipment is acceptable, but if it cannot, anticipates purchasing alternative dispersant application equipment to use in the event of a spill in the New York area. Candito said.

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



TRUSTEE COUNCIL MEETING ACTIONS

May 2, 1994 @ 2:30 p.m. Juneau, Alaska
Reconvened from April 28, 1994 Meeting

DRAFT

By James R. Ayers
Executive Director

Trustee Council Members Present:

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

* Chair

● Alternates:

Jim Wolfe served as representative for USFS for the entire meeting.

Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire 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. Executive Session - Habitat Protection, Eyak Lands

APPROVED MOTION: Recess into Executive Session to discuss Eyak and Sherstone's response to the Trustee Council's April 28, 1994 letter.

Returned at approximately 5:00 p.m.

3. Action on Habitat Protection, Eyak Lands

APPROVED ACTION: The Executive Director shall work with representatives of the U.S. Forest Service, the Alaska Departments of Environmental Conservation and Law to develop a resolution to incorporate the various ideas expressed by the Trustee Council during the Executive Session. Jim Wolfe moved, Carl Rosier second.

Meeting recessed until a later date.

raw

Trustee Agencies

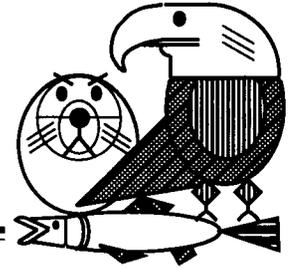
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



TRUSTEE COUNCIL MEETING ACTIONS

May 3, 1994 @ 11:00 a.m. Juneau, Alaska
Reconvened from May 2, 1994 Meeting

By James R. Ayers
Executive Director

DRAFT

Trustee Council Members Present:

- | | |
|---------------------------------|-----------------------|
| ● Jim Wolfe, 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 representative for USFS for the entire meeting.

Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire 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. Habitat Protection, Eyak Lands

APPROVED MOTION: Adopted amended Resolution regarding Eyak and Sherstone's lands. (Attachment B)

Meeting recessed until a later date.

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

*** MULTI TRANSACTION REPORT ***

TX/RX NO. 9367

INCOMPLETE TX/RX

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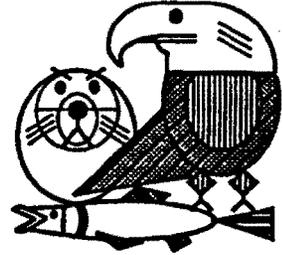
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Exxon Valdez Oil Spill Trustee Council

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

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



RESOLUTION OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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

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

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

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

Trustee Agencies

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

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

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

6. There has been widespread public support for the protection of the Orca Narrows area.

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

following conditions:

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

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

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

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

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

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

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

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

subparagraph (h).

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

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


Dated 5/3/94
JAMES A. WOLFE
Trustee Representative
Alaska Region
USDA Forest Service


Dated 5/3/94
BRUCE M. BOTELHO
Attorney General
State of Alaska

Orca Narrows Sub-parcel Resolution - May 3, 1994

Deborah Williams ^{ALT.} Dated 5/3/94
for GEORGE T. FRAMPTON, Jr.
Assistant Secretary for Fish,
Wildlife & Parks
U.S. Department of the Interior

Steven Pennoyer Dated 5/3/94
STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries
Service

Carl L. Rosier Dated 5/3/94
CARL L. ROSIER
Commissioner
Alaska Department of Fish &
Game

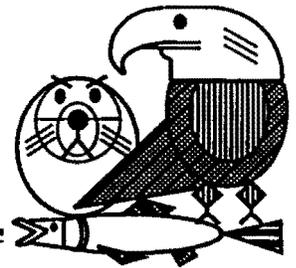
John A. Sandor Dated 5/3/94
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

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

Craig Tillery
~~Agency Liaison~~

To: ~~Trustee Council~~ _____ Number: _____

From: Molly McCammon _____ Date: 5-4-94 _____

Comments: _____ Total Pages: 8 _____

PLS forward this signed copy of
the Eyak/Sherstone Resolution to the
~~Agency Liaison~~
~~IG~~ member 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

*** MULTI TRANSACTION REPORT ***

TX/RX NO. 9270

INCOMPLETE TX/RX

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	[25] 5867840	M. BARTON
	[26] 4652075	B. BOTELHO
	[27] 2022084684	G. FRAMPTON
	[28] 5867249	S. PENNOYER
	[29] 4652332	C. ROSIER
	[31] 4655070	J. SANDOR
	[36] 2787022	ALEX-CRAIG

ERROR

 *** MULTI TRANSACTION REPORT ***

TX/RX NO. 9271

INCOMPLETE TX/RX

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	[10] 5867555	D. GIBBONS
	[11] 4655375	M. BRODERSEN
	[12] 4654759	J. MONTAGUE
	[14] 2572510	S. RABINOWITCH
	[15] 5624871	C. FRIES
ERROR	[13] 7896608	MORRIS-WRIGHT

*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

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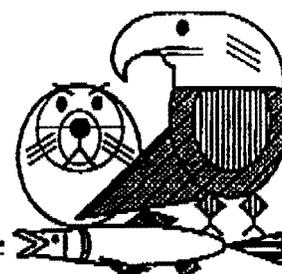
1

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

Agency Liaisons
To: Trustee Council Number: _____

From: Molly McCammon Date: 5-4-94

Comments: Total Pages: 8

Pls forward this signed copy of
the Eyak/Sherstone Resolution to the
Agency Liaison
member in your ofc. Thank you.

*** ACTIVITY REPORT ***

TRANSMISSION OK

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CONNECTION ID	MORRIS-WRIGHT
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*** ACTIVITY REPORT ***

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CONNECTION ID	ALEX-CRAIG
START TIME	05/04 14:10
USAGE TIME	03'49
PAGES	8
RESULT	OK

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

This Confirmation Sheet MUST be Attached to the Faxed Document

✓ Mr. Barton (Renee) Steve yes
586-8863 Date & Time: 1:19 5/4

✓ Mr. Frampton (Cathy) yes
202-208-4416 Date & Time: 1:22 5/4

✓ Mr. Pennoyer (Linda) yes
586-7221 Date & Time: 5/4 2:06

✓ Mr. Rosier (Carla) yes
465-4100 Date & Time: 5/4 1:26

✓ Mr. Sandor (Martha) yes
465-5050 Date & Time: 1:21 5/4

✓ Mr. Tillery (Vicki) Mary sent again just to be
269-5274 Date & Time: 5/4 ^{sure} YES 2:27

Description of Document: 8 ppg; 1 cvr pg; 7 ppg signed Eyak Resolution

Comments:

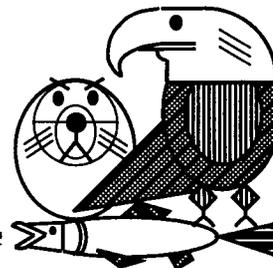
Your Initials:

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



Meeting Agenda
Restoration Work Force
May 4, 1994
9:00 a.m.

1. Agenda
2. Trustee Council Meetings
 - April 28, 1994
 - May 2, 1994
 - May 3, 1994
3. Quarterly Reports & Project Status
4. EIS
5. Other

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

*** ACTIVITY REPORT ***

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*** ACTIVITY REPORT ***

TRANSMISSION OK

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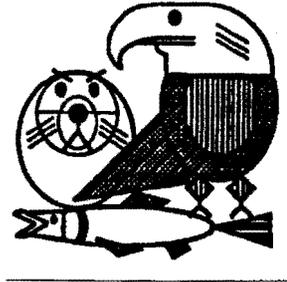
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PAGES	2	
RESULT	OK	

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



MEMORANDUM

TO: Laraine L. Derr
Deputy Commissioner
Department of Revenue

FROM: 
James R. Ayers
Executive Director

DATE: May 4, 1994

RE: Land Purchases with Exxon Valdez Oil Spill Settlement Funds

The Exxon Valdez Oil Spill Trustee Council, through the liaison Federal and State agencies, will begin purchasing land in the near future. Land will be purchased from private sellers, and title to the land will be held by the Federal or State agency to whom funds have been transferred.

We are currently negotiating appraisal specifications with willing sellers. In anticipation of these transactions occurring relatively soon, and in an effort to get the lowest purchase price possible, we would like to explore possible financing options.

We initially anticipated purchasing the land with a 20% down payment and six annual payments to pay off the balance. We would like to know if the following options are available to us with respect to purchases made through State of Alaska agencies:

1. State of Alaska issued tax exempt securities paying the seller cash. Will this require approval by the State Legislature?
2. Contract with sellers with payments over time. The interest rate negotiated would be set low enough to qualify as tax exempt to the seller.

Any information/guidance your agency can provide would be greatly appreciated. Thank you, in advance, for your assistance in this matter.

JRA/jas

DERR.WPD

Trustee Agencies

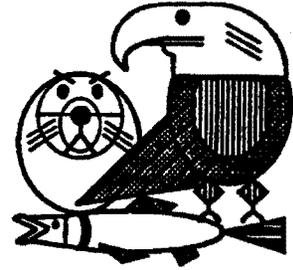
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



May 4, 1994

Mr. Lew M. Williams, Jr.
755 Grant Street
Ketchikan, AK 99901

Dear Lew:

Thanks for your letter of April 18, 1994 regarding the establishment of a Restoration Reserve. I agree with you that saving funds for future use is extremely important, and I believe that all six Trustees wholeheartedly agree with that. The major discussion now is on the mechanics of establishing such a fund. Hopefully, that will be settled in the very near future.

The Trustees are currently considering a total reserve of somewhere between \$110 - 130 million, in order to support long term restoration efforts. I'll be sure to keep you informed as the reserve gets further established. In the meantime, I'll also be sure to pass on your comments to all the Trustees.

Hope to see you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'James R. Ayers', with a horizontal line extending to the right.

James R. Ayers
Executive Director

JRA/mir

Trustee Agencies

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

LEW M. WILLIAMS, JR.
755 Grant Street
Ketchikan, Alaska 99901

April 18, 1994

Jim Ayers, executive director
Exxon Valdez Oil Spill Trustees Council
645 G. Street
Anchorage, Alaska

FAX 1-276-7178

Dear Jim:

In case the opinion of an advisory group member is warranted, I agree with trustee John Sandor's comments on the Draft Restoration Plan as outlined in his April 4 letter.

I have been a strong advocate for setting aside some of the money in the next seven years in an endowment, reserve or whatever anyone wants to call it. The name isn't as important as the saving. I suggest that if there is a doubt about a restoration action of any type in the next few years that the money for such an action be set aside in the reserve. The action can be financed and taken later, if warranted. The money will still be there.

I understand the proposal now is to set aside \$130 million in a reserve. My opinion is that \$230 million would be more appropriate. Let nature do some of the restoration work and extend our funds further into the future for long-term benefits.

