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November 1998

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

TO: Jim Fall
Regional Program Manager, Division of Subsistence/ADFG

FROM: Molly McCann
Executive Director

RE: Project 97052B: TEK Handbook

DATE: November 23, 1998

The Trustee Council has in place an independent peer review process designed to ensure the technical credibility of restoration work performed under Council auspices. A critical element of the peer review process, and one I know you are aware of, is acceptance by the Council's Chief Scientist of all project reports and related products prior to finalization. The Traditional Ecological Knowledge Handbook, produced by the Division of Subsistence with funds provided by the Council under Project 97052B, failed to follow this well-established procedure. Peer review comments were not incorporated into the handbook before it was printed and distributed.

To make clear to the reader that the handbook was not approved through the Council's peer review process, please place a sticker containing the following disclaimer on the inside cover of each copy of the handbook:

An earlier version of this publication was reviewed by one or more qualified peer reviewers as part of the Exxon Valdez Oil Spill Trustee Council restoration program. However, peer review comments were not addressed prior to publication.

This will require mailing the sticker and appropriate instructions to all of those to whom you sent the handbook, including ARLIS and my office.

In the future, if you or your staff disagree with the peer review of your work, please notify me. We will work with you and the Chief Scientist to resolve the issue. Through facilitated discussions, acquiring the services of another reviewer, and other means, we have successfully resolved disagreements between peer reviewers and principal investigators on other EVOS projects. In no case is it appropriate to simply disregard the peer review comments. This approach jeopardizes the integrity of the restoration process and indicates a lack of cooperation on the part of the principal investigator.

cc: Carrie Holba, ARLIS Librarian
Celia Rozen, ADFG Librarian
Claudia Slater, ADFG EVOS Liaison

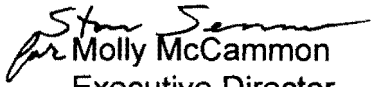
Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

TO: Bruce Wright / NOAA

FROM:  Molly McCammon
Executive Director

RE: Partial Authorization - Project 99325 (NOAA Component Only)
*Assessment of Injury to Intertidal and Nearshore Subtidal Communities
Following EVOS: Preparation of Manuscripts for Publication*

DATE: November 20, 1998

The purpose of this memorandum is to formally authorize work to proceed on the NOAA component of Project 99325/Assessment of Injury to Intertidal and Nearshore Subtidal Communities Following EVOS: Preparation of Manuscripts for Publication. The work must be performed consistent with the Detailed Project Description.

cc: Claudia Slater, ADFG

Exxon Valdez Oil Spill Trustee Council

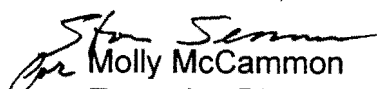
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FAX MEMORANDUM (3 pp.)

TO: James Brady, ADFG ComFish Anchorage
Steve Fried, ADFG ComFish Anchorage
Nick Sagalkin, ADFG ComFish Kodiak
Claudia Slater, ADFG EVOS Liaison
Ken Tarbox, ADFG ComFish Soldotna
John Wilcock, ADFG ComFish Cordova

FROM:


Molly McCammon
Executive Director

RE: Update on Status of Commercial Fishing

DATE: November 20, 1998

The purpose of this memo is to let you know that you may be contacted over the next couple of weeks by Mr. Dick Tremaine of E3 Consulting, who has been retained by the Trustee Council to prepare a brief report on economic changes that have taken place in the commercial fishing industry since the *Exxon Valdez* oil spill.

In preparation for the 10th anniversary of the spill, the Council is in the process of updating the status of all of the resources and services injured by the spill. In regard to the service of commercial fishing, the Council will evaluate its recovery status based primarily on the recovery status of commercially important fish species. However, it is important to do so in the context of economic changes that have occurred in the commercial fishing industry since the spill. Through a competitive solicitation, the Trustee Council has hired Mr. Tremaine to prepare a brief written report summarizing these economic changes.

A copy of the services to be performed under the contract is attached. No original research will be conducted; rather, all of the data for the report will come from existing sources. Any information or other assistance you can provide Mr. Tremaine will be greatly appreciated and will contribute to making this project a success. Thank you.

cc: Bob Spies, Chief Scientist
Phil Mundy

Federal Trustees

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

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Alaska Department of Environmental Conservation
Alaska Department of Law

APPENDIX C

Services to be Performed

Background and Project Purpose. The *Exxon Valdez* Oil Spill Trustee Council is in the process of updating the status of all of the resources and services injured by the 1989 *Exxon Valdez* oil spill in preparation for the 10th anniversary of the spill (March 1999). One of the services identified as lost or reduced by the spill is commercial fishing. The Council will evaluate the recovery status of commercial fishing based primarily on the recovery status of commercially important fish species. However, in its evaluation, the Council would also like to give consideration to economic changes that have occurred in the commercial fishing industry since the spill. The Contractor will provide the Council a written report summarizing these economic changes.

Contract Period. The contract will begin on November 25, 1998 and be completed by February 5, 1999.

Work to be Performed. The Contractor will prepare a brief summary report on economic changes that have taken place in the commercial fishing industry in Alaska since the *Exxon Valdez* oil spill. The report will focus on commercial fishing within the spill area (primarily Prince William Sound, Lower Cook Inlet, and the Kodiak archipelago) and on the four commercially-fished species injured by the spill (pink salmon, sockeye salmon, Pacific herring, and rockfish).

The Contractor will include in the report:

- a discussion of economic changes that occurred in the industry during and immediately following the oil spill (e.g., impact of fishery closures and perception that fish were contaminated);
- a discussion of whether there are any lingering economic effects of the oil spill; in particular, whether opportunities to catch injured fish species or non-injured fish species (i.e., halibut) are currently lost or reduced because of the spill;
- a discussion of economic changes that have occurred in the industry since 1989 independent of the oil spill (e.g., worldwide market changes, natural variability in resource abundance, the changing political influence of commercial fishing in the state);
- a synopsis of commercial fishermen's private claims against Exxon, including what the claims were intended to address and the amount of claims paid.

In developing the report, the Contractor will work closely with Sandra Schubert, the Restoration Office's Project Manager, and Stan Senner, the Restoration Office's Science Coordinator. The Science Coordinator will provide the Contractor a summary of current scientific evidence on the recovery status of commercially important fish

species for use in preparing the report.

The Contractor will submit three copies of the report, in final draft form, to the Project Manager (see Work Schedule below), who will forward it to the Trustee Council's technical reviewers for independent peer review. The Contractor will incorporate peer review comments into the report before it will be finally accepted by the Council's Executive Director.

Work Schedule.

No later than January 4, 1999

Submit report to *Exxon Valdez* Restoration Office for technical peer review

No later than February 5, 1999

Submit revised report incorporating peer review comments to Restoration Office

Personnel. All work will be performed by Richard Tremaine. Any change in personnel must be approved in advance by the Restoration Office's Project Manager.

Project Manager. The Restoration Office's Project Manager for this contract is:

Sandra Schubert

Exxon Valdez Restoration Office

645 G Street, Suite 401

Anchorage, AK 99501

Telephone (907) 278-8012

Fax (907) 276-7178

E-mail: sandra_schubert@oilspill.state.ak.us

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

To: William Brown
Science Advisor
USDOl Office of the Secretary

From: *Stan Senner*
for Molly McCammon
Executive Director

Subject: EVOS Restoration Reserve correspondence

Date: November 20, 1998

Thank you for taking the time to meet with me and Stan Senner in Washington on November 12th. I think the discussion was helpful, particularly as there is a transition in Interior's representation on the EVOS Trustee Council.

During our meeting, I mentioned that Governor Knowles had sent a letter to the members of the Trustee Council outlining his thoughts about appropriate uses of Restoration Reserve funds. We also discussed letters received from several conservation organizations, including one from the National Audubon Society, in regard to a long-term research and monitoring program. All of these should be helpful as you consider further the possible uses of the Restoration Reserve.

Thank you again for your time and interest.

encl: (4)

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

3361 ✓
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(907) 465-3500
Fax (907) 465-3532

September 15, 1998

Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Trustees:

I have had several inquiries regarding the remaining Exxon Valdez trust funds. There are certainly more good uses for the reserve account than there is money available. For that reason, I am asking you as trustees to redouble your efforts to make it a high priority to seek changes in the federal laws which inhibit the trust fund from earning a fair return on its investments and allow exorbitant fees for its management. I have been advised that if the trust fund had been invested similarly to the Alaska Permanent Fund, an additional \$39 million would have been earned since the settlement. Even with a very conservative investment philosophy, providing a return of only 8 percent, more than \$16 million has been lost since 1991 in unrealized earnings.

I am also concerned the trust fund paid more than \$2.4 million in management fees to the federal Court Registry Investment System since 1991. The Alaska Department of Revenue indicates it could have provided the same level of service for less than one-tenth of that cost. While there is little chance of recovering these losses, these problems must be corrected for the future. The trustee council has been seeking changes for a number of years, first within the United States government and then, when that failed, through new legislation in Congress. Unfortunately, this legislation appears to be caught up in politics and may not be enacted in the near future. Nevertheless, I encourage you to continue to seek reforms in the way you can invest and manage these trust funds.

Scientific research is important for the future in order to plan and manage our resources for the Alaska families that depend on them for economics, recreation, and subsistence. Since 1991, through the Exxon Valdez Oil Spill Trustee Council scientific research and monitoring program, we have learned much about the natural resources of the oil spill area—how they function within the ecosystem and how to best manage them to ensure they flourish. As the continued decline of marine mammals and the recent catastrophic

Exxon Valdez Oil Spill Trustee Council
September 15, 1998
Page 2


collapse of salmon runs demonstrate, there is still much we need to learn. Each year there is less and less money available from the state and federal governments for this important task.

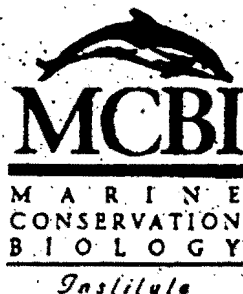
As we all know, in the year 2001 we will receive the last payment from Exxon. You have had the foresight to recognize long-term needs will exist and have set aside money in a special restoration reserve account to provide for those needs. It is critically important to Alaska the restoration reserve be used to continue the trustee council's scientific research and monitoring program beyond 2001, at a level commensurate with the council's program at that time.

I am pleased with, and you should be proud of, the habitat protection actions you have taken over the last four years with the trust fund money. Large parcel acquisitions, such as Kachemak Bay and Shuyak Island State Parks, small parcels, and the habitat improvements projects like those along the Kenai River provide significant protection for the environment and add immeasurably to the quality of life and future opportunities for Alaskans. I hope you will continue this important program by setting aside a portion of the restoration reserve to provide a permanent source of income for the acquisition of key small parcels within the oil spill area.

There are other important uses for the restoration reserve, including projects to assist the oil spill communities in their recovery. It is my hope you will find the means to fund these types of projects with money obtained through better investments and more reasonable management fees.

Sincerely,


Tony Knowles
Governor



Elliott A. Norse PhD, *President*

www.mcbi.org

April 29, 1998

Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Trustee Council Members:

On behalf seven scientific and conservation organizations, Marine Conservation Biology Institute submits the attached recommendation on the use of Restoration Reserve funds. This statement outlines the need for a high quality research and monitoring program based on a competitive peer review process to provide a strong scientific basis for conserving and managing living marine resources in the Gulf of Alaska over the long-term as environmental conditions continue to change.

The statement also outlines key characteristics for ensuring that the best science results from such a program. Fundamental to this program, as to all sound scientific programs, is an open competitive peer review process. Such a process means that expertise in submitting and reviewing proposals is sought from the best scientists throughout the country -- not just from Alaskan scientists -- from a range of institutions, and that the full range of perspectives within relevant areas of expertise is included. Reviewers remain anonymous and are free from conflicts of interest as defined by the criteria established for peer review processes by institutions like the National Science Foundation (NSF). The involvement of NSF and the National Academy of Sciences in periodically reviewing the overall design of the program (as recommended in the attached statement) can help ensure that Restoration Reserve funds are spent effectively far into the future.

Thank you for the opportunity to comment on the use of Restoration Reserve funds. This is an issue of national importance, and we are pleased to provide our input.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elliott Norse", is written over a horizontal line.

Elliott A. Norse
President, Marine Conservation Biology Institute

*MARINE CONSERVATION BIOLOGY INSTITUTE * COMMITTEE FOR THE NATIONAL
INSTITUTE FOR THE ENVIRONMENT * ORNITHOLOGICAL COUNCIL *
AMERICAN OCEANS CAMPAIGN * CENTER FOR MARINE CONSERVATION*
ESTUARINE RESEARCH FEDERATION * SOCIETY FOR CONSERVATION BIOLOGY*

April 1998

**A LONG TERM MARINE CONSERVATION BIOLOGY
RESEARCH AND MONITORING PROGRAM
FROM EXXON VALDEZ RESTORATION RESERVE FUNDS**

The use of funds from the Exxon *Valdez* oil spill settlement agreement is an issue of national importance. Decisions on how to use these funds will affect -- for decades or longer -- unique marine and coastal resources that are valuable to all Americans for ecological, scientific, economic, social, aesthetic, and moral reasons. Marine ecosystems often are the least understood natural systems, and scientists still do not understand, nine years after the spill, why many of the resources damaged by the Exxon *Valdez* Oil Spill still have not recovered. While coastal upland habitats have been substantially conserved by purchases and set asides, this is not an option for much of the marine habitat. Instead, the most likely option for conserving the living marine resources in the Gulf of Alaska is to improve the scientific basis for decision making. Scientific research in the emerging field of marine conservation biology will be crucial for informed conservation and management.

Therefore, to improve our understanding of marine species and ecosystems in general and those of the Gulf of Alaska in particular, and to provide a strong scientific basis for conserving and managing living marine resources in the Gulf of Alaska over the long-term as environmental conditions continue to change, we recommend that Restoration Reserve funds be used for an ongoing, long-term, marine conservation biology research and monitoring program. Funding amounts must be sufficient to maintain a meaningful program. Scientists familiar with the current situation suggest that this amount must be at least \$5 million per year.

Scientific Research and Monitoring Program

An ongoing marine conservation biology research and monitoring program should be based on the following core principles:

1. Research and monitoring should focus on conserving and recovering the living marine resources and biological diversity of the Gulf of Alaska, and should be coordinated with other federal and state marine research programs in Alaska, such as those in the Bering Sea, to leverage efforts and enhance the benefits of each.
2. Decisions on research and monitoring proposals should be based on a competitive

scientific peer review process involving a mix of scientists throughout the United States with appropriate expertise in the various research topics to be considered. The best science results from involving the most appropriate scientists in all aspects of the process, and from basing funding decisions on emerging scientific and management questions. The resulting science should be of sufficient quality for publication in the best scientific journals.

3. Research and monitoring should be multi-disciplinary and ecosystem-oriented, designed and implemented to understand the processes and relationships governing marine ecosystem functioning, to enhance recovery of living marine resources that were harmed by the Exxon *Valdez* oil spill or are otherwise in decline, and to address emerging environmental problems and biodiversity loss in the Gulf of Alaska.
4. Research and monitoring should not be narrowly focused on maximizing certain resources for short-term economic gain, but should be broad-based and seek to understand how marine ecosystems function as a basis for management and conservation in the long run. This broad understanding requires research in the biological, chemical, physical and social sciences.
5. Use of indicator species is appropriate in some cases, however, in addition to studies on specific species, integrative research should be conducted to tie together information through modeling and other techniques to develop an understanding of processes affecting species on large geographic and temporal scales.
6. Research and monitoring projects should include long-term studies, allowing observation of environmental variation over decades to increase scientific understanding of ecosystem processes that vary over long time periods, and enhance our understanding of natural vs. human-caused environmental changes.
7. The overall design of the research and monitoring program should be reviewed by the National Academy of Sciences' National Research Council and the National Science Foundation periodically.

Administration

A structure must be in place to ensure that funds are spent on supporting good science and addressing key scientific and environmental questions. This structure should include the following components:

1. The establishment of a non-regulatory science program with a mission to improve the scientific basis for making environmental decisions by conducting scientific research separate from regulatory and management functions.

2. Funding based on a competitive peer-review granting process involving scientific experts in relevant fields. Research would be organized around answering environmental questions, rather than around scientific disciplines. The program would fund whatever combination of disciplines and mix of basic and applied science that most effectively improves the scientific basis for addressing important conservation questions.
3. Stakeholders -- including researchers, managers and policy makers from local, state and federal agencies, business interests, public interest groups and others -- have meaningful input in defining questions and setting priorities. This can be accomplished through a representative and diverse Board of Governors with authority to establish the policies and priorities for the research program. In appointing Board members, the Exxon Valdez Trustee Council should consider names recommended by the National Research Council.
4. A program Director and staff would carry out the program consistent with priorities of the Board of Governors and the decisions of the scientific peer review groups.

Submitted by:

Elliott A. Norse, Ph.D. President
Marine Conservation Biology Institute

Peter D. Saundry, Ph.D., Executive Director
Committee for the National Institute for the Environment

David E. Blockstein, Ph.D., Chair
Ornithological Council

Barbara Jeanne Polo, Political Director
American Oceans Campaign

Wm. Robert Irvin, Vice-President for Marine Wildlife Conservation and General Counsel
Center for Marine Conservation

Nancy N. Rabalais, Ph.D. President
Estuarine Research Federation

Dee Boersma, Ph.D. President
Society for Conservation Biology

National Audubon Society



700 Broadway
New York, NY 10003-9562
Tel: (212) 979-3000
Fax: (212) 979-3188

May 4, 1998

Ms. Molly McCammon
Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, Alaska 99501

RECEIVED

MAY 08 1998

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Ms. McCammon:

Through Dr. John Schoen and his predecessor, Mr. Dave Cline, the National Audubon Society has been pleased to participate in the development and implementation of the Exxon Valdez Oil Spill Restoration Program. We commend the Trustee Council for its twin emphasis on both habitat protection and ecological research and monitoring in the spill area, and note that the EVOS Trustee Council and your staff have carried out this effective program with widespread public involvement and support. We also commend the Trustee Council for its decision to set aside funds in a Restoration Reserve, which will total about \$140 million in 2001. You now have an extraordinary opportunity to apply these funds to long-term restoration needs in the spill area.

