

## **13.08.01 – Reading File**

**March 2002**

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Ted Otis  
ADF&G

Ron Heintz  
NOAA

FROM: Molly McCammon  
Executive Director

RE: Extension of Due Date: 02538 Final Report

DATE: March 29, 2002

The purpose of this memo is to approve an extended due date--from April 15, 2002 to September 30, 2002--for the final report on Project 02538/Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska. I understand this extension is necessary due to a delay in the processing of the otolith samples.

cc: Bill Hauser, ADF&G Liaison

# Exxon Valdez Oil Spill Trustee Council

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## MEMORANDUM



TO: Dede Bohn / DOI  
Carol Fries / ADNR  
Ken Holbrook / USFS  
Celia Rozen / ADF&G  
Tom Chapple / ADEC  
Pete Hagen / NOAA

FROM: Sandra Schubert *Sandra Schubert*  
Program Coordinator

RE: Project Status -- Quarterly Update  
**DUE FRIDAY, APRIL 26, 2002**

DATE: March 26, 2002

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## MEMORANDUM



TO: Dede Bohn / DOI  
Carol Fries / ADNR  
Ken Holbrook / USFS  
Celia Rozen / ADF&G  
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Program Coordinator

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Ken Holbrook / USFS  
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Pete Hagen / NOAA

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Program Coordinator

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02290	Hydrocarbon Database and Interpretation Service	NOAA J. Short, B. Nelson/NOAA	NOAA	CE	Letter on file		(a) 00195 report, (b) 00598 ms.
02476	Effects of Oiled Incubation Substrate on Pink Salmon Reproduction	NOAA R. Heintz/NOAA	NOAA	CE	CE on file		99347 report

# FY 02 PROJECTS NOT YET AUTHORIZED TO SPEND B .EXECUTIVE DIRECTOR

<u>Proj.No.</u>	<u>Project Title</u>	<u>Lead Agency &amp; Proposer</u>	<u>NEPA Lead Agency</u>	<u>NEPA Document</u>	<u>NEPA Status</u>	<u>Executive Director's Authorization</u>	<u>Pre-Authorization Conditions</u>
02543	Evaluation of Oil Remaining in the Intertidal from the <i>Exxon Valdez</i> Oil Spill	NOAA J. Short/NOAA	NOAA	CE	Letter on file		(a) 00195 report, (b) 00598 ms.
02552-BAA	Exchange Between Prince William Sound and the Gulf of Alaska	NOAA S. Vaughan/PWSSC	NOAA	CE	On file		Detailed explanation of how and when PI will make data available
<b>NOAA &amp; ADFG</b>							
02538	Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska	NOAA & ADFG T. Otis/ADFG, R. Heintz/NOAA	NOAA	CE	Letter on file	Partial on file (a) 99347 report (NOAA), (b) (ADFG favorable review of results from interim only)	(a) 99347 report (NOAA), (b) favorable review of results from Spring sample analysis
<b>NOAA &amp; DOI</b>							
02585	Lingering Oil: Bioavailability and Effects to Prey and Predators	NOAA & DOI J. Rice, J. Short/NOAA; J. Bodkin, B. Ballachey/USGS; D. Esler/Simon Fraser Univ	NOAA	CE	Letter on file		(a) 00195 report, (b) 00598 ms.



# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Jeep Rice  
NOAA Auke Bay Lab

FROM: Molly McCammon  
Executive Director

RE: Continuation of Project 02195 / Pristane Monitoring in Mussels

DATE: March 21, 2002

The purpose of this memorandum is to approve an additional year of sampling under Project 02195/Pristane Monitoring in Mussels and the reallocation of funds within Project 02195 necessary to conduct the sampling. The closeout of this project, originally scheduled for FY 02, will be postponed.

Please note that I have not yet authorized spending on Project 02195 pending submittal by the PI, Jeff Short, of two overdue reports: the 00195 annual report (which was due April 15, 2001) and the 00598 manuscript on resolution of mixtures containing Exxon Valdez oil and regional background hydrocarbons (which was due August 2000). Authorization to spend will be forthcoming as soon as these reports are submitted to the Chief Scientist for peer review.

Communication with PWSSC and PWSAC on ways to incorporate juvenile pink salmon timing of release and distribution with pristane sampling and modeling should be continued as Project 02195 progresses. Cooperation with a new project funded this year, Project 02636/Management Applications: Commercial Fishing should also be pursued (PIs are Ken Adams and Ross Mullins of Cordova).

cc: Pete Hagen, NOAA Liaison

# Exxon Valdez Oil Spill Trustee Council

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

March 15, 2002



Rodney Parrish, Ph.D.  
Executive Director  
Society of Environmental Toxicology and Chemistry  
North American Office  
1010 North 12<sup>th</sup> Avenue  
Pensacola, Florida 32501-3367

Dear Dr. Parrish:

On behalf of the *Exxon Valdez* Oil Spill Trustee Council, I am writing to request a review by the Society of Environmental Toxicology and Chemistry (SETAC) of a study of the long-term persistence of crude oil in the environment – a study I believe is of national significance. The study in question is a definitive investigation into the amount of oil remaining on the shorelines inside Prince William Sound known to have been oiled in 1989 by the *Exxon Valdez* oil spill. Designed by a team of professional statisticians, peer reviewed by national toxicology experts, and executed by the staff of the National Marine Fisheries Services' Auke Bay Laboratory, the study appears to have documented the presence on these beaches of toxicologically active, virtually intact crude oil from the T/V *Exxon Valdez*, more than twelve years after the spill occurred.

The study is potentially of national significance because, if valid, its results support the concept that the *Exxon Valdez* oil spill is a long lasting, chronic insult to the environment, in contrast to the alternative "transient shock" hypothesis that has been advanced in the literature. Further, the validation of this study has important implications for cumulative impact analyses nationwide.

Validation of the study will be provided to a large extent by publication of its results in peer-reviewed journals over time. Unfortunately, full validation cannot be achieved through the normal processes of peer review and publication due to an unfortunate set of circumstances that has developed around this particular study. Shortly after the first public presentation of initial study results in January 2002, a public allegation of research misconduct and scientific fraud was leveled at the study by a long-time consultant for Exxon-Mobil Corporation (see attachments A-E).

I believe the timing of the allegations and the manner in which they were delivered are a serious and irreparable violation of the scientific peer review process that cannot be undone without the review of the Auke Bay Laboratory study by an independent entity such as your organization. I am asking SETAC to empanel a small committee (3-4) to produce a report on the validity of the procedures, records and methods of the study, and

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#### Federal Trustees

U.S. Department of the Interior  
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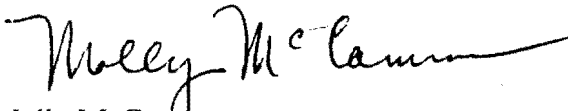
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Alaska Department of Law

any evidence provided by the complainant that would indicate scientific misconduct. Without such a review, the findings of this important and costly study may forever be tainted by the allegations, regardless of the best efforts of the authors and the peer review process.

I ask SETAC to uphold the integrity of the scientific peer review process by undertaking the review of the conduct of this important study. A process such as that adopted by the California Institute of Technology (attachment F) might be appropriate. I would appreciate hearing from you as soon as possible about the Society's availability and willingness to undertake this task, as well as the associated costs.

Sincerely,

A handwritten signature in black ink, reading "Molly McCammon". The signature is fluid and cursive, with the first name "Molly" and last name "McCammon" clearly distinguishable.

Molly McCammon  
Executive Director

Attachments

cc: Dr. Jim Balsiger, Director, NMFS (w/o attachments)  
Dr. Robert Spies, Chief Scientist, EVOS TC (w/o attachments)

# Experts amazed at oil left in Sound

■ **DAMAGE:** Intertidal marine life show 1989 spill's effects.

By DOUG O'HARRA  
Anchorage Daily News

Sea otters have evidence of liver damage. Harlequin ducks have metabolized fresh hydrocarbons.

And certain beaches in Prince William Sound have far more oil than anyone thought possible a dozen years after the Exxon Valdez tanker struck Bligh Reef, according to a rigorous survey conducted last summer.

Much of that oiled sediment underlies the flat productive shore of the western Sound, homeland to mussels and clams and other intertidal life, said federal chemist Jeff Short of Auke Bay Laboratory in Juneau.

"It's more than it looks," he said.

Other studies done as part of a continuing scientific review of the oil spill have documented problems among certain species that forage on the nearby sea floor.

The findings were presented Tuesday by scientists during the opening session of the state-federal Exxon Valdez Oil Spill Trustee Council's annual workshop. They suggest that lingering oil is leaching into the food chain, where it hurts local populations of sea otters and harlequin ducks.

"We did indeed find quite a lot more oil than we expected to see," Short said. "Most of the subsurface oil was in the fresh oil category, and by fresh oil I mean chemically, compositionally; it hasn't really changed very much since late in the summer of 1989."

Exposure to this oil may no longer threaten overall animal populations. But sea otters and harlequin ducks in the Knight-Green island areas have been ingesting hydrocarbons and apparently suffering damage, according to reports by biologists Brenda Ballachey of the U.S. Geological Survey and Dan Esler of Simon Fraser

See Back Page. SPILL



EDIE HILL - DAILY NEWS PHOTO

Last July, researchers Mandy Lindeberg of Juneau, left, Maciej Maselko of Anchorage and Wayne McDonald of Tatitlek collected samples of subsurface sediments in Bay of Isles on Knight Island in Prince William Sound. The result of their research was presented Tuesday at the Exxon Valdez Oil Spill Trustee Council's annual workshop.

## SPILL: Exxon, chemist dismiss Juneau lab's findings

*Continued from A-1*

University in British Columbia. This damage includes liver problems in otters, including abnormal tissues found last summer during endoscopies and biopsies conducted in the field, Balachey said. Otter and duck numbers in oiled areas have continued to decline, while populations in nonoiled bays fare much better.

The tanker hit the charted reef in March 1989, dumping 11 million gallons that spread throughout much of the Sound and beyond. That this oil still has the power to harm wildlife, even if on a limited scale, is one of the most disturbing and startling findings to come from a decade of research and monitoring, several scientists said.

"The oil was quite a bit more persistent and quite a bit more toxic than we thought in 1989," Short told the audience during a question-and-answer period.

An Exxon Mobil official and a Maine chemist dismissed the idea that the spill still causes significant damage to life in the Sound.

"What science has learned in Alaska and elsewhere is that while oil spills can have acute short-term effects, the environment has remark-

able powers of recovery," said company vice president Frank Sprow in a statement e-mailed from company headquarters in Irving, Texas.

Bowdoin College biochemist David Page, who has conducted studies for Exxon, said he was skeptical of Short's findings.

"For at least the last seven years, natural factors in PWS have been the major factor in governing ecological changes," he added in an e-mail.

The meeting continues today at the Egan Convention Center in Anchorage with discussions of how a long-term research program to monitor the Gulf of Alaska can tie in with other research from Southeast Alaska and the Bering Sea.

As about 100 scientists and others gathered in a basement hall on Tuesday, seven biologists gave reports on lingering oil and the status of fisheries, birds and marine mammals in the spill zone. Included was a presentation on the beach survey, conducted by Auke Bay Lab with \$572,000 from the Trustee Council and help from the Bureau of Economic Geography at the University of Texas.

Over 90 days last summer, a field crew visited

91 sites along about five miles of beaches, covering about 20 percent of the area classified as heavily or moderately oiled between 1989 and 1993, Short said. They dug 6,775 pits at random locations, then dug dozens of additional pits every time they found oil to calculate how far it spread.

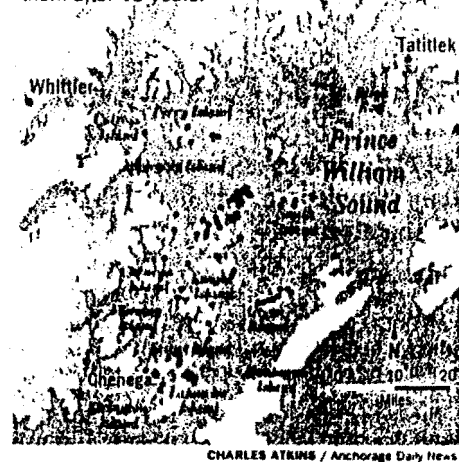
To gather enough data to make a meaningful estimate of how much oil remained and how fast it was weathering and leaching away, Short and the other investigators hoped to find oil at least 1 percent of the time.

Instead they discovered oil at 53 of 91 sites, in 568 different pits — about eight times more often than they expected. Although most of the pits were "lightly oiled," about 20 contained oil that looked as fresh as that just a few weeks after the 1989 spill — "highly odiferous, lightly weathered, and very fluid," they wrote in a preliminary report.

In the end, Short and his team estimated that about 10,000 gallons of Exxon Valdez crude remains buried under 26 to 28 acres spread along about 4.3 miles of shoreline scattered throughout the area, according to preliminary figures released on Monday. It appeared to be declining at 26 percent per year.

## Prince William Sound communities participating in survey

Survey during summer of 2001 showed Valdez that 58 out of 91 sites still had oil in them after 12 years.



CHARLES ATKINS / Anchorage Daily News

■ Doug O'Hara can be reached at do'hara@adn.com and 257-4334.

IntCounterPoint: Has Prince William Sound recovered?

*ce William Sound recovered?*

## Oil remains, appears to be affecting wildlife recovery

JEFFREY W. SHORT, *research chemist, Juneau*



Today, 12 years after the 1989 Exxon Valdez oil spill in Prince William Sound, you would have to look hard to find evidence of lingering effects. No species are threatened or endangered because of the oil spill, and the Sound supports large populations of fish, birds and marine mammals, which indicate a generally healthy ecosystem. Yet, if you did look hard, you would still find evidence of long-term effects from the spill.

Last summer, nearly 9,000 holes were dug to assess the amount of oil remaining in Prince William Sound, and much more oil was found than anticipated — around 200 times more than claimed by Exxon's contractor. The oil was most prevalent on beaches that were hit hardest by the spill, either on the surface or a foot or so beneath. The chances that one of these beaches contains some oil are around 2 to 1. At the most polluted of these beaches your chance of finding oil in a single pit is better than 1 in 3. When you find it, it will look and smell like crude oil, and it forms a sheen on water in the bottom of a pit.

Sea otters have not recovered in the Northern Knight Island area, the area of spill hit the hardest, although they have elsewhere in the Sound. They feed in the lower intertidal zone where oil was still found. Sea otters and some bird species that also forage in the same zone have biochemical markers that indicate they are still exposed to oil. It appears that oil may still be a

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*These results strongly suggest  
that those parts of the Sound  
that were most heavily  
impacted by the spill are not  
yet fully recovered.*

---

factor impeding their recovery, possibly through ingestion of oiled prey. These results strongly suggest that those parts of the Sound that were most heavily impacted by the spill are not yet fully recovered.

Although the Sound is much cleaner now than it was in the early '90s, it remains substantially more polluted than it was in 1988 because of the lingering oil from the Exxon Valdez. Exxon continues to portray the Sound as more polluted from other sources apart from the Exxon Valdez oil spill, but their claims are riddled with inconsistencies. Much of what little we know about how oil actually affects ecosystems stems from research on the Exxon Valdez, and it is now clear that the long-term persistence and toxicity of the spilled oil is substantially greater than previously recognized.

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■ Jeffrey W. Short, a research chemist at the National Marine Fisheries Service in Juneau, has studied the Exxon Valdez spill since it happened. The views here are his own, not those of his employer.

intCounterPoint: Has Prince William Sound recovered?



**POINTCOUNTERPOINT** *Has Pri*

## Recent study exaggerates; Sound is as healthy as ever

DAVID S. PAGE, *professor, Bowdoin College*

There is no credible scientific evidence of ongoing injury to the Prince William Sound ecosystem from the 1989 Valdez spill. While residues of the spill exist as isolated deposits in the Sound, they aren't environmentally relevant compared with petroleum coming from past and ongoing human activities. The environment of the Sound recovered from the spill long ago, in keeping with studies of much larger oil spills.

Regarding the recent reports of oil in Prince William Sound, my colleagues and I worked extensively there last summer, spending most of our time visiting beaches surveyed by researcher Jeff Short. Based on our observations, it is difficult to understand Short's claims.

We saw no evidence that Short dug 7,000 pits on 91 locations. We were able to locate and survey 78 of the 96 sites indicated in Short's study plan. We found clear evidence of activity at 33 sites and were able to map the locations of 875 pits. Had thousands been dug, we would have located many more.

We found visible evidence of oil in 196 pits at only 19 sites. The sites at which we found evidence of activity were generally those "worst case" locations in the Sound that have been known and studied for years. Seven known worst-case sites accounted for 133 of the 196 oiled pits. Even at these seven locations, remaining deposits of oil are localized and are not readily available to wildlife.

Any release of oil from these sites is negligible compared with other sources of petroleum in the Sound.

The locations of the pits at the sites demonstrate that they were chosen subjectively, with the greatest concentration of pits in areas showing oil residue. We found six times as many pits dug at sites found to have oil than sites that were found to have no oil. This approach exaggerates the extent of remaining residues of the spill based on pit tallies alone. It indicates a strong bias in the Short study and raises questions about the scientific validity of its conclusions.

I think that the Trustee Council's "nonrecovered" species list has no sound scientific basis. Claims of ongoing "spill effects" are either the results of natural or human factors not related to the spill, or the results of flawed scientific study designs based on invalid comparisons, or the use of a "return to pre-spill conditions" as a benchmark for recovery. The scientifically appropriate definition of recovery takes nonspill factors and natural environmental changes into account.

Prince William Sound today is as healthy as it would have been if the spill hadn't happened.

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■ David S. Page is professor of chemistry and biochemistry at Bowdoin College in Brunswick, Maine. He has studied the Exxon Valdez spill since 1989 with the support of Exxon Mobil.

# Daily News Letters

Sunday, February 3, 2002 **F-3**

## Critic of oil spill study attempts to discredit government science

The Point/Counterpoint by Bowdoin College's Dr. David Page (Jan. 31) questions my integrity performing a study last summer to estimate the amount of oil remaining in Prince William Sound from the Exxon Valdez oil spill. He disputes the extent of the work actually done and charges bias during sampling, based on his shadowing of our study. In rebuttal, I note:

(1) Page did not begin shadowing our study until August, after the study was 75 percent complete.

(2) Page misrepresented our more extensive sampling of oil patches as evidence of bias, when in fact we were simply following the peer-reviewed sampling design which called for additional holes to delineate the size of oil patches detected.

(3) Page's sponsor, ExxonMobil, filed a Freedom of Information Act request for all the study records on Jan. 8, 2002, which will prove we completed the study as advertised, but he has made his allegations before he received this evidence.

(4) Page could have asked to accompany us during the survey, as did several news organizations, all of which we accommodated. Instead, Page engaged in a secretive and incompetent

attempt to audit our progress. His public attack without bothering to look at the evidence of our field records appears to indicate that Page's fieldwork last summer was a premeditated attempt to discredit government science.

— Jeffrey W. Short  
Auke Bay

## Prince William Sound oil study critic's fraud charge is unfounded

In a recent Point/Counterpoint article, Exxon consultant Dr. David Page questioned the integrity of a study led by National Oceanic and Atmospheric Administration scientist Jeffrey Short. The study led to scientific estimates of the amount of oil remaining in Prince William Sound from the 1989 Exxon Valdez oil spill.

While scientists often disagree with interpretations of research efforts, it is rare to charge fraud. We can assure the public that the work was done as reported. News reporters, support-vessel crew, a government archaeologist, residents of Tatitlek and Chenega, and other participating scientists could bear witness to the work. Notebooks with the raw data, including daily entries of holes dug and oil found, provide corroborating evidence.

National experts reviewed the project's sampling design to make sure it was not biased. The study was conducted openly in the field, with several on-site visits by news media and intense public scrutiny. The results will soon be published in the open scientific literature, where unbiased scientists can view the results and the interpretations.

We are requesting the National Academy of Sciences to evaluate Dr. Page's allegation, along with the data collected by the National Oceanic and Atmospheric Administration. If Dr. Page is unwilling to cooperate, he should print a retraction of his allegation.

— Dr. Robert Spies, chief scientist,  
EVOS Trustee Council  
Molly McCammon, executive director,  
EVOS Trustee Council  
Dr. Jim Balsiger, Alaska administrator,  
National Marine Fisheries Service



### Author's rebuttal doesn't make oil study any less flawed, biased

I stand by my observations and experiences that formed the basis of my opinion published Jan. 31 in the Daily News.

Mr. Short's recent rebuttal ignores the details of my observations that indicated a strong bias in his Prince William Sound oil study. Many of Short's pits were dug at the top of the beach, well above the surf zone. While wave action may have eliminated evidence of some pits lower in the tide zone, I doubt we missed thousands of pits because of this.

We found many locations with far fewer than the required minimum of 100-plus pits, indicating a departure from Short's published study plan. Sites with no oil had far fewer pits than those with oil, indicating bias and inconsistent effort. Short's study plan required that each pit be 50 centimeters deep. We found pit depths to be highly variable and generally less than 50 centimeters, rendering oil amount estimates meaningless.

If Short is so confident of his findings, why not release all his data now, including field notes, for the public and scientific community to see? Why must we file a Freedom of Information Act submission to try to get the data? I am confident that Short's conclusions about the extent of remaining oil in Prince William Sound will not stand the test of rigorous and unbiased scientific scrutiny.

— David S. Page  
Professor, Bowdoin College  
Brunswick, Maine

### Mr. Page — aka Exxon — should educate himself before criticizing

With regard to David Page's Point Counterpoint (Jan. 31) and his so-called extensive observations, I think most Alaskans realize that any "study" funded by Exxon is suspect, but let's assume that Page was unbiased in his statement that "we saw no evidence that Short dug 7,000 pits." A little effort would have uncovered the fact that many pits were refilled to avoid further contamination of Prince William Sound. Also, 9,000 pits were dug and a simple request of Auke Bay Labs would confirm their locations. However, when your task is to distort, misinform and cover up, good science takes a back seat.