Sincerely yours,

Lew M. Williams, Jr.
(Llewellyn Williams)
Public Member, Advisory Group

RECEIVED

APR 20 1994

LEW M. WILLIAMS, JR.
755 Grant Street
Ketchikan, Alaska 99901

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

April 18, 1994

Jim Ayers, executive director
Exxon Valdez Oil Spill Trustees Council
645 G. Street
Anchorage, Alaska

FAX 1-276-7178

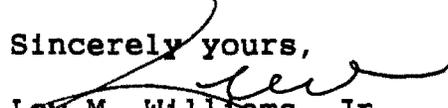
Dear Jim:

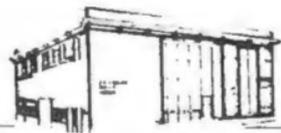
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Sincerely yours,


Lew M. Williams, Jr.
(Llewellyn Williams)
Public Member, Advisory Group



**Ketchikan
Daily News**

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

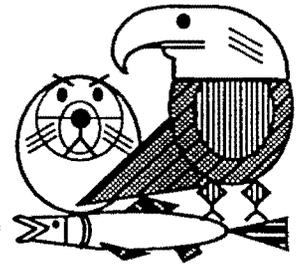
Jim Ayers
Ex. Dir
Exxon Valdez Oil Spill Trustees
645 G Street
Anchorage, AK 99501-3451

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



May 4, 1994

James G. King
1700 Branta Road
Juneau, Alaska 99801

Dear Jim,

Thank you for your recent letter. I'm sorry that you were not able to attend the April 13-15 workshop. I think that if you have the opportunity to discuss the workshop with those who were able to participate you will find that the sessions were widely regarded as very constructive.

The three days were filled with an interesting and exciting exchange of ideas and perspectives among principle investigators, independent scientists, agency biologists, resource managers and representatives of public user groups, as well as community residents from the spill area. The workshop was the beginning of what we hope will be an on-going "adaptive management" process that will include an annual forum to share information as part of the effort to continually update, revise and refine the research and monitoring program, always trying to take advantage of the most current information available. For your reference, I have enclosed some of the working materials generated by the work groups at the workshop.

I also want to take this opportunity to respond to some of the issues you raise in your letter. With respect to the Mission Statement that was adopted by the Trustee Council at their November 30, 1993 meeting, I do not believe that the Mission Statement represents any change of direction nor is it in conflict with the Draft Restoration Plan published in November 1993. Rather, the Mission Statement is an articulation of the overall mission of the Trustee Council consistent with the Settlement.

I am especially sensitive to your comments regarding meaningful public participation in the Trustee Council process. The recent workshop, the 5th Year Anniversary Public Forum and a series of community meetings we held in communities of the spill area during April are all examples of the efforts we are making to not only take in, but actively solicit, public involvement in the Trustee Council decision-making process. While there will inevitably be

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

- comment periods with prescribed deadlines related to specific efforts (for example, the upcoming public comment period that will be associated with the NEPA EIS process for the *Draft Restoration Plan*), I agree completely that we must always remain open to consideration of issues raised by the Public Advisory Group or members of the general public at any time.

Your comments pertaining to the scientific process are also in keeping with the effort now underway. For your reference, I have enclosed a copy of an article from *Conservation Biology* (March 1994) that discusses the evolving concept of ecosystem management. To say the least, the challenge associated with pursuing the charge of implementing the restoration program using an ecosystem approach is enormous. As Jack Ward Thomas once reflected in relation to the controversy surrounding the Pacific Northwest forest management debate, "ecosystems are not only more complex than we think, they are more complex than we can think." The point you make that we need to continually challenge our assumptions is especially well taken as is the need to remain open to revision to the identified list of "injured resources."

Finally, I would note that the Trustee Council has formally embraced and recognized the need to support long-term scientific research in the *Draft Restoration Plan*. This commitment includes the establishment of a Restoration Reserve that can be used to support research and monitoring efforts beyond the time of Exxon's last Settlement payment. With approval of the FY 94 Work Plan at their January 31, 1994 meeting, the Trustee Council approved an initial deposit of \$12 million for the Restoration Reserve. This is an important start on what will be a substantial long-term commitment.

Again, thank you for taking the time to share your thoughts on the workshop and the science program effort.

Sincerely,



Molly McCammon
Director of Operations

attachments

cc: Jim Ayers

James G King
1700 Branta Road
Juneau, Alaska 99801

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APR 13 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Molly McCammon, Director of Operations
EVOS Restoration Office
645 "G" Street
Anchorage, AK 99501

Dear Molly,

I am sorry it could not work out for me to participate in the April 13-15 work shop. I do have some concepts and concerns for consideration, which are hereby submitted in writing, as you suggest.

A) I find the "Mission Statement" a little confusing. Until recently we have been guided by a sentence in the Settlement Agreement that says the money will be spent "... for the purpose of restoring, replacing, enhancing, or acquiring the equivalent of natural resources injured as a result of the Oil Spill and reduced or lost services provided by such resources..." Is this not in fact a mission statement? The new "Mission Statement" does not mention either resources or enhancement except in an appended list. The English is not clear cut. The appended list seems to lump some very diverse processes such as monitoring and research, resource and service, acquisition and protection. Is the new "Mission Statement" more restrictive than the Settlement Agreement? Does it represent a change of direction?

B) "Meaningful Public Participation" is a concept that is repeatedly stressed in all documents related to the EVOS Settlement. There has been a lot of public interest and response to requests for comments. The Sept. '93 "Summary of Public Comment On Alternatives" while a commendable work is just a summary. To be "meaningful" a document needs to be available that gives the name, address, affiliation and opinion of each respondent, classified under reasonable headings. Even more important is the same information for each organization responding. This document could then become a part of the EIS and guidance for action by the Trustee Council. Alternatives suggested by the public should be the basis for alternatives evaluated by the EIS, one would think.

Meaningful public participation would dictate that no correspondence related to the Settlement be excluded from evaluation for bureaucratic reasons such as being presented at a former "comment period" or not within any formal comment period. Anything received after analysis begins should be filed for future analysis until the Trustee Council disbands.

We need to know what elements of "public participation" are presented by: a) for profit corporations, b) non profit organizations, c) paid lobbyists, d) scientists, e) oil spill victims, f) spill area residents, g) concerned

citizens and so forth. This information should be available to the public, the press and the staff, as well as the Trustee Council, so well informed decisions can be made.

C) The number one EVOS policy currently agreed upon is that restoration will take an "ecosystem approach." This obviously applies to the biological resources and probably not to the lost services.

Moving to an ecosystem approach represents a dramatic change. What was a legal and politically driven process defers to a science driven process. It is recognized that science offers the only chance of achieving the goals of the Settlement. This is logical and sensible and attests the wisdom of the system set up by the Settlement.

Under an ecosystem (scientific) approach two important things will need to be done now hopefully by the current work shop. 1) Science is driven by its own rules thus the policies and guiding principles of the Trustee Council will have to be reviewed to make sure they do not limit good science. For example it may be necessary to determine where the oil residue is in the food web that includes each damaged species, thus species not identified as damaged may need to be studied. 2) None of the assumptions now being accepted can be excused from further scientific scrutiny. Some of the assumptions we hear about that will need review are: a) that restoration of the biological resources is already complete, b) that little or nothing can be done in the water but that injured resources and people can best be served by purchase of privately owned uplands, c) that restoration can be achieved by an ecosystem approach primarily directed to developing management requirements for commercial fish stocks, d) that the currently accepted list of 22 injured biological resources is valid and complete eliminating the need to review other species (questions about additional bird species are emerging), e) that in a dynamic biological system simple population numbers are a valid indication of whether a resource is restored, f) that a real assessment of the affects of EVOS can be achieved during a pre set time schedule and so forth. The process will falter if these sort of issues are not addressed because real scientists will not wish to participate in a process where good science is unduly restricted.

D) As science can not properly operate under a deadline attention needs to be given to how to perpetuate funding beyond the 2002 deadline for receipt of Exxon money. A number of good ideas on this subject have already been proposed.

Thank you for the opportunity to comment and good luck with your work shop.

sincerely,

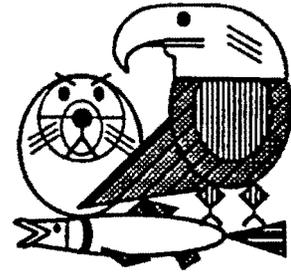
Tim King

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



May 3, 1994

Larry and Judy Lietzau
P.O. Box 2195
Cordova, AK 99574

Dear Mr. & Mrs. Lietzau:

Thank you for your letter regarding Eyak lands. We are in discussions with Eyak and hope to work out an arrangement that would protect habitat areas within the Eyak lands. Your comments and others of the public are taken very seriously by the Council and appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Ayers". The signature is fluid and cursive, written over a faint circular stamp or watermark.

James R. Ayers
Executive Director

JRA/mir

cc: Trustee Council Members:
Michael A. Barton, USFS
Bruce Botelho/Craig Tillery, Department of Law
Paul Gates/George T. Frampton, Jr., Department of the Interior
Steve Pennoyer, NOAA
Carl L. Rosier, Department of Fish & Game
John A. Sandor, Department of Environmental Conservation

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 28, 1994

Jim Ayers, Executive Director
EVOS Trustee Council Restoration Team
645 G Street, Fourth Floor
Anchorage AK 99501

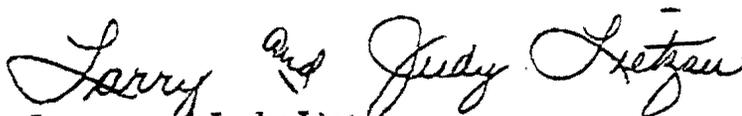
Dear Mr. Ayers,

We thank the Trustees for funding the SEA program through the PWS Science Center recently, but we are still concerned about the lack of an agreement with the Eyak Corporation over buying back the timber rights of the lands they have offered.

If ITT Rayonier is allowed to start clearcutting as proposed, Cordova is doomed as a tourist attraction, our anadranomous streams will be contaminated with slash and debris, thereby ruining the fishing industry, and the short-term economic gains will not be staying in the community as these loggers are not local people but have come from other states where sustainable harvesting was not practiced.

Please distribute this letter to the Trustees so that they can see that we, residents of Cordova, do not want to be exposed to this type of environmental disaster.

Thank you,



Larry and Judy Lietzau
PO Box 2195
Cordova AK 99574
424-7273

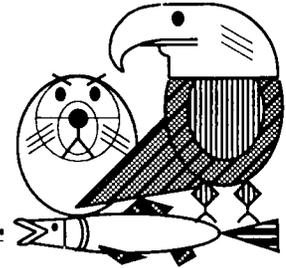
Copy to The EVOS Trustees, please.