I am submitting these recommendations on the Restoration Reserve Fund on behalf of the National Audubon Society and our 550,000 members including over 2,000 members in Alaska in chapters located in Juneau, Kodiak, Anchorage, and Juneau. The mission of the National Audubon Society is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity.

National Audubon strongly supports the Trustee Council's habitat protection program, including the most recent action to acquire additional superb coastal habitat on Afognak Island. The more than 600,000 acres of coastal habitat that have been or will be acquired by the Trustee Council is an extraordinary legacy, the value of which will only increase over time. Recognizing the strategic importance of critical habitat to long-term ecosystem conservation, we favor earmarking some of the Restoration Reserve, perhaps \$45-70 million, for additional habitat acquisitions. These funds should be invested to obtain the best possible yield to build the fund. This fund should provide the Trustees with the flexibility, however, to use the income (and in some unique circumstances even the principal) to strategically acquire critical habitats. Habitat acquisitions could be either small or large parcels with high fish and wildlife values (e.g., inholdings within existing or newly-acquired conservation units).

May 4, 1998
Ms. McCammon
Page 2

The National Audubon Society favors using the balance of the Restoration Reserve to endow a long-term research and monitoring program in the northern Gulf of Alaska. National Audubon takes pride in the fact that our own conservation and education programs are solidly based on science and we are keenly aware of the importance of science to understanding environmental problems and identifying responsible conservation solutions.

Like the habitat protection projects, the results of the research and monitoring projects supported by the Trustee Council are a tremendous legacy that will improve management and conservation efforts in a diverse and productive marine ecosystem that sustains major commercial fisheries, recreation and tourism, subsistence hunting and fishing, oil development and transportation, and other uses. Research supported by the Trustee Council already has shown how natural environmental changes in the late 1970s may have lowered the carrying capacity of this ecosystem. To maintain the ecological integrity of this productive ecosystem, we must identify, distinguish, and understand natural and anthropogenic environmental changes and adjust the uses of the ecosystem, and our management and conservation efforts, accordingly. Since we cannot acquire marine habitats in the same way that upland habitats can be acquired, a permanent research and monitoring program is the best possible investment for conserving birds and other wildlife and fish in the northern Gulf of Alaska.

If the Trustee Council proceeds with a long-term science program, we encourage the Restoration Office and Trustee agencies to actively work with the public, industry, and others to apply the results of the program to management and conservation needs across the spill area, including the identification and protection of sensitive marine habitats (e.g., nursery areas for juvenile Pacific herring, seabird nesting and foraging areas, and marine mammal rookeries). Any long-term research and monitoring program should strive for the best possible science, and to that end, we favor a competitive process with thorough outside peer review. Recently, eight professional ornithological societies adopted a resolution about uses of the EVOS Restoration Reserve, including a series of principles for administering the program. We think these principles are excellent suggestions, and a copy is attached for your reference.

National Audubon is also sensitive to the impacts of the spill on natural resources important to local communities and villages in the spill area. To the extent that some projects (e.g., small-scale fishery enhancements) in and around these communities are consistent with the terms of the settlement and the Trustee Council's Restoration Plan, we support projects that respond to these needs. However, we recommend that to the greatest extent possible funds for community and village projects be obtained through the Trustee Council's annual program rather than from the Restoration Reserve.

Finally, we favor retention of the existing Trustee Council for purposes of any long-term science and acquisition programs. There has been some discussion about whether funds earmarked for habitat protection might be administered by a private, nonprofit organization. This approach could be acceptable if it improves efficiency, provided that there is appropriate accountability to

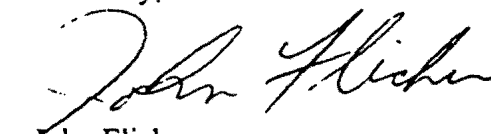
May 4, 1998
Ms. McCammon
Page 3

the Trustee Council and the public. The Trustee Council is to be commended for its public participation in carrying out the Restoration Program, and it is essential that these efforts are sustained over the longer term. It may or may not be necessary to continue the Public Advisory Group, particularly at its large size, but there is no question that a successful long-term science and acquisition program must have the participation and support of the public.

In conclusion, the National Audubon Society favors using a two-pronged science and habitat acquisition approach for expenditure of the Restoration Reserve. A permanently endowed, long-term science and monitoring program will expand our understanding of marine ecosystems and benefit management and conservation of marine resources within the spill area and should have broader application to the North Pacific. A habitat acquisition program, for strategically selected small and large parcels, will also benefit conservation and sustainable management of this region's valuable fish and wildlife resources. We suggest that there be flexibility in the habitat program to spend even the principal if the right opportunity occurs. The Trustee Council should continue to have oversight of the Restoration Reserve. Finally, we recommend that additional resources be devoted to responding to restoration needs in and around communities and villages, but, ideally, such funds would come out of the remaining annual payments from Exxon rather than from the Restoration Reserve.

Thank you for the opportunity to offer our comments and recommendations. If you have further questions, please contact Dr. John Schoen, Executive Director, Alaska Audubon Society, at 907-276-7034.

Sincerely,



John Flicker
President

Attachment

cc: John Schoen
Frank Gill
Dan Beard



PROVIDING
SCIENTIFIC
INFORMATION
ABOUT BIRDS

EXXON VALDEZ RESTORATION RESERVE FUND

Whereas, in the court settlement following the Exxon Valdez oil spill, a trust fund was established to provide for restoration and enhancement of resources injured as a result of the spill and a trustee council was created to oversee the allocation of that money with a mission to return the environment to a "healthy, productive, world-renowned ecosystem";

Whereas, the impact of the spill was primarily on the marine ecosystem and its inhabitants, including Common Murres (*Uria aalge*), Thick-billed Murres (*Uria lomvia*), Pigeon Guillemots (*Cepphus columba*), Marbled Murrelets (*Brachyramphus marmoratus*), cormorants (*Phalacrocorax* spp.), and other seabirds;

Whereas, more than half of the money available for restoration has been spent on land purchases to protect valuable fish and wildlife habitats, not all of which will directly improve the marine resources damaged by the spill;

Whereas, the Trustee Council previously established a Restoration Reserve account to provide funds for restoration activities after the last Exxon payment in 2001;

Whereas, in adopting the restoration plan, the Trustee Council specifically recognized that monitoring recovery, understanding the spill's effects on the ecosystem and undertaking needed restoration activities "on an ecosystem basis" will extend well into the future;

Whereas, by 2001, the reserve fund is expected to total about \$140 million, including interest;

Whereas, the trustee council will make a decision in 1998 on the allocation of that fund;

Whereas, scientific research is necessary for an understanding of the northern Gulf of Alaska ecosystem, which has not been well studied. For example, there is a need for increased understanding of the interrelationships among seabird colonies and their dependence on poorly-studied forage fishes in the region.;

Whereas, use of the information based on research is essential for protecting the marine resources of Prince William Sound and the northern Gulf of Alaska;

Whereas, only through continued research and monitoring will it be possible to determine the long-term effects of the spill and of the measures used to mitigate those effects;

Whereas, the chief scientist of the trustee council has proposed using the reserve fund to establish a permanent, adaptive, interdisciplinary research and monitoring program, which "would track, and eventually predict, ecosystem changes and provide a basis and mechanism for long-term restoration, enhancement, and wise management of marine resources in the northern Gulf of Alaska";

American Ornithologists' Union

Association of Field Ornithologists

C. Waterbird Society

Cooper Ornithological Society

Pacific Seabird Group

Raptor Research Foundation

Wilson Ornithological Society

Society for Caribbean Ornithology

David E. Blockstein, Ph.D.
Chairman of the Board
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Ellen Paul
Executive Director
3713 Chevy Chase Lake Dr. Apt. 3
Chevy Chase, MD 20815
Phone: (301) 986-8568
Fax: (301) 986-5205
E-Mail: epaul@dcink.com

★ Therefore be it resolved that the American Ornithologists' Union, Association of Field Ornithologists, Cooper Ornithological Society and Wilson Ornithological Society encourage the Exxon Valdez Trustee Council to a) establish a permanent fund for competitive, peer-reviewed research and monitoring of the northern Gulf of Alaska ecosystem and b) allocate all or nearly all of the restoration reserve fund for this purpose.

↓ Therefore be it further resolved that an ongoing marine conservation biology research and monitoring program should be based on the following core principles:

1. Research and monitoring should focus on conserving and recovering the living marine resources and biological diversity of the Gulf of Alaska, and should be coordinated with other federal and state marine research programs in Alaska, such as those in the Bering Sea, to leverage efforts and enhance the benefits of each.
2. Decisions on research and monitoring proposals should be based on a competitive scientific peer review process involving not only Alaskan scientists, but a mix of scientists throughout the United States with appropriate expertise in the various research topics to be considered. The best science results from involving the most appropriate scientists in all aspects of the process, and from basing funding decisions on emerging scientific and management questions. The resulting science should be of sufficient quality for publication in the best scientific journals.
3. The overall design of the long-term monitoring and research program should be reviewed by the National Research Council, the National Science Foundation, or other appropriate scientific bodies.
4. Research and monitoring should be ecosystem-oriented, designed and implemented to understand the processes and relationships governing marine ecosystem functioning, to enhance recovery of living marine resources that were harmed by the Exxon Valdez oil spill or are otherwise in decline, and to address emerging environmental problems and biodiversity loss in the Gulf of Alaska.
5. Research and monitoring should not be narrowly focused on maximizing certain resources for short-term economic gain, but should be broad-based and seek to understand how marine ecosystems function as a basis for management and conservation in the long run.
6. Use of indicator species is appropriate in some cases, however, in addition to studies on specific species, integrative research should be conducted to tie together information through modeling and other techniques to develop an understanding of processes affecting species on large geographic and temporal scales.
7. Research and monitoring projects should include long-term studies, allowing observation of environmental variation over decades to increase scientific understanding of ecosystem processes that vary over long time periods, and enhance our understanding of natural vs. human-caused environmental changes.


Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

To: Terry Garcia
Assistant Secretary for Ocean and Atmosphere

From: Molly McCann 
Executive Director

Subject: EVOS Restoration Reserve correspondence

Date: November 19, 1998

Thank you for taking the time to meet with me and Stan Senner in Washington last Thursday. I thought the discussion was helpful. I will contact Craig O'Connor after the Thanksgiving holiday in regard to a follow up briefing for the Washington Policy Group.

During our meeting, I mentioned that Governor Knowles had sent a letter to the members of the Trustee Council outlining his thoughts about appropriate uses of Restoration Reserve funds. We also discussed letters received from several conservation organizations, including one signed by the Center for Marine Conservation, in regard to a long-term research and monitoring program. All of these should be helpful as you consider further the possible uses of the Restoration Reserve.

Thank you again for your time and interest.

encl: (4)

cc: Steve Pennoyer
NMFS Regional Director

Craig O'Connor
NOAA Special Counsel

TONY KNOWLES
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

3361 ✓
P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

September 15, 1998

Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Trustees:

I have had several inquiries regarding the remaining Exxon Valdez trust funds. There are certainly more good uses for the reserve account than there is money available. For that reason, I am asking you as trustees to redouble your efforts to make it a high priority to seek changes in the federal laws which inhibit the trust fund from earning a fair return on its investments and allow exorbitant fees for its management. I have been advised that if the trust fund had been invested similarly to the Alaska Permanent Fund, an additional \$39 million would have been earned since the settlement. Even with a very conservative investment philosophy, providing a return of only 8 percent, more than \$16 million has been lost since 1991 in unrealized earnings.

I am also concerned the trust fund paid more than \$2.4 million in management fees to the federal Court Registry Investment System since 1991. The Alaska Department of Revenue indicates it could have provided the same level of service for less than one-tenth of that cost. While there is little chance of recovering these losses, these problems must be corrected for the future. The trustee council has been seeking changes for a number of years, first within the United States government and then, when that failed, through new legislation in Congress. Unfortunately, this legislation appears to be caught up in politics and may not be enacted in the near future. Nevertheless, I encourage you to continue to seek reforms in the way you can invest and manage these trust funds.

Scientific research is important for the future in order to plan and manage our resources for the Alaska families that depend on them for economics, recreation, and subsistence. Since 1991, through the Exxon Valdez Oil Spill Trustee Council scientific research and monitoring program, we have learned much about the natural resources of the oil spill area—how they function within the ecosystem and how to best manage them to ensure they flourish. As the continued decline of marine mammals and the recent catastrophic

Exxon Valdez Oil Spill Trustee Council
September 15, 1998
Page 2


collapse of salmon runs demonstrate, there is still much we need to learn. Each year there is less and less money available from the state and federal governments for this important task.

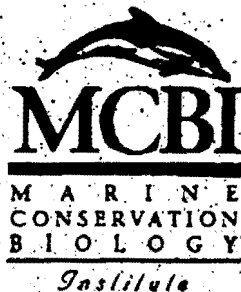
As we all know, in the year 2001 we will receive the last payment from Exxon. You have had the foresight to recognize long-term needs will exist and have set aside money in a special restoration reserve account to provide for those needs. It is critically important to Alaska the restoration reserve be used to continue the trustee council's scientific research and monitoring program beyond 2001, at a level commensurate with the council's program at that time.

I am pleased with, and you should be proud of, the habitat protection actions you have taken over the last four years with the trust fund money. Large parcel acquisitions, such as Kachemak Bay and Shuyak Island State Parks, small parcels, and the habitat improvements projects like those along the Kenai River provide significant protection for the environment and add immeasurably to the quality of life and future opportunities for Alaskans. I hope you will continue this important program by setting aside a portion of the restoration reserve to provide a permanent source of income for the acquisition of key small parcels within the oil spill area.

There are other important uses for the restoration reserve, including projects to assist the oil spill communities in their recovery. It is my hope you will find the means to fund these types of projects with money obtained through better investments and more reasonable management fees.

Sincerely,


Tony Knowles
Governor



Elliott A. Norse PhD, *President*

www.mcbi.org

April 29, 1998

Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Trustee Council Members:

On behalf seven scientific and conservation organizations, Marine Conservation Biology Institute submits the attached recommendation on the use of Restoration Reserve funds. This statement outlines the need for a high quality research and monitoring program based on a competitive peer review process to provide a strong scientific basis for conserving and managing living marine resources in the Gulf of Alaska over the long-term as environmental conditions continue to change.

The statement also outlines key characteristics for ensuring that the best science results from such a program. Fundamental to this program, as to all sound scientific programs, is an open competitive peer review process. Such a process means that expertise in submitting and reviewing proposals is sought from the best scientists throughout the country -- not just from Alaskan scientists -- from a range of institutions, and that the full range of perspectives within relevant areas of expertise is included. Reviewers remain anonymous and are free from conflicts of interest as defined by the criteria established for peer review processes by institutions like the National Science Foundation (NSF). The involvement of NSF and the National Academy of Sciences in periodically reviewing the overall design of the program (as recommended in the attached statement) can help ensure that Restoration Reserve funds are spent effectively far into the future.

Thank you for the opportunity to comment on the use of Restoration Reserve funds. This is an issue of national importance, and we are pleased to provide our input.

Sincerely,

A handwritten signature in dark ink, appearing to read "Elliott Norse", is written over a horizontal line.

Elliott A. Norse
President, Marine Conservation Biology Institute

*MARINE CONSERVATION BIOLOGY INSTITUTE * COMMITTEE FOR THE NATIONAL
INSTITUTE FOR THE ENVIRONMENT * ORNITHOLOGICAL COUNCIL *
AMERICAN OCEANS CAMPAIGN * CENTER FOR MARINE CONSERVATION*
ESTUARINE RESEARCH FEDERATION * SOCIETY FOR CONSERVATION BIOLOGY*

April 1998

**A LONG TERM MARINE CONSERVATION BIOLOGY
RESEARCH AND MONITORING PROGRAM
FROM EXXON VALDEZ RESTORATION RESERVE FUNDS**

The use of funds from the Exxon *Valdez* oil spill settlement agreement is an issue of national importance. Decisions on how to use these funds will affect -- for decades or longer -- unique marine and coastal resources that are valuable to all Americans for ecological, scientific, economic, social, aesthetic, and moral reasons. Marine ecosystems often are the least understood natural systems, and scientists still do not understand, nine years after the spill, why many of the resources damaged by the Exxon *Valdez* Oil Spill still have not recovered. While coastal upland habitats have been substantially conserved by purchases and set asides, this is not an option for much of the marine habitat. Instead, the most likely option for conserving the living marine resources in the Gulf of Alaska is to improve the scientific basis for decision making. Scientific research in the emerging field of marine conservation biology will be crucial for informed conservation and management.

Therefore, to improve our understanding of marine species and ecosystems in general and those of the Gulf of Alaska in particular, and to provide a strong scientific basis for conserving and managing living marine resources in the Gulf of Alaska over the long-term as environmental conditions continue to change, we recommend that Restoration Reserve funds be used for an ongoing, long-term, marine conservation biology research and monitoring program. Funding amounts must be sufficient to maintain a meaningful program. Scientists familiar with the current situation suggest that this amount must be at least \$5 million per year.