Page (Exxon) further states that "location of the pits ... were chosen subjectively." Actually,

the sites and pit locations were chosen at random. A disconcerting number of the pits missed visible surface oil. Heavily oiled Naked Island sites were not even selected by this random process. When oil was found, more pits were dug to ascertain extent and magnitude, a standard technique in peer-reviewed science. There are many more distortions in Page's column.

The conclusions of the Short study are, if anything, conservative and well documented and should be taken seriously to really understand what is happening in the Sound. To undermine the results of the Short study with personal opinion does a disservice to credible scientific process.

— Michael Yourkowski  
Homer

**Caltech Policy on Research Misconduct**  
(Approved by the Faculty Board January 22, 2001)

*Preamble*

Research misconduct is historically a rare occurrence, especially at Caltech, where all members of the community are bound by a very effective code of honor. However, should an instance arise of either real or apparent misconduct, the Institute must act swiftly and decisively, while affording maximum possible protection both to the "whistle blower" (complainant) and to the accused (respondent). That is the intent of this policy.

The term research misconduct has been chosen instead of the narrower scientific misconduct to describe this policy. It refers to all research conducted at the Institute. The Chair of each Division is responsible for informing the Division's Faculty, staff, and students of the Institute's policy with regard to research misconduct, and for interpreting this policy. This policy is not intended to deal with other problems, such as disputes over order of authorship, or violation of Institute or federal regulations, that do not amount to research misconduct.

**Definitions**

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.

**Findings**

A finding of research misconduct requires that:

- There be significant departure from accepted practices of the scientific community for maintaining the integrity of the research record;
- The misconduct be committed intentionally, or knowingly, or in reckless disregard of accepted practices; and
- The allegation be proven by a preponderance of evidence.

**Procedure**

The procedures to be followed have three stages: Inquiry, Investigation, and Adjudication, or Resolution. These are the stages required by regulations issued by the Federal government applicable to sponsored research. Those responsible for conducting each phase should bear in mind the following important responsibilities:

1. The Institute must vigorously pursue and resolve all charges of research misconduct.
2. All parties must be treated with justice and fairness, bearing in mind the vulnerabilities of their positions and the sensitive nature of academic reputations.
3. Confidentiality should be maintained to the maximum practical extent particularly in the inquiry phase.
4. All semblance of conflict of interest must rigorously be avoided at all stages.
5. All stages of the procedure should be fully documented.
6. All parties are responsible for acting in such a way as to avoid unnecessary damage to the

general enterprise of academic research. Nevertheless, the Institute must inform appropriate government agencies of its actions, and if it is found that misleading data or information have been published, the Institute is responsible for setting the public record straight, for example, by informing the editors of scholarly or scientific journals.

#### A. INQUIRY

The purpose of this stage is to determine, with minimum publicity and maximum confidentiality, whether there exists a sufficiently serious problem to warrant a formal investigation. It is crucial at this stage to separate substantive issues from conflicts between colleagues that may be resolved without a formal investigation.

##### 1. Initiating the Inquiry

All allegations of research misconduct arising from inside or outside the Institute, should be referred directly to the Division Chair (DC) concerned. If more than one Division is involved, more than one DC may be informed. If either the complainant or the DC perceives a possible conflict of interest the case may be taken directly to the Provost who will act as prescribed below for DCs, but the DC must be informed immediately and confidentially. A DC may initiate an inquiry without a specific complaint if it is felt that evidence of suspicious academic conduct exists.

When a complaint comes forth, the DC's first job is to provide confidential counsel. If the issue involved does not amount to research misconduct, satisfactory resolution through means other than this policy should be sought. However, if there is an indication that research misconduct has occurred, the DC must pursue the case even in the absence of a formal allegation. Moreover, the case must be pursued to its conclusion even if complainant(s) and/or respondent(s) resign from their positions at the Institute.

The DC should also counsel those involved that, should it be found at either the inquiry or the investigation stage that the allegations were both false and malicious, confidentiality may not be further maintained and, in fact, sanctions may be brought to bear against the complainant.

##### 2. Inquiry Procedure

The DC is responsible for conducting the inquiry (except, as noted above, where a conflict of interest might be perceived). The DC may call upon one or more senior colleagues for help where specific technical expertise is required, but this need should be carefully weighed against the importance of confidentiality at this stage. Confidentiality is likely to be a rapidly decreasing function of the number of persons involved in the inquiry.

The DC may wish to notify the President and Provost, and call upon Institute legal counsel at this stage. Every effort should be made to make personal legal counsel unnecessary for either complainant or respondent at this and all other stages, but all parties should recognize the Institute counsel always acts on behalf of the Institute, not one or the other party.

An inquiry is formally begun when the DC notifies the respondent in writing of the charges and process to follow. This and all other documents are to be preserved in a secure file in the Division offices for at least three years.

The nature of the inquiry will depend on the details of the case, and should be worked out by the DC in consultation with the complainant and respondent, with any colleague the DC calls on for assistance, and with Institute legal counsel. At this stage, every effort should be made to keep open the possibility of resolving the issue without damage to the position or reputation of either the complainant or the respondent. However, the DCs primary allegiance is not to the individuals but to the integrity of academic research, and to the Institute. If research misconduct has been committed, it must not be covered up.

The inquiry should be completed and a written record of findings should be prepared, within 30 days of its initiation. If the 30-day deadline cannot be met, a report should be filed citing progress to date and the reasons for the delay, and the respondent and other involved individuals should be informed.

##### 3. Findings of the Inquiry

The inquiry is completed when a judgment is made of whether a formal investigation is warranted. An investigation is warranted if a reasonable possibility of research misconduct exists. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews,

and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of the inquiry. If they comment on that report, their comments may be made part of the record. The DC must inform the complainant whether the allegations will be subject to a formal investigation.

If the allegation is found to be unsupported but has been made in good faith, no further action is required, aside from informing all parties, and attempting to heal whatever wounds have been inflicted. If confidentiality has been breached, the DC may wish to take reasonable steps to minimize the damage done by inaccurate reports. If the allegation is found not to have been made in good faith, the DC should inform the Provost and the President who will consider possible disciplinary action.

If a complainant is not satisfied with a DC's finding that the allegations are unsupported, the result may be appealed to the Provost, or if the Provost has made the finding, to the President.

#### 4. Notifications

The relevant responsible agency (or agencies in some cases) should be informed of the allegation upon completion of an inquiry, if (1) the allegation involves Federally funded research (or an application for Federal funding) and meets the Federal definition of research misconduct which is the same as the one given above, and (2) there is sufficient evidence to proceed to an investigation.

The relevant responsible agency should continue to be informed of the progress of the investigation, its outcome, and any actions taken.

#### • Other Reasons to Notify the Agency.

At any time during an inquiry or investigation, the institution will notify the relevant Federal agency if public health or safety is at risk; if agency resources or interests are threatened; if research activities should be suspended; if there is reasonable indication of possible violations of civil or criminal law; if Federal action is required to protect the interests of those involved in the investigation; if the Provost and DC believe the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved; or if the scientific community or public should be informed.

### B. INVESTIGATION

An investigation is initiated within 30 calendar days when an inquiry results in a finding that an investigation is warranted. The purpose of the investigation is to determine whether research misconduct has been committed. If an investigation is initiated, the Provost and DC should decide whether interim administrative action is required to protect the interests of the subjects, students, colleagues, the funding agency, or the Institute while the investigation proceeds. Possible actions might include temporary suspension of the research in question, for example. If there is reasonable indication of possible criminal violations, cognizant authorities must be informed by the Provost within 24 hours. Note the provisions of Section A.4 above requiring the Institute to notify the agency if it ascertains at any stage of the inquiry or investigation that specified conditions exist.

#### 1. The Investigation Committee

The Provost in consultation with the DC, shall appoint an Investigation Committee. The principal criteria for membership shall be fairness and wisdom, technical competence in the field in question, and avoidance of conflict of interest. Membership of the committee need not be restricted to the Faculty of the Institute.

The respondent and complainant should be given an opportunity to comment, in writing, on the suitability of proposed members before the membership is decided. The committee should be provided with a budget that will enable it to perform its task. The Provost and DC should write a formal charge to the committee, informing it of the details of its task.

#### 2. The Investigation Process

Once the Investigation Committee is formed, it should undertake to inform the respondent of all allegations so that a response may be prepared. It is assumed that all parties, including the respondent will cooperate fully with the Investigation Committee. The committee should call upon the help of Institute legal counsel in working out the procedure to be followed in conducting the investigation. The complainant and respondent should be fully informed of the procedure chosen.

At this stage, the demands of confidentiality become secondary to the necessity that a vigorous investigation make a conclusive determination of the facts. Nevertheless, every attempt should be made to protect the reputations of all parties involved.

The investigation should be completed, and a full report filed with those parties requiring notice within 120 days of its initiation. If this deadline cannot be met, an interim report of the reasons for delay and progress to date should be filed, with appropriate persons and agencies.

A draft of the committee report should be submitted to both complainant and respondent for comment before the final report is written. The respondent should be given the opportunity for a formal hearing before the Investigation Committee. Institute legal counsel should be called upon to assist in working out the procedure to be followed in conducting such a hearing.

If an investigation results in a finding, based on a preponderance of the evidence, that research misconduct occurred, an adjudication, or resolution phase follows whereby the recommendations are reviewed and appropriate action determined.

### C. RESOLUTION

Adjudication or resolution decisions are separated organizationally from the agency's or research institution's inquiry and investigation processes. Any appeals process should likewise be separated organizationally from the inquiry and investigation.

The committee finding may be grouped into two broad categories:

#### 1. No Finding of Research Misconduct

All federal agencies or other entities initially informed of the investigation should be notified promptly. A full record of the investigation should be retained by the Institute in a secure and confidential file for at least three years. The Provost and DC should decide what steps need to be taken to clear the record and protect the reputations of all parties involved.

If the allegations are found to have been maliciously motivated, the Provost and DC may wish to recommend to the President appropriate disciplinary action. If the allegations are found to have been made in good faith, steps should be taken to prevent retaliatory actions.

#### 2. Finding of Research Misconduct

The Provost and DC should decide on an appropriate course of action to deal with misconduct, to notify appropriate agencies, and to correct the scholarly or scientific record. The Provost and DC should forward the committee report to the President with a recommendation of sanctions and other actions to be taken. Possible sanctions include:

- Removal from the project
- Letter of reprimand
- Special monitoring of future work
- Probation or suspension
- Salary or rank reduction
- Termination of employment

The President should review the full record of the inquiry and investigation. The respondent may at this stage appeal to the President on grounds of improper procedure or a capricious or arbitrary decision based on the evidence in the record. New evidence may lead the President to call for a new investigation or further investigation, but not to an immediate reversal of the finding. After hearing any appeal and reviewing the case, the President should make a decision, or, in appropriate cases, recommend a final disposition to the Board of Trustees. The decision of the Board is final. In deciding what administrative actions are appropriate, the President should consider the seriousness of the misconduct, including whether the misconduct was intentional or reckless; was an isolated event or part of a pattern; had significant impact on the research record; and had significant impact on other researchers or institutions.

For research sponsored by a relevant responsible agency (or agencies) a final report should be submitted to describe the policies and procedures under which the investigation was conducted, how and

from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or other administrative action taken by the Institution.

In addition to regulatory authorities and sponsors, all interested parties should be notified of the final disposition of the case and provided with any legally required documentation. The list may include:

- The complainant
- Coauthors, coinvestigators, collaborators
- Editors of journals that have published compromised results
- Professional licensing boards and professional societies
- Other institutions that might consider employing the respondent
- Criminal authorities

# Exxon Valdez Oil Spill Trustee Council

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



## FAX COVER SHEET

To: Dr Parrish Number: 850-469-9778  
From: Molly Date: Mar 15, 2002  
Comments: Pages: 3 with cover

Dr Parrish following is a letter<sup>(w/o)</sup> attach<sup>(ed)</sup>  
requesting action by SETAC.

The original letter with attachment,  
is being sent Fed Ex this  
afternoon.

**FAX COMPLETE**

HARD COPY TO FOLLOW: YES letter w/ attachments

Document sent by: Churri

\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO.	6457
CONNECTION TEL	18504699778
CONNECTION ID	SETAC
START TIME	03/15 12:53
USAGE TIME	01'56
PAGES	3
RESULT	OK



# Exxon Valdez Oil Spill Trustee Council

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



## FAX COVER SHEET

To: Jeep / Jeff

Number: 907-789-6094

From: Molly

Date: 3-15-02

Comments:

Pages: 3 with cover

FYI

**FAX COMPLETED**

HARD COPY TO FOLLOW: NO

Document sent by: [Signature]

\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO.	6460
CONNECTION TEL	19077896094
CONNECTION ID	NOAA/AUKE BAY
START TIME	03/15 13:21
USAGE TIME	01'33
PAGES	3
RESULT	OK

# Exxon Valdez Oil Spill Trustee Council

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

March 15, 2002



Max Mertz  
Elgee, Rehfeld and Funk  
9309 Glacier Highway, Suite B-200  
Juneau, Alaska 99801

Dear Max:

On behalf of the Trustee Council, I am submitting responses to the general comments contained in the *Exxon Valdez Oil Spill Trustee Council, Internal Control and Operating Comments*, dated February 8, 2002.

## **Comment: DETERMINE ALLOWABILITY OF BONUS AWARDS**

### Response:

We agree that a policy regarding bonus awards should be established and that the policy should be detailed in the Operating Procedures. At the February 25, 2002 Trustee Council meeting the Council voted to disallow use of EVOS funds for fiscal year 2000 and 2001 bonus awards. A policy on the use of bonus awards will be developed and included in the upcoming revision to the Operating Procedures.

## **Comment: IMPROVE PEER REVIEW RESULTS REPORTING**

### Response:

We agree that project reports submitted for peer review should be reviewed and the review forwarded to the submitting agency in a timely manner to allow review comments to be addressed.

We also feel strongly that project reports should be prepared and submitted in a timely manner. We have established a thorough system for tracking the submittal, review, and finalization of project reports and make a concerted effort on a regular basis to see that work is performed timely—by report authors as well as report reviewers. We review report status monthly with the Chief Scientist (who oversees the corps of peer reviewers) and quarterly with all principal investigators. The Trustee Council has adopted a policy prohibiting release of project funds to any investigator who has an overdue report, and we routinely withhold funds for this reason.

Despite these efforts, some principal investigators and some peer reviewers fail to meet their commitments for various reasons, which is perhaps inexcusable but also not

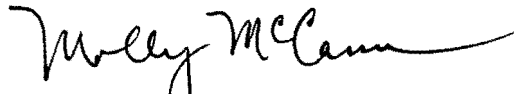
unexpected. This is not necessarily a failure of Trustee Council policy, but rather a failure by some individuals to comply with the policy. That said, we are aware of very few instances in which peer review arrived too late to be effectively addressed by the principal investigator.

In regard to your specific comments on projects 99423 and 00423, please note:

· The peer review of the 99423 report was dated February 16, 2001. Neither the submitting agency nor the Restoration Office, for reasons unknown, received the review until August 13, 2001. In other words, the extreme tardiness of the peer review was due in part to a delivery error.

· The peer review of the 00423 report, addressed to the submitting agency (Dede Bohn) and cc'd to the three PIs (Bodkin, Dean, and Esler), was dated July 5, 2001 and received by Bohn, the PIs and the Restoration Office July 12, 2001. In other words, peer review of this report was completed timely. (Your finding indicates the peer review had still not been received as of January 2002.)

Sincerely,

A handwritten signature in black ink, reading "Molly McCarron". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Molly McCarron  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

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

FROM: Molly McCammon  
Executive Director

RE: Project 99154: Approval of Repository Design Documents

Project 99154: Authorization to Proceed with Repository Phase III,  
Remodeling

DATE: March 13, 2002

---

Chugachmiut has proposed to remodel the Orca Building in Seward to serve as a regional archaeological repository. In accordance with Appendix B, Section 2.2.2, of the grant agreement between the Alaska Department of Natural Resources and Chugachmiut, Inc., executed on October 14, 1999, I approve the design of the repository. Furthermore, in accordance with Appendix B, Section 2.3.1 of the grant agreement, I authorize you to proceed with Phase III, Remodeling, for the proposed repository. For the following reasons, I find that all requirements for these approvals have been met:

1. The proposed repository satisfies the requirements of the National Environmental Policy Act (NEPA) according to a letter from Dave Gibbons dated September 21, 2001;
2. In a resolution approved on December 4, 2000, the Exxon Valdez Trustee Council directed that the repository be developed in accordance with the repository business plan dated March 30, 2000, as modified by Chugachmiut's letter of June 19, 2000;
3. Chugachmiut has submitted evidence that it purchased the Orca Building in Seward on May 19, 1999, and has clear and unencumbered title to the building;
4. Elizabeth Knight, Senior Curator, National Park Service, has reviewed the final design documents dated December 6, 2001, and advised you that the

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

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

FROM: Molly McCammon  
Executive Director

RE: Project 99154: Approval of Repository Design Documents

Project 99154: Authorization to Proceed with Repository Phase III,  
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DATE: March 13, 2002

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3. Chugachmiut has submitted evidence that it purchased the Orca Building in Seward on May 19, 1999, and has clear and unencumbered title to the building;
4. Elizabeth Knight, Senior Curator, National Park Service, has reviewed the final design documents dated December 6, 2001, and advised you that the

design of the repository satisfies applicable federal regulations (36 C.F.R., Part 79); and

5. You have approved the final version of the *Relocation of Collections Report* dated March 6, 2002, after consulting with Elizabeth Knight, Senior Curator, National Park Service, and Dan Odess, Curator of Archaeology, University of Alaska Museum.

# Exxon Valdez Oil Spill Trustee Council

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



## FAX COVER SHEET

To: Virginia Christman Number: 269.8908

From: Cheri Date: 3/14/02

Comments: Pages: 3 with cover

**FAX COMPLETE**

HARD COPY TO FOLLOW: No

Document sent by: 

*faxed  
& mailed  
3/14*



\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO.

6442

CONNECTION TEL

2698908

CONNECTION ID

START TIME

03/14 10:45

USAGE TIME

01'08

PAGES

3

RESULT

OK

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Marcia Olive  
PO Box 150496  
Lakewood, CO 80215

Dear Marcia:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

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

Molly McCammon,  
Executive Director

Marcia -  
It was great meeting you.  
Will definitely keep you in mind  
as the program develops!  
Molly

---

#### Federal Trustees

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

#### State Trustees

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

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

David Schoolcraft  
11539 Depew Court  
Westminster, CO 80021

Dear David:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

Molly McCammon,  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Patrick Allaband  
4435 N. First St., #153  
Livermore, CA 94550

Dear Patrick:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

Molly McCammon,  
Executive Director

---

#### Federal Trustees

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

#### State Trustees

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

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

David Anderson  
4437 Coolidge Place  
Boulder, CO 80303

Dear David:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

A handwritten signature in cursive script that reads "Molly McCammon". The signature is fluid and written in dark ink.

Molly McCammon,  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Vathsala DeSilva  
5643 46th Avenue, SW  
Seattle, WA 98136

Dear Vathsala:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

Molly McCammon,  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Brian O'Gorman  
PO Box 4261  
Kodiak, AK 99615

Dear Brian:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

Molly McCammon,  
Executive Director

Brian - thanks for getting  
back to me today.  
I'll be in Kodiak  
for a conf - see you then.  
Molly

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Michael Pendergast  
PO Box 3041  
Seward, AK 99664

*Mike*  
Dear ~~Michael~~:

Thank you for applying for the Data Manager position with the Exxon Valdez Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

Molly McCammon,  
Executive Director

*No letter needed -  
we offered the job to him  
first - he turned us  
down.  
Keep this in data mgr. file.  
M.*



# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

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Sincerely,

Molly McCammon,  
Executive Director

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I'll be in Kodiak  
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Molly

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Craig Tillery  
Regina Belt

FROM: *Debbie Hennigh*  
Debbie Hennigh  
Special Assistant

DATE: March 12, 2002

SUBJ: Court Notice #11

---

The purpose of this memorandum is to request that the Alaska Department of Law and the United States Department of Justice notify the United States District Court of our intent to expend \$16,100 in earnings that have accrued on monies disbursed from the *Exxon Valdez* Oil Spill Settlement Trust. This amount is for amending Project 02630 to provide funding for the Department of Environmental Conservation.

There has been one Trustee Council meeting (February 25, 2002) since the last court notice, dated December 28, 2001.

Attached are the following documents:

1. Draft meeting notes for February 25, 2002 (including labeled attachments)
2. Second copy of draft meeting notes Attachment C, request for \$16,100, without attachment label
3. Executive Director's certification of Trustee Council action
4. Updated court notification spreadsheet

# Exxon Valdez Oil Spill Trustee Council

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



March 12, 2002

I certify that on February 25, 2002 the *Exxon Valdez* Oil Spill Trustee Council Trustee Council approved a motion to amend Project 02630 (Planning for Long-term Research & Monitoring Program) by \$16,100. This is for the Department of Environmental Conservation to develop a report summary of strategies that other state agencies have developed and approaches they use to fund their surface water quality monitoring programs.