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



TRUSTEE COUNCIL MEETING ACTIONS

**May 3, 1994 @ 11:00 a.m. Juneau, Alaska
Reconvened from May 2, 1994 Meeting**

By James R. Ayers
Executive Director

Trustee Council Members Present:

- | | |
|---------------------------------|-----------------------|
| ● Jim Wolfe, 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 representative for USFS for the entire meeting.

Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire 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. Habitat Protection, Eyak Lands

APPROVED MOTION: Adopted amended Resolution regarding Eyak and Sherstone's lands. (Attachment B)

Meeting recessed until a later date.

raw

Trustee Agencies

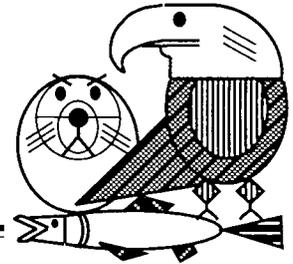
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL
MAY 3, 1994
CONTINUATION OF APRIL 28, 1994 MEETING
TELECONFERENCE

DRAFT

MAY 3, 1994 @ 11:00 a.m.

Trustee Council Members:

JAMES A. WOLFE/Trustee Representative
Director, Engineering & Aviation Management
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 - National Marine Fisheries Service - Steve Pennoyer's Office, Room 453

1. Approval of Agenda
Order of the Day
2. Habitat Protection - Eyak Lands

Attachments:

- Draft Resolution.

Adjourn

Trustee Agencies

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

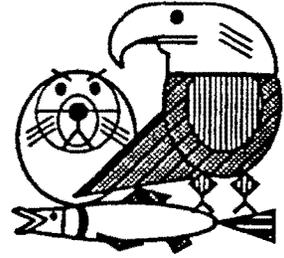
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



RESOLUTION OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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

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

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

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

Trustee Agencies

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

6. There has been widespread public support for the protection of the Orca Narrows area.

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

following conditions:

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

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

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

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

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

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

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

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

subparagraph (h).

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

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


JAMES A. WOLFE
Trustee Representative
Alaska Region
USDA Forest Service

Dated 5/3/94



BRUCE M. BOTELHO
Attorney General
State of Alaska

Dated 5/3/94

Orca Narrows Sub-parcel Resolution - May 3, 1994

for Deborah Williams ^{ALT.} Dated 5/3/94
GEORGE T. FRAMPTON, Jr.
Assistant Secretary for Fish,
Wildlife & Parks
U.S. Department of the Interior

Steven Pennoyer Dated 5/3/94
STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries
Service

Carl L. Rosier Dated 5/3/94
CARL L. ROSIER
Commissioner
Alaska Department of Fish &
Game

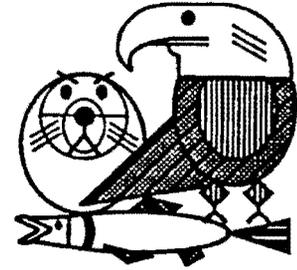
John A. Sandor Dated 5/3/94
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

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
Director of Operations

FROM: James R. Ayers
Executive Director

DATE: May 3, 1994

RE: Private Lands

I have met with the President of Koncor, Mr. John Sturgeon, and discussed in some detail the attached proposal. In addition I have asked the Habitat Working Group to meet with Mr. Sturgeon and prepare recommendations for the FY 1995 work plan.

I authorize the development of a Habitat Protection or Private Lands project for consideration in the 1995 work plan.

JRA/mir

Attachment

STATE OF ALASKA
RECEIVED
 APR 19 1994
 DEPARTMENT OF LAW
 OFFICE OF THE ATTORNEY GENERAL

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

- 1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 269-5100
FAX: (907) 276-3697
- KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 451-2811
FAX: (907) 451-2846
- P.O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-6735

EXXON VALDEZ OIL SPILL
 TRUSTEE COUNCIL

March 16, 1994

James R. Ayers
 Executive Director
 Exxon Valdez Oil Spill Trustee Council
 645 G Street
 Anchorage Alaska 99501

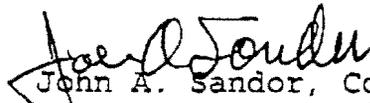
Dear Jim:

The attached proposal by Koncor has excellent potential as a 1995 work plan project. We suggest that an appropriate person be assigned to work with Koncor and other interested parties to develop cooperative restoration and enhancement projects on private land scheduled for timber harvest and other development activities.

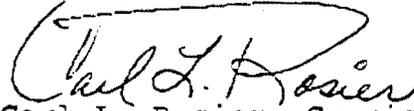
Very truly yours,



Bruce M. Botelho
 Attorney General



John A. Sandor, Commissioner
 Department of Environmental
 Conservation



Carl L. Rosier, Commissioner
 Department of Fish & Game

Encl

cc: George Frampton
 Steve Pennoyer
 Mike Barton
 John Sturgeon

c:\wpdoco\ejt\ayers.cjt

January 24, 1994

KFP
Koncor Forest Products Company

3501 Denali, Suite 202
Anchorage, Alaska 99503
(907) 562-3335 FAX (907) 562-0599

Exxon Valdez Oil Spill Trustee Council

Bruce Botelho
Attorney General
State of Alaska Department of Law
Capitol Building - 4th Floor
120 4th Street
Juneau, Alaska 99801

RECEIVED
Department of Law

FEB 10 1994

Office of the Attorney General
Anchorage Branch
Anchorage, Alaska

RECEIVED
Department of Law
AM FEB 08 1994 PM
7 8 9 10 11 12 1 2 3 4 5 6

Paul Gates
U.S. Department of Interior
Office of the Secretary
1689 C Street, Suite 100
Anchorage, Alaska 99501-5151

Steve Pennoyer, Director
U.S. Department of Commerce
Federal Building Annex
9109 Mendenhall Road, Suite 6
Juneau, Alaska 99801

Dear Trustee:

After reviewing your 1994 Draft Work Plan, I noted the lack of effort or funds targeted towards working with private landowners on habitat restoration or enhancement. The budget is basically divided between paying for studies, administering projects and outright purchase of private lands. The Plan justifies spending enormous sums on the acquisition of private lands in the spill area. However, we could not identify any proposed projects where monies would be used to restore or enhance lands of those private landowners that have chosen not to sell their lands. Many of these landowners are currently managing their lands and are engaged in development activities, such as timber harvesting, shellfish farming, and community construction projects. These owners could easily participate in restoration projects that do not involve the purchase of their lands.

Koncor has approached trustee staff on several occasions with ideas of such restoration and enhancement projects. We currently have active timber harvest and forest management activities on Afognak and Montague Islands. Your staff's response has always been positive and supportive but unfortunately nothing has ever happened. This is clearly evidenced by the lack of any restoration projects for private landowners included in the 1994 Draft Work Plan.

The types of projects Koncor has discussed with your staff has included such things as salmon stream enhancement, modifying stream buffers, wildlife reserve areas, rescheduling of harvesting sequences,

Exxon Valdez Oil Spill Trustee Council
January 24, 1994
Page 2

routing of roads to avoid critical habitat areas for spill damaged species, etc. These are all projects that could be done cooperatively with private landowners who choose not to sell their land to the Government but are still concerned about restoration and or enhancement.

It was made clear during these meetings with the trustee's staff that this is not a request for funds, which we reemphasize now. Koncor would just like to see some of the Exxon Spill money spent on actual fish and wildlife enhancement projects on private land, not just studies, administration or the outright purchase of the private property. Exxon Spill staff go to great lengths to explain their perceived impacts on spill damaged species from such activities as timber harvesting. There are many of us that believe timber harvesting can be done without seriously impacting oil spilled damaged species. In fact, we believe that through proper forest management, not only can serious harm be prevented but habitat can even be enhanced.

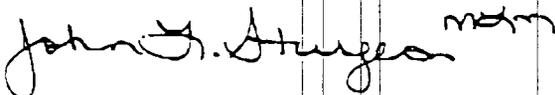
Some examples of projects that could be proposed are:

(A) Enhancement of Salmon Streams - There are many streams on Montague Island and other islands that remain damaged from the 1964 earthquake. Restoring these streams to their pre-1964 condition would increase the population of salmon in Prince William Sound. Restoring these earthquake damaged streams would be a permanent benefit to the natural resources of the entire area and the people of Prince William Sound who depend on these resources.

(B) Accelerated Reforestation - The regeneration of harvested lands in coastal areas mainly depends on natural regenerations. Through the use of genetically superior trees, planting of nursery stock, thinning, and other forest management techniques, the trees can reach a mature state in a fraction of the normal time. Additionally, the manipulation of trees through forest management techniques can specifically target enhancing forest characteristics which favor animal species damaged by the oil spill.

These are just a few examples of cooperative projects that could be done with private landowners. I would encourage the Trustees to consider including several cooperative Private Land Enhancement Projects in your Final 1994 Work Plan. That would help assure that at least some of the spill money was spent on projects that will actually restore and enhance the natural ecosystems of Prince William Sound.

Sincerely,



John L. Sturgeon
President

JLS/jes

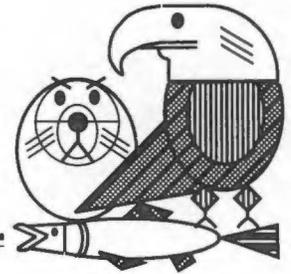
cc: Jim Ayers, Executive Director
Exxon Valdez Oil Spill Trustee Council

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: Jim Ayers, Executive Director
June Sinclair, Director of Administration
Eric Myers, Project Coordinator
L.J. Evans, Information Specialist
Rebecca Williams, Executive Secretary

From: Molly McCammon *MM*
Director of Operations

Date: May 3, 1994

Subj: Staff Home Phone Numbers

The following is a listing of the home phone numbers of EVRO staff, for your discretionary use.

*Rebecca took
the list out.
5/1/95*

Trustee Agencies

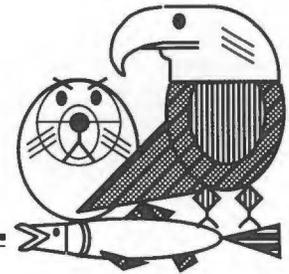
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



MEMORANDUM

To: Restoration Work Force &
Bob Spies

From: Molly McCammon
Director of Operations

Date: May 3, 1994

Subj: May 4 Staff Meeting

Just a reminder that there will be a Restoration Work Force staff meeting tomorrow at 9:00 a.m. The Juneau location for the teleconference will be the Forest Service conference room while those in Anchorage will meet in the 4th floor conference room in the Simpson Building.

To Rebecca Date 5-4

While You Were Out Time 9:00 a.m.
p.m.