Scientific Research and Monitoring Program

An ongoing marine conservation biology research and monitoring program should be based on the following core principles:

1. Research and monitoring should focus on conserving and recovering the living marine resources and biological diversity of the Gulf of Alaska, and should be coordinated with other federal and state marine research programs in Alaska, such as those in the Bering Sea, to leverage efforts and enhance the benefits of each.
2. Decisions on research and monitoring proposals should be based on a competitive

scientific peer review process involving a mix of scientists throughout the United States with appropriate expertise in the various research topics to be considered. The best science results from involving the most appropriate scientists in all aspects of the process, and from basing funding decisions on emerging scientific and management questions. The resulting science should be of sufficient quality for publication in the best scientific journals.

3. Research and monitoring should be multi-disciplinary and ecosystem-oriented, designed and implemented to understand the processes and relationships governing marine ecosystem functioning, to enhance recovery of living marine resources that were harmed by the Exxon *Valdez* oil spill or are otherwise in decline, and to address emerging environmental problems and biodiversity loss in the Gulf of Alaska.
4. Research and monitoring should not be narrowly focused on maximizing certain resources for short-term economic gain, but should be broad-based and seek to understand how marine ecosystems function as a basis for management and conservation in the long run. This broad understanding requires research in the biological, chemical, physical and social sciences.
5. Use of indicator species is appropriate in some cases, however, in addition to studies on specific species, integrative research should be conducted to tie together information through modeling and other techniques to develop an understanding of processes affecting species on large geographic and temporal scales.
6. Research and monitoring projects should include long-term studies, allowing observation of environmental variation over decades to increase scientific understanding of ecosystem processes that vary over long time periods, and enhance our understanding of natural vs. human-caused environmental changes.
7. The overall design of the research and monitoring program should be reviewed by the National Academy of Sciences' National Research Council and the National Science Foundation periodically.

Administration

A structure must be in place to ensure that funds are spent on supporting good science and addressing key scientific and environmental questions. This structure should include the following components:

1. The establishment of a non-regulatory science program with a mission to improve the scientific basis for making environmental decisions by conducting scientific research separate from regulatory and management functions.

2. Funding based on a competitive peer-review granting process involving scientific experts in relevant fields. Research would be organized around answering environmental questions, rather than around scientific disciplines. The program would fund whatever combination of disciplines and mix of basic and applied science that most effectively improves the scientific basis for addressing important conservation questions.
3. Stakeholders -- including researchers, managers and policy makers from local, state and federal agencies, business interests, public interest groups and others -- have meaningful input in defining questions and setting priorities. This can be accomplished through a representative and diverse Board of Governors with authority to establish the policies and priorities for the research program. In appointing Board members, the Exxon Valdez Trustee Council should consider names recommended by the National Research Council.
4. A program Director and staff would carry out the program consistent with priorities of the Board of Governors and the decisions of the scientific peer review groups.

Submitted by:

Elliott A. Norse, Ph.D. President
Marine Conservation Biology Institute

Peter D. Saundry, Ph.D., Executive Director
Committee for the National Institute for the Environment

David E. Blockstein, Ph.D., Chair
Ornithological Council

Barbara Jeanne Polo, Political Director
American Oceans Campaign

Wm. Robert Irvin, Vice-President for Marine Wildlife Conservation and General Counsel
Center for Marine Conservation

Nancy N. Rabalais, Ph.D. President
Estuarine Research Federation

Dee Boersma, Ph.D. President
Society for Conservation Biology



May 4, 1998

Ms. Molly McCammon
Executive Director
Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, Alaska 99501

RECEIVED

MAY 08 1998

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dear Ms. McCammon:

Through Dr. John Schoen and his predecessor, Mr. Dave Cline, the National Audubon Society has been pleased to participate in the development and implementation of the Exxon Valdez Oil Spill Restoration Program. We commend the Trustee Council for its twin emphasis on both habitat protection and ecological research and monitoring in the spill area, and note that the EVOS Trustee Council and your staff have carried out this effective program with widespread public involvement and support. We also commend the Trustee Council for its decision to set aside funds in a Restoration Reserve, which will total about \$140 million in 2001. You now have an extraordinary opportunity to apply these funds to long-term restoration needs in the spill area.

I am submitting these recommendations on the Restoration Reserve Fund on behalf of the National Audubon Society and our 550,000 members including over 2,000 members in Alaska in chapters located in Juneau, Kodiak, Anchorage, and Juneau. The mission of the National Audubon Society is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity.

National Audubon strongly supports the Trustee Council's habitat protection program, including the most recent action to acquire additional superb coastal habitat on Afognak Island. The more than 600,000 acres of coastal habitat that have been or will be acquired by the Trustee Council is an extraordinary legacy, the value of which will only increase over time. Recognizing the strategic importance of critical habitat to long-term ecosystem conservation, we favor earmarking some of the Restoration Reserve, perhaps \$45-70 million, for additional habitat acquisitions. These funds should be invested to obtain the best possible yield to build the fund. This fund should provide the Trustees with the flexibility, however, to use the income (and in some unique circumstances even the principal) to strategically acquire critical habitats. Habitat acquisitions could be either small or large parcels with high fish and wildlife values (e.g., inholdings within existing or newly-acquired conservation units).

May 4, 1998
Ms. McCammon
Page 2

The National Audubon Society favors using the balance of the Restoration Reserve to endow a long-term research and monitoring program in the northern Gulf of Alaska. National Audubon takes pride in the fact that our own conservation and education programs are solidly based on science and we are keenly aware of the importance of science to understanding environmental problems and identifying responsible conservation solutions.

Like the habitat protection projects, the results of the research and monitoring projects supported by the Trustee Council are a tremendous legacy that will improve management and conservation efforts in a diverse and productive marine ecosystem that sustains major commercial fisheries, recreation and tourism, subsistence hunting and fishing, oil development and transportation, and other uses. Research supported by the Trustee Council already has shown how natural environmental changes in the late 1970s may have lowered the carrying capacity of this ecosystem. To maintain the ecological integrity of this productive ecosystem, we must identify, distinguish, and understand natural and anthropogenic environmental changes and adjust the uses of the ecosystem, and our management and conservation efforts, accordingly. Since we cannot acquire marine habitats in the same way that upland habitats can be acquired, a permanent research and monitoring program is the best possible investment for conserving birds and other wildlife and fish in the northern Gulf of Alaska.

If the Trustee Council proceeds with a long-term science program, we encourage the Restoration Office and Trustee agencies to actively work with the public, industry, and others to apply the results of the program to management and conservation needs across the spill area, including the identification and protection of sensitive marine habitats (e.g., nursery areas for juvenile Pacific herring, seabird nesting and foraging areas, and marine mammal rookeries). Any long-term research and monitoring program should strive for the best possible science, and to that end, we favor a competitive process with thorough outside peer review. Recently, eight professional ornithological societies adopted a resolution about uses of the EVOS Restoration Reserve, including a series of principles for administering the program. We think these principles are excellent suggestions, and a copy is attached for your reference.

National Audubon is also sensitive to the impacts of the spill on natural resources important to local communities and villages in the spill area. To the extent that some projects (e.g., small-scale fishery enhancements) in and around these communities are consistent with the terms of the settlement and the Trustee Council's Restoration Plan, we support projects that respond to these needs. However, we recommend that to the greatest extent possible funds for community and village projects be obtained through the Trustee Council's annual program rather than from the Restoration Reserve.

Finally, we favor retention of the existing Trustee Council for purposes of any long-term science and acquisition programs. There has been some discussion about whether funds earmarked for habitat protection might be administered by a private, nonprofit organization. This approach could be acceptable if it improves efficiency, provided that there is appropriate accountability to

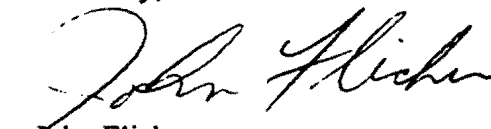
May 4, 1998
Ms. McCammon
Page 3

the Trustee Council and the public. The Trustee Council is to be commended for its public participation in carrying out the Restoration Program, and it is essential that these efforts are sustained over the longer term. It may or may not be necessary to continue the Public Advisory Group, particularly at its large size, but there is no question that a successful long-term science and acquisition program must have the participation and support of the public.

In conclusion, the National Audubon Society favors using a two-pronged science and habitat acquisition approach for expenditure of the Restoration Reserve. A permanently endowed, long-term science and monitoring program will expand our understanding of marine ecosystems and benefit management and conservation of marine resources within the spill area and should have broader application to the North Pacific. A habitat acquisition program, for strategically selected small and large parcels, will also benefit conservation and sustainable management of this region's valuable fish and wildlife resources. We suggest that there be flexibility in the habitat program to spend even the principal if the right opportunity occurs. The Trustee Council should continue to have oversight of the Restoration Reserve. Finally, we recommend that additional resources be devoted to responding to restoration needs in and around communities and villages, but, ideally, such funds would come out of the remaining annual payments from Exxon rather than from the Restoration Reserve.

Thank you for the opportunity to offer our comments and recommendations. If you have further questions, please contact Dr. John Schoen, Executive Director, Alaska Audubon Society, at 907-276-7034.

Sincerely,



John Flicker
President

Attachment

cc: John Schoen
Frank Gill
Dan Beard



PROVIDING
SCIENTIFIC
INFORMATION
ABOUT BIRDS

EXXON VALDEZ RESTORATION RESERVE FUND

Whereas, in the court settlement following the Exxon Valdez oil spill, a trust fund was established to provide for restoration and enhancement of resources injured as a result of the spill and a trustee council was created to oversee the allocation of that money with a mission to return the environment to a "healthy, productive, world-renowned ecosystem";

Whereas, the impact of the spill was primarily on the marine ecosystem and its inhabitants, including Common Murres (*Uria aalge*), Thick-billed Murres (*Uria lomvia*), Pigeon Guillemots (*Cepphus columba*), Marbled Murrelets (*Brachyramphus marmoratus*), cormorants (*Phalacrocorax* spp.), and other seabirds;

Whereas, more than half of the money available for restoration has been spent on land purchases to protect valuable fish and wildlife habitats, not all of which will directly improve the marine resources damaged by the spill;

Whereas, the Trustee Council previously established a Restoration Reserve account to provide funds for restoration activities after the last Exxon payment in 2001;

Whereas, in adopting the restoration plan, the Trustee Council specifically recognized that monitoring recovery, understanding the spill's effects on the ecosystem and undertaking needed restoration activities "on an ecosystem basis" will extend well into the future;

Whereas, by 2001, the reserve fund is expected to total about \$140 million, including interest;

Whereas, the trustee council will make a decision in 1998 on the allocation of that fund;

Whereas, scientific research is necessary for an understanding of the northern Gulf of Alaska ecosystem, which has not been well studied. For example, there is a need for increased understanding of the interrelationships among seabird colonies and their dependence on poorly-studied forage fishes in the region.;

Whereas, use of the information based on research is essential for protecting the marine resources of Prince William Sound and the northern Gulf of Alaska;

Whereas, only through continued research and monitoring will it be possible to determine the long-term effects of the spill and of the measures used to mitigate those effects;

Whereas, the chief scientist of the trustee council has proposed using the reserve fund to establish a permanent, adaptive, interdisciplinary research and monitoring program, which "would track, and eventually predict, ecosystem changes and provide a basis and mechanism for long-term restoration, enhancement, and wise management of marine resources in the northern Gulf of Alaska";

American Ornithologists' Union

Association of Field Ornithologists

C Waterbird Society

Cooper Ornithological Society

Pacific Seabird Group

Raptor Research Foundation

Wilson Ornithological Society

Society for Caribbean Ornithology

1. J. Blockstein, Ph.D.
Chairman of the Board
1725 K St., NW, Suite 212
Washington, DC 20006-1401
Phone: (202) 530-5810
Fax: (202) 628-4311
E-Mail: OC@CNIIE.org
<http://www.nmnh.si.edu/BIRDNET>

Ellen Paul
Executive Director
3713 Chevy Chase Lake Dr. Apt. 3
Chevy Chase, MD 20815
Phone: (301) 986-8568
Fax: (301) 986-5205
E-Mail: epaul@dclink.com

* Therefore be it resolved that the American Ornithologists' Union, Association of Field Ornithologists, Cooper Ornithological Society and Wilson Ornithological Society encourage the Exxon Valdez Trustee Council to a) establish a permanent fund for competitive, peer-reviewed research and monitoring of the northern Gulf of Alaska ecosystem and b) allocate all or nearly all of the restoration reserve fund for this purpose.

Therefore be it further resolved that an ongoing marine conservation biology research and monitoring program should be based on the following core principles:

1. Research and monitoring should focus on conserving and recovering the living marine resources and biological diversity of the Gulf of Alaska, and should be coordinated with other federal and state marine research programs in Alaska, such as those in the Bering Sea, to leverage efforts and enhance the benefits of each.
2. Decisions on research and monitoring proposals should be based on a competitive scientific peer review process involving not only Alaskan scientists, but a mix of scientists throughout the United States with appropriate expertise in the various research topics to be considered. The best science results from involving the most appropriate scientists in all aspects of the process, and from basing funding decisions on emerging scientific and management questions. The resulting science should be of sufficient quality for publication in the best scientific journals.
3. The overall design of the long-term monitoring and research program should be reviewed by the National Research Council, the National Science Foundation, or other appropriate scientific bodies.
4. Research and monitoring should be ecosystem-oriented, designed and implemented to understand the processes and relationships governing marine ecosystem functioning, to enhance recovery of living marine resources that were harmed by the Exxon Valdez oil spill or are otherwise in decline, and to address emerging environmental problems and biodiversity loss in the Gulf of Alaska.
5. Research and monitoring should not be narrowly focused on maximizing certain resources for short-term economic gain, but should be broad-based and seek to understand how marine ecosystems function as a basis for management and conservation in the long run.
6. Use of indicator species is appropriate in some cases, however, in addition to studies on specific species, integrative research should be conducted to tie together information through modeling and other techniques to develop an understanding of processes affecting species on large geographic and temporal scales.
7. Research and monitoring projects should include long-term studies, allowing observation of environmental variation over decades to increase scientific understanding of ecosystem processes that vary over long time periods, and enhance our understanding of natural vs. human-caused environmental changes.

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

To: Agency Liaisons--C. Slater, A. Viteri, C. Fries, K. Holbrook, B. Wright, C. Berg, D. Bohn, B. Rice

From: Molly McCammon
Executive Director

Subject: Update on Status of Injured Resources

Date: November 19, 1998

In September 1996 the Trustee Council adopted an "Update on Injured Resources and Services," and one of the council's goals in advance of the 10-year Legacy of an Oil Spill symposium is to revisit the status of the various injured resources and lost and reduced services. Stan Senner and Robert Spies have completed a first draft of a new update on the status of injured resources. This draft has been sent to our outside peer review team, and it also needs review by agency staff and principal investigators. Accordingly, I have enclosed a full set of the revised accounts for your review. Please keep this draft confidential, but distribute it as needed to get comments from your agency. In the interests of time, I am taking the liberty of providing some of the individual accounts directly to selected PIs with special expertise on particular species or resources (see attached list). *(Note to PIs: Please return any comments through your agency liaison.)*

In reviewing this draft, any and all comments and suggestions will be appreciated and considered. To be most useful, however, please focus on these questions:

- (1) is the account factually accurate and stated with appropriate caveats;
- (2) are the interpretation of the facts and recommended status changes (if any) on target with respect to the Trustee Council's recovery objectives;
- (3) is there missing information or alternative perspectives; and

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National Oceanic and Atmospheric Administration

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Alaska Department of Law

(4) is the account reasonably understandable to educated lay readers?

If at all possible, please forward to Stan Senner any comments you, the PIs, or other agency staff may have no later than Friday, December 11. The goal is to have a revised draft complete by the end of the year. Thank you.

Enclosure (1)

cc: Dr. Robert Spies
Selected PIs (see attached list)

Circulation List for Review by PIs & Other Experts

Tentative Status, 19 November 1998

[Items marks with ✓ have moved]

Recovered

Bald eagle

✓Pink salmon

✓River otter

✓Sockeye salmon

Schempf, Bowman

Willette, Fried, Wertheimer & S. Rice

Bowyer, Ben-David, Blundell &

Holland-Bartels

Tarbox, Fried

Recovering

Archaeological resources

Clams

Common murres

Intertidal communities

✓Marbled murrelets

Mussels

✓Pacific herring

✓Sea otter (except oiled bays on Knight Is.)

Sediments

Subtidal communities

Reger

O'Clair, Baker

Byrd, Roseneau, Irons

Dean, Jewett

Kultez, Irons

O'Clair, Harris

Wilcock, Brown

Bodkin, Holland-Bartels

Short

Dean, Jewett

Not Recovered

✓Common loon

Cormorants (3 spp.)

✓Designated Wilderness Areas

Harbor seal

Harlequin duck

Killer whale (AB pod)

Pigeon guillemot

Irons

Irons

B. Rice, Irvine

Frost, Castellini

Esler, Rosenberg, Holland-Bartels

Matkin, Frost

Irons, McGuire, Holland-Bartels

Recovery Unknown

Black oystercatcher (*need /289 results*)

Cutthroat trout (*need /145 results*)

Dolly Varden (*need /145 results*)

Kittlitz's murrelet

Rockfish

Andres, Murphy

Reeves, Hoffman

Reeves, Hoffman

Irons, Kuletz, Day

Fried

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

To: Vernon Byrd and Dave Irons, USFWS
William Seitz, USGS-BRD
Doug Eggers, ADFG
Jack Helle, NMFS

From: Molly MacLennan
Executive Director

Date: November 19, 1998

Subject: Trustee Council Work Session on November 30

As you know, the *Exxon Valdez* Oil Spill Trustee Council has scheduled a work session on November 30 in Anchorage on possible uses of the Restoration Reserve. Much of this meeting will be devoted to learning more about the possible content and applications of a long-term research and monitoring program. A draft agenda is attached.