Molly McCammon  
Executive Director

EXXON VALDEZ OIL TRUSTEE COUNCIL  
2002 Federal Fiscal Year Project Budget  
October 1, 2001 - September 30, 2002

Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
ADEC	All	02100	Public Information, Science Management and Administration	23.0			23.0
	All	02250	Project Management	10.3			10.3
		02514	Lower Cook Inlet Waste Management Plan (capital project)		47.9		47.9
		02630	Planning for Long-Term Research and Monitoring Program			16.1	16.1
		02667	Effectiveness of Citizens' Environmental Monitoring	16.7	1.2		17.9
		02668	Water Quality and Habitat Database		16.1		16.1
			ADEC Total	50.0	65.2	16.1	131.3
ADF&G	All	02052	Community Involvement Planning for GEM	45.0			45.0
		02100	Public Information, Science Management and Administration	970.5			970.5
		02190	Construction of a Linkage Map for the Pink Salmon Genome	43.1	124.9		168.0
		02210	Youth Area Watch	106.1			106.1
		02245	Community-Based Harbor Seal Management and Biological Sampling	26.8			26.8
	All	02247	Kametolook River Coho Salmon Subsistence Project	30.8			30.8
		02250	Project Management	60.6			60.6
		02320	SEA: Printing Final Report		2.1		2.1
		02340	Toward Long-Term Oceanographic Monitoring of the Gulf of Alaska Ecosystem	77.8			77.8
		02395	Workshop on Nearshore/Intertidal Monitoring	63.6			63.6
	DOI-FWS/USGS	02407	Harlequin Duck Population Dynamics	68.7			68.7
		02423	Patterns and Processes of Population Change in Selected Nearshore Vertebrate Predators (Bench Fees Only)	128.7			128.7
		02441-CLO	Harbor Seal Recovery: Effects of Diet on Lipid Metabolism and Health	20.2			20.2
		02455	Gulf Ecosystem Monitoring and Research Program Data System	105.0			105.0
		02462-CLO	Effect of Disease on Pacific Herring Population Recovery in Prince William Sound	77.4			77.4
	NOAA	02535	EVOS Trustee Council Restoration Program Final Report	52.4			52.4
		02538	Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska	22.7	10.1		32.8
		02550	Alaska Resources Library and Information Services	93.4			93.4
	NOAA	02558	Harbor Seal Recovery: Application of New Technologies for Monitoring Health (including Bench Fees)	292.3			292.3
		02584	Airborne Remote Sensing Tools		63.6		63.6
		02593	River Otter Synthesis	32.4			32.4
		02603	Ocean Circulation Model		80.0		80.0
		02608	Archiving of Nearshore & Deep Benthic Specimens	61.6			61.6
		02610	Kodiak Archipelago Youth Area Watch	61.8			61.8
		02612	Marine-Terrestrial Linkages in Kenai River Watershed	44.6			44.6

Dollar Amounts are shown in thousands of dollars  
Revised 3/12/02

EXXON VALDEZ OIL : . TRUSTEE COUNCIL  
2002 Federal Fiscal Year Project Budget  
October 1, 2001 - September 30, 2002

Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
		02614	Monitoring Program for Near-Surface Temperature, Salinity, and Fluorescence in the Northern Pacific Ocean	38.2			38.2
	ADNR	02630	Planning for Long-Term Research and Monitoring Program	21.0	166.0		187.0
		02649	Reconstructing Sockeye Populations in the Gulf of Alaska over the Last Several Thousand Years	88.1			88.1
		02671-BAA	Coordinating Volunteer Vessels of Opportunity to Collect Oceanographic Data in Kachemak Bay and Lower Cook Inlet	34.8			34.8
	NOAA	02674-BAA	Continuing Decline of Pigeon Guillemots in the Oiled Portion of Prince William Sound (Bench Fees Only)	17.8	-17.8		0.0
			<b>ADF&amp;G Total</b>	<b>2,685.4</b>	<b>428.9</b>		<b>3,114.3</b>
ADNR	All	02100	Public Information, Science Management and Administration	307.6			307.6
	USFWS	02126	Habitat Protection and Acquisition Support	86.9			86.9
		02154	Archaeological Repository & Local Display Facilities, and Exhibits for Prince William Sound and Lower Cook Inlet	29.1			29.1
	All	02250	Project Management	8.6			8.6
		02600	EVOS Synthesis, 1989-2001		133.8		133.8
	ADFG	02630	Planning for Long-Term Research and Monitoring Program	42.8	74.9		117.7
			<b>ADNR Total</b>	<b>475.0</b>	<b>208.7</b>		<b>683.7</b>
USFS	All	02100	Public Information, Science Management and Administration	20.0			20.0
	All	02250	Project Management	8.7			8.7
		02256B	Sockeye Salmon Stocking at Solf Lake	15.5			15.5
			<b>USFS Total</b>	<b>44.2</b>	<b>0.0</b>		<b>44.2</b>
DOI-FWS	ADNR	02126	Habitat Protection and Acquisition Support	74.9			74.9
		02144	Common Murre Population Monitoring	14.8			14.8
		02159	Seabird Boat Surveys		33.3		33.3
	DOI-USGS/ADFG	02423	Patterns and Processes of Population Change in Selected Nearshore Vertebrate Predators	12.1			12.1
		02561	Evaluating the Feasibility of Developing a Community-Based Forage Fish Sampling Project for GEM	54.3			54.3
			<b>DOI-FWS Subtotal</b>	<b>156.1</b>	<b>33.3</b>		<b>189.4</b>
DOI-USGS		02100	Public Information, Science Management and Administration	112.5			112.5
		02163M	Alaska Predator Ecosystem Experiment in Prince William Sound and the Gulf of Alaska (APEX)	50.0			50.0
	All	02250	Project Management	36.2			36.2

Dollar Amounts are shown in thousands of dollars  
Revised 3/12/02

EXXON VALDEZ OIL . . . TRUSTEE COUNCIL  
2002 Federal Fiscal Year Project Budget  
October 1, 2001 - September 30, 2002

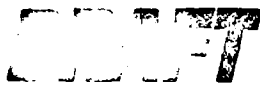
Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
		02404	Archival Tags for Tracking King Salmon at Sea: Migrations, Biology, and Oceanographic Preferences in Prince William Sound	104.6			104.6
	DOI-FWS/ADFG	02423	Patterns and Processes of Population Change in Selected Nearshore Vertebrate Predators	317.6			317.6
		02479	Effects of Food Stress on Survival and Reproductive Performance of Seabirds	55.0			55.0
	NOAA	02585	Lingering Oil: Bioavailability & Effects		94.8		94.8
	DOI-NPS	02656	Retrospective Analysis of Nearshore Marine Communities Based on Analysis of Archaeological Material and Isotopes	105.1			105.1
			<b>DOI-USGS Subtotal</b>	<b>781.0</b>	<b>94.8</b>		<b>875.8</b>
DOI-NPS	USGS	02656	Retrospective Analysis of Nearshore Marine Communities Based on Analysis of Archaeological Material and Isotopes	4.8			4.8
			<b>DOI-NPS Subtotal</b>	<b>4.8</b>	<b>0.0</b>		<b>4.8</b>
DOI-O/S	All	02100	Public Information, Science Management and Administration	43.8			43.8
			<b>DOI-O/S Subtotal</b>	<b>43.8</b>	<b>0.0</b>		<b>43.8</b>
			<b>DOI Total</b>	<b>985.7</b>	<b>128.1</b>		<b>1,113.8</b>
NOAA		02012-BAA	Photographic and Acoustic Monitoring of Killer Whales in Prince William Sound and Kenai Fjords	35.2			35.2
	All	02100	Public Information, Science Management and Administration	22.6			22.6
		02195	Pristane Monitoring in Mussels	20.0			20.0
	All	02250	Project Management	57.3			57.3
		02290	Hydrocarbon Database and Interpretation Service	35.0			35.0
		02360-BAA	The <i>Exxon Valdez</i> Oil Spill: Guidance for Future Research Activities	90.1			90.1
		02396	Alaska Salmon Shark Assessment	28.8			28.8
		02401	Assessment of Spot Shrimp Abundance in Prince William Sound	25.5			25.5
		02476	Effects of Oiled Incubation Substrate on Pink Salmon Reproduction	39.8			39.8
		02492	Were Pink Salmon Embryo Studies in Prince William Sound Biased?	24.0			24.0
	ADFG	02538	Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska	30.2	17.4		47.6
		02543	Evaluation of Oil Remaining in the Intertidal from the <i>Exxon Valdez</i> Oil Spill	113.1			113.1
		02552-BAA	Exchange Between PWS and GOA		102.5		102.5
		02574-BAA	Bivalve Recovery on Treated Beaches		94.8		94.8
	ADFG	02584	Airborne Remote Sensing Tools		15.0		15.0
	USGS	02585	Lingering Oil: Bioavailability & Effects		201.6		201.6
		02622	Digital ESI Maps: Cook Inlet/Kenai		36.6		36.6

Dollar Amounts are shown in thousands of dollars

Revised 3/12/02

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
 2002 Federal Fiscal Year Project Budget  
 October 1, 2001 - September 30, 2002

Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
		02624-BAA	Ships of Opportunity: Plankton Survey		120.6		120.6
		02636-BAA	Commercial Fishing Management Applications		50.0		50.0
	ADFG	02674-BAA	Continuing Decline of Pigeon Guillemots in the Oiled Portion of Prince William Sound	42.6	-42.6		0.0
			NOAA Total	564.2	595.9		1,160.1
			Total	4,804.5	1,426.8		6,247.4



# Exxon Valdez Oil Spill Trust Council

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



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

February 25, 2002

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

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

Frank Rue, ADF&G  
Michele Brown, ADEC  
\*Craig Tillery, ADOL

\* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

● Alternates:

Maria Lisowski served as an alternate for Dave Gibbons for the entire meeting.

Meeting convened at 9:48 a.m., February 25, 2002, in Anchorage.

### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the February 25, 2002 agenda  
(Attachment A).

Motion by Pearce, second by Lisowski.

### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved December 11, 2001 meeting notes  
(Attachment B).

Motion by Brown, second by Pearce.

### 3. Asset Allocation Policy

Discussion - No changes made to the Asset Allocation Policy.

---

**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



Public comment period began at 11:05 a.m.

**No Public comments received**

Public comment period closed at 11:06 a.m.

4. Project 02360 Amendment:

**APPROVED MOTION:** Approved a motion to amend project 02630, Planning for Long-Term Research and Monitoring Program, by authorizing an additional \$16,100 be added to the budget to develop a report summary of strategies and approaches that other state agencies have developed to fund their surface water quality monitoring programs. (Attachment C)

Motion by Rue, second by Balsiger.

Public comment period re-opened 11:32 a.m.

**Public comments received by 1 individual from Anchorage.**

Public comment period closed 11:51 a.m.

**BREAK**

Off the record at (11:51 a.m.)

On the record at (12:19 p.m.)

5. STAC Process

**APPROVED MOTION:** Approved a motion to approve the Scientific and Technical Advisory Committee (STAC) process (Attachment D).

Motion by Rue, second by Pearce.

6. Support for PICES

**APPROVED MOTION:** Approved a motion to approve \$14,000 of Project 02630 (Restoration Office portion) contractual costs be give to PICES for travel and report expenses.

Motion by Brown, second by Rue.

7. Bonus awards

**APPROVED MOTION:** Approved a motion to disallow the allocation of EVOS funds to be used for bonuses given out of Project 00159 (\$5000), Project 00163 (\$2500), and Project 01423 (\$2796).

Motion by Rue, second by Pearce.

8. Small Parcel KEN 309

**APPROVED MOTION:** Adopted resolution 02-05 (Attachment E) to provide funds for the State of Alaska to purchase all of the seller's rights and interests in small parcel KEN 309.

Motion by Rue, second by Brown.

9. Small Parcel KAP 285

Discussion regarding concerns about how the purchase of KAP 285 would impact local economic potential. No formal action taken.

Meeting adjourned 2:02 p.m.

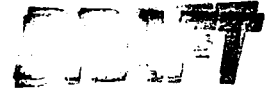
Motion by Rue, second by Lisowski.

## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

February 25, 2002

By Molly McCammon  
Executive Director



### Trustee Council Members Present:

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

Frank Rue, ADF&G  
Michele Brown, ADEC  
\*Craig Tillery, ADOL

\* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

● Alternates:

Maria Lisowski served as an alternate for Dave Gibbons for the entire meeting.

Meeting convened at 9:48 a.m., February 25, 2002, in Anchorage.

### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the February 25, 2002 agenda  
(Attachment A).

Motion by Pearce, second by Lisowski.

### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved December 11, 2001 meeting notes  
(Attachment B).

Motion by Brown, second by Pearce.

### 3. Asset Allocation Policy

Discussion - No changes made to the Asset Allocation Policy.

Public comment period began at 11:05 a.m.

**No Public comments received**



Public comment period closed at 11:06 a.m.

4. Project 02360 Amendment:

**APPROVED MOTION:** Approved a motion to amend project 02630, Planning for Long-Term Research and Monitoring Program, by authorizing an additional \$16,100 be added to the budget to develop a report summary of strategies and approaches that other state agencies have developed to fund their surface water quality monitoring programs. (Attachment C)

Motion by Rue, second by Balsiger.

Public comment period re-opened 11:32 a.m.

**Public comments received by 1 individual from Anchorage.**

Public comment period closed 11:51 a.m.

**BREAK**

Off the record at (11:51 a.m.)

On the record at (12:19 p.m.)

5. STAC Process

**APPROVED MOTION:** Approved a motion to approve the Scientific and Technical Advisory Committee (STAC) process (Attachment D).

Motion by Rue, second by Pearce.

6. Support for PICES

**APPROVED MOTION:** Approved a motion to approve \$14,000 of Project 02630 (Restoration Office portion) contractual costs be give to PICES for travel and report expenses.

Motion by Brown, second by Rue.

Public comment period began at 11:05 a.m.

**No Public comments received**



Public comment period closed at 11:06 a.m.

4. Project 02360 Amendment:

**APPROVED MOTION:** Approved a motion to amend project 02630, Planning for Long-Term Research and Monitoring Program, by authorizing an additional \$16,100 be added to the budget to develop a report summary of strategies and approaches that other state agencies have developed to fund their surface water quality monitoring programs. (Attachment C)

Motion by Rue, second by Balsiger.

Public comment period re-opened 11:32 a.m.

**Public comments received by 1 individual from Anchorage.**

Public comment period closed 11:51 a.m.

**BREAK**

Off the record at (11:51 a.m.)

On the record at (12:19 p.m.)

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Motion by Rue, second by Pearce.

6. Support for PICES

**APPROVED MOTION:** Approved a motion to approve \$14,000 of Project 02630 (Restoration Office portion) contractual costs be give to PICES for travel and report expenses.

Motion by Brown, second by Rue.

7. Bonus awards

**APPROVED MOTION:** Approved a motion to disallow the allocation of EVOS funds to be used for bonuses given out of Project 00159 (\$5000), Project 00163 (\$2500), and Project 01423 (\$2796).

Motion by Rue, second by Pearce.

8. Small Parcel KEN 309

**APPROVED MOTION:** Adopted resolution 02-05 (Attachment E) to provide funds for the State of Alaska to purchase all of the seller's rights and interests in small parcel KEN 309.

Motion by Rue, second by Brown.

9. Small Parcel KAP 285

Discussion regarding concerns about how the purchase of KAP 285 would impact local economic potential. No formal action taken.

Meeting adjourned 2:02 p.m.

Motion by Rue, second by Lisowski.

# Exxon Valdez Oil Spill Trustee Council

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



## AGENDA EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL MEETING

February 25, 2002 9:30 a.m.  
441 West 5<sup>th</sup> Ave., Suite 500, ANCHORAGE

DRAFT

### Trustee Council Members:

CRAIG TILLERY  
Assistant Attorney General  
State of Alaska

MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

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

MARIA LISOWSKI for  
DAVE GIBBONS  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture

JAMES W. BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service

FRANK RUE  
Commissioner, Alaska  
Department of Fish & Game

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Teleconferenced in Anchorage, Restoration Office, 441 W 5<sup>th</sup> Ave, Suite 500  
\_\_\_\_\_ State Chair

1. Call to Order - 9:30 a.m.
  - Approval of Agenda\*
  - Approval of Meeting Notes\*
  - December 11, 2001
2. PAG Report - Chuck Meacham
  - February 21, 2002 meeting -briefing
  - PAG charter amendments - briefing

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**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

3. Executive Director's Report
  - Injured species update - briefing
  - Upcoming TC meeting schedule
  - Research MOA
  - Oceans and Watershed Symposium
  - Quarterly project financial report
  - Quarterly project status report
4. Investments - 10:00 a.m.
  - Investment reports: December 2001 and January 2002
  - Callan's Capital Market Assumptions - Briefing by John Jenks
  - Discussion of Asset Allocation Policy\*
5. Public Comment - 11:00 a.m.
6. Scientific and Technical Advisory Committee (STAC) process \*
7. Work Plan Adjustments
  - Project 02630 - Designation of funding recipient (PICES)\*
  - Project 02630 - Additional funds for water quality planning workshop\*
  - Projects 01423, 00163, 00159: approval of bonus awards as allowable project costs\*
8. Small Parcel Habitat Protection
  - Leisnoi, Inc. - Woody Island - briefing
  - Icicle Seafoods - KEN 309 \*
  - Carlson/Hook Bay - KAP 285\*

Adjourn - 1:30 p.m.

\* Indicates tentative action items.



# Exxon Valdez Oil Spill Trustee Council

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



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska  
December 11, 2001

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

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

Frank Rue, ADF&G  
● Michele Brown, ADEC  
Craig Tillery, ADOL

\* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

● Alternates:

Lynn Kent served as an alternate for Michele Brown from 10:11 a.m. until 11:45 a.m.

Meeting convened at 10:11 a.m., December 11, 2001, in Anchorage.

### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the December 11, 2001 agenda (Attachment A).  
Motion by Tillery, second by Balsiger.

### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved August 6, 2001 meeting notes (Attachment B)  
Motion by Rue, second by Kent.

### 3. NOAA budget adjustment

**APPROVED MOTION:** Approved the reprogramming of remaining FY 01 funds from EVOS project funds not obligated to cover a spending overage in Project 1543.

Motion by Rue, second by Tillery.

4. Investment/Payout policy

Discussion. No action taken.

Public comment period began at 11:00 a.m.

Public comments received telephonically from 1 individual in Cordova and from 6 in Anchorage.

Public comment period closed at 11:29 a.m.

**BREAK INTO EXECUTIVE SESSION**

Off the record at (12:15 p.m.)

5. Executive Session:

**APPROVED MOTION:** Adjourn into executive session to discuss Executive Director evaluation and legal issues.

Motion by Tillery, second by Brown.

On the record at (1:25 p.m.)

6. FY 02 Work Plan - Deferred Projects

**APPROVED MOTION:** Adopted resolution 02-04 (Attachment C) to approve the FY 02 Work plan recommendations as outlined.

Motion by Tillery, second by Rue.

7. Kodiak three 10-acre parcels

**APPROVED MOTION:** Adopted resolution 02-01 (Attachment D) to provide funding for the United States Fish and Wildlife Service to offer, or purchase if an offer is accepted, all of each seller's rights and interest in the three 10-acre parcels ( KAP 2071, KAP 2072, KAP 2073).

Motion by Rue, second by Brown.

8. Protection of land in Perenosa Bay

**APPROVED MOTION:** Adopted resolution 02-02 (Attachment E) supporting and encouraging the efforts underway by the Kodiak Brown Bear Trust, American Lands Conservancy, Rocky Mountain Elk Foundation and others to seek funds for protection of the coastal habitat in Perenosa Bay.

Motion by Rue, second by Brown.

**BREAK**

Off the record at (3:05 p.m.)

On the record at (3:20 p.m.)

9. Afognak Microwave station proposal

Discussion. No objection to the proposal. No formal action taken.

10. Jack Bay small parcel PWS 1010

**APPROVED MOTION:** Adopted resolution 02-03 (Attachment F) extending authorization for funding for small parcel PWS 1010 purchase to September 15, 2002. Amended by a contingency (Section I) that the U.S.F.S. provide a mineral study indicating low probability of mineral development.

Motion by Tillery, second by Rue.

11. Habitat grant priorities

Consultation with Conservancy and Conservation Fund. No action taken.

12. Proposed Scientific and Technical Advisory Committees

Discussion. Work group to be formed. Trustee Council to follow up with workgroup committee nominations. No formal action taken.

Meeting adjourned 5:08 p.m.

Motion by Rue, second by Tillery.

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION COMMISSIONER'S OFFICE

Attachment C

TONY KNOWLES, GOVERNOR

410 Willoughby Avenue  
Juneau, AK 99801  
PHONE: (907) 465-5066  
FAX: (907) 465-5070  
<http://www.state.ak.us/dec/>

February 22, 2002

Molly McCammon, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
441 W. 5<sup>th</sup> Avenue Suite 500  
Anchorage, AK 99501-2340

Dear Ms. McCammon:

Re: Project 02630 Amendment, Surface Water Quality Monitoring

The Department of Environmental Conservation (DEC), Division of Air and Water Quality is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- Assess the effectiveness and gaps in Alaska's water stewardship;
- Assess the health of Alaska's surface and ground waters; and
- Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program (GEM) and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meetings to involve stakeholders in development of a surface water monitoring strategy. DEC will task a term contractor with developing a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs. Information will be made available to assist DEC and stakeholders in identifying strategies which may have utility for Alaska. The contract final report will be due from the contractor prior to the end of State Fiscal Year 2002.

Sincerely,



Michele Brown  
Commissioner

**FY 02 EXXON VALDEZ TRUS. - COUNCIL PROJECT BUDGET**  
 October 1, 2003 - September 30, 2002

Budget Category:	Authorized FY 01	Proposed FY 02					
Personnel		\$0.0					
Travel		\$0.0					
Contractual		\$15.0					
Commodities		\$0.0					
Equipment		\$0.0					
Subtotal	\$0.0	\$15.0	LONG RANGE FUNDING REQUIREMENTS				
General Administration		\$1.1	Estimated FY 03				
Project Total	\$0.0	\$16.1					
Full-time Equivalents (FTE)		0.0					
Other Resources			Dollar amounts are shown in thousands of dollars.				