M Jim Bookin

Of _____

Phone 786-3550

Area Code Number Extension

Message _____

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

Tuesday May 10th will be able to review doc & have back to us by Friday will be in the field on 5/10

Wilson Jones. replacement Gail Irvine Signed

Trustee Agencies

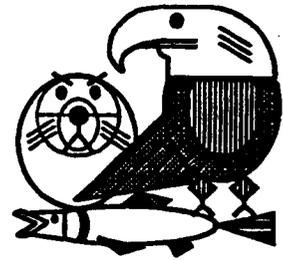
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

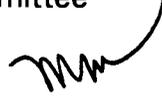
645 "G" Street, Anchorage, AK 99501

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



TO: Restoration Work Force
Coordinating Committee

DATE: May 3, 1994

FROM: Molly McCammon 
Director of Operations

TELE: 278-8012

FAX: 276-7178

SUBJECT: Meeting on Tuesday, May 10th to Review:

- Notes from Work Session #3
 - Draft of May 15th "Invitation for Restoration Ideas for Fiscal Year 1995"
- Also, Work Force Meeting on May 11th.

This memo is to provide the Restoration Work Force and Coordinating Committee with advance warning of a meeting scheduled for next Tuesday, May 10, and of the quick review turnaround that is needed before the meeting.

By late Wednesday evening or early Thursday morning, we will deliver to you: a draft of the "Invitation for Restoration Ideas for Fiscal Year 1995." That draft contains a synthesis of the notes from Work Session #3 (April 13-15 at the Methodist Church) concerning research and monitoring direction for the restoration program. We will also include the written submissions that we received from the work groups and participants.

You will be asked to review the draft as follows:

- Does the synthesis accurately represent what occurred at the workshop?
- Is the proposed format for submitting restoration ideas workable?
- Are other changes needed in the "Invitation for Restoration Ideas for Fiscal Year 1995" to accurately communicate our intent?

Please note, we are *not* asking for an all-inclusive review of the scientific conclusions of the workshop, including the proposed recovery monitoring schedule. Those conclusions will continue to be reviewed and revised throughout the summer. Our current deadline is to ready the draft Invitation for distribution on May 15th.

We hope that most of the Coordinating Committee will be able to come to the Anchorage office for what may be an all-day meeting. If you cannot, please contact Rebecca Williams at the phone number on the letterhead, and we will arrange a teleconference pick-up. Thank you.

P.S. To the Restoration Work Force. By this Friday, May 6, the "Competition Subcommittee" will distribute one or more proposals concerning competition in the work plan process. A meeting to discuss those proposals is tentatively scheduled in Anchorage for next Wednesday, May 11th. Please be in Anchorage for the two meetings: May 10 and 11.

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9262	
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CONNECTION ID	J.AYERS	
START TIME	05/03 16:37	
USAGE TIME	01'16	
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RESULT	OK	

*** MULTI TRANSACTION REPORT ***

TX/RX NO. 9249

INCOMPLETE TX/RX

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	[11] 4655375	M. BRODERSEN
	[12] 4654759	J. MONTAGUE
	[13] 7896608	MORRIS-WRIGHT
	[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	[10] 5867555	D. GIBBONS

*** MULTI TRANSACTION REPORT ***

TX/RX NO. 9259

INCOMPLETE TX/RX

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	[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

*** ACTIVITY REPORT ***

TRANSMISSION OK

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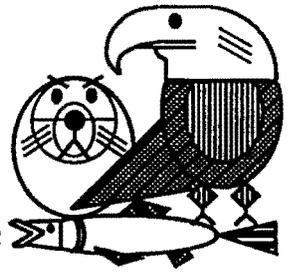
*RWF 5/4
mtg notice*

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: see distribution Number: _____

From: Molly McCammon Date: 5-3-94

Comments: _____ Total Pages: 2

Pls forward to the following:

x ✓ Judy Bittner 762-2628

x ✓ Jim Bodkin 786-3636

x ✓ Alex Wertheimer 789-6608

x ✓ David Irons 786-3641

x ✓ Kathryn Frost 452-6410

x ✓ 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

*** ACTIVITY REPORT ***

TRANSMISSION OK

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CONNECTION ID		
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Kathy Frost

*** ACTIVITY REPORT ***

TRANSMISSION OK

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CONNECTION TEL		7863641
CONNECTION ID		
START TIME	05/03 15:58	
USAGE TIME	01'33	
PAGES	2	
RESULT	OK	

*David
Irons*

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9253	
CONNECTION TEL		7896608
CONNECTION ID	MORRIS-WRIGHT	
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RESULT	OK	

Alex Werthamer

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9256
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CONNECTION ID	B.SPIES
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RESULT	OK

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	9251	
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RESULT	OK	

*** ACTIVITY REPORT ***

TRANSMISSION OK

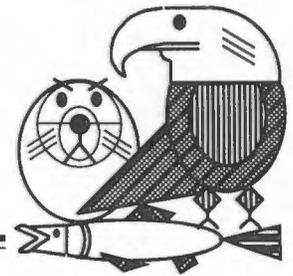
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CONNECTION ID	NBS RESEARCH
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USAGE TIME	01'05
PAGES	2
RESULT	OK

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
MAY 3, 1994
CONTINUATION OF APRIL 28, 1994 MEETING
TELECONFERENCE

DRAFT

MAY 3, 1994 @ 11:00 a.m.

Trustee Council Members:

JAMES A. WOLFE/Trustee Representative
Director, Engineering & Aviation Management
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 - National Marine Fisheries Service - Steve Pennoyer's Office, Room 453

1. Approval of Agenda
Order of the Day
2. Habitat Protection - Eyak Lands

Attachments:
- Draft Resolution.

*Faxed to TC
Tuesday 5/3*

Adjourn

Trustee Agencies

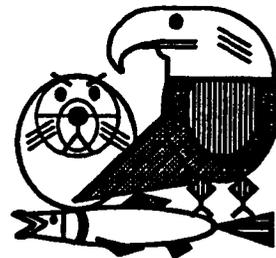
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



DRAFT

RESOLUTION OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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

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

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

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

Trustee Agencies

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

DRAFT

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

6. There has been widespread public support for the protection of the Orca Narrows area.

7. Purchase of the commercial timber rights for the Orca Narrows sub-parcel is an appropriate means to restore a portion of the injured resources and the services they provide in the oil spill area.

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

DRAFT

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

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

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

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

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

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

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

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

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

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

The State of Alaska Department of Law and the United States Department of

DRAFT

Orca Narrows Sub-parcel Resolution - May 3, 1994

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

The Trustee Council views this agreement to purchase the commercial timber rights on the Orca Narrows sub-parcel as only the first step in acquiring protection for natural resources injured by the oil spill that are present on Sellers' lands. The Council appreciates and endorses the views presented in the final paragraph of the Sellers' letter of May 2, 1994 in this regard and desires to move quickly to the more comprehensive approach outlined in our letter of April 28, 1994. Accordingly, this offer presumes receipt of a more detailed offer addressing these concerns in the next fifteen days.

_____ Dated _____
JAMES A. WOLFE
Trustee Representative
Alaska Region
USDA Forest Service

_____ Dated _____
BRUCE M. BOTELHO
Attorney General
State of Alaska

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

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

_____ Dated _____
CARL L. ROSIER
Commissioner
Alaska Department of Fish &
Game

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

Ayers 10:42
Mary 5/3 yes

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

Deborah Williams yes
271-5485 Debbw
5/3 10:54

This Confirmation Sheet MUST be Attached to the Faxed Document.

✓ Mr. Barton (Renee) Renee yes
586-8863 Date & Time: 5/3 10:44

✓ Mr. Frampton (Cathy) Dan yes
202-208-4416 Date & Time: 5/3 10:47

✓ Mr. Pennoyer (Linda) Linda yes
586-7221 Date & Time: 5/3 10:48
trouble on their end - will send again

✓ Mr. Rosier (Carla) yes
465-4100 Date & Time: 5/3 10:51

✓ Mr. Sandoz (Martha) Martha yes
465-5050 Date & Time: 5/3 10:53
voice mail

✓ Mr. Tillery (Vicki) Mary yes
269-5274 Date & Time: 5/3 10:53

Description of Document: 9 pg fax cur sht, 1 pg agend, 7 pg Resolution

Comments:

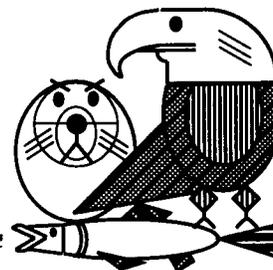
Your Initials:

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: May 3, 1994

Subj: Meeting Notes From April 28, 1994

Attached is the final draft of the notes from the April 28, 1994 Trustee Council 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

DRAFT

TRUSTEE COUNCIL MEETING ACTIONS

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., USDOJ | ●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 revision of the FY 94 scope of work concerning herring in Prince William Sound. Mike Barton moved, John Sandor second. (Attachment B)

*** ACTIVITY REPORT ***

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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.

RAFT

rw

DRAFT as of March 8, 1994

**Exxon Valdez Oil Spill Forum
March 22, 1994, 1:00–5:30 P.M.
Regal Alaskan Hotel, Anchorage**

**Five Years Later:
What have we learned?**

Sponsored by the Exxon Valdez Oil Spill Trustee Council

1:00 P.M. Call to order

Looking Back: March 24, 1989/Slide Program

Welcome and introductions

Statement from Governor Hickel

Statement from President Clinton (Presented by a representative from
the Department of the Interior)

Keynote speaker: How does the *Exxon Valdez* George Rose
oil spill fit into the big picture?
NW Atlantic Fisheries Centre
Newfoundland, Canada

Why are we here today? Charles P Meacham
Alaska Dept of Fish & Game

Break 2:35 - 2:45

Overview of research & monitoring: Bob Spies
Applied Marine Sciences

Nearshore Ecosystem: Charles H. Peterson
University of North Carolina

Toxicology & Distribution of Oil: Stanley Rice
National Oceanic & Atmospheric
Administration

Subsistence: James A. Fall
Alaska Dept of Fish & Game

Archaeology: Ted Birkedal
National Park Service

Fish: Phil Mundy
Fisheries and Aquatic Sciences

Marine Mammals: Kathy Frost
Alaska Dept of Fish & Game

Birds: Dave Irons
U.S. Fish and Wildlife Service

Where do we go from here?: Steve Pennoyer
National Oceanic & Atmospheric
Administration

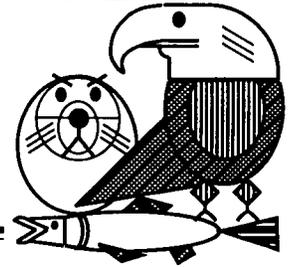
5:30 – 7:00 Social Hour: Meet the scientists and the Trustees

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

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*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

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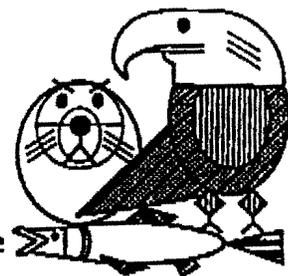
Call on this

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: Restoration Work Force Number: _____

From: Molly McCammon Date: 5-3-94

Comments: _____ Total Pages: 7

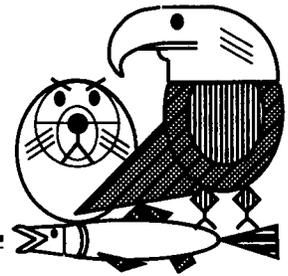
Pls forward to the RWF member
in your ofc. thank you!!