My understanding is that you have agreed to make a short presentation on behalf of your respective agencies. What I am looking for is about 10-12 minutes from each agency on the following points:

- (1) What is your agency's on-going mission with respect to the marine ecosystem (what are your main responsibilities and how are they fulfilled within your normal agency operations?);
- (2) How will your agency's mission and, more broadly, the management and conservation of marine natural resources be advanced by a long-term research and monitoring program along the lines of the "vision" that has been outlined by Dr. Robert Spies, the Trustee Council's Chief Scientist? What management applications do you see from such a program;
- (3) How do you envision that your agency might participate in and cooperate with a long-term interagency science program? How would this program complement or go beyond what your agency is reasonably able to accomplish as part of normal agency operations; and

(4) Are there particular problems or issues which would be especially beneficial to address through long-term research and monitoring?

Because time is short, I am not looking for great detail on these items. Please try to characterize things briefly, focusing especially on two or three good examples of management applications or conservation benefits resulting from a long-term program. This is not the occasion to delve into the question of structure and mechanics, though it is possible that such questions will arise.

The meeting will be held in the large conference room at the Restoration Office at 645 G Street, Suite 401, in Anchorage. For those of you who live out of Anchorage, you are welcome to participate by teleconference. Please let Rebecca Williams at 907-278-8012 know so that she can arrange the telephone connection. Although the meeting is scheduled to begin at 9:30 a.m., the research part of the agenda will be in the afternoon, probably between 2:00 and 4:00 p.m.

I already mailed you a copy of Bob Spies' April 1997 memorandum to the Trustee Council (if you need it again, please ask Rebecca Williams). Both Stan Senner and I will be away during the Thanksgiving week (Nov. 23-27). If you have questions about this memo or any details about the 30th, please call Rebecca Williams or Sandra Schubert at the Restoration Office. Thank you.

encl: (1)

cc: Catherine Berg
Dede Bohn
Claudia Slater
Bruce Wright
Robert Spies

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



AGENDA

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL WORK SESSION

November 30, 1998 @ 9:30 A.M.

Continuation Meeting from October 15, 1998

645 G Street, 4th Floor, Anchorage

11/19/98

3:41 pm

DRAFT

DRAFT

Trustee Council Members:

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

MICHELE BROWN
Commissioner
Alaska Department of Environmental
Conservation

DEBORAH WILLIAMS
Special Assistant to the Secretary
for Alaska
U.S. Department of the Interior

JAMES A. WOLFE
Trustee Representative
U.S. Department of Agriculture
Forest Service

STEVE PENNOYER
Director, Alaska Region
National Marine Fisheries Service

FRANK RUE
Commissioner
Alaska Department of Fish & Game

Teleconferenced throughout the Spill Area, via LIO
Jim Wolfe, Chair

1. Call to Order 9:30 a.m.
 - Approval of Agenda
 - Approval of September 29, October 15, and November 10, 1998 meeting notes
2. Executive Director's Report - Molly McCammon
 - Administrative Issues
 - Financial Report
 - Status of Investments* - Bob Storer, Ak Dept of Revenue
 - Habitat Protection Status Report
 - Research, Monitoring, & General Restoration
 - Revision of Injured Species List & Recovery Objectives
 - FY2000 Invitation
 - 10 Year Event
3. Public Comment 10:30 a.m.

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4. Restoration Reserve Work Session 11:00 a.m.
 - Community Projects
 - a. What has been done, what is planned in the next 3 years?
 - b. What does the future hold beyond 2001?
5. Executive Session during lunch to discuss Archaeology RFP, the Alaska SeaLife Center and Habitat Protection Negotiations - lunch provided.
6. Restoration Reserve Work Session Continued 2 p.m.
 - Research and Monitoring
 - a. What has been accomplished to date in terms of research and management/restoration applications.
 - b. Patterns of change in spill environment.
 - c. What would a long-term program look like, what would be the management application and other benefits, and with which agency programs would it be linked?
 - d. What are agencies now responsible for and how would they participate in and benefit from this program? (Presentations by agencies.)
 - e. Considerations in establishing a long-term research endowment.

DRAFT

* indicates tentative action items

Adjourn - 5 p.m.

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



MEMORANDUM

TO: Agency Liaisons
FROM: *Traci Cramer*
Traci Cramer
Administrative Officer
DATE: November 18, 1998
RE: Quarterly Report for the period ending September 30, 1998

Attached for your review is a copy of the Trustee Council Quarterly Report, summary Work Plan reports, your agencies financial report for each Fiscal Year and a copy of your agencies financial status report for other authorizations. Please note that this Quarterly Report consists of information provided by each agency (Fiscal Years 1992, 1993, 1994 & 1998) and financial information contained in the annual audit (Fiscal Years 1995, 1996 & 1997). These reports are used to generate the summary reports and should be reviewed carefully.

If the information for your agency was not captured correctly, or if the information has changed, please contact me immediately at 586-7238.

attachments

cc: Molly McCammon
Laura Beason
Kim Garner
Bob Baldauf

Federal Trustees

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

State Trustees

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

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



MEMORANDUM

TO: Trustee Council

THROUGH: Molly McCammon
Executive Director

FROM: *Traci Cramer*
Traci Cramer
Administrative Officer

DATE: November 18, 1998

RE: Quarterly Report for the period ending September 30, 1998

The attached reports consolidate the financial information submitted by the agencies for the quarter ending September 30, 1998.

The first report is a summary of activity by restoration category. This report reflects the total adjusted authorization and the total expended/obligated by Work Plan year and restoration category.

The second report displays the financial information by Work Plan. This report is used to determine what portion of the unexpended/unobligated balance or lapse, is available to off-set future court requests. Included are adjustments to reflect unreported interest and other revenue. Excluding lapse associated with Fiscal Year 1998, it is estimated that \$4,346,206 is available to off-set future court requests.

The third report is a summary of financial information associated with the 1998 Work Plan.

If you have any questions regarding the information provided, please do not hesitate to contact me at 586-7238.

attachments

cc: Agency Liaisons
Bob Baldauf

Exxon Valdez Oil | Trustee Council
Quarterly Financial Report As of September 30, 1998
Category

Category	92' Work Plan			93' Work Plan			94' Work Plan			95' Work Plan		
	Adjusted uthorization	Expended/ Obligated	Percent Obligated	Adjusted uthorization	Expended/ Obligated	Percent Obligated	Adjusted uthorization	Expended/ Obligated	Percent Obligated	Adjusted uthorization	Expended/ Obligated	Percent Obligated
General Restoration	4,103,070	3,794,442	92.48%	3,126,013	2,172,675	69.50%	5,179,300	3,172,367	61.25%	5,232,695	4,438,867	84.83%
Monitoring							2,883,118	2,573,751	89.27%	3,080,926	2,461,549	79.90%
Research							8,640,710	8,145,206	94.27%	10,679,931	10,075,724	94.34%
Monitoring and Research	2,237,788	2,207,007	98.62%	4,204,925	3,662,112	87.09%	417,200	335,717	80.47%			
Damage Assessment	7,807,100	5,740,168	73.52%	1,991,807	1,571,049	78.88%	0	0	0.00%	0	0	0.00%
sub-total	14,147,958	11,741,617	82.99%	9,322,745	7,405,836	79.44%	17,120,328	14,227,041	83.10%	18,993,552	16,976,140	89.38%
Habitat Protection	0	0	0.00%	486,200	156,760	32.24%	3,747,292	1,673,927	44.67%	2,757,322	2,233,451	81.00%
Administration	5,076,100	4,295,933	84.63%	4,136,052	2,653,889	64.16%	4,882,880	4,082,492	83.61%	4,253,526	3,209,548	75.46%
Total	19,224,058	16,037,550	83.42%	13,944,997	10,216,485	73.26%	25,750,500	19,983,460	77.60%	26,004,400	22,419,139	86.21%
Category	96' Work Plan			97' Work Plan			98' Work Plan					
	Adjusted uthorization	Expended/ Obligated	Percent Obligated	Adjusted uthorization	Expended/ Obligated	Percent Obligated	Adjusted uthorization	Expended/ Obligated	Percent Obligated			
General Restoration	4,133,410	3,746,261	90.63%	3,798,160	3,626,959	95.49%	2,407,534	1,992,742	82.77%			
Monitoring	1,496,871	1,445,937	96.60%	982,051	946,121	96.34%	928,732	762,715	82.12%			
Research	13,208,019	12,815,191	97.03%	11,396,236	11,173,097	98.04%	10,756,458	10,209,890	94.92%			
Monitoring and Research												
Damage Assessment	0	0	0.00%	0	0	0.00%	0	0	0.00%			
sub-total	18,838,300	18,007,389	95.59%	16,176,447	15,746,177	97.34%	14,092,723	12,965,347	92.00%			
Administration	3,418,500	2,995,607	87.63%	2,941,100	2,650,858	90.13%	2,796,300	2,287,930	81.82%			
Habitat Protection	3,304,100	2,044,502	61.88%	1,309,453	870,204	66.46%	884,477	455,419	51.49%			
Total	25,560,900	23,047,498	90.17%	20,427,000	19,267,239	94.32%	17,773,500	15,708,696	88.38%			

Work Plan Time Periods:

92' Work Plan- Oil Year 4 or March 1, 1992 through February 28, 1993
93' Work Plan - Oil Year 5 or March 1, 1993 through September 30, 1993 (Seven Month Transition)
94' Work Plan - October 1, 1993 through September 30, 1994
95' Work Plan - October 1, 1994 through September 30, 1995
96' Work Plan - October 1, 1995 through September 30, 1996
97' Work Plan - October 1, 1996 through September 30, 1997
98' Work Plan - October 1, 1997 through September 30, 1998

Exxon Valdez Oil Spill Trustee Council
Quarterly Report as of September 30, 1998
Summary

DRAFT

WORK PLAN AND ASSOCIATED PROJECTS										
Fiscal Year	Authorized	Adjustments	Adjusted Authorization	EVOS Expenditures	RSA Expenditures	Obligations	Unobligated Balance	EVOS Lapse	Federal Lapse	State Lapse
1992	19,211,000	13,058	19,224,058	13,317,450	2,720,100	0	5,906,608	5,906,608	2,286,572	3,620,036
1993	13,963,000	-18,003	13,944,997	10,210,471		6,014	3,728,512	3,728,512	1,716,453	2,012,059
1994	25,750,500	0	25,750,500	19,906,796		76,664	5,767,040	3,555,940	1,255,649	2,300,291
1995	26,004,400	0	26,004,400	22,419,139		0	3,585,261	3,585,261	869,701	2,715,560
1996	25,560,900	0	25,560,900	23,047,498		0	2,513,402	2,513,402	903,959	1,609,443
1997	20,427,000	0	20,427,000	19,267,239		0	1,159,761	1,159,761	528,396	631,365
1998	17,773,500	0	17,773,500	13,286,012		2,422,684	2,064,804	0	0	0
TOTAL	148,690,300	-4,945	148,685,355	121,454,605	2,720,100	2,505,362	24,725,388	20,449,484	7,560,730	12,888,754
OTHER AUTHORIZATIONS			242,567,735	214,419,973		1,623,828	26,523,934			
Total Reported Lapse (Through Court Request #29)								17,684,114	5,595,189	12,088,925
Unreported Lapse (1992 through 1997)								2,765,370	1,965,541	799,829
Unreported Interest								1,580,836	255,579	1,325,257
Other Revenue (Posters/Symposium Receipts)								1,293	0	0
Total Available to Off-set Future Court Requests								4,346,206	2,221,120	2,125,086
Footnote: The Unobligated Balances have been adjusted to reflect the carry forward of projects. This includes \$2,211,100 in FY 94.										

Exxon Valdez Oil Spill									
For the Period Ending September 30, 1998									
1998 Work Plan Summary									
Project			97 State + Fed	97 State + Fed	Col. D + E	97 State + Fed	97 State + Fed	Col. G + H	Col. F - I
Number	Category	Description	Authorized	Adjustments	Adjusted Authorization	Expenditures	Obligations	Expended/ Obligated	Unobligated Balance
98001-CLO	R	Recovery of Harbor Seals From EVOS: Condition and	51,100	0	51,100	51,093	0	51,093	7
98007A	M	Archaeological Index Site Monitoring	139,700	0	139,700	98,887	21,293	120,180	19,520
98012A-BAA	M	Comprehensive Killer Whale Investigation in Prince William Sound	154,700	0	154,700	144,600	0	144,600	10,100
98025	R	Mechanisms of Impact and Potential Recovery of Nearshore Vertebrate Predators (NVP)	1,652,900	0	1,652,900	1,199,098	388,086	1,587,184	65,716
98043B	G	Monitoring of Cutthroat Trout and Dolly Varden Habitat Improvement Structures	24,000	0	24,000	0	0	0	24,000
98052A	G	Community Involvement	240,800	0	240,800	179,339	57,801	237,140	3,660
98052B	G	Traditional Ecological Knowledge	61,300	0	61,300	44,978	13,170	58,148	3,152
98064	R	Monitoring, Habitat Use, and Trophic Interactions of Harbor	272,500	0	272,500	230,733	23,447	254,180	18,320
98076	R	Effects of Oiled Incubation Substrate on Straying and	272,200	0	272,200	304,000	0	304,000	-31,800
98100	A	Administration, Science Management and Public Information	2,796,300	0	2,796,300	2,188,489	99,441	2,287,930	508,370
98126	H	Habitat Protection and Acquisition Support	851,400	0	851,400	351,226	91,436	442,662	408,738
98127	G	Tatitlek Coho Salmon Release	10,500	0	10,500	0	9,829	9,829	671
98131	G	Chugach Native Region Clam Restoration	290,100	0	290,100	228,848	58,020	286,868	3,232
98139A1-CLO	G	Little Waterfall Barrier Bypass Improvements	13,400	0	13,400	12,318	67	12,385	1,015
98139A2	G	Port Dick Creek Tributary and Development Project	85,800	0	85,800	77,568	6,028	83,596	2,204
98142-BAA	R	Status and Ecology of Kittlitz's Murrelets in Prince William Sound	269,000	0	269,000	251,400	0	251,400	17,600
98144A	M	Common Murre Population Monitoring	57,400	0	57,400	55,935	0	55,935	1,465
98145-CLO	M	Cutthroat Trout and Dolly Varden: Relation Among and Within Populations of Anadromous and Resident Forms	120,700	0	120,700	0	0	0	120,700
98149	M	Archaeological Site Stewardship	66,900	0	66,900	51,757	7,056	58,813	8,087
98159	M	Surveys to Monitor Marine Bird Abundance in Prince William Sound during Winter and Summer 1998	237,000	0	237,000	240,116	0	240,116	-3,116
98161-CLO	R	Differentiation and Interchange of Harlequin Duck Populations Within the North Pacific	16,500	0	16,500	9,326	0	9,326	7,174
98162	R	Investigations of Disease Factors Affecting Declines of Pacific Herring Populations in Prince William Sound	517,700	-1,100	516,600	300,465	181,979	482,444	34,156
98163A	R	APEX: Forage Fish Assessment	268,600	0	268,600	250,600	0	250,600	18,000
98163B	R	APEX: Seabird Interactions	89,900	0	89,900	89,858	0	89,858	42
98163C	R	APEX: Fish Diet Overlap	29,900	0	29,900	28,900	0	28,900	1,000
98163E	R	APEX: Kittiwakes	242,100	0	242,100	245,240	0	245,240	-3,140
98163F	R	APEX: Guillemots	127,900	0	127,900	127,353	0	127,353	547
98163G	R	APEX: Seabird Energetics	221,300	0	221,300	206,800	0	206,800	14,500
98163I	R	APEX: Project Management	160,600	0	160,600	150,100	0	150,100	10,500
98163J	R	APEX: Barren Islands Seabird Studies	112,500	0	112,500	117,089	0	117,089	-4,589
98163K	R	APEX: Large Fish as Samplers	9,600	0	9,600	10,232	0	10,232	-632
98163L	R	APEX: Historical Data Review	91,400	0	91,400	87,278	176	87,454	3,946
98163M	R	APEX: Response of Seabirds to Forage Fish Density	267,700	0	267,700	266,428	0	266,428	1,272