The Department of Environmental Conservation, Division of Air and Water Quality (DEC) is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- ? Assess the effectiveness and gaps in Alaska's water stewardship;
- ? Assess the health of Alaska's surface and ground waters; and
- ? Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meetin

**FY02**

Project Number: 02630-AMENDMENT  
 Project Title: Planning for GEM  
 Agency: ADEC

FORM 3A  
 TRUSTEE  
 AGENCY  
 SUMMARY

Prepared:

**FY 02 EXXON VALDEZ TRUS. - COUNCIL PROJECT BUDGET**  
 October 1, 2003 - September 30, 2002

<b>Personnel Costs:</b>		GS/Range/ Step	Months Budgeted	Monthly Costs	Overtime	Proposed FY 02
Name	Position Description					
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
Subtotal			0.0	0.0	0.0	
<b>Personnel Total</b>						<b>\$0.0</b>

<b>Travel Costs:</b>		Ticket Price	Round Trips	Total Days	Daily Per Diem	Proposed FY 02
Description						
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
<b>Travel Total</b>						<b>\$0.0</b>

**FY02**

Prepared:

Project Number: 02630-AMENDMENT  
 Project Title: GEM Planning  
 Agency: ADEC

**FORM 3B  
 Personnel  
 & Travel  
 DETAIL**

**FY 02 EXXON VALDEZ TRUSTEES COUNCIL PROJECT BUDGET**

October 1, 2003 - September 30, 2002

<b>Contractual Costs:</b>		<b>Proposed FY 02</b>
<b>Description</b>		
Contract to develop a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs		15.0
When a non-trustee organization is used, the form 4A is required.		
<b>Contractual Total</b>		<b>\$15.0</b>
<b>Commodities Costs:</b>		<b>Proposed FY 02</b>
<b>Description</b>		
<b>Commodities Total</b>		<b>\$0.0</b>

**FY02**

Project Number: 02630-AMENDMENT  
 Project Title: GEM Planning  
 Agency: ADEC

**FORM 3B  
 Contractual &  
 Commodities  
 DETAIL**

Prepared:

October 1, 2003 - September 30, 2002

<b>FY02</b>	Project Number: 02630-AMENDMENT Project Title: GEM Planning Agency: ADEC	FORM 3B Equipment DETAIL
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4 of 4



## **Gulf of Alaska Ecosystem Monitoring and Research Program**

### **Process for Providing Scientific and Technical Advice and Peer Review**

*February 25, 2002 Draft*

#### **Addendum to Program Management**

#### **(GEM Program Document, Volume I, Chapter 6)**

*(References to Volume numbers and chapters refer to the August 2001 Draft of the GEM Program Document, available on <http://www.oilspill.state.ak.us/index.html>)*

### **I. DESCRIPTION OF PROCESS FOR SCIENTIFIC ADVICE**

The GEM Program is a long-term monitoring and research program, responsive to the needs of resource management agencies, stakeholders and the public, consistent with the program's mission and goals, and held to a high standard of scientific excellence. The process for providing scientific and technical advice includes 1) advice on the program as a whole; 2) advice at the individual project level; and 3) peer review of all proposals and reports.

The GEM scientific advice process builds upon the Trustee Council's successful record of 13 years of peer-reviewed science. This process will be implemented by staff to the *Exxon Valdez* Oil Spill Trustee Council; a committee structure consisting of a Scientific and Technical Advisory Committee (STAC) and related subcommittees and work groups; and a periodically convened independent review committee (see Figure 6.1 below). Programmatic and technical review largely will be separated. This process will be reviewed and refined over time, as experience with program implementation permits better understanding of the Trustee Council's needs for scientific advice under GEM.

In addition to scientific advice provided by the proposed STAC and subcommittees, the Trustee Council also relies on advice from the Program Advisory Committee, other members of the public, and trustee agency staff. The Executive Director is expected to take this broad spectrum of advice into account when resolving conflicting issues and developing recommendations for Trustee Council consideration.

#### **A. Staff**

Since the Trustee Council receives information and guidance from a number of sources, the Council relies on its Executive Director to ensure that all advice and reviews are organized and summarized to assist the Council's decision-making. The Executive Director reports directly to the Trustee Council and has the ultimate responsibility for implementing all the Trustee Council's programs, policies and procedures.

The Executive Director will be assisted by a Senior Science Advisor for Oil Spill Effects, a Science Director and other staff.

The Senior Science Advisor for Oil Spill Effects will provide advice on direct oil-spill related injury and recovery, including peer review of related project proposals and

ports. This position will chair the Oil Effects Subcommittee and report the committee's recommendations to the STAC.

The Science Director will assist the Executive Director by 1) providing scientific leadership for the GEM Program; 2) serving as GEM's primary scientific spokesperson and a non-voting permanent co-chair of the STAC; 3) coordinating the scientific committee structure; and 4) ensuring that the GEM Program is implemented with a high standard of scientific excellence. This role is expected to adapt to the changing needs of the growing GEM program.

## **B. Committee Structure**

***Scientific and Technical Advisory Committee (STAC).*** The STAC is a standing committee that is expected to provide the primary scientific advice to the Executive Director on how well the collection of proposed monitoring and research projects (the Work Plan) and the overall GEM Program meet the mission and goals of the Trustee Council (GEM Program Document Vol. I, Chapter 1) and test the adequacy of the GEM conceptual foundation (see Figure 4.3). As needed and appropriate, the STAC may participate in and/or lead the peer review process of proposals and project reports.

***Subcommittees.*** The subcommittees are standing committees organized to address the "nuts and bolts" of developing and implementing projects responsive to the Council's needs, coordinating among scientists and other interested parties, and helping to organize technical peer review of individual proposals.

***Work groups.*** *Ad hoc* work groups are subcommittees temporarily formed to address specific issues. They have a specific purpose and a limited duration.

## **C. External Review Committee**

Periodically (every five to ten years), the Trustee Council will contract with an external entity, such as the National Research Council, to review the entire GEM Program.

# **II. ESTABLISHING AND MAINTAINING COMMITTEE STRUCTURE**

## **A. Scientific and Technical Advisory Committee (STAC)**

### **Responsibilities**

1. The STAC shall meet as often as needed to provide to the Executive Director broad programmatic advice and guidance on the GEM Work Plan with respect to the GEM Program's mission, goals, conceptual foundation, central hypotheses and questions.

2. The STAC shall recommend to the Executive Director projects for the GEM Work Plan best suited to the mission, goals, conceptual foundation, and central hypothesis. A written record of these recommendations shall be presented to the Program Advisory Committee (PAC) and to the Trustee Council.
3. The STAC co-chairs shall brief the PAC and the Council once a year on the state of the GEM program and on other occasions at the request of the Trustee Council, the Executive Director, or the STAC.
4. The STAC, in conjunction with the subcommittees, shall provide leadership in identifying and developing testable hypotheses relevant to the conceptual foundation and central questions of the GEM Strategic Plan, consistent with the GEM Program's mission and goals and the policies of the Trustee Council.
5. The STAC, using recommendations provided by the subcommittees and other means, shall identify and recommend syntheses, models, process studies, and other research activities for the Invitation to Submit Proposals.
6. The STAC shall meet with subcommittee chairs as needed.
7. The STAC shall select the subcommittee members, following a process approved by the Trustee Council. The STAC shall receive reports and briefings from the subcommittee chairs as needed.
8. The STAC shall assist Trustee Council staff in identifying peer reviewers, and may, upon request, conduct peer review on individual responses to the Invitation for Proposals and project reports.
9. Subject to funding restrictions and in consultation with the Executive Director, the STAC may convene special review panels or work groups to evaluate and make recommendations about aspects of the GEM program, or to meet with project investigators and others to fully explore particular projects or issues.

### **Membership**

1. The STAC shall have seven members: six voting members appointed by the Trustee Council with the advice of the independent nominating committee and the Trustee Council's GEM Science Director as the seventh member who serves as permanent non-voting co-chair.
2. The STAC members shall be drawn from the scientific sectors of academic, government, NGO, and private institutions. Together the members shall possess expertise in the habitats, species and environments of the Alaska Coastal Current and offshore, the intertidal and subtidal (nearshore), the watersheds, modeling, resource management, human activities and their potential ecological impacts, and community-based science programs.
3. The STAC members shall be selected for their expertise, broad perspective, long experience and leadership in areas important to the GEM Program.
4. STAC members cannot be principal investigators for presently funded or ongoing GEM projects.
5. The STAC members shall serve terms of four years, renewable once at the option of the Trustee Council, except during the first two years of the program when three members shall serve initial terms of two years, renewable for a full four year term. All renewals for a second term are at the option of the Trustee Council.

6. After serving on the STAC, a person is not eligible to serve again on the STAC for two years, with the exception of a person who was appointed from the list of alternates to complete a partial term. A person appointed as an alternate is eligible to be nominated to an open membership slot to serve a full term, and may, if serving less than two years and at the discretion of the Trustee Council, also be eligible for renewal.
7. In the event of a vacancy prior to the end of a term, the Trustee Council shall appoint a replacement from among the list of alternates. Inactive members may be removed by the Trustee Council from the STAC membership.

### **Rules of Procedure**

1. The STAC shall elect a co-chair by majority vote at least once every two years. The Science Director shall serve as the other co-chair.
2. Matters that cannot be resolved by consensus shall be decided by four affirmative votes of the STAC membership.
3. The STAC shall develop procedures for interfacing with the subcommittees, work groups and the Program Advisory Committee.

### **B. Subcommittees**

#### **Responsibilities**

1. Subcommittees shall provide guidance within each habitat type to the STAC and to the Trustee Council staff regarding testable hypotheses and other topics for consideration in future Invitations to Submit Proposals.
2. Subcommittees shall identify implementation strategies and possible locations for measuring monitoring variables that are relevant to the key questions and testable hypotheses.
3. Subcommittees shall, upon request, help organize the peer review on proposals and project reports in their broad habitat types, including recommending appropriate peer reviewers.
4. Initially, the subcommittees shall be organized along the lines of the four primary habitat types: offshore, Alaska Coastal Current, nearshore and watersheds, with additional subcommittees for oil effects and data management. The subcommittee structure may change following further review and discussion (and pending final NRC review).
5. Subject to funding restrictions, subcommittees may convene special review panels from time to time to evaluate and make recommendations about aspects of the GEM program. At other times, special panels may meet with project investigators and others to fully explore particular topics, problems, or projects.
6. A subcommittee may notify the STAC when it encounters the need for a work group.

#### **Membership**

1. Subcommittees are composed of at least 5 and not more than 8 individuals: scientists, resource managers, and/or other experts selected by the STAC primarily for their disciplinary expertise and familiarity with a broad habitat type (watersheds, intertidal and subtidal, ACC, or offshore). Other criteria include institutional and professional affiliations in order to promote collaboration and cooperation.
2. Subcommittee members serve three year renewable terms.
3. Subcommittee members may include principal investigators of GEM projects.
4. Nominees who agreed to serve, but were not selected by the STAC, may serve as peer reviewers and recommend peer reviewers, and are automatically considered as nominees to fill vacancies on subcommittees.

### **Rules of Procedure**

1. Subcommittees shall elect their own chairs, usually in a person's third year on the committee.
2. Matters that cannot be resolved by consensus shall be decided by majority vote of the membership.

### **C. Work Groups**

#### **Responsibilities**

1. Work Groups shall recommend to the STAC or a subcommittee courses of action on the task for which the work group has been established. Tasks may include developing strategies to implement specific monitoring and research goals.
2. Work Groups may help organize the peer review on proposals submitted to address the task for which the work group has been established.

#### **Membership**

1. Any number of individuals may be appointed to work groups established by the Executive Director at the request of the STAC. Expertise will depend on the issue to be addressed.
2. Members are approved by the Executive Director from nominees submitted by the STAC or subcommittee that identified the need for the work group.
3. Work groups are expected to be issue specific and of a limited duration specified by the Executive Director at its inception.

#### **Rules of Procedure**

1. Work groups shall elect a chair by majority vote.
2. Matters that cannot be resolved by consensus shall be decided by majority vote of the membership.

### **III. SELECTING COMMITTEE MEMBERS**

#### **A. Selection Process for STAC**

1. The Executive Director shall issue a public call for nominations to serve on the STAC. The call will identify the types of expertise and the qualifications the Trustee Council desires to see for the nominees. Any person (including oneself) or organization is free to make a nomination.
2. Those nominating a person – or the person being nominated -- will be asked to submit a one-page synopsis of the nominee's qualifications to the Executive Director.
3. At the request of the Executive Director, a Nominating Committee will convene to develop a recommended list of persons fitting STAC membership criteria. The Nominating Committee shall recommend to the Executive Director a nominee for each vacant seat on the STAC, after determining that each is willing to serve on the STAC. Remaining nominees who are willing to serve may become alternates. The list of nominees and alternates shall be forwarded to the Trustee Council by the Executive Director.
4. The Nominating Committee may suggest names of persons not nominated if there are gaps in desired expertise among the nominees provided to it by the process (i.e., nominating committee members may also make their own nominations).

#### **STAC Nominating Committee**

##### **Responsibilities**

1. The STAC Nominating Committee shall review nominations for the STAC; if necessary, it may solicit additional nominations at its discretion.
2. The nominating committee shall provide the Executive Director a list of preferred and alternate nominees for appointment to the STAC.
3. The Nominating Committee chair shall brief the Trustee Council on its recommendations.

##### **Membership**

1. The STAC Nominating Committee shall be composed of seven members who are familiar with the development and operation of regional monitoring programs similar to GEM.
2. Nominating Committee members may not currently be receiving funding from the Trustee Council, nor may they be closely associated with, or dependent on, those who are funded by the Trustee Council. For example, the Nominating Committee members may not be funded investigators within the EVOS/GEM program, nor may nominating committee members be the immediate supervisors or supervisees of currently funded investigators, or members of their immediate family.
3. At least five Nominating Committee members shall reside in Alaska. STAC nominees and current STAC members may not serve on the Nominating Committee.

4. Nominating Committee members shall be selected by the Executive Director in consultation with the Trustee Council. The Executive Director shall also determine the life of the Nominating Committee.

#### **Rules of procedure**

1. The Nominating Committee shall elect a chairperson by majority vote to conduct the meetings.
2. The Nominating Committee shall establish a schedule and a process for developing a recommended list of nominees for the STAC that is consistent with applicable state and federal statutes, particularly with regard to Equal Employment Opportunity principles and diversity considerations.
3. The Executive Director shall provide assistance as requested by the Nominating Committee chair.

#### **B. Selection Process for Subcommittee Members**

1. The Executive Director shall issue public calls for nominations to the subcommittees. The announcements shall list desirable qualifications and other nominating criteria.
2. The STAC shall review the nominees and make recommendations to the Trustee Council for approval.

#### **C. Selection Process for Work Group Members**

1. The Executive Director shall approve work group members upon the recommendation of the STAC and/or subcommittees.

### **IV. PEER REVIEW**

Each project proposal, as well as some annual and all final reports, will be peer-reviewed by appropriate experts who are not competing for funding from the GEM program in the same competition and, in general, also are not conducting projects funded by the Trustee Council. The external peer review process will provide a rigorous critique of the scientific merits of proposals and reports. The goals of the review process are to ensure that studies sponsored by the Trustee Council 1) adhere to a high standard of scientific excellence; 2) have scientific objectives that are relevant and consistent with the GEM Program's conceptual foundation, central questions, and testable hypotheses; and 3) use valid methods that will allow them to achieve these objectives. The peer review may be either paid or volunteer, or some combination, whichever is most expeditious and appropriate. Reviews and recommendations shall be documented in writing.

The STAC or subcommittees may convene work groups from time to time to evaluate and make recommendations about aspects of the GEM program. These may include special peer review panels that would meet with project investigators and others to fully explore particular topics, problems, or projects.

A framework for peer review shall be developed by Trustee Council staff and include the following:

- A clear statement of the purposes of the peer review
- The role of the peer reviewer
- Guidelines for achieving and maintaining impartiality

The Science Director is responsible to the Executive Director and the Trustee Council for maintaining independence and the appropriate level of expertise for each peer review activity, training of peer reviewers in established procedures, and establishing an honorarium (payment) process for peer reviewers when necessary to accomplish the needed peer review.

**Figures follow on two pages**



Figure 4.3 Selecting monitoring elements starts with the mission and goals established by the Trustee Council, as expressed in the conceptual foundation, which is regularly updated by new information from a variety of sources. GEM Program Document, Vol. I, Chapter 4, page 38.

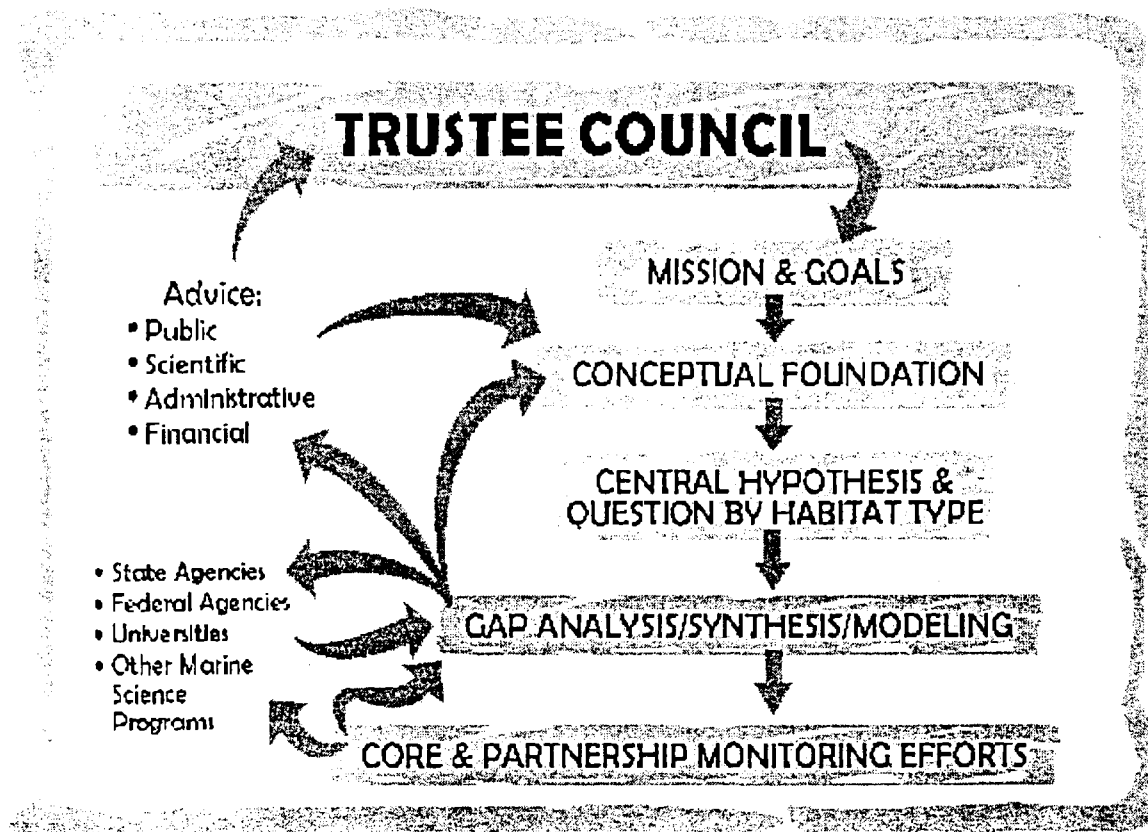
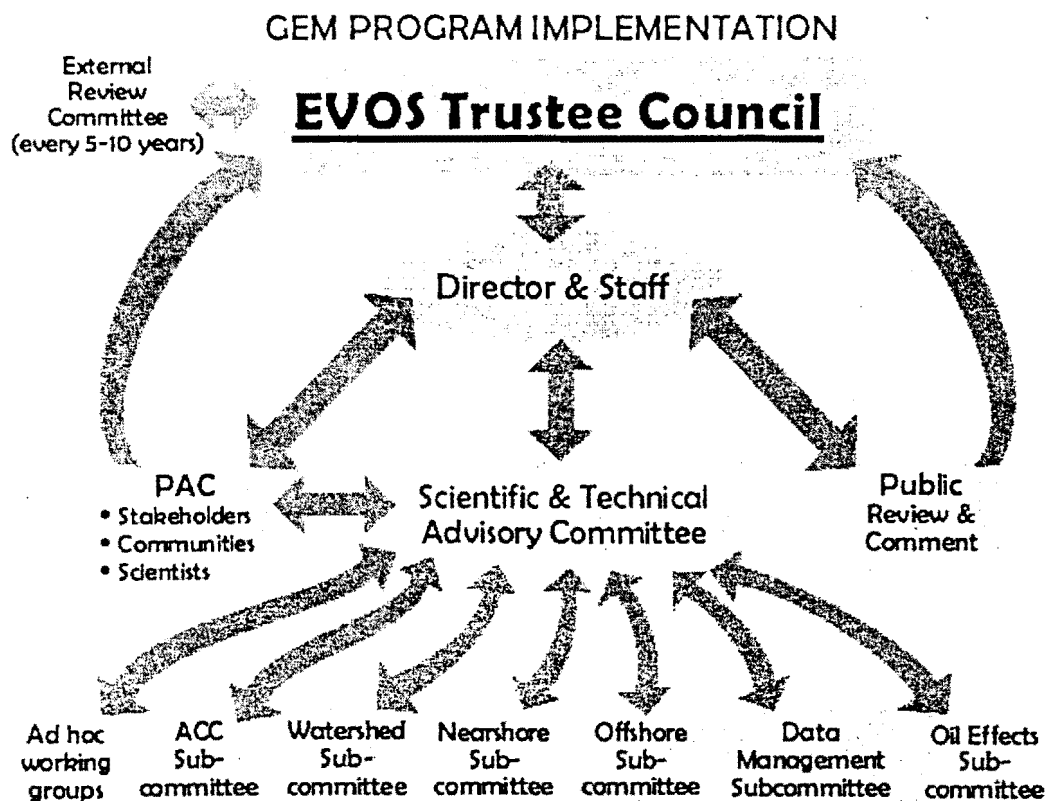


Figure 6.1. The organizational elements involved in GEM implementation. Modified in response to comments from the NRC, after GEM Program Document, Vol. I, Chapter 6, page 66.



**RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING KEN 309**

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

1. The Conservation Fund has purchased the Ninilchik small parcel, KEN 309, in anticipation that it will sell the parcel to the State of Alaska for \$113,000;
2. An appraisal of the parcel approved by the federal review appraiser determined that the fair market value of the parcel is \$113,000;
3. As set forth in Attachment A, Restoration Benefits Report for KEN 309, if acquired, this small parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Acquisition of this small parcel will assure protection of approximately 4.2 acres including approximately 800 feet of linear shoreline along each bank of the Ninilchik River. The parcel supports a popular king salmon fishery each spring and Dolly Varden, silver salmon and steelhead fisheries later in the season. In addition, harlequin ducks, mergansers, mink, otter, black and brown bears, and moose utilize this area as well. The parcel is important to the sport fishing and tourism industries, both of which were impacted by the *Exxon Valdez* Oil Spill ("EVOS").
4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal

Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources;

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

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

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all the seller's rights and interests in the small parcel KEN 309 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director") and approved by the Trustee Council and pursuant to the following conditions:

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska shall be one hundred thirteen thousand dollars (\$113,000) for small parcel KEN 309;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by September 30, 2002;

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

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

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

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

(g) compliance with the National Environmental Policy Act; and

(h) a conservation easement on parcel KEN 309 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.

It is the intent of the Trustee Council that the above referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to prefill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the

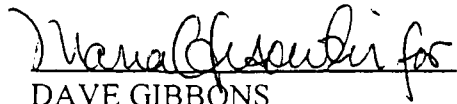
services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

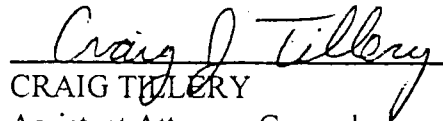
Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Approved by the Council at its meeting of February 25, 2002 held in Anchorage, Alaska, as


affirmed by our signatures affixed below:



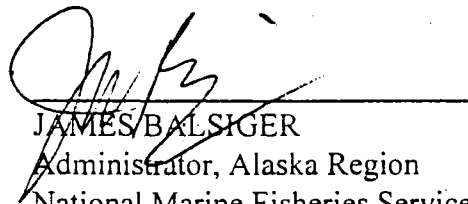
DAVE GIBBONS  
Forest Supervisor  
Forest Service Alaska Region  
US Department of Agriculture



CRAIG TILLERY  
Assistant Attorney General  
State of Alaska



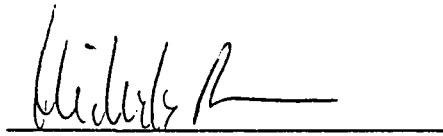
DRUE PEARCE  
Senior Advisor to the Secretary  
for Alaskan Affairs  
U.S. Department of the Interior



JAMES BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service



FRANK RUE  
Commissioner  
Alaska Department of  
Fish and Game



MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

Attachment A - Restoration Benefits Report

# **Attachment A**

## **Resolution 02-05 Small parcel – KEN 309**



## KEN 309: Icicle Seafoods

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Acreage: 4.17 acres, 18 lots

Sponsor: ADNDR & ADF&G

Appraised Value: \$113,000

Owner: The Conservation Fund (former owner Icicle Seafoods, Inc.)

Location: Mission Avenue, near intersection with Sterling Highway, Ninilchik, AK.

Legal Description: Lots 1 – 11, 15 – 19, 21 & 22, Block 8, Ninilchik Townsite.

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**Parcel Description.** This collection of small parcels, including 18 platted lots, is downstream and immediately adjacent to a large parcel owned by the Alaska Department of Fish and Game. The ADF&G parcel is located mostly on the downstream side of the Sterling Highway bridge. These lots border, or are near the Ninilchik River, one of south central Alaska's most important sportfishing rivers. These lots are part of the original Ninilchik Townsite subdivision, with roads and lots platted with no logical relationship to the terrain. Some small lots within this batch of parcels straddle the Ninilchik River, or may be nearly entirely occupied by the river, while the platted roads do not have any logical possibility for reasonable construction without extensive fill and bridge construction. The parcel is subject to periodic flooding during high water events such as fall rainstorms, and is generally wet and brushy. The parcel contains approximately 1,600 linear feet of shoreline.

The lands are characterized by their river valley riparian habitat, with willows, scattered spruce and small cottonwoods and other floodplain vegetation. Wildlife species that commonly use this area include harlequin ducks, mergansers, mink, otter, black and brown bears, and moose. This is an important winter feeding area for moose and often 8-12 moose can be counted in or near the subject property on a winter day. During the early summer, harlequin ducks are commonly viewed in the downstream portion of this property, and the other wildlife species can be seen occasionally throughout the year.

**Restoration Benefits.** The public has used this area of the Ninilchik River for decades, while pursuing the popular king salmon fishery each spring, and later in the season for Dolly Varden, silver salmon and steelhead angling. Although private land, the landowners have never posted this land and most anglers are not aware that the land is not publicly owned. Anglers primarily access this parcel on foot, following traditional fishing access trails along the river banks. There is no development on the land at this time.

The Ninilchik River supports an enhanced hatchery-supported and native run of king salmon, providing outstanding sport fishing opportunities for anglers. It is one of the finest bank-accessible sport fisheries for king salmon on the Kenai Peninsula, and is extremely popular and productive. The area owned by Icicle Seafoods supports a great deal of the angler activity on this river as the fishing is particularly productive here.

Support of the sportfishing industry is the most important basis of the Ninilchik community's economy. A large number of businesses cater to anglers, and include B &

B's, lodges, restaurants and cafes, taxidermy shops and other retail businesses. These businesses depend upon having predictable fishing destinations available for prospective clients and customers. The Icicle Seafood parcel provides one of the important destinations that support the area's tourism economy.

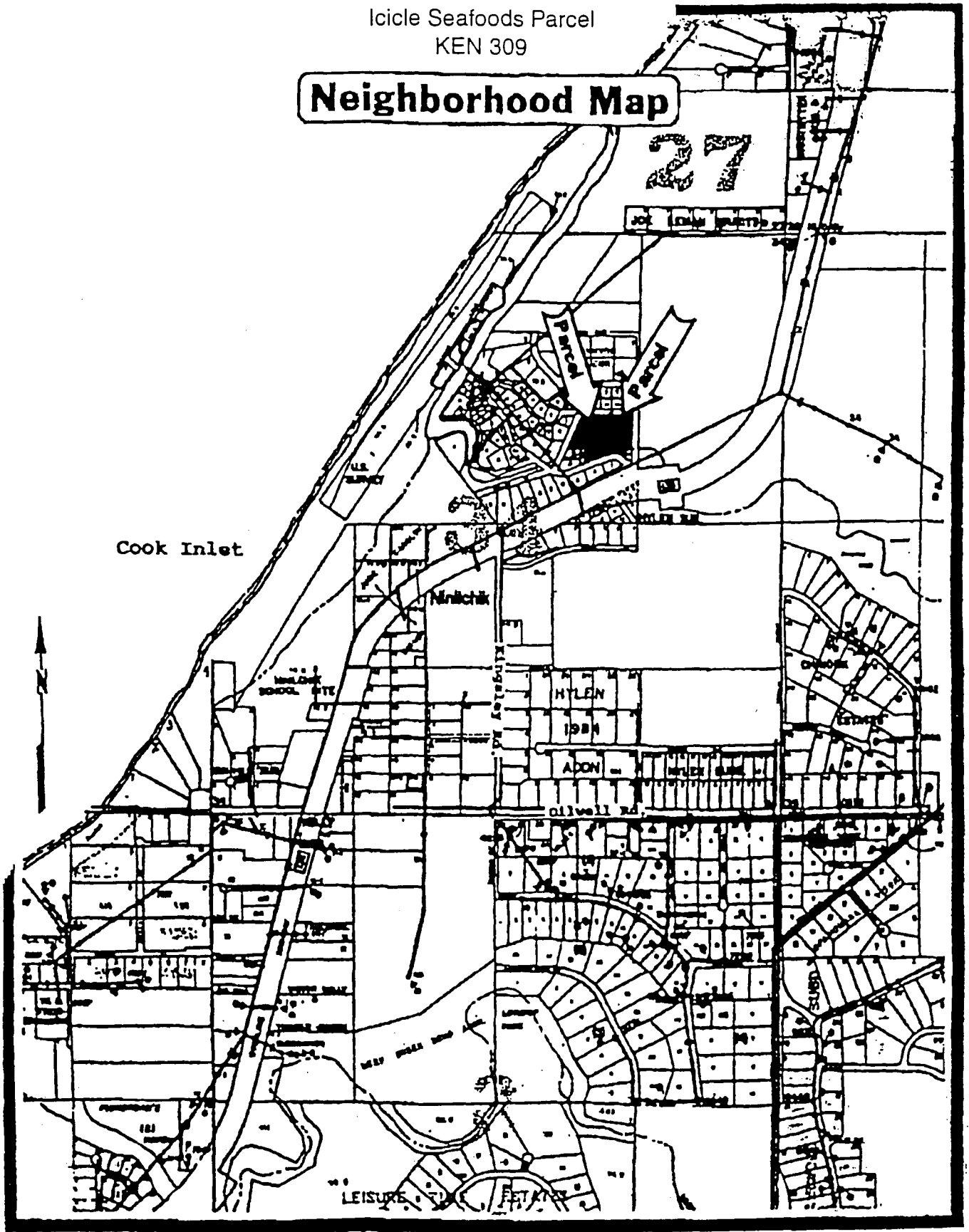
Should the parcels be sold as individual lots or as a bulk sale to another private property owner, the public could lose forever one of Alaska's premier king salmon sportfishing locations. The loss of access to the public would be significant enough, but a sale would also mean that a sensitive riparian section of the Ninilchik River would be subject to development pressures. This could result in the deterioration of important riparian fish habitat, loss of important winter moose feeding habitat, loss of harlequin duck nesting and rearing habitat. Social conflicts with the new owners and anglers wishing to continue to fish traditional fishing holes would emerge and tax local and state government. Acquisition of this parcel would protect approximately 1,600 linear feet of shoreline, important riparian habitat.

**Appraised Value.** \$113,000, sold as a single cash transaction.

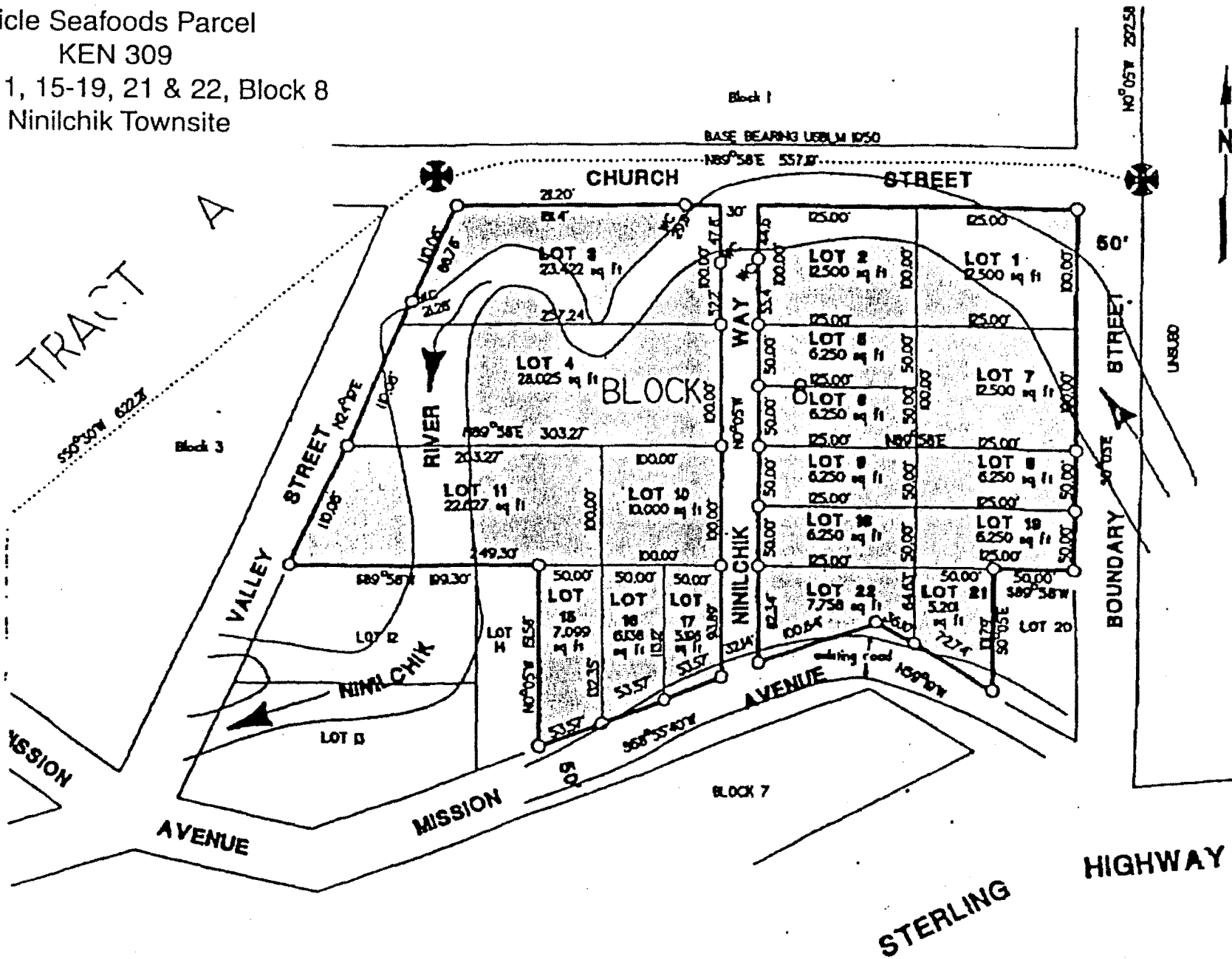
**Proposed Management.** ADF&G will manage the parcel in a manner consistent with its management of the adjacent parcel and will maintain public access to the river and protect riparian habitat.

Icicle Seafoods Parcel  
KEN 309

# Neighborhood Map



Icicle Seafoods Parcel  
 KEN 309  
 Lots 1-11, 15-19, 21 & 22, Block 8  
 Ninilchik Townsite



# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION COMMISSIONER'S OFFICE

TONY KNOWLES, GOVERNOR

410 Willoughby Avenue  
Juneau, AK 99801  
PHONE: (907) 465-5066  
FAX: (907) 465-5070  
<http://www.state.ak.us/dec/>

February 22, 2002

Molly McCammon, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
441 W. 5<sup>th</sup> Avenue Suite 500  
Anchorage, AK 99501-2340

Dear Ms. McCammon:

Re: Project 02630 Amendment, Surface Water Quality Monitoring

The Department of Environmental Conservation (DEC), Division of Air and Water Quality is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- Assess the effectiveness and gaps in Alaska's water stewardship;
- Assess the health of Alaska's surface and ground waters; and
- Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program (GEM) and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meetings to involve stakeholders in development of a surface water monitoring strategy. DEC will task a term contractor with developing a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs. Information will be made available to assist DEC and stakeholders in identifying strategies which may have utility for Alaska. The contract final report will be due from the contractor prior to the end of State Fiscal Year 2002.

Sincerely,



Michele Brown  
Commissioner



Received 2-2-02

## FY 02 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

Budget Category:	Authorized FY 01	Proposed FY 02					
Personnel		\$0.0					
Travel		\$0.0					
Contractual		\$15.0					
Commodities		\$0.0					
Equipment		\$0.0					
Subtotal	\$0.0	\$15.0	LONG RANGE FUNDING REQUIREMENTS				
General Administration		\$1.1	Estimated FY 03				
Project Total	\$0.0	\$16.1					
Full-time Equivalents (FTE)		0.0					
Other Resources			Dollar amounts are shown in thousands of dollars.				

The Department of Environmental Conservation, Division of Air and Water Quality (DEC) is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- ? Assess the effectiveness and gaps in Alaska's water stewardship;
- ? Assess the health of Alaska's surface and ground waters; and
- ? Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meeting.

FY02

Project Number: 02630-AMENDMENT  
Project Title: Planning for GEM  
Agency: ADEC

FORM 3A  
TRUSTEE  
AGENCY  
SUMMARY

Prepared:



# FY 02 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

Personnel Costs:		GS/Range/ Step	Months Budgeted	Monthly Costs	Overtime	Proposed FY 02
Name	Position Description					
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
Subtotal			0.0	0.0	0.0	
Personnel Total						\$0.0

Travel Costs:		Ticket Price	Round Trips	Total Days	Daily Per Diem	Proposed FY 02
Description						
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
Travel Total						\$0.0

**FY02**

Prepared:

Project Number: 02630-AMENDMENT  
 Project Title: GEM Planning  
 Agency: ADEC

FORM 3B  
 Personnel  
 & Travel  
 DETAIL



October 1, 2003 - September 30, 2002

**FY02**

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

**FORM 3B**  
**Contractual &**  
**Commodities**  
**DETAIL**



October 1, 2003 - September 30, 2002

**FY02**

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

**FORM 3B**  
**Equipment**  
**DETAIL**

**Prepared:**

# Exxon Valdez Oil Spill Trustee Council

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



March 6, 2002

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

RE: Status of EVOS Projects and Reports, Including Authorization to Proceed

Dear John:

This letter replies to your recent correspondence with Sandra Schubert regarding the status of your EVOS project reports and papers. It includes authorization-to-spend for two FY 02 projects (02163M and 02479) and requests some further information from you in regard to outstanding commitments.

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

1. Project 00501/Seabird Monitoring Protocols final report. This information is essential to planning for GEM, which as you know is underway and nearing a decision point (the GEM plan is expected to go to the Trustee Council for approval in early July 2002). You indicate the report will be submitted to the EVOS Chief Scientist by March 31, 2002 and we strongly encourage you to keep this commitment. This report was originally due September 30, 2000.
2. Project 99163/APEX subproject M final report. Peer review of the APEX final report has been on hold for over a year, due to this one chapter not having been submitted. APEX was one of the Trustee Council's major research efforts, and the comprehensive presentation of the studies and results that comprised this effort is critical. You indicate the report will be submitted to the EVOS Chief Scientist March 2002 and we strongly encourage you to keep this commitment. This report was originally due September 30, 2000.

In regard to your other EVOS projects:

Project 01163/APEX Closeout. These three synthesis manuscripts are also of very high importance, but perhaps without as much of a timing crunch. We understand that in at least one case the delay in completion is due to a delay in receiving the Barren Islands data from the investigator who collected it. We also acknowledge that a substantial number of other publications have been prepared

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by you and your team using APEX data. However, it is essential that the key findings of APEX be synthesized and presented in the published literature. Can you please restate for us (a) the expected titles of your principal synthetic papers and (b) your current timetable for preparing them and submitting them to the peer reviewed literature? A brief memo or e-mail providing this information will suffice. We will then continue to track completion of those manuscripts on behalf of the Trustee Council.

Project 01338/Murre & Kittiwake Survival final report. We will note your new expected completion date of September 15, 2002, due to a necessary extension of the resighting effort into Summer 2001 to offset the effects of high variability in return rates at Chisik Island in 1998 and Gull Island in 1999. This report was originally due September 15, 2001.

Project 02163M/APEX: Numerical and Functional Response of Seabirds to Fluctuation in Forage Fish Density. This letter will serve as your formal authorization to proceed on this project. The work must be performed consistent with the revised Detailed Project Description and budget dated July 9, 2001.

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

Final Report	Project /479 Final Report	Due 4/30/03
Ms. #1	Endocrine responses to varying foraging conditions: stress or anti-stress hormones? Wingfield & Kitaysky	Due 8/30/02
Ms. #2 & 3	Relationships among corticosterone levels, reproduction, food abundance, and post-breeding survival. Kitaysky, Piatt, Wingfield	Due 4/30/03
Ms. #4 & 5	Relationships among food provisioning, nutritional state and corticosterone secretion in juvenile seabirds. Kitaysky, Wingfield, Piatt	Due 8/30/02
Ms. #6	Field endocrinology protocol for monitoring seabird populations	Due 8/30/02

Please do not hesitate to contact us if you wish to discuss any of this further. We look forward to receiving from you very shortly the final reports for projects 00510 and 99163M, as well as a current accounting of your APEX synthesis manuscripts.

Sincerely,



Molly McCammon  
Executive Director



Dr. Robert Spies  
Chief Scientist

cc: Dede Bohn, USGS Liaison  
Dave Duffy, APEX Project Leader

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

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

FROM: Molly McCammon  
Executive Director

RE: Project 99154: Authorization to Modify the Design of the Local  
Display Facility in Port Graham

DATE: March 6, 2002

On December 3, 2001, I authorized you to proceed with the construction phase of the Port Graham local display facility. On February 7, 2002, Chugachmiut asked you to approve changes in the mechanical component of the design. The design that I approved included a large HVAC (heating, ventilation and air conditioning) system. The Port Graham Corporation, which owns the building and manages the project on behalf of the Port Graham Village Council, is concerned about the maintenance requirements of the HVAC system. To reduce the cost of long-term maintenance of the facility, the corporation has proposed replacing the HVAC system with a monitor heater, an Apilaire Humidifier model 110-112 and Nutone fans.

Elizabeth Knight, Senior Curator, National Park Service, discussed the proposed design changes with Pat Norman, President, Port Graham Corporation, and made the following recommendations:

1. Because the Apilaire humidifier, model 110-112, is no longer available, substitute a Bonaire humidifier. The Bonaire humidifier is available and would maintain a humidity level of 35 percent. The model would depend on the size of the space to be humidified.
2. Monitor the humidity of the local display area year-round. If the humidity exceeds 35%, install a dehumidifier and operate it when the humidity exceeds this level.
3. A monitor heater and Nutone fans are acceptable.

I authorize you to approve changes in the design of the Port Graham local display facility consistent with Ms. Knight's recommendations. I commend the Port Graham Corporation for their foresight in proposing these changes.

# Exxon Valdez Oil Spill Trustee Council

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

March 5, 2002



Honorable Don Young  
U.S. House of Representatives  
2111 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Young:

I am writing to request your support for the Chugach Regional Resources Commission (CRRC) in the FY 2003 federal appropriations process. With your support and hard work, \$350,000 was included in the Bureau of Indian Affairs' budget 12 years ago (in 1990) for CRRC to assist the communities in the Chugach Region in developing sustainable economic projects at the local level. CRRC has been included in the BIA budget ever since.