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



TRUSTEE COUNCIL MEETING ACTIONS

May 2, 1994 @ 2:30 p.m. Juneau, Alaska
Reconvened from April 28, 1994 Meeting

By James R. Ayers
Executive Director

Trustee Council Members Present:

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

* Chair

● Alternates:

Jim Wolfe served as representative for USFS for the entire meeting.

Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire 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. Executive Session - Habitat Protection, Eyak Lands

APPROVED MOTION: Recess into Executive Session to discuss Eyak and Sherstone's response to the Trustee Council's April 28, 1994 letter.

Returned at approximately 5:00 p.m.

3. Action on Habitat Protection, Eyak Lands

APPROVED ACTION: The Executive Director shall work with representatives of the U.S. Forest Service, the Alaska Departments of Environmental Conservation and Law to develop a resolution to incorporate the various ideas expressed by the Trustee Council during the Executive Session. Jim Wolfe moved, Carl Rosier second.

Meeting recessed until a later date.

raw

Trustee Agencies

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

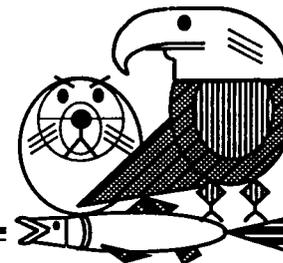
United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

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



AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL
MAY 2, 1994 MEETING
TELECONFERENCE

DRAFT

MAY 2, 1994 @ 2:30 p.m.

Trustee Council Members:

JAMES A. WOLFE/Trustee Representative
Director, Engineering & Aviation Management
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. Habitat Protection - Eyak Lands

Attachments:
- Draft Resolution.

Adjourn

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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FAX COVER SHEET

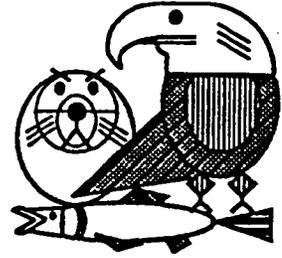
To: Restoration Work Force	Number:
From: Molly McCammon Director of Operations	Date: 5/2/94
	Total Pages: 21

Here is a draft of the information the contracting officers requested to help them draft detailed procedures for encouraging competitive proposals in the FY 95 work plan. Please review it and submit comments, if any, to Veronica Gilbert by noon Tuesday, so we can get it to the contracting officers early this week. I know it's a tight deadline, but we are making every effort to adhere to our proposed timeline for FY 95. If you think this package requires a Work Force meeting, let me know and we'll aim for a teleconference on Tuesday afternoon.

Meanwhile, Veronica will be organizing a meeting of the subcommittee to draft procedures.

Exxon Valdez Oil Spill Trustee Council

Restoration Office
645 "G" Street, Anchorage, AK 99501
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May 2, 1994

TO: Competition Subcommittee

FROM: Molly McCammon
Director of Operations

SUBJ: Competition in the FY 95 Work Plan

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At the end of the April 29 teleconference with Restoration Work Force members and Trustee agency contracting officers, I appointed a subcommittee to develop draft procedures for encouraging competition in the FY 95 Work Plan. The subcommittee consists of the following:

Restoration Work Force

Veronica Gilbert, ADNR
Bob Loeffler, ADEC
Jerome Montague, ADFG
Byron Morris, NOAA

Trustee Agency Contracting Officers

Earnie Greek, ADFG
Bob Henderson, NOAA
Ron Klaudt, USFS
Dugan Petty, AK Dept. of Admin.
Chris Rutz, ADNR

The task of the subcommittee is to develop by May 8 draft procedures that achieve the objectives of the Trustee Council in encouraging competitive proposals and comply with state and federal laws. The Trustee agency contracting officers in particular asked for a more detailed description of what we hoped to accomplish through encouraging competition, what kinds of restoration activities it would apply to, and examples of the kind of detail we will be including in the May 15 invitation to submit project ideas and the kind of detail we expect in the brief project descriptions. The rest of this memo, together with its five attachments, provides the information requested.

This memo has been reviewed by the Restoration Work Force and modified in response to their comments. Veronica Gilbert will be contacting you to arrange a meeting mid-week to develop draft procedures. Thank you.

Why Do We Want to Encourage Competitive Proposals?

The Trustee Council has released a Draft Restoration Plan. Although an environmental impact statement is being prepared on the plan before it can be adopted, it is likely that key provisions of the plan will be followed in development of the FY 95 work plan. The Draft Restoration Plan encourages competitive proposals for restoration projects. The policy states on page 13:

6. Competitive proposals for restoration projects will be encouraged.

Most restoration projects have been undertaken by state or federal agencies. However, the number of competitive contracts awarded to nongovernmental agencies have increased each year and will continue to increase.

This policy encourages active participation from individuals and groups in addition to the trustee agencies and may generate innovation and cost savings. This approach may be inappropriate for some restoration projects, but, where appropriate, competitive proposals will be sought for new project ideas and to implement the projects themselves.

The policy makes it clear that we are to seek competitive proposals, where appropriate, for two reasons:

1. to generate new project ideas and
2. to implement projects.

Restoration projects are occasionally implemented through competitive procurement processes and, therefore, benefit from the resulting costs savings and innovation at the implementation stage. However, competitive proposals have seldom been used to generate new project ideas. Consequently, we want to design the FY 95 Work Plan process to generate new (and presumably better) project ideas through competitive proposals.

Scope

In the FY 95 Work Plan process, competition will be encouraged in three categories of restoration actions: 1) Recovery Monitoring, 2) Research, and 3) General Restoration.¹ A fourth category, Habitat Protection and Acquisition, will be developed through a separate track. Parcels are evaluated and ranked under the Comprehensive Habitat Protection Process approved by the Trustee Council.

¹ General Restoration activities fall into one of the following three types: manipulation of the environment, management of human use, or reduction of marine pollution.

General Process

We envision a five-step process that spans a five and one-half month period. The process would begin on May 15 with an invitation to the public to submit project ideas and conclude on or about October 31 with the Trustee Council approval of a work plan for FY 95.

Step 1 appears to be the best stage to seek competitive proposals to generate new project ideas. Competition to implement projects would occur after Step 5, when the Trustee Council approves the work plan, although the intention to do so could be mentioned in the Draft Work Plan.

Step 1 (May 15). Invitation to Submit Project Ideas (Brief Project Descriptions). The FY 95 Work Plan will begin with an invitation to the public to submit restoration project ideas. The invitation will be announced in the Trustee Council newsletter, Alaska Journal of Commerce, and Science. Those interested in submitting project ideas would be instructed to request from the Restoration Office an information packet, which would include the following:

- Instructions for submitting a project idea. The format will be a three- to five-page brief project description. See **Attachment 1** for draft guidelines for brief project descriptions for FY 95. These are based largely on instructions issued in FY 94 and are expected to change before the invitation is issued on May 15. See also **Attachment 2** for an example of a brief project description submitted for FY 94. Although the invitation will encourage respondents to submit brief project descriptions, project ideas that are less well developed would not be rejected.
- A five- to twenty-page description of priorities for the FY 95 Work Plan. For example, a research priority may be to understand what factors are limiting the nearshore ecosystem, exploring in particular the competition/predation, recruitment, direct toxicity, limited prey, indirect toxicity, and physical limitation hypotheses.
- An alphabetical listing by resource or service of objectives, strategies, and project ideas based in large part on the Draft Restoration Plan and the Ecosystem Management Workshop. See **Attachment 3** for an example of objectives and recovery monitoring strategies for one of the injured resources and services.

Step 2 (30 days). Review of Project Ideas. Brief project descriptions would be reviewed by the Public Advisory Group and the Science Review Board, or whatever panel of technical and scientific experts can be assembled by mid-June. *Information released to the Public Advisory Group is considered public information.*

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Step 3. Preparation of Draft Work Plan. The Draft Work Plan consists of brief project descriptions that have sufficient merit to be considered for funding in FY 95. The brief project descriptions include cost estimates.

- The Trustee Council — in consultation with the Science Review Board, the Public Advisory Group, and the Restoration Work Force — decides which projects should be in the Draft Work Plan.
- Trustee agencies revise brief project descriptions, if necessary.
- The Draft Work Plan is released on August 15. Ten days to two weeks should be allowed for publication.

Step 4 (60 days). Review of Draft Work Plan. The public reviews the draft work plan and submits comments. The public comment period usually lasts 45 days. Upon completion of the public review period, the Executive Director prepares his recommendations to the Trustee Council.

Step 5 (Oct. 31). Trustee Council Action on the FY 95 Work Plan. The Trustee Council may approve projects as proposed, approve projects contingent on modifications or further development, disapprove projects, or defer action.

Methods of Encouraging Competition

At the April 29 meeting, Restoration Work Force members and Trustee agency contracting officers discussed various methods of encouraging competition. Of particular interest were NOAA's Broad Agency Announcement and the State's two-stage procurement process. See Attachments 4 and 5 for applicable regulations.

Both procurement processes could begin before the Trustee Council approves a project and require evaluation criteria to be published at the time of solicitation. However, they differ as regards public disclosure. Proposals submitted under NOAA's Broad Agency Announcement may be released to the public before a successful bidder is chosen and before protests are settled. In contrast, proposals submitted to the State under a two-stage procurement process do not become public information until a notice of intent to award a contract is issued and protests are settled.

June Sinclair raised two questions that may affect when funds are actually committed:

- 1) When will the request to the court to disburse settlement funds be made? and
- 2) When will funds be authorized through the appropriation processes of the respective Trustee agencies?

Bob Henderson also questioned whether the funds allocated to NOAA are considered appropriated funds.