Exxon Valdez Oil Spill									
For the Period Ending September 30, 1998									
1998 Work Plan Summary									
Project			97 State + Fed	97 State + Fed	Col. D + E	97 State + Fed	97 State + Fed	Col. G + H	Col. F - I
Number	Category	Description	Authorized	Adjustments	Adjusted Authorization	Expenditures	Obligations	Expended/ Obligated	Unobligated Balance
98163N	R	APEX: Black-Legged Kittiwake Controlled Feeding Experiment	30,000	0	30,000	27,000	0	27,000	3,000
98163O	R	APEX: Statistical Review	21,400	0	21,400	20,000	0	20,000	1,400
98163Q	R	APEX: Modeling	71,900	0	71,900	65,200	0	65,200	6,700
98163R	R	APEX: Marbled Murrelet Productivity	112,700	0	112,700	113,041	0	113,041	-341
98163S	R	APEX: Jellyfish as Competitors and Predators of Fishes	96,500	0	96,500	90,200	0	90,200	6,300
98163T	R	APEX: Aerial Surveys	58,200	0	58,200	4,910	49,970	54,880	3,320
98165-CLO	R	Genetic Discrimination of Prince William Sound Herring Populations	56,000	0	56,000	33,041	201	33,242	22,758
98166-CLO	R	Herring Natal Habitats	42,300	0	42,300	41,934	222	42,156	144
98169	R	A Genetic Study to Aid in Restoration of Murres, Guillemots and Murrelets in the Gulf of Alaska	88,200	0	88,200	87,928	0	87,928	272
98170-CLO	R	Isotope Ratio Studies of Marine Mammals in Prince William Sound	108,800	0	108,800	0	101,923	101,923	6,877
98180	G	Kenai Habitat Restoration & Recreation Enhancement Project (Capital)	491,900	0	491,900	117,909	247,516	365,425	126,475
98186-CLO	G	Coded Wire Tag Recoveries From Pink Salmon in Prince William Sound	120,200	0	120,200	105,443	646	106,089	14,111
98188	G	Otolith Thermal Mass Marking of Hatchery Reared Pink Salmon In Prince William Sound	141,100	0	141,100	136,015	696	136,711	4,389
98190	R	Construction of a Linkage Map for the Pink Salmon Genome	229,400	0	229,400	118,119	88,038	206,157	23,243
98191A	R	Field Examination of Oil-Related Embryo Mortalities in Pink Salmon Populations in Prince William Sound	159,400	-8,500	150,900	136,761	713	137,474	13,426
98194-CLO	M	Pink Salmon Spawning Habitat Recovery	25,000	0	25,000	21,600	0	21,600	3,400
98195	R	Pristane Monitoring in Mussels	114,900	0	114,900	104,800	0	104,800	10,100
98196	R	Genetic Structure of Prince William Sound Pink Salmon	130,200	0	130,200	131,159	591	131,750	-1,550
98210	G	Youth Area Watch	150,200	0	150,200	144,794	5,490	150,284	-84
98220-CLO	G	Eastern PWS Wildstock Salmon Habitat Restoration	11,900	0	11,900	0	0	0	11,900
98225	G	Port Graham Pink Salmon Subsistence Project	73,500	0	73,500	23,104	47,309	70,413	3,087
98244	G	Community-Based Harbor Seal Management and Biological Sampling	84,700	0	84,700	71,802	12,277	84,079	621
98247	G	Kametlook River Coho Salmon Subsistence Project	14,900	0	14,900	10,238	336	10,574	4,326
98250	G	Project Management	453,800	0	453,800	344,702	2,474	347,176	106,624
98250	G	Project Management/NOAA IPA	106,300	0	106,300	41,848	0	41,848	64,452
98252	R	Investigations of Genetically Important Conservation Units of Rockfish and Walleye Pollock	209,100	0	209,100	151,974	835	152,809	56,291
98254-CLO	G	Delight and Desire Lakes Restoration	11,700	0	11,700	11,730	0	11,730	-30
98256B	G	Sockeye Salmon Stocking at Solf Lake	95,500	0	95,500	4,320	34	4,354	91,146
98263	G	Assessment, Protection and Enhancement of Salmon Streams in Lower Cook Inlet	107,000	0	107,000	39,002	2,344	41,346	65,654
98273	R	Surf Scoter Life History and Ecology	170,400	0	170,400	115,160	29,841	145,001	25,399

Exxon Valdez Oil Spill									
For the Period Ending September 30, 1998									
1998 Work Plan Summary									
Project			97 State + Fed	97 State + Fed	Col. D + E	97 State + Fed	97 State + Fed	Col. G + H	Col. F - I
Number	Category	Description	Authorized	Adjustments	Adjusted Authorization	Expenditures	Obligations	Expended/Obligated	Unobligated Balance
98274	G	Documentary Film on Subsistence Use of Herring, Herring Spawn and Resources in the Nearshore Ecosystem in Prince William Sound	89,600	0	89,600	58,708	27,344	86,052	3,548
98286	G	Elders/Youth Conference on Subsistence and the Oil Spill	90,200	0	90,200	84,300	0	84,300	5,900
98289-BAA	R	Status of Black Oystercatchers in Prince William Sound	80,400	0	80,400	75,100	0	75,100	5,300
98290	R	Hydrocarbon Data Analysis, Interpretation, and Database Maintenance	75,700	0	75,700	65,500	0	65,500	10,200
98297-BAA	R	Oceanography of Prince William Sound Bays and Fjords	94,200	0	94,200	88,000	0	88,000	6,200
98300	R	Synthesis of the Scientific Findings from EVOS Restoration Program	81,300	0	81,300	18,546	62,754	81,300	0
98302-CLO	M	Prince William Sound Cutthroat Trout/Dolly Varden Char Inventory	4,100	0	4,100	0	0	0	4,100
98306	R	Ecology and Demographics of Pacific Sand Lance in Lower Cook Inlet	32,800	0	32,800	31,936	0	31,936	864
98311	R	Pacific Herring Productivity Dependencies in the Prince William Sound Ecosystem Determined with Natural Stable Isotope Tracers	119,300	0	119,300	104,259	14,389	118,648	652
98314	G	Homer Marine Park Habitat Assessment and Restoration Design Project	0	0	0	0	0	0	0
98320E	R	SEA: Salmon and Herring Predation	320,100	-8,000	312,100	286,599	3,669	290,268	21,832
98320G	R	SEA: Phytoplankton and Nutrients	106,700	0	106,700	73,995	30,840	104,835	1,865
98320H	R	SEA: Role of Zooplankton	106,100	0	106,100	61,081	42,404	103,485	2,615
98320I	R	SEA: Stable Isotopes	132,400	0	132,400	123,800	0	123,800	8,600
98320J	R	SEA: Information Systems and Model Development	460,600	0	460,600	439,300	0	439,300	21,300
98320M	R	SEA: Physical Oceanography	133,000	0	133,000	124,300	0	124,300	8,700
98320N	R	SEA: Nekton and Plankton Acoustics	171,600	0	171,600	160,400	0	160,400	11,200
98320R	R	SEA: Trophodynamic Modeling and Remote Sensing	160,500	0	160,500	0	150,440	150,440	10,060
98320T	R	SEA: Juvenile Herring Growth and Habitats	546,700	16,500	563,200	348,363	211,888	560,251	2,949
98320T-	R	SEA: Supplement - Herring Traditional Ecological	75,900	0	75,900	45,975	28,238	74,213	1,687
98320U	R	SEA: Somatic Energetics	105,800	0	105,800	65,121	38,304	103,425	2,375
98320Z	R	SEA: Synthesis and Integration	64,000	0	64,000	21,465	39,865	61,330	2,670
98325-BAA	R	Assessment of Injury to Intertidal and Nearshore Subtidal	99,900	0	99,900	76,799	18,289	95,088	4,812
98327	R	Pigeon Guillemot Restoration Research at the Alaska	123,300	0	123,300	118,699	17	118,716	4,584
98329	R	Synthesis of the Toxicological Impacts on Pink Salmon	25,600	0	25,600	22,346	59	22,405	3,195
98330-BAA	R	Mass-Balance Model of Trophic Fluxes in Prince William	179,800	0	179,800	168,000	0	168,000	11,800
98338	R	Survival of Adult Murres and Kittiwakes in Relation to	56,200	0	56,200	56,004	0	56,004	196
98339	R	Prince William Sound Human Use and Wildlife Disturbance Model	139,200	0	139,200	17,689	3,510	21,199	118,001
98340	M	Toward Long-Term Oceanographic Monitoring of the Gulf of Alaska Ecosystem	77,100	0	77,100	68,376	8,407	76,783	317

Exxon Valdez Oil Spill									
For the Period Ending September 30, 1998									
1998 Work Plan Summary									
Project			97 State + Fed	97 State + Fed	Col. D + E	97 State + Fed	97 State + Fed	Col. G + H	Col. F - I
Number	Category	Description	Authorized	Adjustments	Adjusted Authorization	Expenditures	Obligations	Expended/ Obligated	Unobligated Balance
98341	R	Harbor Seal Recovery: Controlled Studies of Health and Diet	152,200	0	152,200	6,946	123,669	130,615	21,585
98346	R	Publication of an Indexed Bibliography of the Genus Ammodytes (Sand Lance)	5,400	0	5,400	0	0	0	5,400
98347	R	Fatty Acid Profile and Lipid Class Analysis for Estimating Diet Composition and Quality at Different Trophic Levels	110,600	0	110,600	101,100	0	101,100	9,500
98348	R	Responses of River Otters to Oil Contamination: A Controlled Study of Biological Stress Markers and Foraging Success	245,400	0	245,400	142,350	68,915	211,265	34,135
98427-CLO	M	Harlequin Duck Recovery Monitoring	78,300	0	78,300	77,427	398	77,825	475
98468-BAA	R	FEATS: Fundamental Estimations of Acoustic Target Strength	19,000	0	19,000	0	0	0	19,000
		Miscellaneous Adjustments (ADF&G Only)	0	1,100	1,100	0	0	0	1,100
		Unallocated GA (ADF&G only)	0	0	0	29,240	0	29,240	-29,240
		Unallocated GA (NOAA only)	0	0	0	210,500	0	210,500	-210,500
		Total	17,773,500	0	17,773,500	13,286,012	2,422,684	15,708,696	2,064,804

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



MEMORANDUM

TO: Trustee Council

THROUGH: Molly McCammon
Executive Director

FROM: *Traci Cramer*
Traci Cramer
Administrative Officer

DATE: November 18, 1998

RE: Financial Report as of October 31, 1998

Attached is the Statement of Revenue, Disbursements and Fees, and accompanying notes for the *Exxon Valdez* Joint Trust Fund for the period ending October 31, 1998.

The following is a summary of the information incorporated in the notes and contained on the statement.

Liquidity Account Balance	\$38,552,058	
Plus: Current Year Adjustments (Note 5)	15,118,036	
Plus: Other Adjustments (Note 6)	4,346,206	
Uncommitted Fund Balance		\$58,016,300
Plus: Future Exxon Payments (Note 1)	\$140,000,000	
Less: Remaining Reimbursements (Note 3)	-7,500,000	
Less: Remaining Commitments (Note 7)	<u>-59,331,568</u>	
Total Estimated Funds Available		\$131,184,732
Restoration Reserve (Note 8)		\$79,467,003

If you have any questions regarding the information provided please do not hesitate to give me a call at 586-7238.

Attachments

cc: Agency Liaisons
Bob Baldauf

NOTES TO THE STATEMENT OF REVENUE, DISBURSEMENTS AND FEES
FOR THE *EXXON VALDEZ* JOINT TRUST FUND
As of October 31, 1998

1. Contributions - Pursuant to the agreement Exxon is to pay a total of \$900,000,000.

Received to Date	\$690,000,000
Current Year	\$70,000,000
Future Payments	\$140,000,000

2. Interest Income - In accordance with the MOA, the funds are deposited in the United States District Court, Court Registry Investment System (CRIS). All deposits with CRIS are maintained in United States government treasury securities with maturities of 100 days or less. Total earned since the last report is \$225,977.

3. Reimbursement of Past Costs - Under the terms of the agreement, the United States and the State are reimbursed for expenses associated with the spill. The remaining reimbursements represent that amount due the State of Alaska.

4. Fees - CRIS charges a fee of 7.5% for cash management services. Total paid since the last report is \$18,322.

5. Current Year Adjustments – Includes the current year payment (less reimbursements), the transfer of \$12,000,000 (plus interest of \$675,000) into the Restoration Reserve for Fiscal Year 1998 and the transfer of \$12,000,000 (plus interest of \$75,000) into the Restoration Reserve for Fiscal Year 1999 and the following land payment.

<u>Seller</u>	<u>Amount</u>	<u>Due</u>
Afognak Joint Venture	\$22,381,964	October 1999
Shuyak	\$4,000,000	October 1999

6. Other Adjustments - Under terms of the Agreement, both interest earned on previous disbursements and prior years unobligated funding or lapse are deducted from future court requests. Unreported interest and lapse is summarized below.

	Interest	Lapse
United States	\$255,579	\$1,965,541
State of Alaska	\$1,325,257	\$799,829

7. Remaining Commitments - Includes the following land payments.

<u>Seller</u>	<u>Amount</u>	<u>Due</u>
Afognak Joint Venture	\$23,025,834	October 2000
Shuyak	\$8,000,000	October 2000 through 2001
Shuyak	\$11,805,734	October 2002
Koniag, Incorporated	\$16,500,000	September 2002

8. Restoration Reserve - The amount reported includes funds previously transferred, plus accrued interest less fees - \$54,717,003. Although the 1998 and 1999 payments have not been formally transferred from the Liquidity Account to the Restoration Reserve, pursuant to Trustee Council action the payments have been included in the balance along with accrued interest at a rate of 5%. This includes the \$12,000,000 transfer approved for Fiscal Year 1998, plus \$675,000 in interest accrued since September 15, 1997, and the \$12,000,000 transfer approved for Fiscal Year 1999, plus \$75,000 in interest accrued since September 15, 1998.

STATEMENT OF REVENUE, DISBURSEMENT, AND FEES
EXXON VALDEZ OIL SPILL JOINT TRUST FUND
As of October 31, 1998

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>To Date</u> <u>1999</u>	<u>Cumulative</u> <u>Total</u>
REVENUE:					
Contributions: (Note 1)					
Contributions from Exxon Corporation	70,000,000	70,000,000	70,000,000	0	690,000,000
Less: Credit to Exxon Corporation for clean-up costs incurred					(39,913,688)
Total Contributions	<u>70,000,000</u>	<u>70,000,000</u>	<u>70,000,000</u>	<u>0</u>	<u>650,086,312</u>
Interest Income: (Note 2)					
Exxon Corporation escrow account					831,233
Joint Trust Fund Account	<u>3,963,073</u>	<u>2,971,070</u>	<u>2,673,585</u>	<u>244,299</u>	<u>21,268,693</u>
Total Interest	<u>3,963,073</u>	<u>2,971,070</u>	<u>2,673,585</u>	<u>244,299</u>	<u>22,099,926</u>
Total Revenue	<u>73,963,073</u>	<u>72,971,070</u>	<u>72,673,585</u>	<u>244,299</u>	<u>672,186,238</u>
DISBURSEMENTS:					
Reimbursement of Past Costs: (Note 3)					
State of Alaska	3,291,446	5,000,000	3,750,000	0	95,309,288
United States	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>69,812,045</u>
Total Reimbursements	<u>3,291,446</u>	<u>5,000,000</u>	<u>3,750,000</u>	<u>0</u>	<u>165,121,333</u>
Disbursements from Liquidity Account:					
State of Alaska	43,340,950	17,846,130	15,686,600	29,520,000	217,997,928
United States	31,047,824	60,101,802	39,468,461	(300)	200,072,483
Transfer to the Restoration Reserve	<u>35,996,231</u>	<u>12,449,552</u>			<u>48,445,783</u>
Total Disbursements	<u>110,385,004</u>	<u>90,397,484</u>	<u>55,155,061</u>	<u>29,519,700</u>	<u>466,516,194</u>
FEES:					
U.S. Court Fees (Note 4)	396,307	254,221	199,946	18,322	1,996,654
Total Disbursements and Fees	<u>114,072,758</u>	<u>95,651,705</u>	<u>59,105,007</u>	<u>29,538,022</u>	<u>633,634,180</u>
Increase (decrease) in Liquidity Account	<u>(40,109,685)</u>	<u>(22,680,635)</u>	<u>13,568,578</u>	<u>(29,293,723)</u>	<u>38,552,058</u>
Liquidity Account Balance, beginning balance	117,067,523	76,957,839	54,277,204	67,845,782	
Liquidity Account Balance, end of period	76,957,839	54,277,204	67,845,782	38,552,058	
Current Year Adjustments: (Note 5)					15,118,036
Other Adjustments: (Note 6)					4,346,206
Uncommitted Liquidity Account Balance					<u>58,016,300</u>
Future Exxon Payments (Note 1)					140,000,000
Remaining Reimbursements (Note 3)					(7,500,000)
Remaining Commitments: (Note 7)					(59,331,568)
Total Estimated Funds Available					<u>131,184,732</u>
Restoration Reserve					<u>79,467,003</u>

Statement 1

**Statement of Exxon Valdez Settlement Funds
As of October 31, 1998**

Beginning Balance of Settlement	900,000,000
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Receipts:

Interest Earned on Exxon Escrow Account	337,111
Net Interest Earned on Joint Trust Fund (Note 1)	19,272,040
Interest Earned on United States and State of Alaska Accounts	6,928,747

Total Interest	<u>26,537,898</u>
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Disbursements:

Reimbursements to United States and State of Alaska	165,121,333
Exxon clean up cost deduction	39,913,688
Joint Trust Fund deposits	485,796,212

Total Disbursements	<u>690,831,233</u>
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Funds Available:

Exxon Future Payments	210,000,000
Current Year Payment	0
Balance in Liquidity Account	68,071,758
Future acquisition payments (Note 2)	(40,305,734)
Alaska Sealife Center	0
Remaining Reimbursements	(11,250,000)
Other (Note 3)	4,346,206

Total Estimated Funds Available	<u>230,862,230</u>
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Restoration Reserve	79,467,003
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Note 1: Gross interest earned less District Court registry fees.

Note 2: Includes both current year and future year payments

Note 3: Adjustment for unreported interest earned and lapse

Footnote:

Included in the Total Estimated Funds Available is the \$12,000,000 (plus \$675,000 of accrued interest) payment to the Restoration Reserve for Fiscal Year 1998 and \$12,000,000 (plus \$75,000 of accrued interest) payment to the Restoration Reserve for Fiscal Year 1999.

Statement 2

**Cash Flow Statement
Exxon Valdez Liquidity Account
As of October 31, 1998**

Receipts:

Exxon payments

December 1991	36,837,111	
December 1992	56,586,312	
September 1993	68,382,835	
September 1994	58,728,400	
September 1995	67,303,000	
September 1996	66,708,554	
September 1997	65,000,000	
September 1998	66,250,000	

Total Deposits	485,796,212	485,796,212
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Interest Earned	21,268,693	
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Total Interest	21,268,693	21,268,693
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Total Receipts		507,064,905
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Disbursements:

Court Requests

Fiscal Year 1992	12,879,700
Fiscal Year 1993	27,634,994
Fiscal Year 1994	50,554,653
Fiscal Year 1995	89,989,597
Fiscal Year 1996	74,388,774
Fiscal Year 1997	77,947,932
Fiscal Year 1998	55,155,061
Fiscal Year 1999	

Total Requests	388,550,711	388,550,711
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District Court Fees	1,996,654	1,996,654
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Transfer to the Restoration Reserve		48,445,783
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Total Disbursements		438,993,147
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Balance in Joint Trust Fund		68,071,758
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Footnote:

A total of \$48,445,783 has been disbursed from the Liquidity Account to the Restoration Reserve. Of the total, \$48,445,663 was used to purchase laddered securities. The remaining \$130 represents costs paid to the Federal Reserve Bank.