Over the past 12 years, CRRC has supported the development and operation of many programs that have assisted communities in providing meaningful employment opportunities as well as valuable services and products to the people of the State of Alaska. This funding also supports the base operating expenses of CRRC, and without this funding, their work will not be able to continue.

The *Exxon Valdez* Oil Spill Trustee Council has worked closely with CRRC over the past eight years to help restore resources injured by the 1989 oil spill that are important to local communities and villages. CRRC has been our primary contact for community involvement with the villages in the spill-affected region and for subsistence and fishery restoration projects. They have a good reputation with these communities.

I am respectfully requesting your support in getting this funding reinstated. It would be most helpful if you could let Senator Ted Stevens know that this is a priority for the FY 2003 budget process and that you support the reinstatement of the \$350,000 to the BIA's Fish, Wildlife, and Parks permanent base budget.

Thank you in advance for any assistance you can provide.

Sincerely,

Molly McCammon  
Executive Director



# Exxon Valdez Oil Spill Trustee Council

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

March 5, 2002



Honorable Frank Murkowski  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Murkowski:

I am writing to request your support for the Chugach Regional Resources Commission (CRRC) in the FY 2003 federal appropriations process. With your support and hard work, \$350,000 was included in the Bureau of Indian Affairs' budget 12 years ago (in 1990) for CRRC to assist the communities in the Chugach Region in developing sustainable economic projects at the local level. CRRC has been included in the BIA budget ever since.

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I am respectfully requesting your support in getting this funding reinstated. It would be most helpful if you could let Senator Ted Stevens know that this is a priority for the FY 2003 budget process and that you support the reinstatement of the \$350,000 to the BIA's Fish, Wildlife, and Parks permanent base budget.

Thank you in advance for any assistance you can provide.

Sincerely,

Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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

March 5, 2002



Honorable Ted Stevens  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Stevens:

I am writing to request your support for the Chugach Regional Resources Commission (CRRC) in the FY 2003 federal appropriations process. With your support and hard work, \$350,000 was included in the Bureau of Indian Affairs' budget 12 years ago (in 1990) for CRRC to assist the communities in the Chugach Region in developing sustainable economic projects at the local level. CRRC has been included in the BIA budget ever since.

Over the past 12 years, CRRC has supported the development and operation of many programs that have assisted communities in providing meaningful employment opportunities as well as valuable services and products to the people of the State of Alaska. This funding also supports the base operating expenses of CRRC, and without this funding, their work will not be able to continue.

The *Exxon Valdez* Oil Spill Trustee Council has worked closely with CRRC over the past eight years to help restore resources injured by the 1989 oil spill that are important to local communities and villages. CRRC has been our primary contact for community involvement with the villages in the spill-affected region and for subsistence and fishery restoration projects. They have a good reputation with these communities.

I respectfully request your support as a member of the Appropriations Committee to have the \$350,000 reinstated as part of the BIA's Fish, Wildlife, and Parks permanent base budget.

Thank you in advance for your consideration of this request.

Sincerely,

Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



## Restoration Office Tentative Meeting Schedule

### March 2002

- 8 Fisheries Application workshop - Cordova, AK
- 10-15 Coastal Monitoring, Oceans US - Warrenton, VA
- 12 GEM Education meeting
- 14-16 NPAFC - Vancouver, B.C.
- 18-19 AK Ocean Exploration meeting - Anchorage, AK
- 18-19 Tech Net Conference - Anchorage, AK
- 21-22 North Pacific Research Board - Anchorage, AK

### April 2002

- 4-5 PICES Monitor Committee - Seattle, WA
- 4-7 Kodiak ComFish
- 7-10? Statewide Meeting on Tribal Environmental Concerns - Anchorage, AK
- 12-14 Kachemak Bay NERRS workshop, including GEM intertidal workshop
- 17-19 US GOOS Steering Committee - Arlington, VA
- 27-29 American Fisheries Society sustainability conference - Spokane, WA

### May 2002

- 8-9 North Pacific Research Board - Anchorage, AK
- 11-12 EVOS Core reviewers - Homer, AK
- 13 STAC - Homer, AK (maybe)

### June 2002

- 7-8 Healthy Ecosystems Conference - Washington, D.C.
- 10 World Oceans Day - Washington, D.C.
- 12-13 PEW Oceans Commission - Washington, D.C.
- 18-19 Alaska Oceans & Watershed Symposium

### July 2002

### August 2002

- TBD Coastal States Organization - Girdwood, AK
- 22-23 U.S. Commission on Ocean Policy

### September 2002

- 11-12 North Pacific Research Board - Anchorage, AK

### October 2002

\* tentative meeting dates

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

3/6/02 T:\Brenda\HMisc\new mtgschdie.wpd

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# Exxon Valdez Oil Spill Trustee Council

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

February 28, 2002



Chris Elfring  
National Research Council  
Polar Research Board (HA 454)  
2101 Constitution Ave, NW  
Washington, DC 20418

Dear Ms. Elfring:

On behalf of the *Exxon Valdez* Oil Spill Trustee Council, I am writing to request a review by the appropriate entity of the National Academy of Sciences of a study of the long-term persistence of crude oil in the environment – a study I believe is of national significance. The study in question is a definitive investigation into the amount of oil remaining on the shorelines inside Prince William Sound known to have been oiled in 1989 by the *Exxon Valdez* oil spill. Designed by a team of professional statisticians, peer reviewed by national toxicology experts, and executed by the staff of the National Marine Fisheries Services' Auke Bay Laboratory, the study appears to have documented the presence on these beaches of toxicologically active, virtually intact crude oil from the T/V *Exxon Valdez*, more than twelve years after the spill occurred.

The study is potentially of national significance because, if valid, its results support the concept that the *Exxon Valdez* oil spill is a long lasting, chronic insult to the environment, in contrast to the alternative "transient shock" hypothesis that has been advanced in the literature. Further, the validation of this study has important implications for cumulative impact analyses nationwide.

Validation of the study will be provided to a large extent by publication of its results in peer-reviewed journals over time. Unfortunately, full validation cannot be achieved through the normal processes of peer review and publication due to an unfortunate set of circumstances that has developed around this particular study. Shortly after the first public presentation of initial study results in January 2002, a public allegation of research misconduct and scientific fraud was leveled at the study by a long-time consultant for Exxon-Mobil Corporation (see attachments A-E).

I believe the timing of the allegations and the manner in which they were delivered are a serious and irreparable violation of the scientific peer review process that cannot be undone without the review of the Auke Bay Laboratory study by the National Academy of Sciences. I am asking the Academy to empanel a small committee (3-4) to produce a report on the validity of the procedures, records and methods of the study, and any evidence provided by the complainant that would indicate scientific misconduct. Without

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such a review, the findings of this important and costly study may forever be tainted by the allegations, regardless of the best efforts of the authors and the peer review process.

I ask the Academy to uphold the integrity of the scientific peer review process by undertaking the review of the conduct of this important study. A process such as that adopted by the California Institute of Technology (attachment F) might be appropriate. I would appreciate hearing from you as soon as possible about the Academy's availability and willingness to undertake this task, as well as the associated costs.

Sincerely,

A handwritten signature in black ink, reading "Molly McCammon". The signature is fluid and cursive, with the first name "Molly" and last name "McCammon" clearly distinguishable.

Molly McCammon  
Executive Director

#### Attachments

cc: Dr. Jim Balsiger, Director, NMFS  
Dr. Robert Spies, Chief Scientist, EVOS TC

2-28-02

**Caltech Policy on Research Misconduct**  
(Approved by the Faculty Board January 22, 2001)

*Preamble*

Research misconduct is historically a rare occurrence, especially at Caltech, where all members of the community are bound by a very effective code of honor. However, should an instance arise of either real or apparent misconduct, the Institute must act swiftly and decisively, while affording maximum possible protection both to the "whistle blower" (complainant) and to the accused (respondent). That is the intent of this policy.

The term research misconduct has been chosen instead of the narrower scientific misconduct to describe this policy. It refers to all research conducted at the Institute. The Chair of each Division is responsible for informing the Division's Faculty, staff, and students of the Institute's policy with regard to research misconduct, and for interpreting this policy. This policy is not intended to deal with other problems, such as disputes over order of authorship, or violation of Institute or federal regulations, that do not amount to research misconduct.

*Definitions*

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.

*Findings*

A finding of research misconduct requires that:

- There be significant departure from accepted practices of the scientific community for maintaining the integrity of the research record;
- The misconduct be committed intentionally, or knowingly, or in reckless disregard of accepted practices; and
- The allegation be proven by a preponderance of evidence.

*Procedure*

The procedures to be followed have three stages: Inquiry, Investigation, and Adjudication, or Resolution. These are the stages required by regulations issued by the Federal government applicable to sponsored research. Those responsible for conducting each phase should bear in mind the following important responsibilities:

1. The Institute must vigorously pursue and resolve all charges of research misconduct.
2. All parties must be treated with justice and fairness, bearing in mind the vulnerabilities of their positions and the sensitive nature of academic reputations.
3. Confidentiality should be maintained to the maximum practical extent particularly in the inquiry phase.
4. All semblance of conflict of interest must rigorously be avoided at all stages.
5. All stages of the procedure should be fully documented.
6. All parties are responsible for acting in such a way as to avoid unnecessary damage to the

general enterprise of academic research. Nevertheless, the Institute must inform appropriate government agencies of its actions, and if it is found that misleading data or information have been published, the Institute is responsible for setting the public record straight, for example, by informing the editors of scholarly or scientific journals.

#### A. INQUIRY

The purpose of this stage is to determine, with minimum publicity and maximum confidentiality, whether there exists a sufficiently serious problem to warrant a formal investigation. It is crucial at this stage to separate substantive issues from conflicts between colleagues that may be resolved without a formal investigation.

##### 1. Initiating the Inquiry

All allegations of research misconduct arising from inside or outside the Institute, should be referred directly to the Division Chair (DC) concerned. If more than one Division is involved, more than one DC may be informed. If either the complainant or the DC perceives a possible conflict of interest the case may be taken directly to the Provost who will act as prescribed below for DCs, but the DC must be informed immediately and confidentially. A DC may initiate an inquiry without a specific complaint if it is felt that evidence of suspicious academic conduct exists.

When a complaint comes forth, the DC's first job is to provide confidential counsel. If the issue involved does not amount to research misconduct, satisfactory resolution through means other than this policy should be sought. However, if there is an indication that research misconduct has occurred, the DC must pursue the case even in the absence of a formal allegation. Moreover, the case must be pursued to its conclusion even if complainant(s) and/or respondent(s) resign from their positions at the Institute.

The DC should also counsel those involved that, should it be found at either the inquiry or the investigation stage that the allegations were both false and malicious, confidentiality may not be further maintained and, in fact, sanctions may be brought to bear against the complainant.

##### 2. Inquiry Procedure

The DC is responsible for conducting the inquiry (except, as noted above, where a conflict of interest might be perceived). The DC may call upon one or more senior colleagues for help where specific technical expertise is required, but this need should be carefully weighed against the importance of confidentiality at this stage. Confidentiality is likely to be a rapidly decreasing function of the number of persons involved in the inquiry.

The DC may wish to notify the President and Provost, and call upon Institute legal counsel at this stage. Every effort should be made to make personal legal counsel unnecessary for either complainant or respondent at this and all other stages, but all parties should recognize the Institute counsel always acts on behalf of the Institute, not one or the other party.

An inquiry is formally begun when the DC notifies the respondent in writing of the charges and process to follow. This and all other documents are to be preserved in a secure file in the Division offices for at least three years.

The nature of the inquiry will depend on the details of the case, and should be worked out by the DC in consultation with the complainant and respondent, with any colleague the DC calls on for assistance, and with Institute legal counsel. At this stage, every effort should be made to keep open the possibility of resolving the issue without damage to the position or reputation of either the complainant or the respondent. However, the DCs primary allegiance is not to the individuals but to the integrity of academic research, and to the Institute. If research misconduct has been committed, it must not be covered up.

The inquiry should be completed and a written record of findings should be prepared, within 30 days of its initiation. If the 30-day deadline cannot be met, a report should be filed citing progress to date and the reasons for the delay, and the respondent and other involved individuals should be informed.

##### 3. Findings of the Inquiry

The inquiry is completed when a judgment is made of whether a formal investigation is warranted. An investigation is warranted if a reasonable possibility of research misconduct exists. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews,

and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of the inquiry. If they comment on that report, their comments may be made part of the record. The DC must inform the complainant whether the allegations will be subject to a formal investigation.

If the allegation is found to be unsupported but has been made in good faith, no further action is required, aside from informing all parties, and attempting to heal whatever wounds have been inflicted. If confidentiality has been breached, the DC may wish to take reasonable steps to minimize the damage done by inaccurate reports. If the allegation is found not to have been made in good faith, the DC should inform the Provost and the President who will consider possible disciplinary action.

If a complainant is not satisfied with a DC's finding that the allegations are unsupported, the result may be appealed to the Provost, or if the Provost has made the finding, to the President.

#### 4. Notifications

The relevant responsible agency (or agencies in some cases) should be informed of the allegation upon completion of an inquiry, if (1) the allegation involves Federally funded research (or an application for Federal funding) and meets the Federal definition of research misconduct which is the same as the one given above, and (2) there is sufficient evidence to proceed to an investigation.

The relevant responsible agency should continue to be informed of the progress of the investigation, its outcome, and any actions taken.

- Other Reasons to Notify the Agency.

At any time during an inquiry or investigation, the institution will notify the relevant Federal agency if public health or safety is at risk; if agency resources or interests are threatened; if research activities should be suspended; if there is reasonable indication of possible violations of civil or criminal law; if Federal action is required to protect the interests of those involved in the investigation; if the Provost and DC believe the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved; or if the scientific community or public should be informed.

### B. INVESTIGATION

An investigation is initiated within 30 calendar days when an inquiry results in a finding that an investigation is warranted. The purpose of the investigation is to determine whether research misconduct has been committed. If an investigation is initiated, the Provost and DC should decide whether interim administrative action is required to protect the interests of the subjects, students, colleagues, the funding agency, or the Institute while the investigation proceeds. Possible actions might include temporary suspension of the research in question, for example. If there is reasonable indication of possible criminal violations, cognizant authorities must be informed by the Provost within 24 hours. Note the provisions of Section A.4 above requiring the Institute to notify the agency if it ascertains at any stage of the inquiry or investigation that specified conditions exist.

#### 1. The Investigation Committee

The Provost in consultation with the DC, shall appoint an Investigation Committee. The principal criteria for membership shall be fairness and wisdom, technical competence in the field in question, and avoidance of conflict of interest. Membership of the committee need not be restricted to the Faculty of the Institute.

The respondent and complainant should be given an opportunity to comment, in writing, on the suitability of proposed members before the membership is decided. The committee should be provided with a budget that will enable it to perform its task. The Provost and DC should write a formal charge to the committee, informing it of the details of its task.

#### 2. The Investigation Process

Once the Investigation Committee is formed, it should undertake to inform the respondent of all allegations so that a response may be prepared. It is assumed that all parties, including the respondent will cooperate fully with the Investigation Committee. The committee should call upon the help of Institute legal counsel in working out the procedure to be followed in conducting the investigation. The complainant and respondent should be fully informed of the procedure chosen.

At this stage, the demands of confidentiality become secondary to the necessity that a vigorous investigation make a conclusive determination of the facts. Nevertheless, every attempt should be made to protect the reputations of all parties involved.

The investigation should be completed, and a full report filed with those parties requiring notice within 120 days of its initiation. If this deadline cannot be met, an interim report of the reasons for delay and progress to date should be filed, with appropriate persons and agencies.

A draft of the committee report should be submitted to both complainant and respondent for comment before the final report is written. The respondent should be given the opportunity for a formal hearing before the Investigation Committee. Institute legal counsel should be called upon to assist in working out the procedure to be followed in conducting such a hearing.

If an investigation results in a finding, based on a preponderance of the evidence, that research misconduct occurred, an adjudication, or resolution phase follows whereby the recommendations are reviewed and appropriate action determined.

### C. RESOLUTION

Adjudication or resolution decisions are separated organizationally from the agency's or research institution's inquiry and investigation processes. Any appeals process should likewise be separated organizationally from the inquiry and investigation.

The committee finding may be grouped into two broad categories:

#### 1. No Finding of Research Misconduct

All federal agencies or other entities initially informed of the investigation should be notified promptly. A full record of the investigation should be retained by the Institute in a secure and confidential file for at least three years. The Provost and DC should decide what steps need to be taken to clear the record and protect the reputations of all parties involved.

If the allegations are found to have been maliciously motivated, the Provost and DC may wish to recommend to the President appropriate disciplinary action. If the allegations are found to have been made in good faith, steps should be taken to prevent retaliatory actions.

#### 2. Finding of Research Misconduct

The Provost and DC should decide on an appropriate course of action to deal with misconduct, to notify appropriate agencies, and to correct the scholarly or scientific record. The Provost and DC should forward the committee report to the President with a recommendation of sanctions and other actions to be taken. Possible sanctions include:

- Removal from the project
- Letter of reprimand
- Special monitoring of future work
- Probation or suspension
- Salary or rank reduction
- Termination of employment

The President should review the full record of the inquiry and investigation. The respondent may at this stage appeal to the President on grounds of improper procedure or a capricious or arbitrary decision based on the evidence in the record. New evidence may lead the President to call for a new investigation or further investigation, but not to an immediate reversal of the finding. After hearing any appeal and reviewing the case, the President should make a decision, or, in appropriate cases, recommend a final disposition to the Board of Trustees. The decision of the Board is final. In deciding what administrative actions are appropriate, the President should consider the seriousness of the misconduct, including whether the misconduct was intentional or reckless; was an isolated event or part of a pattern; had significant impact on the research record; and had significant impact on other researchers or institutions.

For research sponsored by a relevant responsible agency (or agencies) a final report should be submitted to describe the policies and procedures under which the investigation was conducted, how and

from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or other administrative action taken by the Institution.

In addition to regulatory authorities and sponsors, all interested parties should be notified of the final disposition of the case and provided with any legally required documentation. The list may include:

- The complainant
- Coauthors, coinvestigators, collaborators
- Editors of journals that have published compromised results
- Professional licensing boards and professional societies
- Other institutions that might consider employing the respondent
- Criminal authorities

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\*\*\* ACTIVITY REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO.	6336
CONNECTION TEL	12023341477
CONNECTION ID	POLAR RESEARCH B
START TIME	02/28 17:14
USAGE TIME	10'14
PAGES	14
RESULT	OK

Cherie - fax to  
Chris - send hand  
plus send/give original.  
copies to Jeff S.  
Jesp R.  
Molly  
done



# Exxon Valdez Oil Spill Trustee Council

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

February 28, 2002



Commissioner  
Administration for Native Americans  
ACF - DHHS  
370 L'Enfant Promenade, SW  
Mail Stop: HHH Room 348 F  
Washington, D.C. 20447

Dear Commissioner:

I have recently become aware of a project being proposed by the Tatitlek Village IRA Council, entitled Tatitlek Natural Resource Management Planning, Training, and Monitoring. Funding for this project will assist the Tribe in completing its Tribal Natural Resource Management Action Plans, collecting and compiling natural resource information and integrating this information into their Geographic Information System. Further, this project will provide a training program for local Tribal members, as well as Tribal members from other Chugach Region villages in natural resource management techniques.

The training component of the project fits well within the Trustee Council's goal of increasing community involvement in the Gulf Ecosystem Monitoring and Research Program. It is our desire to involve communities affected by the 1989 *Exxon Valdez* oil spill in the research and monitoring projects that will occur in their traditional use areas. Building local monitoring capacity through the training program proposed under this project would greatly facilitate community involvement.

To that end, I am providing this letter of commitment to work with the Tatitlek Village IRA Council on developing the curriculum for such a training program. Our participation will ensure that those areas we are interested in will be addressed in the training. The value of the staff time required for this initiative over the course of three years is difficult to estimate, but could be significant. This in-kind contribution could be used as match in the grant proposal.