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- Attachment 1. Guidelines for Preparing FY 95 Brief Project Descriptions
- Attachment 2. Example of a Brief Project Description
- Attachment 3. Example of Objectives and Recovery Monitoring Strategies
- Attachment 4. Regulations for NOAA's Broad Agency Announcements
- Attachment 5. Regulations for the State's Two-stage Procurement Process

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Guidelines for Preparing FY 95 BRIEF PROJECT DESCRIPTIONS

Brief Project Descriptions (BPDs) for FY 95 project proposals should include:

- A. Cover Page
- B. Introduction
- C. Project Description
- D. Schedule
- E. Existing Agency Program (if applicable)
- F. Environmental Compliance
- G. Public Process
- H. Personnel Qualifications
- I. Budget

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A. COVER PAGE

The cover page should contain the following information:

1. Project Title
2. Name of Project Leader or Principle Investigator
3. Lead Agency and Cooperating Agencies (if applicable)
4. Cost of Project (for Fiscal Year 95 and each future Fiscal Year)
5. Project Start-up/Completion Dates (month/year)
6. Project Duration (number of years)
7. Geographic Area (locations where field work will be conducted)

B. INTRODUCTION

Include a brief summary of the status of the injured resources and/or services that the project would address and the degree of recovery (if known). **Clearly identify the linkage of the proposed project to restoration of injured resources or services.** Discuss how the proposed project is essential to the restoration effort and will benefit the recovery of injured resources or services. Identify related past or on-going restoration work sponsored by the Trustee Council or others and whether this is a continuation of prior year efforts.

C. PROJECT DESCRIPTION

Show that the project is technically feasible, tied to an injured resource and/or service and can be completed over a reasonable period. The discussion should address each of the following points:

1. **Resources and/or Services:** Identify the target injured resource(s) and/or service(s). Relate the expected benefits of the project to the resources and/or associated services.

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2. **Objectives:** Identify specific and measurable project objectives.
3. **Methods:** Describe proposed methods in general terms (do not provide extensive technical detail).
4. **Technical Support:** Identify technical support necessary to complete the project (e.g., computer services, laboratory analysis, data archiving, etc.).
5. **Location:** Identify where the project will be undertaken, including areas or communities that may be affected by the project.

D. PROJECT IMPLEMENTATION

Identify the proposed means of project implementation including the agency, organization or business that would implement the project. Identify what portion of the project, if any, should be implemented through a competitive contract process. If project implementation is proposed for a designated state or federal agency or a political subdivision of the state (including the University of Alaska) explain why that entity is appropriate to implement the project (for example, if the entity has unique technical expertise or there are legal mandates that preclude use of private contractors). If a specific private organization or business is proposed for project implementation, explain why this entity is uniquely qualified for implementation of the project.

E. SCHEDULE

Provide dates (month/year) for project activities including, at a minimum, field work, sampling events, data compilation and analysis, major contract deliverables, opportunities for public involvement and report submissions.

F. ENVIRONMENTAL COMPLIANCE

Identify federal/state/local laws, regulations and permit compliance requirements. With respect to the National Environmental Policy Act (NEPA), identify whether an environmental assessment (EA) or environmental impact statement (EIS) will be needed.

G. COORDINATION OF INTEGRATED RESEARCH EFFORT

Describe how the project will be coordinated or integrated with any related projects proposed for the FY 95 Work Plan.

H. PUBLIC PROCESS

Discuss what efforts has or will be made to involve the public in development or implementation of the project and what further opportunity there will be for public involvement (e.g., workshops, meetings, document review, etc.).

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J. QUALIFICATIONS

A statement on the qualifications of key personnel.

K. BUDGET

Provide a budget summary for the proposed project that identifies estimated costs for each of the following: (1) personnel, (2) travel, (3) contractual services, (4) commodities, (5) equipment, (6) capital outlay (7) general administration, and (8) NEPA compliance.

L. TECHNICAL FORMAT

To the extent possible, Brief Project Descriptions should be prepared in the following format:

- documents should be in WordPerfect v5.1, IBM compatible
- primary font should be Helvetica 12 point
- text left justified
- top and bottom margins 0.75 inches, left and right margins 0.75 inches
- paginate bottom center
- bold subheadings, not underlined
- double line spacing between sections
- sections with tabular columns and numbers should use WordPerfect's "math format" to align numbers and decimal points
- numeric quantities for units of measures should be clearly identified (e.g., kilometers, kilograms, etc.)

If you have questions concerning the content or format of a Brief Project Description, please contact the Anchorage *Exxon Valdez* Trustee Council Restoration Office.

Attachment 2

EXXON VALDEZ OIL SPILL PROJECT DESCRIPTION

Title: Forage Fish Influence on Recovery of Injured Species

Project Number: 94163

Lead Agency: NOAA

Cooperating Agency: ADF&G

Cost of Project, FY94: \$606.6K **Cost of Project, FY95:** \$709.3K

Project Startup Date: April 1994 **Duration:** 5 Years

Geographic Area: Prince William Sound and adjacent Gulf of Alaska waters

INTRODUCTION

A better understanding is needed of how prey availability affects distribution, abundance, growth and reproductive success of apex predators. Efforts to restore predatory species affected by the oil spill, particularly harbor seals, pigeon guillemots, marbled murrelets, common murre, and salmon, could be delayed or completely unsuccessful without understanding distribution, abundance, and availability of important forage fish including herring, pollock, sandlance, and capelin.

The overall forage fish project will evaluate existing field methods used in determining distribution, abundance, availability, and class composition of forage fish. Provisions will be included to model affects of changing oceanographic regimes on forage fish species' distribution, abundance, and productivity. Oceanographic regimes will be characterized by measuring, at a minimum, currents, salinity, and temperature.

A sampling program will be designed to provide distribution, densities and species composition of forage fish species. This project will also provide information on sex, age, growth, food habits, recruitment, and mortality of forage fish species. Field surveys will determine locations of where apex predators forage and the distribution, abundance, and availability of forage fish of both nearshore and offshore waters within PWS and adjacent Gulf of Alaska waters. Ecosystem models to estimate biomass and productivity of forage fish species will be selected, evaluated, and refined.

PROJECT DESCRIPTION

A. Resources and/or Associated Services

This project will concentrate on determining distribution, abundance, and availability of important prey species (e.g., herring, pollock, sandlance, capelin, euphausiids, copepods) to predatory species affected by the oil spill (i.e. harbor seals, pigeon guillemots, marbled murrelets, common murre, and pink salmon). Diet overlap and prey selection among forage fish species will also be examined. This information, trophic position and niche overlap among species, will be used to establish the basic structure of the ecosystem model. The models of changing oceanographic regimes and prey species productivity and distribution would be necessary for understanding recovery of predatory species, and useful in guiding recovery activities.

B. Objectives

1. Determine temporal and spatial distribution, abundance, and availability of important prey species (e.g., herring, pollock, sandlance, capelin, euphausiids, copepods) in PWS.
2. Determine how important biotic and abiotic factors affect both short- and long-term distribution and abundance of prey species in the oil spill area.
3. Determine how predator distribution, abundance, and foraging strategy coincide with forage fish distribution and abundance.
4. Evaluate existing field methods used in determining distribution, abundance and availability of forage fish.
5. Design and verify, with field tests, a sampling program which determines densities and species composition of forage fish relative to the locations of their predators including marine mammals, marine birds, and salmon. Begin reconnaissance surveys in selected areas of PWS.
6. Characterize oceanographic measurements including, at a minimum, currents, salinity, and temperature.
7. Initiate development of ecosystem models to estimate productivity of forage fish.
8. Determine forage fish prey as determined from stomach content analysis for fish collected from nearshore and offshore sites, and estimate degree of diet overlap among species.

C. Methods

Various sampling techniques will be evaluated including hydroacoustics, side-scan sonar, mid-water trawls, purse seines, and small mesh beach seines. Specific methodology will be determined through competitive bidding and contract negotiation.

Juvenile forage fish will be sampled in offshore areas using a mid-water trawl net and in nearshore areas using a purse seine. Each species will be identified and length and weight measured on a minimum of 150 individuals randomly selected from each species in each sample. Fifteen fish from each species will be preserved in 10% buffered formaldehyde from each sample for later analysis of stomach contents. Samples of 15 individuals will be obtained for each available species from 75 sites in PWS. Samples for stomach contents analysis will be collected between 1500 and 2100 hours each day within a two week period during May 1994. Laboratory analysis of stomach samples will consist of enumeration and identification of prey to the lowest possible taxonomic level. Total stomach contents weight will be estimated by the sum of the average weight of all prey items in the stomach. The proportion of total stomach contents weight in each prey category will be estimated. Analysis of variance on the ranks will be used to test for differences ($P=0.05$) in prey composition among species. The prey electivity index will also be estimated using data obtained from zooplankton samples collected during fish sampling. Electivity indices will be compared among species.

Additional components of the study will be formulated for implementation in future years. Experts will be brought together as appropriate for development and review of the program. Participants to administer the components will be identified along with potential funding source.

D. Location

This project will concentrate its initial activities within PWS; however, some sampling design feasibility work may be performed in Gulf of Alaska waters adjacent to the Sound.

E. Technical Support

This project will generate data which will be useful to the monitoring projects and studies currently underway in PWS. In order to insure access to these data, the information collected from this project will be incorporated into the Comprehensive Monitoring Program data base sponsored by the Trustee Council.

F. Contracts

A consultant will be asked to:

1. Evaluate existing field methods used in determining distribution, abundance, and availability of forage fish (e.g., high-frequency quantitative acoustic sampling).
2. Design and implement a sampling program to, at a minimum, provide for determining densities and species composition of important invertebrate species (euphausiids, copepods, etc.). For fish species, provide for determining sex, age, growth, recruitment, mortality, etc.
3. Characterize oceanographic regimes by measuring, at a minimum, currents, salinity, and temperature.
4. Determine locations of where apex predators forage and conduct field surveys to validate productivity models of nearshore and offshore waters within PWS and the waters of the Gulf of Alaska adjacent to PWS.
5. Develop ecosystem models to estimate productivity of important prey species (both invertebrate and vertebrate forms), including provisions to model affects of changing oceanographic regimes on prey species productivity.

SCHEDULES

Soon after the contractor is established (approximately April 1994), work will begin on evaluating existing field methods used in determining distribution, abundance, and availability of important prey species. In conjunction with this, the contractor will begin to develop generic ecosystem models to estimate productivity of important forage fish species, and to design a sampling program which fulfills requirements of the ecosystem models. By May 1, 1994, these activities should be advanced enough to allow for the startup of initial field reconnaissance surveys to begin determining locations of forage fish and to validate effectiveness of survey techniques for future use. The productivity models will be refined each year as additional field data is obtained. Annual reports (first annual report due April 1995) will include progress on refining the productivity models. A project status report will be due Dec. 1994.

EXISTING AGENCY PROGRAM

ADF&G, PWSAC, VFDA, and UAF participate in the Cooperative Fisheries and Oceanographic Studies. Existing data collection program includes: monthly zooplankton sampling and CTD surveys of PWS; continuous temperature monitoring

Project Description

(0-90m C-LAB buoy in central PWS); bi-weekly zooplankton sampling (0-20m) at all PWSAC and VFDA hatcheries; juvenile salmon sampling to estimate growth and feeding habits (May-July); application of coded-wire tags to juvenile salmon to estimate early-marine growth and survival to adult; and, satellite IR image processing for May-July each year.