Schedule of Payments from Exxon
As of October 31, 1998

Disbursements:	September 93	September 94	September 95	September 96	September 97	September 98	September 99	Total
Reimbursements:								
United States								
FFY92	0							24,726,280
FFY93	11,617,165							36,117,165
FFY94	0	6,271,600						6,271,600
FFY95	0		2,697,000					2,697,000
Total United States	11,617,165	6,271,600	2,697,000	0	0	0	0	69,812,045
State of Alaska								
General Fund:								
FFY92	0							25,313,756
FFY93	0							16,685,133
FFY94	14,762,703							14,762,703
FFY95	0	0						0
Mitigation Account:								
FFY92	0							3,954,086
FFY93	0							12,314,867
FFY94	5,237,297	5,000,000						10,237,297
FFY95 (Prevention Account)	0		0					0
FFY96 (Prevention Account)				3,291,446				3,291,446
FFY97 (Prevention Account)					5,000,000			5,000,000
FFY98 (Prevention Account)						3,750,000		3,750,000
Total State of Alaska	20,000,000	5,000,000	0	3,291,446	5,000,000	3,750,000	0	95,309,288
Total Reimbursements	31,617,165	11,271,600	2,697,000	3,291,446	5,000,000	3,750,000	0	165,121,333

Deposits to Joint Trust Fund

FFY92	0							36,837,111
FFY93	68,382,835							124,969,147
FFY94	0							0
FFY95	0	58,728,400	67,303,000					126,031,400
FFY96				66,708,554				66,708,554
FFY97					65,000,000			65,000,000
FFY98						66,250,000		66,250,000
Total Deposits to Joint Trust Fund	68,382,835	58,728,400	67,303,000	66,708,554	65,000,000	66,250,000	0	485,796,212
Exxon clean up cost deduction	0	0	0	0	0	0	0	39,913,688
Total Payments	100,000,000	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	0	690,831,233

Remaining Exxon payments to be made:

September 1994
September 1995
September 1996
September 1997
September 1998
September 1999
September 2000
September 2001

The December 1991 payment includes interest accrued on the escrow account. The actual disbursements without interest was \$24.5 million to the United States, \$29 million to the State of Alaska and \$36.5 million to the Joint Trust Fund. The total interest earned on the escrow account was \$831,233 which was disbursed proportionately. This included \$226,280 to the United States, \$267,842 to the State of Alaska and \$337,111 to the Joint Trust Fund.

The September 1994 reimbursement to the United States included an over-payment of \$80,700 to NOAA. This over-payment is a direct result of final costs for damage assessment activities being lower than what was previously estimated. The funds were returned to the Joint Account by reducing the amount transferred to the United States in Court Request number 15.

Schedule of Disbursements
Exxon Valdez Liquidity Account
As of October 31, 1998

	United States	State of Alaska	Court Request Total	Court Fees	Disbursements Total
Total Fiscal Year 1992	6,320,500	6,559,200	12,879,700	23,000	12,902,700
Total Fiscal Year 1993	9,105,881	18,529,113	27,634,994	154,000	27,788,994
Total Fiscal Year 1994	6,008,387	44,546,266	50,554,653	364,000	50,918,653
Court Request 8	3,576,179	7,088,077	10,664,256		
Court Request 9		3,111,204	3,111,204		
Court Request 10	322,618	9,234,909	12,461,091		
Court Request 11	1,450,000		1,450,000		
Court Request 12	17,200,000		17,200,000		
Court Request 13	1,480,251	171,763	1,652,014		
Court Request 14	15,250,000		15,250,000		
Court Request 15	5,837,316	9,863,716	15,701,032		
Court Request 16		12,500,000	12,500,000		
Total Fiscal Year 1995	48,019,928	41,969,669	89,989,597	586,857	90,576,454
Court Request 17		3,294,667	3,294,667		
Court Request 18	8,000,000		8,000,000		
Court Request 19	3,222,224	1,968,898	5,191,122		
Restoration Reserve Transfer			35,996,231		
Court Request 20		8,000,000	8,000,000		
Court Request 21	1,007,000	5,520,500	6,527,500		
Court Request 22	18,818,600	24,556,885	43,375,485		
Total Fiscal Year 1996	31,047,824	43,340,950	110,385,004	396,307	110,781,312
Court Request 23	2,613,500	0	2,613,500		
Court Request 24	176,500	3,075,625	3,252,125		
Court Request 25	785,859	442,833	1,228,692		
Court Request 26	24,154,000	530,000	24,684,000		
Court Request 27	324,700	1,470,900	1,795,600		
Restoration Reserve Transfer			12,449,552		
Court Request 28	0	2,627,000	2,627,000		
Court Request 29	5,919,169	5,699,772	11,618,941		
Court Request 30	26,128,074	4,000,000	30,128,074		
Total Fiscal Year 1997	60,101,802	17,846,130	90,397,484	254,221	90,651,705
Court Request 31	445,200	643,800	1,089,000		
Court Request 32	464,300	996,100	1,460,400		
Court Request 33	14,150,000		14,150,000		
Court Request 34	4,000,000		4,000,000		
Court Request 35	20,408,961	14,046,700	34,455,661		
Court Request 35 Correction					
Total Fiscal Year 1998	39,468,461	15,686,600	55,155,061	199,946	55,355,007
Court Request 35 Correctio	-300		-300		
Court Request 36		29,520,000	29,520,000		
Court Request 37			0		
Court Request 38			0		
Court Request 39			0		
Total Fiscal Year 1999	-300	29,520,000	29,519,700	18,322	29,538,022
Total	200,072,483	217,997,928	466,516,194	1,996,654	468,512,847

Exxon Valdez Liquidity Account
Interest Earned/District Court Registry Fees
As of October 31, 1998

	FFY 1993	FFY 1994	FFY 1995	FFY 1996	FFY 1997	FFY 1998	FFY 1999	Total
Earnings Deposits	31,124	33,476	55,809					138,092
Earnings Allocated:								
1991								28,704
1992	553,697							1,080,309
1993	639,180	1,461,736						2,100,915
1994		1,876,788	1,402,938					3,279,726
1995			3,661,063	1,202,209				4,863,272
1996				2,364,556	810,894			3,175,451
1997					1,905,955	653,461		2,559,416
1998						1,820,177	225,977	2,046,154
Total	1,192,876	3,338,524	5,064,001	3,566,766	2,716,849	2,473,639	225,977	19,133,948
Total Earnings	1,224,000	3,372,000	5,119,809	3,566,766	2,716,849	2,473,639	225,977	19,272,040
Registry Fees:								
1991								3,189
1992	100,223							120,034
1993	53,777	179,658						233,435
1994		184,342	180,072					364,414
1995			406,785	133,579				540,364
1996				262,729	90,099			352,828
1997					164,121	52,983		217,105
1998						146,962	18,322	165,285
Total	154,000	364,000	586,857	396,307	254,221	199,946	18,322	1,996,654
Gross Earnings	1,378,000	3,736,000	5,706,667	3,963,073	2,971,070	2,673,585	244,299	21,268,693

Schedule of Interest Earned on United States and State of Alaska Accounts As of October 31, 1998			
	State of Alaska EVOSS Account	United States NRDA& R	Total
January 1995	89,341		89,341
February 1995	100,714		100,714
March 1995	104,570	17,033	121,603
April 1995	95,432		95,432
May 1995	92,595		92,595
June 1995	80,613	50,042	130,655
July 1995	76,424		76,424
August 1995	68,771		68,771
September 1995	59,945	44,826	104,771
October 1995	133,486		133,486
November 1995	154,119		154,119
December 1995	143,917	39,567	183,484
January 1996	134,300		134,300
February 1996	122,348		122,348
March 1996	132,469	64,381	196,850
April 1996	126,550		126,550
May 1996	136,732		136,732
June 1996	145,501	73,267	218,768
July 1996	128,195		128,195
August 1996	106,079		106,079
September 1996	110,890	29,042	139,933
October 1996	181,598		181,598
November 1996	162,806		162,806
December 1996	153,991	71,093	225,084
January 1997	147,934		147,934
February 1997	125,137		125,137
March 1997	131,457	24,374	155,831
April 1997	122,111		122,111
May 1997	114,954		114,954
June 1997	99,811	368,523	468,334
July 1997	221,906		221,906
August 1997	36,898		36,898
September 1997	159,695	38,289	197,984
October 1997	119,195		119,195
November 1997	49,120		49,120
December 1997	92,204	130,183	222,387
January 1998	120,038		120,038
February 1998	29,888		29,888
March 1998	59,202	76,715	135,917
April 1998	55,222		55,222
May 1998	59,406		59,406
June 1998	50,136	74,613	124,749
July 1998	39,376		39,376
August 1998	78,201		78,201
September 1998	158,865	(44,921)	113,944
October 1998			0
Total	5,682,303	1,246,444	6,928,747
NOTE: The \$117,178 NRDA&R interest figure is cumulative.			
Interest was earned for the period July 1992 through December 1994, but the specific amounts have been hidden to allow the spreadsheet to print on one page.			

Schedule of Interest Adjustments to the Court Requests

As of October 31, 1998

	October	November	December	January	February	March	April	May	June	July	August	Total	Unallocated
United States													
FFY92													2 Baldauf 12/6/96
FFY93			39,871						3,648			43,519	
FFY94			51,231						22,427			73,658	
FFY95	34,621		37,618			3,849					63,226	139,314	
FFY96				48,676				37,100		26,600	109,666	222,042	
FFY97			29,041								463,989	493,030	
FFY98										19,000	300	19,300	
FFY99												0	
Total United States												990,865	255,579
State of Alaska													
FFY92												0	
FFY93			80,775						35,012			115,787	
FFY94			64,944						239,090			304,034	
FFY95	52,823	117,838	44,291			320,837					449,634	985,423	
FFY96				262,202				300		289,400	934,433	1,486,335	
FFY97				398,567		275,700					782,501	1,456,768	
FFY98										8,700		8,700	
FFY99												0	
Total State of Alaska												4,357,047	1,325,257
Total Adjustment												5,347,912	1,580,835
Footnote: The unallocated interest is tied to the INT Acct. sheet.													

**Schedule of Lapse Adjustments to the Court Requests
As of October 31, 1998**

	December 1993	June 1994	August 1995	August 1996	August 1997	Total
Disbursements:						
Court Requests						
United States						
FFY92						0
FFY93						0
FFY94		3,106,555				3,106,555
FFY95			220,858			220,858
FFY96				1,165,334		1,165,334
FFY97					1,102,442	1,102,442
FFY98						0
FFY99						0
Total United States	0	3,106,555	220,858	1,165,334	1,102,442	5,595,189
State of Alaska						
FFY92						0
FFY93						0
FFY94	3,661,600					3,661,600
FFY95			2,376,950			2,376,950
FFY96				2,500,448		2,500,448
FFY97					3,549,927	3,549,927
FFY98						0
FFY99						0
Total State of Alaska	3,661,600	0	2,376,950	2,500,448	3,549,927	12,088,925
Total Adjustment	3,661,600	3,106,555	2,597,808	3,665,782	4,652,369	17,684,114

Schedule of Work Plan Authorizations and Other Authorizations

	FFY 92	FFY 93	FFY 94	FFY 95	FFY 96	FFY 97	FFY 98	FFY 99	Total
Work Plan Authorizations									
United States:									
June 15, 1992	6,320,500	0	0						
January 25, 1993	0	3,113,900	0						
January 25, 1993	0	6,035,500	0						
November 10, 1993	0	0	0						
November 30, 1993	0	0	2,567,300						
June 1994			4,536,800						
June 1994			84,500						
July 1994			1,500,000						
Carry Forward Authorization				463,500					
August 1994				2,110,800					
November 1994				2,514,200					
December 1994				749,600					
March 1995				1,484,100					
August 1995				(36,700)	6,238,800				
December 1995					3,270,900				
January 1996					150,000				
April 1996					478,000				
May 1996				21,900	15,200				
June 1996					23,000				
August 1996						7,923,700			
December 1996						310,900			
February 1997						0			
May 1997						0			
August 1997						85,000	7,263,600		
December 1997							445,200		
June 1998							(39,200)		
August 1998								5,397,700	
Total	6,320,500	9,149,400	8,688,600	7,307,400	10,175,900	8,319,600	7,669,600	5,397,700	63,028,700

Schedule of Work Plan Authorizations and Other Authorizations

	FFY 92	FFY 93	FFY 94	FFY 95	FFY 96	FFY 97	FFY 98	FFY 99	Total
Work Plan Authorizations									
State of Alaska									
June 15, 1992	6,559,200	0	0						
January 25, 1993	0	3,574,000	0						
January 25, 1993	0	7,570,900	0						
November 30, 1993	0	0	4,454,400						
June 1994			12,391,700						
June 1994			215,800						
July 1994			0						
Carry Forward Authorization				576,300					
August 1994				7,140,900					
November 1994				9,098,700					
December 1994				180,500					
March 1995				492,600					
August 1995				36,700	12,653,600				
December 1995					2,231,100				
April 1996					500,000				
May 1996					300				
June 1996					0				
August 1996						11,606,300			
December 1996						310,400			
February 1997						275,700			
May 1997						0			
August 1997						(85,000)	9,393,200		
December 1997							643,800		
June 1998							66,900		
August 1998								8,131,400	
Total	6,559,200	11,144,900	17,061,900	17,525,700	15,385,000	12,107,400	10,103,900	8,131,400	98,019,400

Schedule of Work Plan Authorizations and Other Authorizations

	FFY 92	FFY 93	FFY 94	FFY 95	FFY 96	FFY 97	FFY 98	FFY 99	Total
Other Authorizations									
United States:									
Orca Narrows (6/94)			2,000,000	1,450,000					3,450,000
Eyak Limited Conservation Easement				200,000					200,000
Kodiak National Wildlife Refuge (3/95, 9/95 AKI)				21,000,000	7,500,000	7,500,000			36,000,000
Kodiak National Wildlife Refuge (3/95, 9/95 Old Harbor)				11,250,000					11,250,000
Koniag					12,500,000	4,500,000			17,000,000
Small Parcels					379,000	3,740,200	4,464,300		8,583,500
Chenega Land Acquisition						24,000,000			24,000,000
Chenega-Area Oiling Reduction					3,600	157,400	182,000		343,000
Tatitlek							14,150,000		14,150,000
English Bay						14,128,074			14,128,074
Total			2,000,000	33,900,000	20,382,600	54,025,674	18,796,300	0	129,104,574
State of Alaska:									
Kachemak Bay State Park (1/95)		7,500,000							7,500,000
Alutiiq Repository (11/93)		1,500,000							1,500,000
Seal Bay (11/93,11/94,11/95,11/96)			29,950,000	3,229,042	3,294,667	3,075,625			39,549,334
Shuyak (3/96, 10/96 - 10/02					8,000,000	2,194,266	4,000,000		14,194,266
Afognak Joint Ventures (10/98)								28,000,000	28,000,000
Small Parcels					5,020,500	3,738,000	996,100	770,000	10,524,600
Alaska SeaLife Center				12,500,000	12,456,000				24,956,000
Chenega-Area Oiling Reduction					0	1,732,000			1,732,000
Alaska SeaLife Center Fish Pass						545,600			545,600
Alaska SeaLife Center Equipment						724,000			724,000
Sound Waste Management Plan						1,167,900		1,857,100	3,025,000
Total		9,000,000	29,950,000	15,729,042	28,771,167	13,177,391	4,996,100	30,627,100	132,250,800
Total Other Authorizations	0	9,000,000	31,950,000	49,629,042	49,153,767	67,203,065	23,792,400	30,627,100	261,355,374
Total Work Plan Authorizations	12,879,700	20,294,300	25,750,500	24,833,100	25,560,900	20,427,000	17,773,500	13,529,100	161,048,100
Restoration Reserve					35,996,231	12,449,552	0	0	48,445,783
Total Authorized	12,879,700	29,294,300	57,700,500	74,462,142	110,710,897	100,079,617	41,565,900	44,156,200	470,849,257

Footnotes:

Work Plan Authorization and Land/Capital Acquisitions only. Will not balance to the Schedule of Disbursements from the Joint Trust Fund or the court requests due to deductions for interest and lapse.

This schedule does tie to the quarterly reports with the exception of 93' and 92'. In FY93 the Work Plan represented the transition to the Federal Fiscal Year from the Oil Year or a seven month period.

This schedule presents authorization on the Federal Fiscal Year and as such FFY92 and FFY93 does not balance.

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

To: Michele Brown, Commissioner
Alaska Department of Environmental Conservation

From: Molly McCammon
Executive Director

Subject: Day One Agenda for the EVOS Legacy Symposium

Date: November 18, 1998

The first day of the symposium marking the 10th anniversary of the *Exxon Valdez* oil spill is planned as a report to the public, emphasizing frequently asked questions, such as "what is the status of injured resources?" or "how have restoration funds been spent?" The attached draft agenda outlines what has been planned, including an afternoon session on Response and Prevention. This session will focus on three questions: (1) what has been done to prevent another oil spill like EVOS? (2) how have response capabilities improved if oil is released into the water? and (3) what has been learned about approaches to shoreline cleanup?

The staff at the Restoration Office are eager to complete this agenda and obtain the needed speakers. Before proceeding, however, we would like your feedback.

As a Trustee and ADEC Commissioner, are you willing to give a 15-minute overview to introduce this session? We intend to follow the introductory presentation with a series of four talks, each about 15-17 minutes in length.