I look forward to working with the Tatitlek Village IRA Council on this project. If you have any questions, please feel free to contact me at 907/278-8012

Sincerely,

Molly McCammon  
Executive Director

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## Project Abstract

PROGRAM ANNOUNCEMENT:		CLOSING DATE: February, 28, 2002	
APPLICANT NAME: Tatitlek IRA Council			
LENGTH OF PROPOSED PROJECT: 36 months		ANA CONTROL NO.:	
FEDERAL SHARE REQUESTED (for each year)		NON-FEDERAL SHARE:	
1 <sup>ST</sup> YR:	2 <sup>ND</sup> YR:	1 <sup>ST</sup> YR:	2 <sup>ND</sup> YR:
3 <sup>RD</sup> YR:		3 <sup>RD</sup> YR:	
PROJECT TITLE: Tatitlek Natural Resource Management Planning, Training and Monitoring			
<p>PROJECT SUMMARY: The Tatitlek IRA Council needs to continue to develop its natural resource management capabilities in order to protect and preserve the village way of life. Toward this end the Council is proposing to a) complete the village natural resource management action plan, b) establish a formal program for training village residents in fish and wildlife data collection planning, collection techniques and preparation for analysis, c) put several villagers through this program, and d) design and implement the process of collecting and compiling information such as population size, habitat conditions and accessibility, and harvest demand that will be needed to properly manage the local fish and wildlife species that are of economic, social and/or spiritual interest to the village.</p> <p>Tatitlek villagers are an Alutiiq peoples that continue to rely primarily on the sea for food, clothing and sheltering materials, and spiritual sustenance. Although the reliance on the sea for clothing and shelter has diminished somewhat over the past century, a healthy, productive near-shore marine habitat, including the littoral zone and associated streams and wetlands, is still essential to the village's existence. Over the past 60 years the use and exploitation of the near-shore area by non Native groups has increased steadily. The Exxon Valdez oil spill in 1989 demonstrated, as nothing else could, how vulnerable the village was to the use and misuse of this vital resource by others.</p> <p>In response to this threat the village has, over the past several years, been making a concerted effort to involve itself as much as possible in the management of the natural resources of the local near-shore area as well as upland areas that contain resources of importance. Toward this end village leaders have begun to educate themselves on the politics of natural resource management. In addition the village has embarked on an ambitious effort to develop a tribal natural resource management plan. The goal of this plan is to lay the foundation upon which a natural resource management program can be built. The objective is to produce a reference document that describes the village and its past and present uses of the natural resources, identifies traditional use areas for harvest, processing, etc., a prioritized list of natural resources used by the village, and a description of the organizational structure that the village will use for natural resource management.</p> <p>Development of Tatitlek's natural resource management plan is at a critical stage and needs help in getting it finished. The decisions regarding the organizational structure have been made. Information on village history, traditional use areas and resources of interest is available in rough form. What needs to be done now is to collect and collate all the pertinent information and use it to produce a complete and concise document that can be used by the village as the base document for resource management, as well as other agencies, organizations and individuals.</p> <p>In addition to producing the final draft of the Tatitlek Natural Resource Management Plan, this grant will also be used to begin collecting and compiling information on the condition of important local fish and wildlife species. This will be accomplished using a two-pronged approach. First, in cooperation with state and federal natural resources management agencies and the University of Alaska Sea Grant Program, a formal training program for fish and wildlife management data collection and compilation will be developed. Between four and six village will then be enrolled in program. In the meantime, the prioritized list of fish and wildlife developed for the management plan will be used to design a sampling plan to determine the relative condition of these species. When the plan is completed the newly trained villagers will then begin the process of conducting surveys in a manner prescribed by the plan. As the data is collected it will be compiled and analyzed. This information will become the basis for making management decisions and establishing a monitoring program.</p> <p>Most of what Tatitlek has accomplished in recent years such as infrastructure improvement, economic development, or improving governance, education and working relationships has had one overarching goal: controlling its own destiny. The local natural resources underpin the village's very existence. It is essential that Tatitlek quickly develop a process for managing these resources, or, at the very least, develop strategies for sheltering itself against their ever increasing use, and misuse, by others.</p>			

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

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

FROM: Molly McCammon  
Executive Director

RE: Project 99154: Authorization to Proceed with the Local Display Facility (LDF) Proposal for Seldovia

Project 99154: Authorization to Approve the Proposed Contract between Chugachmiut and the Seldovia Village Tribe for the Seldovia Local Display Facility

Project 99154: Authorization to Proceed with Design of the Seldovia Local Display Facility

DATE: February 26, 2002

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On August 7, 2000, I authorized you to proceed with the proposal for a local display facility in Seldovia contingent on the following condition:

A revised proposal from the Seldovia Village Tribe...will be subject to my written authorization to proceed under Appendix B, Section 3.1.4, of the grant agreement.

On December 27, 2001, the Seldovia Village Tribe submitted a revised proposal to Chugachmiut. The LDF Proposal Evaluation Team reviewed the revised proposal. Chugachmiut recommends approval of the revised proposal. I authorize you to proceed with the revised proposal for a local display facility in Seldovia.

Chugachmiut also submitted a draft contract with the Seldovia Village Tribe. I find that the draft contract is acceptable. Therefore, in accordance with Appendix B, Section 3.1.5, of the grant agreement, I authorize you to approve the draft contract between Chugachmiut and the Seldovia Village Tribe for a local display facility. Finally, in accordance with Appendix B, Section 3.2.1, of the grant agreement, I authorize you to proceed with design of the local display facility.

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Peter Hagen  
NOAA Liaison

FROM: Melly McGinnon  
Executive Director

RE: Authorization -- Project 02636-BAA / Management Applications:  
Commercial Fishing

DATE: February 25, 2002

The purpose of this memorandum is to formally authorize work to proceed on Project 02636-BAA/Management Applications: Commercial Fishing. The work must be performed consistent with the Detailed Project Description submitted February 22, 2002 and the revised budget dated February 25, 2002.

cc: Sharon Kent, NOAA BAA

# Exxon Valdez Oil Spill Trustee Council

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



February 20, 2002

Ken Adams  
PO Box 1855  
Cordova, AK 99574

Ross Mullins  
PO Box 436  
Cordova, AK 99574

RE: Project 02636-BAA / Management Applications: Commercial Fishing

Dear Ken and Ross:

I am approving the Detailed Project Description and budget (versions submitted February 6, 2002) for Project 02636-BAA contingent on:

1. Addition of the following language at the end of the Methods section:

"This proposal is considered a pilot project, with additional funding anticipated from the Trustee Council in FY 03. If successful, we anticipate this project could become an ongoing component of the GEM Program with funding from the Council in subsequent years."

2. Addition of language in the Methods section that provides for Phil Mundy, the EVOS Science Director, to participate in the planning and scheduling of meetings of the Fisheries Management Application Group and to be copied on correspondence and related materials.

3. Reduction of the budget to the amount approved by the Trustee Council. The budget you submitted exceeds the \$50,000 approved by the Council once the NOAA administrative costs are added. A suggested revised budget that does not exceed \$50,000 is attached for your review. The reductions are our suggestions in order to meet the budget limit.

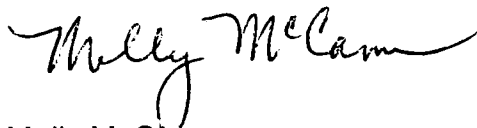
There are two other issues we will need to discuss as the project gets underway. First, it is not yet clear how the Fisheries Management Application Group will

interact with the Trustee Council's proposed Scientific and Technical Advisory Committee and subcommittees, or with the Public Advisory Group. Second, we need to discuss what criteria to use in measuring the success of this pilot project so that any proposal to continue the project can be properly evaluated.

Please submit a revised Detailed Project Description (DPD) to my office at your earliest convenience, and let me know if the attached budget revision meets with your approval. In addition to finalizing the DPD and budget, before you are authorized to proceed with spending project funds, the lead agency for the project (NOAA) must provide documentation to me showing that the requirements of the National Environmental Policy Act (NEPA) have been met. NOAA must also execute a contract with you. For more information on NEPA or the contract, please contact the NOAA EVOS representative:

Pete Hagen  
National Marine Fisheries Service, Juneau  
[peter.hagen@noaa.gov](mailto:peter.hagen@noaa.gov)  
Phone: 907-789-6096

Sincerely,

A handwritten signature in cursive script that reads "Molly McCammon".

Molly McCammon  
Executive Director

Attachment (revised budget)

cc: Pete Hagen, NOAA EVOS Liaison  
Sharon Kent, NOAA BAA Administrator

# **FY 03 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET**

October 1, 2002 - September 30, 2003

Budget Category:	Authorized FY 02	Proposed FY 03						
Personnel		\$32.2						
Travel		\$5.5						
Contractual		\$1.9						
Commodities		\$1.6						
Equipment		\$1.9	LONG RANGE FUNDING REQUIREMENTS					
Subtotal	\$0.0	\$43.1	Estimated FY 04					
Indirect		\$3.6						
Project Total	\$0.0	\$46.7						
Full-time Equivalents (FTE)		0.7						
	Dollar amounts are shown in thousands of dollars.							
Other Resources								

## Comments:

Indirect rate (8.5%) will cover office lease (\$360/mo. X 8 mo. = \$2.8) and utilities (\$100/mo. X 8 mo. = \$.8).

NOAA GA of \$3.3 will need to be added to this budget, bringing total project cost for FY 03 to \$50.0.

NOTE: The Trustee Council approved \$50.0 for this project contingent on submittal and approval of a revised Detailed Project Description and budget. The proposers submitted a budget of \$50.6 for their costs alone; with NOAA GA of 7% (the Trustee Council-allowed rate) the project total funding request would be \$54.1. To get the budget down to the authorized amount of \$50.0, Trustee Council staff reduced the travel request (reduce Workshop #3 from \$5.0 to \$2.5), the contractual request (reduce photocopying from \$.7 to \$.5) and the commodities request (reduce Office Supplies from \$0.6 to \$0.4 and Disks from \$.8 to \$.5).

**FY03**

Prepared: 2/13/02

Project Number: 02636-BAA  
Project Title: Management Applications: Commercial Fishing  
Name: Ken Adams & Ross Mullins

FORM 4A  
Non-Trustee  
SUMMARY

# **FY 03 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET**

October 1, 2002 - September 30, 2003

Personnel Costs:				Months	Monthly	Overtime	Proposed
	Name	Position Description		Budgeted	Costs		FY 03
	Ken Adams	Co-PI		2.3	4.8		11.0
	Ross Mullins	Co-PI		2.3	4.8		11.0
	Vacant	Tech/Admin		3.4	3.0		10.2
							0.0
							0.0
							0.0
							0.0
							0.0
							0.0
							0.0
							0.0
							0.0
Subtotal				8.0	12.6	0.0	
Personnel Total							\$32.2

Travel Costs:			Ticket Price	Round Trips	Total Days	Daily Per Diem	Proposed
	Description	FY 03					
	Workshop #1						0.0
	Workshop #2						1.0
	Workshop #3						2.0
							2.5
							0.0
							0.0
							0.0
							0.0
							0.0
							0.0
							0.0
							0.0
Travel Total							\$5.5

**FY03**

Prepared: 2/13/02

Project Number: 02636-BAA  
 Project Title: Management Applications: Commercial Fishing  
 Name: K. Adams & R. Mullins

FORM 4B  
 Personnel  
 & Travel  
 DETAIL



**FY 03 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET**

October 1, 2002 - September 30, 2003

<b>Contractual Costs:</b>		Proposed
Description		FY 03
Phones		0.8
Internet		0.6
Photocopying		0.5
<b>Contractual Total</b>		<b>\$1.9</b>
<b>Commodities Costs:</b>		Proposed
Description		FY 03
Computer disks		0.5
Software		0.7
Office supplies		0.4
<b>Commodities Total</b>		<b>\$1.6</b>

**FY03**

Prepared: 2/13/02

Project Number: 02636  
 Project Title: Management Applications: Commercial Fishing  
 Name: K. Adams & R. Mullins

FORM 4B  
 Contractual &  
 Commodities  
 DETAIL

# FY 03 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET

October 1, 2002 - September 30, 2003

New Equipment Purchases:		Number of Units	Unit Price	Proposed FY 03
Description				
	Computer			0.0
	Printer			1.4
				0.5
				0.0
				0.0
				0.0
				0.0
				0.0
				0.0
				0.0
				0.0
				0.0
				0.0
Those purchases associated with replacement equipment should be indicated by placement of an R.		<b>New Equipment Total</b>		<b>\$1.9</b>
Existing Equipment Usage:		Number of Units		
Description				

**FY03**

Project Number: 02636  
 Project Title: Management Applications: Commercial Fishing  
 Name: K. Adams & R. Mullins

FORM 4B  
 Equipment  
 DETAIL

Prepared:2/13/02

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Agency Liaisons

FROM: Debbie Hennigh  
Special Assistant

DATE: February 19, 2002

SUBJ: FY 2001 Draft Audit Management Letter Review

---

Attached to this memorandum is the Internal Control and Operating Comments, dated February 8, 2002.

This document summarizes the auditor's comments and suggestions regarding opportunities for strengthening internal controls and operating efficiency. Consistent with the prior year's audit, all responses will be incorporated into the final report. Each agency is requested to respond to those comments specific to their agency.

Please submit your responses on your agency's letterhead, addressed to Molly McCammon, Executive Director, but mail the original to Elgee, Rehfeld, and Funk, 9309 Glacier Highway, Suite B-200, Juneau, AK 99801, Attention: Julie Olson. Also send a copy of your response to the Restoration Office, Attention: Debbie Hennigh. Please submit your responses no later than **March 15, 2002**.

### Attachment

Cc: Bruce Nesslage, DOI, Washington, DC  
Kevin Buckland, ADFG, Juneau  
Laura Beason, ADEC, Juneau

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Agency Liaisons

FROM: Debbie Hennigh  
Special Assistant

DATE: February 19, 2002

SUBJ: FY 2001 Draft Audit Financial Statements

---

Please review your agency's Financial Statements for the year ending September 30, 2001 to ensure that the amounts are reflected accurately. If you discover an error, please email or fax that information to me. Please respond with your comment that you agree or disagree (and why) to me no later than March 15, 2002.

Thank you for your attention to this matter.

### Attachment

Cc: Bruce Nessler, DOI, Washington, DC  
Kevin Buckland, ADFG, Juneau  
Laura Beason, ADEC, Juneau

# Exxon Valdez Oil Spill Trustee Council

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



TO: Community Facilitators

FROM: Molly McCammon  
Executive Director

RE: Funding Proposals for Federal Fiscal Year 2003

DATE: February 15, 2002

The enclosed invitation explains how to submit a funding proposal to the *Exxon Valdez* Oil Spill Trustee Council. I would like to call your attention to a few things:

- This year the invitation will be in two phases. This phase, Phase I, is for projects funded in FY 02 that will continue in FY 03, and for new proposals for innovative work on lingering oil effects and GEM-related synthesis. Phase II, to be issued in late summer 2002, will be for proposals to begin to implement GEM. This is explained in more detail on page 1 of the invitation.
- Another change this year is that the "clusters" in which the proposals are organized have changed. Rather than being based on species, cluster assignments are now based on the underlying objective of each project or the type of activity the project would perform. The clusters are simply an organizational device, and do not bear on project funding decisions. Most projects that were in the "subsistence" cluster in prior years are now in the "oil spill" clusters and the "community involvement/public outreach" cluster.
- Pages 27-49 of the invitation list everything that needs to be included in a proposal. However, if you prefer, you may instead write a letter to the Trustee Council describing your proposal. In your letter, describe (1) which injured resource the proposal would benefit, (2) what work the proposal would involve, (3) who would perform that work, and (4) how much you estimate the proposal would cost. If necessary, Council staff will work with you to further develop the proposal so that its technical merit and cost can be fully evaluated.

All proposals and letters must be received at the Trustees' Anchorage office by Monday, April 15, 2002. Please call me if you have any questions about the proposal process or want help in putting together a proposal (our toll free number is 1-800-478-7745).

# Exxon Valdez Oil Spill Trustee Council

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



February 15, 2002

Mr. Tylan Schrock  
Alaska SeaLife Center  
P.O. Box 1329  
Seward, Alaska 99664-1329

Dear Tylan:

As follow-up to our recent conversation about the University of Alaska's relationship to the Alaska SeaLife Center (ASLC), and about endowed chairs in particular, I am enclosing the following:

- The Trustee Council's November 2, 1994 resolution providing, among other things, that the ASLC's governing and management structure identify the role of the University of Alaska in providing scientific leadership at the ASLC.
- A September 11, 1995 memo from me to the Trustee Council documenting that the conditions of the November 2, 1994 resolution had been met (see page 7 RE governing and management structure).
- Excerpts from the Trustee Council's October 5, 1994 meeting transcript at which Vera Alexander testified in regard to endowed chairs.

Let me know if you'd like to discuss any of these further.

Sincerely,

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

Molly McCammon  
Executive Director

Enclosures (3)

**RESOLUTION**  
**of the**  
**Exxon Valdez Oil Spill Trustee Council**

Research Infrastructure Improvements  
affiliated with the  
School of Fisheries and Ocean Sciences  
Institute of Marine Science  
in Seward, Alaska

---

WHEREAS, on January 31, 1994 the Trustee Council directed the Executive Director to prepare a formal recommendation concerning the proposed research infrastructure improvements affiliated with the Institute of Marine Science in Seward (hereafter, "the facility") and specifically indicated that the Executive Director should:

- take needed steps to secure compliance under the National Environmental Policy Act (NEPA);
- consult with appropriate entities, including the University of Alaska, the City of Seward, the Seward Association for the Advancement of Marine Science and Trustee Agencies to review the assumptions relating to the proposed improvements and capital and operating budgets;
- develop an integrated funding approach which assures that the use of trust funds is appropriate and legally permissible under the terms of the Memorandum of Agreement and Consent Decree; and
- prepare a recommendation of the appropriate level of funding for consideration by the Trustee Council that would be legally permissible under terms of the Memorandum of Agreement and Consent Decree; and

WHEREAS, since that time, the Trustee Council has been provided with detailed briefings and informational updates that address the issues identified in its January 31, 1994 directive to the Executive Director; and

WHEREAS, a detailed *Project Description and Supplemental Materials* document dated September 26, 1994 has been prepared (hereafter *Project Description*), the proposed project has been subjected to a full Environmental

Impact Statement (EIS) review under NEPA, and on behalf of the Trustee Council, the Department of the Interior has adopted a Record of Decision (ROD) for the EIS which has been concurred in by the federal trustee department and each of the State Trustees; and

WHEREAS, the *Executive Director's Recommendation and Findings Regarding Infrastructure Improvements Affiliated with the Institute of Marine Science in Seward, Alaska* has been prepared; and

WHEREAS, the Executive Director has reviewed the *Project Description* and, together with the Chief Scientist, finds that:

- the proposed facility improvements would provide needed research infrastructure for conducting long-term marine mammal, seabird, and fishery genetics research pertaining to species identified as injured by the oil spill in order to effectively restore those injured resources and that the facility has been designed to allow for adaptation to future restoration research needs;
- the capabilities of other coastal research facilities in Alaska have been assessed and that there are no existing facilities in Alaska to adequately address the identified and anticipated restoration research needs;
- the proposed research facility will make an important contribution to implementation of the ecosystem approach to restoration and that the facility would play a vital role in making it possible to understand the ecosystem relationships that may influence or control the recovery of injured resources;
- investment of settlement funds in the proposed research infrastructure would provide a needed facility for the Trustee Council restoration mission in a cost-efficient manner reflecting a reasonable balance between costs and benefits; and

WHEREAS, the Trustee Council's Public Advisory Group (PAG) has reviewed the *Project Description* and formally expressed its support for the facility at its October 13, 1994 meeting; and

WHEREAS, the Executive Director finds that a realistic construction plan for the proposed facility has been developed that will provide for the successful completion of the needed research facility within the budget identified (a copy of the capital budget from the *Project Description* is provided as an attachment);

THEREFORE BE IT RESOLVED, that the Trustee Council hereby concurs with and adopts the findings of the Executive Director and authorizes funding for



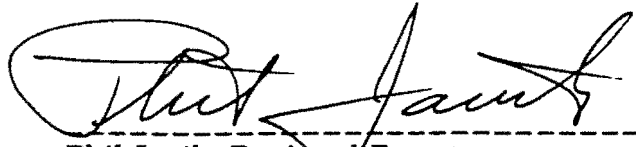
the project in an amount up to \$24,956,000 to support development of the research components of the facility subject to the following provisions:

1. approval by the Executive Director of a detailed construction budget and a detailed operating plan that reflects a realistic cash flow for the successful construction and operation of the research facility;
2. approval by the Executive Director of an agreement to be entered into by the State of Alaska (Alaska Department of Fish and Game) and the City of Seward providing that the facility will be owned by the City and that the City will provide for the operation and maintenance of the facility for the practical life of the facility;
3. approval by the Executive Director of a showing by the City of Seward that future mitigation measures identified for the construction and operation of the facility will be given due consideration and implemented to the extent practicable;
4. approval by the Executive Director of a detailed governing and management structure for the facility that clearly identifies the role of the University of Alaska in providing the scientific leadership at the facility and ensures the facility is managed so that research activities appropriately serve the Trustee Council's restoration mission; and
5. annual financial reports and project status reports will be submitted to the Trustee Council by the City of Seward and the Executive Director will carefully monitor the construction of the facility and provide regular updates to the Trustee Council regarding the project's progress.

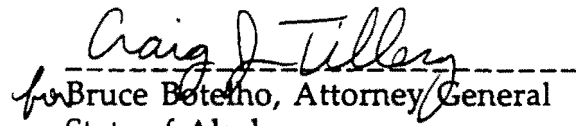
AND BE IT FURTHER RESOLVED, that it is the intent of the Trustee Council that funds for the project be transferred from the civil settlement to the Alaska Department of Fish and Game which shall, in turn, transfer capital funds to the City of Seward in a manner that is appropriate and timely to supplement the project funding previously appropriated by the Alaska State Legislature. Subject to the provisions identified above, the Alaska Department of Law and the Assistant Attorney General for the Environment and Natural Resources Division of the U.S. Department of Justice are hereby requested to petition the United States District Court for the District of Alaska for withdrawals in an amount of \$12,500,000 on September 15, 1995 and an additional withdrawal of \$12,456,000 on September 15, 1996 in accordance with the funding approvals contained herein.

AND BE IT FURTHER RESOLVED, that in authorizing funding for this project, the Trustee Council adopts the following policy: Consistent with this facility's unique capabilities for marine mammal, seabird and fishery genetics research, it is the policy of the Trustee Council to concentrate its EVOS-

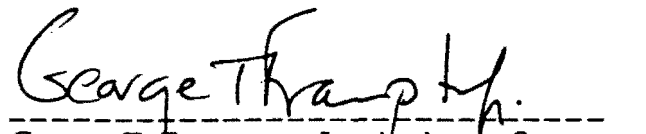
funded laboratory research projects and resources at the IMS facility to the maximum extent practicable. Approval of individual laboratory research projects, including the facilities at which they will be located, will be based on the resources required for that project and its cost-effectiveness, including the cost-savings available to the Trustee Council at the IMS facility as a result of this capital investment.