ENVIRONMENTAL COMPLIANCE/PERMIT/COORDINATION STATUS

This project will fall under the categorical exclusion within NEPA. A major component of this project is essentially a planning exercise, and the other components are routine environmental sampling for which no requirement to undertake an additional National Environmental Policy Act review is necessary. NOAA will serve as the lead for NEPA compliance.

PERFORMANCE MONITORING

A project status report will be submitted by the contractor in Dec. 1994 which discusses existing field methods used in determining distribution, abundance, and availability of important prey species, and the process and justifications for selected survey techniques. The report will present and discuss the results of the field surveys including locations of forage fish and, when possible, the biomass of these species and forage fish prey as determined from stomach content analysis. The report will also describe and evaluate ecological models to estimate productivity of important prey species, and a sampling program to fulfill requirements of ecological models. Annual reports, (first annual report due April 1995) will include progress on refining the productivity models.

FY94 BUDGET (\$K)

	NOAA	ADF&G	USFWS	TOTAL
Personnel	66.0	74.2	40.4	180.6
Travel	10.0	0.7	4.0	14.7
Contractual	350.0	2.4	0.0	352.4
Commodities	0.0	3.3	5.3	8.6
Equipment	0.0	3.5	0.0	3.5
Capital Outlay	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Subtotal	426.0	84.1	49.7	559.8
General Administration	<u>29.4</u>	<u>11.3</u>	<u>6.1</u>	<u>46.8</u>
Project Total	455.4	95.4	55.8	606.6
NEPA Compliance	0.0			

Attachment 3

Injured Resource: Harbor Seals

Lead Agency: ADF&G

Recovery Status: Harbor seal numbers were declining in Prince William Sound (PWS) before the spill. Following the spill, seals in the oiled area had declined 43%, compared to 11% in the unoiled area. Counts made during the molt at trend count sites in Prince William Sound during 1990-1993 indicate that numbers may have stabilized. However, counts during pupping have continued to decline. It is not known which counts are the best indicator of population status. If the conditions that were causing the population to decline before the spill have improved, normal growth may replace the animals that were lost. However, if conditions continue to be unfavorable, the affected population may continue to decline. Harbor seals are a key subsistence resource in PWS and subsistence hunting is both affected by and may be affecting harbor seal status.

Recovery Objective: Recovery will have occurred when harbor seals within the oiled area are at a population level comparable to that which would likely have occurred in the absence of the spill.

Recovery Monitoring Strategy: Aerial surveys of 25 trend count sites in PWS will be conducted during pupping and molting for comparison with previous years' data.

Monitoring Schedule: Aerial surveys will be conducted annually for the next 2 years. Periodicity of monitoring will be reevaluated after 1996, in light of population trend and indications of recovery. To date, it is not clear whether the population has stabilized in PWS or is continuing to decline. This species has declined more than 50% throughout the northern Gulf of Alaska and PWS in the last decade, and has a very high political profile. It is currently being considered for listing as depleted under the Marine Mammal Protection Act. Data on current population status are necessary to avoid unnecessary regulation of fisheries in PWS and to provide information to subsistence hunters that will allow them to make informed decisions about levels of harvest. This monitoring program is very inexpensive to conduct

Estimated Recovery Time: Unknown. If the ongoing decline was caused by food limitation or other unidentified factors that continue to be limiting, the population (including that segment that was damaged by the oil spill) may not recover.

Attachment 4

PART 35

RESEARCH AND DEVELOPMENT
CONTRACTING

35.000 Scope of part.

(a) This part prescribes policies and procedures of special application to research and development (R&D) contracting.

(b) R&D integral to acquisition of major systems is covered in Part 34. Independent research and development (IR&D) is covered at 31.205-18.

(c) This part also implements OFPP Policy Letter 84-1, Federally Funded Research and Development Centers (FFRDC's), by prescribing the procedures for establishment, use, review, and termination of FFRDC's.

35.001 Definitions.

"Applied research" means the effort that (a) normally follows basic research, but may not be severable from the related basic research; (b) attempts to determine and exploit the potential of scientific discoveries or improvements in technology, materials, processes, methods, devices, or techniques; and (c) attempts to advance the state of the art. When being used by contractors in cost principle applications, this term does not include efforts whose principal aim is the design, development, or testing of specific items or services to be considered for sale; these efforts are within the definition of "development," given below.

"Basic research" means research directed toward increasing knowledge in science. The primary aim of basic research is a fuller knowledge or understanding of the subject under study, rather than any practical application of that knowledge.

"Broad agency announcement" means a general announcement of an agency's research interest including criteria for selecting proposals and soliciting the participation of all offerors capable of satisfying the Government's needs (see 6.102(d)(2)).

"Cost sharing," as used in this part, means an explicit arrangement under which the contractor bears some of the burden of reasonable, allocable, and allowable contract cost.

"Development," as used in this part, means the systematic use of scientific and technical knowledge in the design, development, testing, or evaluation of a potential new

product or service (or of an improvement in an existing product or service) to meet specific performance requirements or objectives. It includes the functions of design engineering, prototyping, and engineering testing; it excludes subcontracted technical effort that is for the sole purpose of developing an additional source for an existing product.

"Federally Funded Research and Development Centers (FFRDC's)," means activities that are sponsored under a broad charter by a Government agency (or agencies) for the purpose of performing, analyzing, integrating, supporting, and/or managing basic or applied research and/or development, and which receive 70 percent or more of their financial support from the Government; a long-term relationship is contemplated; most or all of the facilities are owned or funded by the Government; and the FFRDC has access to Government and supplier data, employees, and facilities beyond that which is common in a normal contractual relationship. The National Science Foundation maintains the master list of FFRDC's.

"Recoupment," as used in this part, means the recovery by the Government of Government-funded nonrecurring costs from contractors that sell, lease, or license the resulting products or technology to buyers other than the Federal Government.

35.002 General.

The primary purpose of contracted R&D programs is to advance scientific and technical knowledge and apply that knowledge to the extent necessary to achieve agency and national goals. Unlike contracts for supplies and services, most R&D contracts are directed toward objectives for which the work or methods cannot be precisely described in advance. It is difficult to judge the probabilities of success or required effort for technical approaches, some of which offer little or no early assurance of full success. The contracting process shall be used to encourage the best sources from the scientific and industrial community to become involved in the program and must provide an environment in which the work can be pursued with reasonable flexibility and minimum administrative burden.

35.003 Policy.

(a) *Use of contracts.* Contracts shall be used only when the principal purpose is the acquisition of supplies or services for the direct benefit or use of the Federal Government. Grants or cooperative agreements should be used when the principal purpose of the transaction is to

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PART 35—RESEARCH AND DEVELOPMENT CONTRACTING

35.016

the contractor using Government funds provided for the conduct of basic or applied scientific research, apply to contracts with nonprofit institutions of higher education and nonprofit organizations whose primary purpose is the conduct of scientific research:

(1) If the contractor obtains the contracting officer's advance approval, the contractor shall automatically acquire and retain title to any item of equipment costing less than \$5,000 (or a lesser amount established by agency regulations) acquired on a reimbursable basis.

(2) If purchased equipment costs \$5,000 (or a lesser amount established by agency regulations) or more, and as the parties specifically agree in the contract, title may—

(i) Vest in the contractor upon acquisition without further obligation to the Government;

(ii) Vest in the contractor, subject to the Government's right to direct transfer of the title to the Government or to a third party within 12 months after the contract's completion or termination (transfer of title to the Government or third party shall not be the basis for any claim by the contractor); or

(iii) Vest in the Government, if the contracting officer determines that vesting of title in the contractor would not further the objectives of the agency's research program.

(3) If title to equipment is vested in the contractor, depreciation, amortization, or use charges are not allowable with respect to that equipment under any existing or future Government contract or subcontract.

(4) If the contract is performed at a Government installation and there is a continuing need for the equipment following contract completion, title need not be transferred to the contractor.

(c) The absence of an agreement covering title to equipment acquired by the contractor with Government funds that cost \$1,000 or more does not limit an agency's right to act to vest title in a contractor as authorized by 31 U.S.C. 6306.

(d)(1) Vesting title under paragraph (b) above is subject to civil rights legislation, 42 U.S.C. 2000d. Before title is vested, the contractor must agree that—

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this contemplated financial assistance (title to equipment)."

(2) By signing the contract, the contractor accepts and agrees to comply with this requirement.

(e) The policies in subparagraphs (b)(1) through (b)(3) and paragraph (d) above are implemented in the Government property clauses (Alternate II of the clause at 52.245-2, Government Property (Fixed-Price Contracts); Alternate I of the clause at 52.245-5, Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour

Contracts); Alternate I of the clause at 52.245-11, Government Property (Facilities Use); and the clause at 52.245-15, Transfer of Title to the Facilities, which are prescribed in Part 45 (at 45.106 for fixed-price and cost-reimbursement contracts and at 45.302-6 and 45.302-7 for facilities contracts).

35.015 Contracts for research with educational institutions and nonprofit organizations.

(a) *General.* (1) When the R&D work is not defined precisely and the contract states only a period during which work is conducted (that is, a specific time for achievement of results is not required), research contracts with educational institutions and nonprofit organizations shall—

(i) State that the contractor bears primary responsibility for the research;

(ii) Give (A) the name of the principal investigator (or project leader), if the decision to contract is based on that particular individual's research effort and management capabilities, and (B) the contractor's estimate of the amount of time that individual will devote to the work;

(iii) Provide that the named individual shall be closely involved and continuously responsible for the conduct of the work;

(iv) Provide that the contractor must obtain the contracting officer's approval to change the principal investigator (or project leader);

(v) Require that the contractor advise the contracting officer if the principal investigator (or project leader) will, or plans to, devote substantially less effort to the work than anticipated; and

(vi) Require that the contractor obtain the contracting officer's approval to change the phenomenon under study, the stated objectives of the research, or the methodology.

(2) If a research contract *does* provide precise objectives or a specific date for achievement of results, the contracting officer may include in the contract the requirements set forth in subparagraph (1) above, if it is necessary for the Government to exercise oversight and approval over the avenues of approach, methods, or schedule of work.

(b) *Basic agreements.* (1) A basic agreement should be negotiated if the number of contracts warrants such an agreement (see 16.702). Basic agreements should be reviewed and updated at least annually.

(2) To promote uniformity and consistency in dealing with educational institutions and nonprofit organizations, agencies are encouraged to use basic agreements of other agencies.

35.016 Broad agency announcement.

(a) *General.* This paragraph prescribes procedures for the use of the broad agency announcement (BAA) with

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PART 6

COMPETITION REQUIREMENTS

6.000 Scope of part.

This part prescribes policies and procedures to promote full and open competition in the acquisition process and to provide for full and open competition, full and open competition after exclusion of sources, other than full and open competition, and competition advocates. As used in this part, full and open competition is the process by which all responsible offerors are allowed to compete. This part does not deal with the results of competition (e.g., adequate price competition), which are addressed in other parts (e.g., Part 15).