For the prevention topic (question # 1 above), we suggest a representative of the Alyeska Pipeline Company, perhaps Bob Malone. Alternatively, this could be an appropriate slot for the Coast Guard.

For the response topic (#2), we suggest someone from ADEC, perhaps Kurt Fredriksson.

For the cleanup topic (#3), we suggest someone from the private sector with widespread experience in oil spill cleanup. One suggestion is Jacqui Michel or perhaps Ed Owens.

Finally, as a wrap-up speaker, giving a citizen's oversight perspective, we already have invited

John Devens at the PWS RCAC. The RCAC is a cosponsor of the symposium and has been a part of the planning process from the outset.

We would like to complete the planning of this session in December. If possible, perhaps you can give me or Stan Senner your suggestions at the November 30 Trustee Council meeting, or as soon thereafter as possible. Thank you.

encl: (1)

cc: Al Ewing
Alex Viteri

DRAFT

**Legacy of an Oil Spill symposium
Overview Session (March 23, 1999)
Tentative Agenda
(version: 18 November 1998)**

- 8:45 am Welcome and Introduction (Molly McCammon, EVOS Trustee Council)
- 9:00 Governor, State of Alaska (invited)
Federal Trustees (USDA, DOI, DOC/NOAA--invited or to be invited)
- 10:00 Break
- 10:30 Status of Injury and Recovery (Trustee)
- 11:00 The Restoration Program, 1991-1999
-Habitat Protection (Trustee or Molly McCammon)
-Research, Monitoring and General Restoration (Dr. Robert Spies)
- 12:00 pm Lunch (available on-site for people w/advance, paid registration)
- 12:30 Luncheon Speaker (Dr. Jane Lubchenco, Oregon State University: "State of the World's Oceans" [confirmed]) (seating available for persons not buying lunch)
- 1:30 Intro to Human Dimensions & Injured Services (Trustee)
- 1:45 Human Dimensions of the Oil Spill
-Native perspective (?Alaskan Native leader, spill-area community)
-Community perspective (?representative of local government)
- 2:30 Break
- 3:00 Intro to Response & Prevention (Trustee)
- 3:15 Progress in Preventing and Responding to Oil Spills
-Prevention: Industry or Coast Guard representative (?)
-Response: ADEC representative (?)
-Cleanup: Outside expert, private sector (?)
-Citizens' Oversight: John Devens, PWS RCAC
- 4:30 The Future: Uses of the Restoration Reserve (Trustee)
- 5:00 Break
- 5:30 Reception

Exxon Valdez Oil Spill Trustee Council

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MEMORANDUM

TO: Bob Baldauf

FROM: *Traci Cramer*
Traci Cramer
Administrative Officer

DATE: November 17, 1998

RE: ARLIS Carryover

Authority has been requested to expend \$8,400 of 1998 project funding associated with the Alaska Resources Library and Information Services center. It is unclear if the proposed expenditure relates to an obligation that was undisclosed during the fiscal year just ended or if the proposed expenditure is for activity relating to the current fiscal year.

In the event the expenditure relates to a valid obligation that was undisclosed during the fiscal year just ended, the Trustee Council Procedures allow agencies to establish an obligation to pay the undisclosed expense during the months of October, November and December. Please refer to page 14 of the Procedures.

In the event the expenditure is for activity relating to the current fiscal year, authority from the Trustee Council would have to be sought. The Trustee Council Procedures require that the unexpended and unobligated balance of a project shall lapse on September 30 of the fiscal year for which the project was approved. The Trustee Council Procedures do not permit the use of lapse funds after the end of the fiscal year.

If you have any questions, please do not hesitate to give me call at (907) 586-7238.

cc: Molly McCammon

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MEMORANDUM

TO: Ken Hodges
Fisheries Biologist, USFS

FROM: Molly McGammon
Executive Director

RE: Final Report: Project 98220/Eastern PWS Salmon Habitat Restoration

DATE: November 16, 1998

I am replying to your memo of November 2, 1998 to Stan Senner regarding the due date for the final report on Project 98220/Eastern Prince William Sound Salmon Habitat. Our policy is to not formally extend due dates once the original due date has passed. I appreciate you informing us of the status of the report and will note in our records that the report is now expected by January 31, 1999. However, the report will continue to appear on our Overdue Reports list.

Thank you for your contributions to the restoration effort. I look forward to receiving your report in January.

cc: Ken Holbrook / USFS Liaison

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Memorandum

To: Accounting Department
Alaska Department of Fish & Game

From: Tami Yockey *dyf*
Administrative Assistant II

Date: November 13, 1998

Subject: Return of Field Warrant

Enclosed you will find a Field Warrant made out to Adobe Systems Incorporated. I am returning the unused warrant for redeposit to 11991600/11991600/74566.

The warrant was to be used to purchase a software upgrade. When our Network Technician sent in the paperwork to order the software, he neglected to include the proper documentation required to purchase the upgrade therefore, the warrant has been returned. Instead of purchasing the upgrade directly from Adobe, it has been learned that the software can be purchased through TimeFrame at a lower cost. At this time, we will be ordering the software upgrade directly from TimeFrame using the Trustee Council account.

I am sorry for the extra work that this has created but appreciate all the help you have given us with this matter. If you should have any questions, please give me a call.

Thank you.

Attachment

ADD FIELD WARRANT			Trans Code 310 - 46			Batch No.: _____		Sequence No.: _____					
REF	TYPE	NUMBER	AMOUNT	DATE	COMMENTS								
1	PVNE	11991600 ADS97304		/ /									
2	INV	UPGRADE	139.50	10/20/98	ADOBE PAGEMAKER 6.5 FOR THE								
3				/ /	MACINSTOSH, CURRENT REGISTRATION								
4				/ /	#02-4007-200000-7972								
5				/ /									

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



MEMORANDUM

TO: Accounting Department
Alaska Department of Fish & Game

FROM: Tami Yockey *TY*
Administrative Assistant II

DATE: November 12, 1998

SUBJ: Return Warrant

I am requesting a Return Warrant in the amount of \$175.00. Please make the warrant payable to Neopost, Attention: Rate Pak Department, PO Box 1183, Union City, CA 94587. The warrant is for a software upgrade for the electronic postage scale to reflect the new postage rates that will take effect on January 10, 1999. A copy of the rate change notice and order form is attached. The warrant should be coded to 11991600/11991600/73380.

Please contact me at the Trustee Council Restoration Office (278-8012) when the warrant is ready to be picked up.

Thank you.

Attachment

ty

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



MEMORANDUM

TO: Bruce Wright / NOAA Liaison

FROM: Molly McCammon
Executive Director

RE: Authorization -- Project 99290 / Hydrocarbon Data Analysis,
Interpretation, and Database Maintenance

DATE: November 10, 1998

With recent receipt in my office of a letter reviewing the expected workload for Project 99290/Hydrocarbon Data Analysis, Interpretation, and Database Maintenance in FY 2000 and beyond, spending on this project is now authorized. The work must be performed consistent with the Detailed Project Description dated April 7, 1998 and should include development of a recommendation regarding the long-term management (including potential disposal) of the environmental samples in the archive.

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November 10, 1998

James L. Henry
Area Direct Sales Manager-Alaska Market
CompUSA Technical Services
601 East Dimond Blvd.
Anchorage, Alaska 99515

Dear Mr. Henry:

The purpose of this letter is to confirm that the Restoration Office has received and reviewed your proposal in response to the solicitation for services to migrate our file server from Netware 3.11 to Microsoft NT Server 4.0. We appreciate your firm's interest in providing professional services to our agency.

Although your proposal has not been identified at this time as the proposal most susceptible to award, we will keep a copy of your proposal on file in the event that circumstances change.

Again, we appreciate your interest in doing business with the Restoration Office and we look forward to the possibility of working with you at some point in the future.

Sincerely,

Eric F. Myers
Director of Operations

cc: Jeff Lawrence
Tom Taylor

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November 10, 1998

Ken Osterkamp
Technical Account Manager
Network Business Systems
1577 C Street – Suite 205
Anchorage, Alaska 99501

Dear Mr. Osterkamp:

The purpose of this letter is to confirm that the Restoration Office has received and reviewed your proposal in response to the solicitation for services to migrate our file server from Netware 3.11 to Microsoft NT Server 4.0. We appreciate your firm's interest in providing professional services to our agency.

Although your proposal has not been identified at this time as the proposal most susceptible to award, we will keep a copy of your proposal on file in the event that circumstances change.

Again, we appreciate your interest in doing business with the Restoration Office and we look forward to the possibility of working with you at some point in the future.

Sincerely,

Eric F. Myers
Director of Operations

cc: Jeff Lawrence
Tom Taylor

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November 10, 1998

Vickie Kelly
Client Representative
MicroAge Advanced Information Services
510 West Tudor – Suite 109
Anchorage, Alaska 99503

Dear Ms. Kelly:

The purpose of this letter is to confirm that the Restoration Office has received and reviewed your proposal in response to the solicitation for services to migrate our existing file server from Netware 3.11 to Microsoft NT Server 4.0. We appreciate your firm's interest in providing professional services to our agency.

As a result of our review, your proposal has been identified as the proposal most susceptible to award. At this point, we are in the process of drafting required contract forms consistent with State of Alaska procurement requirements. Mr. Jeff Lawrence, the Restoration Office on-site Network Administrator will be contacting you in the near future to arrange a meeting to finalize a contract agreement consistent with the solicitation and your proposal.

I appreciate your interest in doing business with the Restoration Office and look forward to of working with you.

Sincerely,

Eric F. Myers
Director of Operations

cc: Jeff Lawrence
Tom Taylor
Glenn Bunker

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November 9, 1998

Dorothy L. Morris
2816 Essex Circle
Woodward, OK 73801

Dear Ms. Morris:

The purpose of this letter is to confirm that the resource agency staff responsible for the parcel evaluations have finally reviewed your nomination under the Small Parcel Habitat Protection Program and to advise you of the status of your parcel.

Please let me first express my regrets for the length of time it has taken to complete the initial evaluation of your parcel nomination. There were several long delays due, among other things, to a change in personnel (with a replacement finally found) as well as scheduling conflicts resulting from a busy summer and fall field season for some of the individuals involved. Since there are four separate federal and state agencies involved, scheduling a meeting can sometimes be quite difficult.

As you are perhaps aware, over 300 small parcel nominations have been submitted to the Trustee Council for consideration through the Small Parcel Program. Upon receipt of a parcel nomination and a determination that the nomination meets all threshold criteria, the nominated parcel is evaluated for its specific restoration value. As a result of the review and evaluation of nominated parcels to date, the Trustee Council has identified approximately 60 parcels of especially significant value to the protection and restoration of the biological resources and human services injured by the *Exxon Valdez* oil spill. Current acquisition efforts are focused on these 60 priority parcels.

The parcel you nominated, KEN-1084, scored 18 points under the standardized evaluation process. In terms of its restoration value, this is considered "low" and, accordingly, the parcel did not score highly enough to be automatically ranked as a priority parcel. However, it is my understanding that the Alaska Department of Fish & Game (ADF&G) may have a continuing interest in this parcel. For parcels that rank "low" an individual resource agency such as ADF&G can appeal to the full Trustee Council to ask for further consideration of the parcel as a "Parcel Meriting Special Consideration." For more information, I encourage you to contact Mr. Mark Kuwada of the Alaska Department of Fish and Game directly at 907/267-2277. In any case, the Trustee Council maintains files on all nominated parcels and may give

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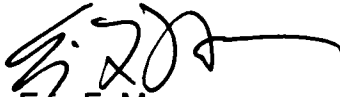
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further consideration to your parcel as new or additional information becomes available.

Certainly, if I can provide additional information, please let me know. Again, please accept my regrets for the lengthy delay in the process and my genuine appreciation of your patience.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Myers', with a long horizontal flourish extending to the right.

Eric F. Myers
Director of Operations

cc: Mark Kuwada/ADFG

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



November 9, 1998

Adam Aposik
PO Box 2966
Palmer AK 99645

Dear Mr. Aposik:

The purpose of this letter is to provide you with confirmation that the Trustee Council has received and reviewed your nomination under the Small Parcel Habitat Protection Program and to advise you of the status of your parcel.

As you are perhaps aware, over 300 small parcel nominations have been submitted to the Trustee Council for consideration through the Small Parcel Program. Upon receipt of a parcel nomination and a determination that the nomination meets all threshold criteria, the nominated parcel is evaluated for its specific restoration value. As a result of the review and evaluation of nominated parcels to date, the Trustee Council has identified approximately 60 parcels of especially significant value to the protection and restoration of the biological resources and human services injured by the *Exxon Valdez* oil spill. Current acquisition efforts are focused on these 60 priority parcels.

Although the parcel you have nominated, KAP-1083, has not been identified as a priority parcel at this time, the Trustee Council is maintaining files on all parcels nominated and may give further consideration to these parcels as new or additional information becomes available.

If you have questions about the Small Parcel Program, please contact Eric Myers in the Restoration Office.

Sincerely,

Molly McCammon
Executive Director

MM/ty

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



November 9, 1998

James L. and Dixie Beall
PO Box 1430
Barrow, Alaska 99723

Dear Mr. and Mrs. Beall:

The purpose of this letter is to provide you with confirmation that the Trustee Council has received and reviewed your nomination under the Small Parcel Habitat Protection Program and to advise you of the status of your parcel.

As you are perhaps aware, over 300 small parcel nominations have been submitted to the Trustee Council for consideration through the Small Parcel Program. Upon receipt of a parcel nomination and a determination that the nomination meets all threshold criteria, the nominated parcel is evaluated for its specific restoration value. As a result of the review and evaluation of nominated parcels to date, the Trustee Council has identified approximately 60 parcels of especially significant value to the protection and restoration of the biological resources and human services injured by the *Exxon Valdez* oil spill. Current acquisition efforts are focused on these 60 priority parcels.

Although the parcel you have nominated, KEN-1085, has not been identified as a priority parcel at this time, the Trustee Council is maintaining files on all parcels nominated and may give further consideration to these parcels as new or additional information becomes available.

If you have questions about the Small Parcel Program, please contact Eric Myers in the Restoration Office.

Sincerely,

Molly McCammon
Executive Director

MM/ty

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



November 9, 1998

Lillian M. Miller
PO Box 200633
Anchorage, Alaska 99520

Dear Ms. Miller:

The purpose of this letter is to provide you with confirmation that the Trustee Council has received and reviewed your nomination under the Small Parcel Habitat Protection Program and to advise you of the status of your parcel.

As you are perhaps aware, over 300 small parcel nominations have been submitted to the Trustee Council for consideration through the Small Parcel Program. Upon receipt of a parcel nomination and a determination that the nomination meets all threshold criteria, the nominated parcel is evaluated for its specific restoration value. As a result of the review and evaluation of nominated parcels to date, the Trustee Council has identified approximately 60 parcels of especially significant value to the protection and restoration of the biological resources and human services injured by the *Exxon Valdez* oil spill. Current acquisition efforts are focused on these 60 priority parcels.

Although the parcel you have nominated, KEN-1086, has not been identified as a priority parcel at this time, the Trustee Council is maintaining files on all parcels nominated and may give further consideration to these parcels as new or additional information becomes available. However, it is my understanding that the Alaska Department of Natural Resources has a continuing interest in this parcel and wishes to pursue acquisition, perhaps using an alternative funding source. For more information or questions, I encourage you to contact Mr. Jim Stratton at 907/269-8700.

If you have questions about the Small Parcel Program, please contact Eric Myers in the Restoration Office.

Sincerely,

Molly McCammon
Executive Director

CC: Jim Stratton, ADNR
MM/ty

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



November 9, 1998

James F. Chokwak, Sr.
517 North Hoyt
Anchorage, Alaska 99508

Dear Mr. Chokwak:

The purpose of this letter is to provide you with confirmation that the Trustee Council has received and reviewed your nomination under the Small Parcel Habitat Protection Program and to advise you of the status of your parcel.

As you are perhaps aware, over 300 small parcel nominations have been submitted to the Trustee Council for consideration through the Small Parcel Program. Upon receipt of a parcel nomination and a determination that the nomination meets all threshold criteria, the nominated parcel is evaluated for its specific restoration value. As a result of the review and evaluation of nominated parcels to date, the Trustee Council has identified approximately 60 parcels of especially significant value to the protection and restoration of the biological resources and human services injured by the *Exxon Valdez* oil spill. Current acquisition efforts are focused on these 60 priority parcels.

Although the parcel you have nominated, KAP-1087, has not been identified as a priority parcel at this time, the Trustee Council is maintaining files on all parcels nominated and may give further consideration to these parcels as new or additional information becomes available.

If you have questions about the Small Parcel Program, please contact Eric Myers in the Restoration Office.

Sincerely,

Molly McCammon
Executive Director

MM/ty

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



November 9, 1998

Dan Rough
PO Box 14
Seward, Alaska 99664

Dear Mr. Rough:

The purpose of this letter is to provide you with confirmation that the Trustee Council has received and reviewed your nomination under the Small Parcel Habitat Protection Program and to advise you of the status of your parcel.

As you are perhaps aware, over 300 small parcel nominations have been submitted to the Trustee Council for consideration through the Small Parcel Program. Upon receipt of a parcel nomination and a determination that the nomination meets all threshold criteria, the nominated parcel is evaluated for its specific restoration value. As a result of the review and evaluation of nominated parcels to date, the Trustee Council has identified approximately 60 parcels of especially significant value to the protection and restoration of the biological resources and human services injured by the *Exxon Valdez* oil spill. Current acquisition efforts are focused on these 60 priority parcels.

Although the parcel you have nominated, KEN-1088, has not been identified as a priority parcel at this time, the Trustee Council is maintaining files on all parcels nominated and may give further consideration to these parcels as new or additional information becomes available. However, it is my understanding that the United States Forest Service has a continuing interest in this parcel and wishes to pursue acquisition, perhaps using an alternative funding source. For more information or questions, I encourage you to contact Mr. Ken Holbrook at 907/271-2819.

If you have questions about the Small Parcel Program, please contact Eric Myers in the Restoration Office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Molly McCammon'.

Molly McCammon
Executive Director

CC: Ken Holbrook, USFS
MM/ty

Exxon Valdez Oil Spill Trustee Council

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MEMORANDUM

TO: Gary Marty, Co-PI

CC: Dick Kocan, Co-PI
Chris Kennedy, Co-PI
Joe Sullivan, ADFG Project Manager

FROM: Molly McGarron
Executive Director

RE: Extension of Due Date: Project 98162 Final Report

DATE: November 6, 1998

The purpose of this memorandum is to authorize an extension of the due date to July 15, 1999 for the final report on Project 98162/Investigations of Disease Factors Affecting Declines of Pacific Herring Populations in Prince William Sound. I understand that this extension will allow data from Fall 1998 studies to be included in the report.

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MEMORANDUM

To: Frank Rue, Commissioner
Alaska Department of Fish and Game

From: Molly Medlammon
Executive Director

Subject: Bird Study No. 5

Date: November 5, 1998

Thank you for providing me with a copy of Jeff Hughes' reply to my memorandum of October 28. I have no interest in assigning blame to anyone, but the fact remains that Bird Study No. 5 has not been completed. We have in hand two annual reports dated January 12, 1990 (for work in 1989) and November 27, 1990 (for work in 1990). The second of these reports indicates that "...a final report is tentatively scheduled to be completed by February of 1991." Mr. Hughes indicates that he drafted this report but cannot locate a copy. So far as anyone has been able to determine, the Restoration Office does not have it, nor do the Alaska Resources Library and Information System (ARLIS) or the ADFG Division of Habitat and Restoration. Until an approved report is printed and placed at ARLIS, Bird Study No. 5 is incomplete and will be treated as a late report.

There are two options for proceeding:

- (1) If the 1991 draft final report was actually done as stated by Mr. Hughes, it may still be possible to locate it. If it is accepted by the Chief Scientist and properly formatted and printed, this would do the job.
- (2) Alternatively, we can proceed with completion of the draft manuscript as prepared by Gerry Sanger. This approach requires at the very least that Mr. Hughes read and comment on Sanger's draft, and, if possible, provide the missing table from the January 12, 1990 status report.

We can work with either option above, but we ask for your assistance in obtaining the needed cooperation. We continue to believe that completion of this report will reflect well on ADFG and the Trustee Council and that it is in the best interest of bird conservation in Alaska to get this information on Peale's peregrine falcons into an accessible form. Thank you.

cc: Wayne Reglin
Claudia Slater
Jeff Hughes

11/06/98

09:42

907 276 7178

EV Restoration

001

*** ACTIVITY REPORT ***

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Exxon Valdez Oil Spill Trustee Council

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FAX COVER SHEET

To: Frank Rue Number: speed dial

From: Molly McCammon Date: November 6, 1998

Comments: Total Pages: 3

memo regarding Bird Study No. 5

Also deliver to:

Wayne Regelin 1-907-465-6142

Claudia Slater speed dial

Jeff Hughes 247-2433

HARD COPY TO FOLLOW yes

Document Sent By: Tami

3/27/96

Exxon Valdez Oil Spill Trustee Council

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MEMORANDUM

TO: Jim Wolfe
Deborah Williams
Marty Rutherford
Craig Tillery

FROM: Molly McCammon
Executive Director

DATE: November 2, 1998

SUBJ: Habitat Protection Program - Official Record & Public Record

As you may recall, a memorandum dated August 17, 1998 was distributed that outlined three possible options to ensure that:

- 1) the Trustee Council's official record appropriately documents the Large Parcel decision-making process; and
- 2) there is reasonable public access to information regarding the basis for Trustee Council actions to fund the acquisition of various Large Parcels.

In particular, the memo focused on what appraisal documentation should be on file in the Restoration Office as part of the Trustee Council's official record and also available to the public through the Alaska Resources Library and Information Service (ARLIS) as distinct from materials maintained only in agency files.

Attached you will find a response from Craig Tillery concerning the memo, expressing preference for "a slightly modified form of Option 1." I would like to arrange a meeting to obtain comment from the principal resource agencies involved in the habitat acquisitions. Staff from the Restoration Office will contact your office to identify a meeting time that will accommodate your schedule.

A copy of the August 17, 1998 options memo is also attached.

attachments

cc: Carol Fries
Veronica Christman

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Eric Myers

From: Craig Tillery [Craig_Tillery@law.state.ak.us]
Sent: Friday, October 23, 1998 2:05 PM
To: ericm@oilspill.state.ak.us; mollym@oilspill.state.ak.us
Subject: Large parcel official records

I have reviewed your memorandum of August 17 and am prepared to comment. My initial choice would be a slightly modified form of option 1.

Craig J. Tillery
Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
(907) 260-5274
craig_tillery@law.state.ak.us

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



MEMORANDUM

TO: Jim Wolfe
Deborah Williams
Marty Rutherford
Craig Tillery

FROM: Molly McCammon
Executive Director

DATE: August 17, 1998

SUBJ: Large Parcel Habitat Program - Official Record & Public Record

As we near completion of many of the Large Parcel habitat protection efforts initially identified in the Restoration Plan as adopted in 1994, a review of the Restoration Office files has resulted in some questions concerning the extent of the records that should be maintained. As representatives of government agencies involved in the Trustee Council authorized acquisitions, I would like to ask for your consideration of these issues.

The purpose of this memorandum is to outline several options to ensure that:

- 1) the Trustee Council's official record appropriately documents the Large Parcel decision-making process; and
- 2) there is reasonable public access to information regarding the basis for Trustee Council actions to fund the acquisition of various Large Parcels.

In particular, this memo addresses the question of what appraisal information and documentation should be on file in the Restoration Office as part of the Trustee Council's official record and also available to the public through the Alaska Resources Library and Information Service (ARLIS) as distinguished from those materials located only in agency files.

The Restoration Office maintains the official record of the Trustee Council's actions.¹ This includes transcripts of Council meetings, materials presented to the Council at the

¹ The *Procedures* (1996) direct that an official record of the Trustee Council be maintained: "Minutes of Council Meetings. All meetings shall be recorded electronically or by Court Reporter, and said records shall, along with written, approved meeting notes, constitute the official record of the Council's actions" (page 7, item 9). The *Procedures* also provide that "Under the supervision of the Executive Director, the Restoration Office is responsible for ... maintaining the official record of the Council's actions..." (page 7, item 2). Respecting public access to information, the *Procedures* state:

meetings, approved meeting minutes, and documentation of all Council approved actions such as the annual Work Plan or habitat purchase resolutions which are incorporated into the approved meeting minutes. A duplicate set of the information included in the official record at the Restoration Office is also maintained at ARLIS for ready public access (the "public record").

Habitat Protection program files for both the Small Parcel program and the Large Parcel program are also maintained at the Restoration Office. The Small Parcel program files include small parcel nomination forms, interagency evaluation score sheets, various correspondence, site maps, restoration benefits reports, resolutions authorizing use of settlement funds for acquisitions and public comment. An effort to add small parcel appraisals to the files is in progress and nearly complete.² Additional material concerning individual small parcel acquisitions (e.g., purchase agreements, title searches, documentation of hazardous materials surveys, etc.) are maintained by the acquiring lead agencies.

In contrast to the Small Parcel files, material in the Large Parcel files is voluminous and a very large and complex quantity of documentation has been generated. In several cases, multiple appraisals have been prepared concerning various property interests by the governments, the seller, or both to assess land values, marketable commodity values, perceived public interest values, etc. In addition, numerous appraisal reviews and correspondence have been generated.

While a substantial number of individual documents have been provided to the Restoration Office by lead agencies during consideration of particular acquisitions, provision of such documents has not been systematic nor is it known to Restoration Office staff whether the documentation at the Restoration Office is comprehensive. In general, the Large Parcel files in the Restoration Office contain information dating back to the initial Large Parcel evaluation process, including documents regarding proposed as well as completed or pending Large Parcel acquisitions, associated correspondence, maps, public comment, and other documents concerning individual parcels. A number of documents provided to the Restoration Office are identified as confidential or otherwise subject to attorney-client privilege.

In summary, a reliably complete record of appraisal information for each authorized Large Parcel acquisition does not exist outside of the respective lead agencies and it is not possible for either Restoration Office staff or ARLIS librarians to respond knowledgeably to inquiries involving Large Parcel appraisal information. Without additional assistance from the lead agencies to identify exactly what documentation constitutes an appropriate record for each acquisition, Restoration Office staff do not have the ability to determine what fraction of the pertinent appraisal documentation has been provided to the Restoration Office. Additionally, several appraisal documents and correspondence located in the Restoration Office are apparently restricted (confidential or subject to attorney-client privilege) and clarity regarding the status of these

*Access to Information. The public shall have access to the official record of the Council's actions and information regarding proposed or completed studies or other activities funded by Joint Trust Funds" (page 10, item 4).

² ARLIS staff has made arrangement for copies of most appraisals to be provided. Authorization of the release of BIA appraisals is pending.

documents is needed so that it can be determined which materials, if any, are not available for public review.

Options

Three options to address this matter are outlined below.

Option 1 - List and Documents Provided to the Restoration Office/ARLIS.

-- Under this option, lead agencies for each Large Parcel acquisition would furnish a listing of key appraisal documents, together with a copy of each document that provided the basis for Trustee Council action (appraisals, appraisal reviews, final maps, etc.) that is not already on file at the Restoration Office. The listing and other materials not presently on file would be incorporated into the official record/public record.³

-- Upon request ARLIS would provide key appraisal documents for public review. Additional questions concerning appraisal issues would be referred to agency liaisons or other individuals identified as appropriate by lead agencies.

-- Documents at the Restoration Office/ARLIS would be available for review by the public. If confidential or otherwise restricted, materials would be retained by the lead agency. Any restricted or confidential documents presently in the possession of the Restoration Office would be returned to the respective agencies.

Option 2 - List-Only Provided to Restoration Office/ARLIS.

-- Under this option, lead agencies for each completed Large Parcel acquisition would provide only a listing of key appraisal documents (appraisals, appraisal reviews, maps, etc.). The listing would be maintained on file in the Restoration Office as part of both the official record and at ARLIS in the public record and available for public review.

-- Inquiries regarding appraisal issues received by the Restoration Office or ARLIS would be referred to agency liaisons or other individuals identified as appropriate by lead agencies.

-- Large Parcel appraisal documents on file at the Restoration Office would be placed in the official record and recorded in the public record together with a statement indicating that a complete accounting of appraisal information must be obtained from the respective lead agency for the acquisition. Materials currently on file at the Restoration Office that indicate limitations on public disclosure would be returned to the respective agencies.

Option 3 - Restoration Office Files Not Updated - Marked As Incomplete.

-- Under this option, the Large Parcel files located in the Restoration Office and the public record at ARLIS would not be updated to reflect a complete accounting of key

³ The Restoration Office/ARLIS would use the listing of key documents to assess what fraction of the record is presently on hand at the Restoration Office/ARLIS and then proceed to integrate additional materials.

appraisal documents. Documents on file in the Restoration Office/ARLIS would be placed in the official record and recorded in the public record together with a statement indicating that a complete accounting of appraisal information must be obtained from the respective lead agency for the acquisition.

-- Inquiries regarding appraisal issues received by the Restoration Office or ARLIS would be referred to agency liaisons or other individuals identified as appropriate by lead agencies.

-- Materials on file at the Restoration Office that indicate limitations on public disclosure would be returned to the respective lead agencies.

A summary of the three options is provided by Table 1.

Recommendation

Your review and comment on these options would be greatly appreciated. At this point, I feel that Option 2 would be the most appropriate means to assure that an appropriate record of key documents is maintained at the Restoration Office and ARLIS in keeping with the *Procedures* without requiring substantial work on the part of the respective land management agencies. I have asked staff to set up a teleconference to discuss this issue and determine if we can reach a consensus.

Tabel 1. Summary of Options

	LEAD AGENCY PROVIDES LIST OF KEY DOCUMENTS	KEY APPRAISAL DOCUMENTS PROVIDED TO RESTORATION OFFICE	RESTORATION OFFICE RETAINS APPRAISAL DOCUMENTS	RESTORATION OFFICE RETURNS CONFIDENTIAL DOCUMENTS
OPTION 1	Yes	Yes	Yes	Yes
OPTION 2	Yes	No	Yes *	Yes
OPTION 3	No	No	Yes **	Yes

* only non-confidential documents already on file in the Restoration Office/ARLIS

** appraisal materials filed but marked as incomplete record

TRUSTEE COUNCIL OFFICIAL RECORD

The Trustee Council adopted comprehensive revised *Procedures* August 29, 1996. The *Procedures* superseded previously adopted Operating Procedures (January 10, 1992) and Financial Procedures that had been adopted in 1992 (September 21, 1992).

The *Procedures* (1996) direct that an official record of the Trustee Council be maintained: "Minutes of Council Meetings. All meetings shall be recorded electronically or by Court Reporter, and said records shall, along with written, approved meeting notes, constitute the official record of the Council's actions" (page 7, item 9). The *Procedures* also provide that "Under the supervision of the Executive Director, the Restoration Office is responsible for ... maintaining the official record of the Council's actions..." (page 7, item 2). Respecting public access to information, the *Procedures* state: "Access to Information. The public shall have access to the official record of the Council's actions and information regarding proposed or completed studies or other activities funded by Joint Trust Funds" (page 10, item 4).

In addition, the Charter of the Public Advisory Group requires: "Detailed minutes of all meetings... shall be prepared and made available to the Public through the Executive Director." The Charter further requires that: "All accounts and records of the activities and transactions of the [PAG] shall be kept and maintained by the Staff of the Executive Director and, subject to the provisions of 5 U.S.C. subsection 552, such accounts and records shall be available for inspection at the offices of the Executive Director" (PAG Charter, page 4, section 8).

The history of the Trustee Council's official record keeping was the subject of research by Carrie Holba, Director of the Oil Spill Public Information Center as presented in a memo dated June 28, 1996. No mention of record keeping requirements for the Trustee Council was found in the Memorandum of Agreement and Consent Decree (8/28/91), the Agreement and Consent Decree (9/30/91) or the Governments' Memorandum in Support of Agreement and Consent Decree (10/8/91). Trustee Council transcripts from 1991 and 1992 were also reviewed. Only general references to record keeping were found. No formal motion or resolution was made creating the Trustee Council administrative record nor was any specific statement of intent, purpose, structure or procedures concerning administrative record keeping found.

Various individuals were consulted including former Interim Administrative Director Dave Gibbons and Alex Swiderski, Assistant Attorney General for the State of Alaska. The Operating Procedures initially adopted by the Trustee Council on January 10, 1992 recognized that the duties of the Administrative Director included "maintenance of necessary administrative records." The 1992 Operating Procedures stated that all meetings of the Council "shall be recorded electronically or by court reporter, and said recordings shall, along with the written, approved minutes, constitute the official record of the Council's actions," language that is essentially identical to that found in the current *Procedures* (1996). Dave Gibbons indicated that he had been advised by the Department of Justice concerning the need to document Trustee Council actions in the event of a lawsuit. Mr. Gibbons initially selected U.S. Forest Service procedures to guide

maintenance of the Trustee Council records. Guidelines for the structure and content of the administrative record were subsequently prepared by Peg Thompson in May 1992 on the basis of U.S. Forest Service policy. Alex Swiderski advised that while there is no state requirement for an administrative record, there was a strong perception on the part of the Trustee Council that the restoration program was a public process and that meaningful public participation, as required by the Memorandum of Agreement, required good record keeping to inform the public.

The Restoration Office maintains the official record of the Council's actions. This includes transcripts of Council meetings, materials presented to the Council at the meetings, approved meeting minutes, and documentation of all Council approved actions such as annual Work Plans or habitat purchase resolutions which are incorporated into the approved meeting minutes. A duplicate set of the information included in the official record at the Restoration Office is also maintained at ARLIS for ready public access (the "public record").

In addition to the materials required as part of the official record, the Restoration Office maintains a great variety of files that document various aspects of the restoration program. This includes:

- a small library of printed documents dating back to the 1991 settlement as well as files that document individual projects as proposed and funded through the annual work plan process;
- individual project files with Detailed Project Descriptions (DPDs) and budgets along with associated supporting materials and correspondence (e.g., NEPA determinations, Executive Director authorizations to proceed with expenditures, documentation of any authorized change in scope of project, etc.);
- files on the Small Parcel and Large Parcel habitat protection programs are also maintained by the Restoration Office; and
- other program management and administrative files.

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178

Restoration Office Tentative Meeting Schedule



November 1998

- 5 Restoration Work Force meeting, 9 a.m.
- 30* Trustee Council Work Session, Anchorage

December 1998

- 15* Trustee Council Meeting, Deferred FY99 Projects, Teleconference

January 1999

February 1999

March 1999

- 23-27 Legacy of an Oil Spill: 10 Years After *Exxon Valdez*

April 1999

May 1999

* tentative meeting dates

For more information on any of the above meetings, please contact the Anchorage Restoration Office.

Update: 10/29/98 rwf

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FAX COVER SHEET

To: **Restoration Work Force**

Date: 10/29/98

From: EVOS Total Pages: 2 w/cover

Comments: _____

*Restoration Office
Tentative Meeting Schedule*

FAX COVER SHEET

RESTORATION WORK FORCE MEMBERS INCLUDE:

Bruce Wright
Carol Fries
Rita Miraglia
Ken Holbrook
Claudia Slater

Bill Hauser -
Karen Murphy
Catherine Berg
Lisa Thomas

Bud Rice
Alex Viteri
Bob Spies
Gina Belt

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FAX SENT BY: Paula

10-7-98

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