6.001 Applicability.

This part applies to all acquisitions except—

- (a) Contracts awarded using the small purchase procedures of Part 13;
- (b) Contracts awarded using contracting procedures (other than those addressed in this part) that are expressly authorized by statute;
- (c) Contract modifications, including the exercise of priced options that were evaluated as part of the initial competition (see 17.207(f)), that are within the scope and under the terms of an existing contract;
- (d) Orders placed under requirements contracts or definite-quantity contracts; or
- (e) Orders placed under indefinite-quantity contracts that were entered into pursuant to this part when—

(1) The contract was awarded under Subpart 6.1 or 6.2 and all responsible sources were realistically permitted to compete for the requirements contained in the order; or

(2) The contract was awarded under Subpart 6.3 and the required justification and approval adequately covers the requirements contained in the order.

6.002 Limitations.

No agency shall contract for supplies or services from another agency for the purpose of avoiding the requirements of this part.

6.003 Definitions.

"Full and open competition," when used with respect to a contract action, means that all responsible sources are permitted to compete.

"Procuring activity," as used in this part, means a component of an executive agency having a significant acquisition function and designated as such by the head of the agency. Unless agency regulations specify otherwise, the term "procuring activity" shall be synonymous with "contracting activity" as defined in Subpart 2.1.

"Sole source acquisition" means a contract for the purchase of supplies or services that is entered into or proposed to be entered into by an agency after soliciting and negotiating with only one source.

"Unique and innovative concept," when used relative to an unsolicited research proposal, means that, in the opinion and to the knowledge of the Government evaluator, the meritorious proposal is the product of original thinking submitted in confidence by one source; contains new novel or changed concepts, approaches, or methods; was not submitted previously by another; and, is not otherwise available within the Federal Government. In this context, the term does not mean that the source has the sole capability of performing the research.

SUBPART 6.1—FULL AND OPEN COMPETITION

6.100 Scope of subpart.

This subpart prescribes the policy and procedures that are to be used to promote and provide for full and open competition.

6.101 Policy.

(a) 10 U.S.C. 2304 and 41 U.S.C. 253 require, with certain limited exceptions (see Subparts 6.2 and 6.3), that contracting officers shall promote and provide for full and open competition in soliciting offers and awarding Government contracts.

(b) Contracting officers shall provide for full and open competition through use of the competitive procedure or combination of competitive procedures contained in this subpart that is best suited to the circumstances of the contract action. Contracting officers must use good judgment in selecting the procedure that best meets the needs of the Government.

6.102 Use of competitive procedures.

The competitive procedures available for use in fulfilling the requirement for full and open competition are as follows:

- (a) *Sealed bids.* (See 6.401(a).)
- (b) *Competitive proposals.* (See 6.401(b).) If sealed

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FEDERAL ACQUISITION REGULATION (FAR)

Peer or Scientific Review (see 6.102(d)(2)) for the acquisition of basic and applied research and that part of development not related to the development of a specific system or hardware procurement. BAA's may be used by agencies to fulfill their requirements for scientific study and experimentation directed toward advancing the state-of-the-art or increasing knowledge or understanding rather than focusing on a specific system or hardware solution. The BAA technique shall only be used when meaningful proposals with varying technical/scientific approaches can be reasonably anticipated.

(b) The BAA, together with any supporting documents, shall—

(1) Describe the agency's research interest, either for an individual program requirement or for broadly defined areas of interest covering the full range of the agency's requirements;

(2) Describe the criteria for selecting the proposals, their relative importance, and the method of evaluation;

(3) Specify the period of time during which proposals submitted in response to the BAA will be accepted; and

(4) Contain instructions for the preparation and submission of proposals.

(c) The availability of the BAA shall be published in the Commerce Business Daily and, if authorized pursuant to Subpart 5.5, may also be published in noted scientific, technical, or engineering periodicals. The notice shall be published no less frequently than annually.

(d) Proposals received as a result of the BAA shall be evaluated in accordance with evaluation criteria specified therein through a peer or scientific review process. Written evaluation reports on individual proposals will be necessary but proposals need not be evaluated against each other since they are not submitted in accordance with a common work statement.

(e) The primary basis for selecting proposals for acceptance shall be technical, importance to agency programs, and fund availability. Cost realism and reasonableness shall also be considered to the extent appropriate.

(f) Synopsis under Subpart 5.2, Synopses of Proposed Contract Actions, of individual contract actions based upon proposals received under the BAA is not required. The notice published pursuant to subparagraph (c) of this section fulfills the synopsis requirement.

35.017 Federally Funded Research and Development Centers.

(a) Policy.

(1) This section sets forth Federal policy regarding the establishment, use, review, and termination of Federally Funded Research and Development Centers (FFRDC's) and related sponsoring agreements.

(2) An FFRDC meets some special long-term

research or development need which cannot be met as effectively by existing in-house or contractor resources. FFRDC's enable agencies to use private sector resources to accomplish tasks that are integral to the mission and operation of the sponsoring agency. An FFRDC, in order to discharge its responsibilities to the sponsoring agency, has access, beyond that which is common to the normal contractual relationship, to Government and supplier data, including sensitive and proprietary data, and to employees and facilities. The FFRDC is required to conduct its business in a manner befitting its special relationship with the Government, to operate in the public interest with objectivity and independence, to be free from organizational conflicts of interest, and to have full disclosure of its affairs to the sponsoring agency. It is not the Government's intent that an FFRDC use its privileged information or access to facilities to compete with the private sector. However, an FFRDC may perform work for other than the sponsoring agency under the Economy Act, or other applicable legislation, when the work is not otherwise available from the private sector.

(3) FFRDC's are operated, managed, and/or administered by either a university or consortium of universities, other not-for-profit or nonprofit organization, or an industrial firm, as an autonomous organization or as an identifiable separate operating unit of a parent organization.

(4) Long-term relationships between the Government and FFRDC's are encouraged in order to provide the continuity that will attract high-quality personnel to the FFRDC. This relationship should be of a type to encourage the FFRDC to maintain currency in its field(s) of expertise, maintain its objectivity and independence, preserve its familiarity with the needs of its sponsor(s), and provide a quick response capability.

(b) Definitions.

"Nonsponsor," as used in this section, means any other organization, in or outside of the Federal Government, which funds specific work to be performed by the FFRDC and is not a party to the sponsoring agreement.

"Primary sponsor," as used in this section, means the lead agency responsible for managing, administering, or monitoring overall use of the FFRDC under a multiple sponsorship agreement.

"Special competency," as used in this section, means a special or unique capability, including qualitative aspects, developed incidental to the primary functions of the FFRDC to meet some special need.

"Sponsor" means the executive agency which manages, administers, monitors, funds, and is responsible for the overall use of an FFRDC. Multiple agency sponsorship is possible as long as one agency agrees to act as the "primary sponsor." In the event of multiple sponsors, "sponsor" refers to the primary sponsor.

6.200

bids are not appropriate under (a) above, contracting officers shall request competitive proposals or use the other competitive procedures under (c) or (d) below.

(c) *Combination of competitive procedures.* If sealed bids are not appropriate, contracting officers may use any combination of competitive procedures (e.g., two-step sealed bidding).

(d) *Other competitive procedures.* (1) Selection of sources for architect-engineer contracts in accordance with the provisions of Pub. L. 92-582 (40 U.S.C. 541, et seq.) is a competitive procedure (see Subpart 36.6 for procedures).

(2) Competitive selection of basic and applied research and that part of development not related to the development of a specific system or hardware procurement is a competitive procedure if award results from—

(i) A broad agency announcement that is general in nature identifying areas of research interest, including criteria for selecting proposals, and soliciting the participation of all offerors capable of satisfying the Government's needs; and

(ii) A peer or scientific review.

(3) Use of multiple award schedules issued under the procedures established by the Administrator of General Services consistent with the requirement of 41 U.S.C. 259(b)(3)(A) for the multiple award schedule program of the General Services Administration is a competitive procedure if ordering offices follow the procedures in 8.405-1 in placing orders under this program.

SUBPART 6.2—FULL AND OPEN COMPETITION AFTER EXCLUSION OF SOURCES

6.200 Scope of subpart.

This subpart prescribes policy and procedures for providing for full and open competition after excluding one or more sources.

6.201 Policy.

Acquisitions made under this subpart require use of the competitive procedures prescribed in 6.102 after agencies have excluded a source or sources from participation in a contract action under the circumstances described in 6.202 or 6.203 below.

6.202 Establishing or maintaining alternative sources.

(a) Agencies may exclude a particular source from a contract action in order to establish or maintain an alternative source or sources for the supplies or services being acquired if the agency head determines that to do so would—

(1) Increase or maintain competition and likely result in reduced overall costs for the acquisition, or for any anticipated acquisition, of such supplies or services;

(2) Be in the interest of national defense in having a

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facility (or a producer, manufacturer, or other supplier) available for furnishing the supplies or services in case of a national emergency or industrial mobilization; or

(3) Be in the interest of national defense in establishing or maintaining an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center.

(b)(1) Every proposed contract action under the authority of paragraph (a) above shall be supported by a determination and findings (D&F) (see Subpart 1.7) signed by the head of the agency or designee. This D&F shall not be made on a class basis.

(2) Technical and requirements personnel are responsible for providing all necessary data to support their recommendation to exclude a particular source.

(3) When the authority in (a)(1) above is cited, the findings shall include a description of the estimated reduction in overall costs and how the estimate was derived.

6.203 Set-asides for small business and labor surplus area concerns.

(a) To fulfill the statutory requirements relating to small business concerns and labor surplus area concerns, contracting officers may set aside solicitations to allow only such business concerns to compete. This includes contract actions conducted under the Small Business Innovation Research Program established under Pub. L. 97-219.

(b) No separate justification or determination and findings is required under this part to set aside a contract action for small business or labor surplus area concerns.

(c) Subpart 19.5 prescribes policies and procedures that shall be followed with respect to small business set-asides.

(d) Subpart 20.2 prescribes policies and procedures that shall be followed with respect to labor surplus area set-asides.

6.204 Section 8(a) competition.

(a) To fulfill statutory requirements relating to section 8(a) of the Small Business Act, as amended by Pub. L. 100-656, contracting officers may limit competition to eligible 8(a) contractors (see Subpart 19.8).

(b) No separate justification or determination and findings is required under this part to limit competition to eligible 8(a) contractors.

SUBPART 6.3—OTHER THAN FULL AND OPEN COMPETITION

6.300 Scope of subpart.

This subpart prescribes policies and procedures, and identifies the statutory authorities, for contracting without providing for full and open competition.

Attachment 5

§ 36.30.260

ALASKA STATUTES

§ 36.30.270

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