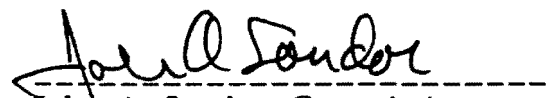
Phil Janik, Regional Forester  
Alaska Region  
USDA - Forest Service



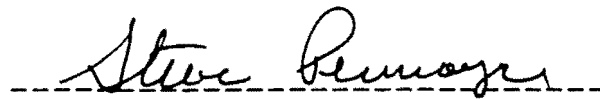
Craig J. Tillery  
for Bruce Botelho, Attorney General  
State of Alaska



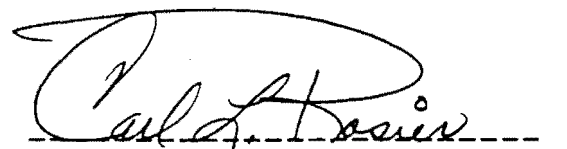
George T. Frampton, Jr., Assistant Secretary  
for Fish and Wildlife and Parks  
U.S. Department of the Interior



John A. Sandor, Commissioner  
Alaska Department of  
Environmental Conservation



Steve Pennoyer, Director  
Alaska Region  
National Marine Fisheries Service



Carl L. Rosier, Commissioner  
Alaska Department of Fish & Game

adopted November 2, 1994

# Capital Budget

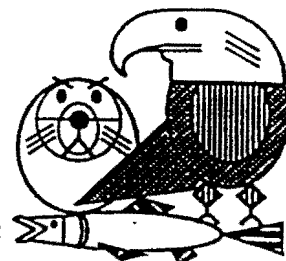
	CONSTR COST	DESIGN 15%	PA/PM 10%	CONT 10%	EXP/PLAN 2%	TOTAL
<b>RESEARCH COMPONENT</b>						
1. MAIN BUILDING	\$9,815,000	\$1,472,000	\$981,000	\$981,000	\$196,000	\$13,445,000
2. HABITAT	\$8,204,000	\$1,230,000	\$820,000	\$820,000	\$164,000	\$11,238,000
3. LIFE SUPPORT	\$4,108,000	\$616,000	\$411,000	\$411,000	\$82,000	\$5,628,000
4. SITE DEVELOPMENT	\$2,319,000	\$348,000	\$232,000	\$232,000	\$47,000	\$3,178,000
5. FF & EQUIPMENT	\$2,560,000	\$384,000	\$256,000	\$256,000	\$51,000	\$3,507,000
<b>Subtotal</b>	<b>\$27,006,000</b>	<b>\$4,050,000</b>	<b>\$2,700,000</b>	<b>\$2,700,000</b>	<b>\$540,000</b>	<b>\$36,996,000</b>
<b>EDUCATION COMPONENT</b>						
1. MAIN BUILDING	\$5,713,000	\$857,000	\$571,000	\$571,000	\$114,000	\$7,826,000
2. HABITAT	\$1,017,000	\$153,000	\$102,000	\$102,000	\$20,000	\$1,394,000
3. LIFE SUPPORT	\$175,000	\$26,000	\$18,000	\$18,000	\$4,000	\$241,000
4. SITE DEVELOPMENT	\$420,000	\$63,000	\$42,000	\$42,000	\$8,000	\$575,000
5. FF & EQUIPMENT	\$309,000	\$47,000	\$31,000	\$31,000	\$6,000	\$424,000
<b>Subtotal</b>	<b>\$7,634,000</b>	<b>\$1,146,000</b>	<b>\$764,000</b>	<b>\$764,000</b>	<b>\$152,000</b>	<b>\$10,460,000</b>
<b>TOTAL PROJECT</b>						
1. MAIN BUILDING	\$15,528,000	\$2,329,000	\$1,553,000	\$1,553,000	\$310,000	\$21,273,000
2. HABITAT	\$9,221,000	\$1,383,000	\$922,000	\$922,000	\$184,000	\$12,632,000
3. LIFE SUPPORT	\$4,283,000	\$643,000	\$428,000	\$428,000	\$86,000	\$5,868,000
4. SITE DEVELOPMENT	\$2,739,000	\$411,000	\$274,000	\$274,000	\$55,000	\$3,753,000
5. FF & EQUIPMENT	\$2,869,000	\$430,000	\$287,000	\$287,000	\$57,000	\$3,930,000
<b>Total</b>	<b>\$34,640,000</b>	<b>\$5,196,000</b>	<b>\$3,464,000</b>	<b>\$3,464,000</b>	<b>\$692,000</b>	<b>\$47,456,000</b>

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



## MEMORANDUM

TO: Trustee Council

FROM: Molly McCammon, Executive Director

DATE: September 11, 1995

SUBJ: Alaska SeaLife Center — Executive Director Approval

The purpose of this memorandum is to provide you with the attached Alaska SeaLife Center *Project Status Report and Response to Exxon Valdez Oil Spill Trustee Council Resolution dated November 2, 1994*. This memorandum, together with the attached materials, document that the conditions of the November 2, 1994 resolution have been appropriately addressed and constitutes my formal approval for release of funding.

As provided by the resolution, the Alaska Department of Law and the Assistant Attorney General for the Environment and Natural Resources Division of the U.S. Department of Justice are requested to petition the U.S. District Court for the District of Alaska for withdrawals in an amount of \$12,500,000 on September 15, 1995 and an additional withdrawal of \$12,456,000 on September 15, 1996. It is requested that the initial withdrawal be made as expeditiously as possible to maintain the project schedule, which includes preparation of construction drawings needed as part of the bid documents.

The attached materials have been assembled by the Seward Association for the Advancement of Marine Science (SAAMS), working with the City of Seward, the Alaska Department of Fish and Game, the University of Alaska and the Trustee Council's Restoration Office. The attached documentation reflects a collaborative effort on the part of all these parties. A summary discussion of the specific provisions in the Trustee Council November 2, 1994 resolution is provided below.

### 1. Construction Budget, Operating Plan and Cash Flow

*The November 2, 1994 resolution required that the Executive Director approve a detailed construction budget and a detailed operating plan that reflects a realistic cash flow for the successful construction and operation of the research facility.*

Trustee Agencies

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

On the basis of my review, I believe that SAAMS has presented a realistic construction budget, operating budget and cash flow that will support the successful development and operation of the facility consistent with the terms of the Trustee Council's resolution of November 2, 1994 and hereby approve the construction budget, operating budget and cash flow as presented in the attached materials.

Construction Budget — Initial site work for the facility and the sea water intake system, funded by the Alaska State Legislature, was initiated in June. The next construction bid solicitation is scheduled for mid-December 1995. At that time, SAAMS will seek proposals for work on both the research component of the facility, using Trustee Council civil settlement funding, as well as the visitor/education (habitat) component of the facility. The visitor/education component will be constructed with private funding, financed initially through a bridge loan obtained by SAAMS/City of Seward.

The project team initially prepared two independent construction budget estimates for the project as an in-house check mechanism. At my direction, the research facility construction budget has been subjected to further review by an independent engineering and cost estimating consultant under the direction of the Alaska Industrial Development and Export Authority (AIDEA). This independent AIDEA review confirmed that the SAAMS construction budget for the research facility "... can be considered 'realistic' within the meaning of the resolution."<sup>1</sup> At the same time, AIDEA advised that project reserve margins (contingency) be further considered and that a source and process be identified to obtain contingency funds in the future in the event that they are needed to complete the project.

As noted by AIDEA, the actual need and appropriate level of contingency reserves will only become apparent as the project moves forward to bid award and subsequently to construction. If bids are lower than estimated — as was the case with the initial site work/marine package which came in more than 15 percent below estimate<sup>2</sup> — funds currently budgeted for construction costs can be moved into contingency reserves. The most important information concerning the appropriate level of reserves will only become known at the time of bid opening. As noted by AIDEA, after bid opening "... the project team will have time to weigh the actual construction bids and determine at what project level adequate funding exists."<sup>3</sup> The ADFG-City of Seward Cooperative Agreement allows for this review prior to payment of construction funds. (See below, State of Alaska/ADFG - City of Seward Agreement.)

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<sup>1</sup> J. Olsen to M. McCammon, "Alaska SeaLife Center Third Party Review, Construction Budget," memorandum dated August 7, 1995.

<sup>2</sup> The site work/sea water intake package was estimated by SAAMS to cost approximately \$2.2 million, while the construction contract was awarded at approximately \$1.8 million.

<sup>3</sup> J. Olsen to M. McCammon, "Alaska SeaLife Center Third Party Review, Construction Budget," memorandum dated August 7, 1995.

AIDEA suggested consideration of two types of reserve margins: 1) change order reserves (that could be used to address unanticipated construction costs) and 2) program reserves (to support unanticipated services such as design for a change order or other program management costs during construction). The project team worked closely with AIDEA during its review and has reexamined the project budget with the independent review findings in mind. With respect to change order reserves, the project budget includes a construction (change order) contingency of 8.5 percent<sup>4</sup> consistent with AIDEA's guidance calling for a change order reserve of 5 - 10 percent. In addition, the project budget includes a 4 percent bid contingency, also consistent with the AIDEA review findings. AIDEA's review noted that the need for contingency reserves could be addressed through identification of specific add-alternates as part of the bid process (i.e., discrete project elements that could, if needed, be deferred from construction). The project team has responded with the identification of a number of add-alternates for inclusion in the bid documents in response to this recommendation.<sup>5</sup>

The project team has prepared a Start-Up and Administration budget totaling \$3.85 million that covers the period from the initiation of construction through the opening of the facility (January 1, 1996 - May 1, 1998).<sup>6</sup> Although no funds have been explicitly allocated as program reserves, there is some inherent flexibility in this budget due to assumptions regarding the timing of staffing and expenditure for other types of fees and supplies. It should also be noted that the City of Seward Administration Charge of \$374,000 (a one percent surcharge applied to construction costs) is the largest single budget category other than personnel costs and accounts for nearly 10% of the total Start-Up and Administration budget. As the facility owner and sponsor, the City of Seward can be expected to manage this portion of the budget conservatively to respond to unanticipated needs should they arise. Another option to address contingency needs should they arise would be to increase the amount of bridge financing being used to fund the visitor/education project.

It is important to again emphasize that while the project budget has been developed carefully, it is only at the time the bids are opened that we can be assured that the facility can be constructed as budgeted. As discussed in greater detail below, prior to expenditure of Trustee Council funds for construction, the adequacy of reserves will be assured. (See below, State of

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<sup>4</sup> See attached, *Project Status Report*, Figure 1: Total Capital Budget, p. 2.

<sup>5</sup> Several specific add-alternates have been identified and grouped for preparation of the bid documents. Project elements that could possibly be deferred include escalators; certain research support components (20 ft. diameter pool, carcass freezer); second floor interior work (twenty five percent of the research offices, library); certain site work (parking and landscaping); canopies; and deferral of portions of the research work areas (surgery, dry lab, wet lab). Collectively, these add-alternates total more than \$1 million in budgeted project construction costs.

<sup>6</sup> See attached, *Project Status Report*, Figure 9: Project Administration and Start-Up Costs, p. 12.

Alaska/ADFG - City of Seward Agreement.) It should also be noted that the City of Seward has indicated its intent to request that the Trustee Council authorize ADFG to convey the accumulated interest on the authorized project funding. While I believe that the project is premised on realistic budgets and has been appropriately responsive to the terms of the November 2, 1994 resolution, it is important to acknowledge that development of a facility of this complexity inherently entails risk with regard to the final cost of the project. As you know, identification of the interest earnings from the authorized \$24,456,000 has been informally discussed as a means to provide an extra measure of contingency above that which can be identified within the project. Any use of these interest earnings would require full Trustee Council approval. For future reference, the Director of Administration will track the interest associated with the authorized funding and keep the Trustee Council informed of the interest balance in future financial reports.

Finally, it should be noted that program management costs have to a substantial degree been "front loaded" during project development. The project has been subjected to an extraordinary degree of technical as well as public scrutiny to this point including preparation of an EIS; use of specialized technical review groups; and thorough identification of federal, state and local regulatory requirements/environmental permitting. These extensive efforts at the outset of the project, as required by the Trustee Council, should help minimize any additional downstream program costs.

Operating Plan — The operating plan for the facility has undergone extensive refinement by the project team over the past nine months in response to the Trustee Council's November 2, 1994 resolution. Operational expenses for the facility have been developed on the basis of costs and expenses of similar research and/or aquarium facilities elsewhere with appropriate adjustments made for Seward. Consistent with the resolution, the City of Seward will own the facility. Under an agreement with the City of Seward, SAAMS will provide for the financing, lease construction, operation, and maintenance of the facility. The University of Alaska will provide the scientific leadership for the facility. (See below: Governing and Management Structure - Role of the University of Alaska.)

Annual operational expenses for the Alaska SeaLife Center are projected at approximately \$4.6 million in 1999 (the first full year of operation). Project revenues, largely from the education/visitation component of the facility, are projected at approximately \$5.2 million in 1999. At full operation, the Center is projected to sustain net operating revenues of approximately \$600,000 per year. These funds will be used by SAAMS (a non-profit organization) for such purposes as debt repayment, facility maintenance and enhancement, further support for Center programs, and the endowment of research chairs.

Completion of the \$12 million education/visitation component of the facility, to be funded from private fundraising, is essential for revenue generation to support overall Center operations. Construction of the education/visitation component will require bridge financing in order to allow for simultaneous construction of the research and visitor/education components of the facility and ensure opening of the education/visitation portions of the facility in May 1998 at the outset of the peak visitation season. The bridge loan will be repaid with the proceeds from the ongoing SAAMS capital fund raising drive. SAAMS/City of Seward is in the process of securing that bridge loan prior to issuance of construction contracts, scheduled for mid-December.

Cash Flow — A detailed cash flow for project construction and operation is included in the attached materials.

## 2. State of Alaska/ADFG - City of Seward Agreement

*The November 2, 1994 resolution required that the Executive Director approve an agreement between the Alaska Department of Fish and Game and the City of Seward providing that the facility will be owned by the City and that the City will provide for the operation and maintenance of the facility for the practical life of the facility.*

This has been accomplished. With my approval as Executive Director, the Alaska Department of Fish and Game (ADFG) and the City of Seward entered into a Cooperative Agreement on April 28, 1995 to provide for the construction, operation and maintenance of the Alaska SeaLife Center. In addition to ADFG, this Cooperative Agreement was prepared with extensive involvement on the part of the City of Seward, SAAMS, the Alaska Department of Law, the Alaska Division of Risk Management, and the Restoration Office.

The Cooperative Agreement provides that the City of Seward is the owner of the facility (defined to include both the research and visitation/education components) and is responsible for maintenance of the facility for its practical life. Monthly payments to the City of Seward must be approved by ADFG as in conformance with the approved detailed budget, operating plan, cash flow, and Master Construction Schedule. The Cooperative Agreement enables ADFG to examine the project budget, including contingency margins, at the time bids are received (scheduled for mid-December 1995), and prior to commitment to actual construction. If the facility cannot be constructed in accordance with the budget, ADFG may terminate the Cooperative Agreement and terminate funding.

The Cooperative Agreement also enables ADFG to determine that construction of the entire facility (i.e., the research components as well as the visitation/education components) will move forward with necessary



financing in place prior to the disbursement of construction funds. As with the assessment of contingency reserves at the time of bid opening, the ADFG-City of Seward Cooperative Agreement enables ADFG to ensure that financing and construction for the entire facility, both the research and visitation/education components, move forward together, prior to payment of construction funds. Any change in the Master Construction Schedule will require ADFG approval.

Other key provisions of the Cooperative Agreement include a priority for research in support of the Trustee Council's restoration mission and a requirement that changes in the research space, capabilities or function of the facility must be approved by ADFG. The Cooperative Agreement establishes specific monthly progress, financial and cash flow reporting requirements.

### 3. Mitigation Measures

*The November 2, 1994 resolution required approval by the Executive Director of a showing by the City of Seward that future mitigation measures identified for the construction and operation of the facility will be given due consideration and implemented to the extent practicable.*

As a result of the NEPA EIS process, the project team evaluated a wide range of impact issues and identified mitigation measures and procedures to address these concerns. Measures identified to mitigate project impacts include a variety of actions to ensure appropriate erosion control, water quality protection, wildlife resource protection, traffic, transportation planning in collaboration with the City, and archeological resource protection. SAAMS/City of Seward has and will continue to implement mitigation measures through various mechanisms including permit stipulations, architectural design refinement, construction plan and specification changes, contract document conditions, environmental oversight, on-site monitoring during construction, continuing agency/public project review, and construction management. I accept and approve these measures as a showing by the City of Seward that future mitigation measures for the construction and operation of the facility will be given due consideration and implemented to the extent practicable.

This includes an on-going commitment by SAAMS/City of Seward to on-site archeological resource monitoring under agreements with the ADNR State Historic Preservation Office (SHPO) and the U.S. Department of the Interior. The significance of any archeological resources that have, or might possibly yet be recovered from the facility site, has not been fully determined. It is also not yet possible to determine what implications may exist for the project schedule and/or costs. These issues will need to be addressed actively and in an on-going manner by the project team throughout the project life. At this point, it is evident that the project sponsors are making good faith efforts to

respond to all requirements. The mitigation measures, agreements and protections currently in place allow for the project to proceed forward with assurance that archeological resources will be protected as appropriate, with continuing public involvement as has been provided for by SAAMS/City of Seward, under the guidance of SHPO and the U.S. Department of the Interior.

A detailed accounting of mitigation measures, as well as the means of implementation, has been documented by SAAMS/City of Seward in the attached materials.

#### 4. Governing and Management Structure - Role of the University of Alaska

*The November 2, 1994 resolution required approval by the Executive Director of a detailed governing and management structure for the facility that clearly identifies the role of the University of Alaska in providing the scientific leadership at the facility and ensures the facility is managed so that research activities appropriately serve the Trustee Council's restoration mission.*

With my approval, a Memorandum of Agreement (MOA) between SAAMS and the University of Alaska specifically addressing scientific leadership at the facility was approved by both parties on August 23, 1995. This MOA provides that the University will appoint a Science Director, subject to the concurrence of SAAMS, by January 1, 1996. The Science Director will hold a tenured or tenured track position with the University of Alaska, School of Fisheries and Ocean Science. The University has agreed to fund the Science Director position at 25 percent time commitment level until June 30, 1998. After that, the Alaska SeaLife Center will assume funding responsibility for the position.

Some of the key provisions of the SAAMS-University of Alaska MOA provide that the Science Director will develop scientific protocols, direct the Center's research in a manner that supports the Trustee Council restoration mission, participate in the annual Trustee Council work plan process, and confer with the Trustee Council's Executive Director and Chief Scientist to identify priority restoration projects appropriate for execution at the facility. The MOA also provides for establishment of a Scientific Oversight Committee, comprised of at least three members of the scientific community that are independent of both the Center and the University, to conduct formal reviews of the Center's science program. The Scientific Oversight Committee will coordinate with the Trustee Council's science review process to ensure complementary efforts.

#### 5. Project Financial and Status Reporting Requirements

*The November 2, 1994 resolution required annual financial reports and project status reports to be submitted to the Trustee Council by the City of Seward and that the Executive Director will carefully monitor the*

*construction of the facility and provide regular updates to the Trustee Council regarding the project's progress.*

The ADFG-City of Seward Cooperative Agreement (see above) provides for reporting requirements consistent with the November 2, 1994 resolution. In addition to annual reports, SAAMS/City of Seward is required to submit detailed monthly progress and financial reports to ADFG. These reports must include details of the progress made during the reporting period, including potential problems, milestones, and other significant progress in relation to the Master Construction Schedule. Monthly payment requests are subject to ADFG approval as consistent with the approved detailed budget, operating plan, cash flow, and Master Construction Schedule.

As Executive Director, I will continue to carefully monitor the construction of the facility and provide regular status reports to the Trustee Council concerning the project's progress.

\* \* \* \* \*

**This memorandum, together with the attached material, provides the basis for my approval that the Alaska SeaLife Center sponsors have successfully addressed the conditions contained in the Trustee Council's resolution of November 2, 1994. The Alaska Department of Law and the U.S. Department of Justice are requested to proceed immediately with the initial \$12,500,000 withdrawal of funds for the project.**

In conclusion, the Alaska SeaLife Center proposal has been subjected to an exceptional degree of professional and public scrutiny throughout its formulation and the project sponsors have been responsive to the many concerns and demands that have resulted from this detailed examination. The attached materials document a successful effort to address the conditions identified in the Trustee Council's resolution of November 2, 1994.

attachment

— *Project Status Report and response to Exxon Valdez Oil Spill Trustee Council Resolution dated November 2, 1994, prepared by Seward Association for the Advancement of Marine Science (August 25, 1995)*

cc: Alex Swiderski  
Gina Belt  
Kim Sundberg  
Darryl Schaefermeyer  
Leif Selkregg  
Ron Garzini

7.7.90

# EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

RESTORATION OFFICE  
Simpson Building  
645 G Street  
Anchorage, Alaska

RECEIVED  
OCT 25 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL  
ADMINISTRATIVE RECORD

## VOLUME II

(Continuation of August 23, 1994, Trustee Council Meeting)  
(Pages 128 through 236, inclusive)

October 5, 1994  
9:00 a.m.

U.S. Forest Service Conference Room  
Federal Building  
Juneau, Alaska

### TRUSTEE COUNCIL MEMBERS in attendance:

State of Alaska

MR. CRAIG TILLERY  
Trustee Representative for  
BRUCE BOTELHO, Attorney  
General, Alaska Department of  
Law

State of Alaska Department  
of Environmental Conservation

MR. JOHN SANDOR, Commissioner,

United States Department  
of the Interior

MS. DEBORAH WILLIAMS, Trustee  
Representative for GEORGE  
FRAMPTON, Assistant  
Secretary

State Department of Fish  
and Game

MR. CARL ROSIER  
Commissioner

United States Department of  
Agriculture - Forest Service

MR. PHIL JANIK,  
Regional Forester

United States Department of  
Commerce - NOAA

MR. STEVE PENNOYER  
Director, Alaska Region,  
National Marine Fisheries  
Service

**TRUSTEE COUNCIL STAFF**

MR. JIM AYERS                      Executive Director, Trustees Council  
MS. MOLLY MCCAMMON              Director of Operations

**OTHERS IN ATTENDANCE in person or via teleconference**

DR. DAVID GIBBONS  
MR. MARK BRODERSON  
MR. JAMES WOLFE  
MR. KIM SUNDBERG (via teleconference from Finland)  
MR. LEIF SELKREGG  
DR. MIKE CASTELLINI, University of Alaska Fairbanks  
DR. JIM SEEB  
DR. VERA ALEXANDER, Dean School of Fisheries & Ocean Sciences,  
University of Alaska Fairbanks  
DR. ROBERT SPIES, Chief Scientist to EVOS Trustee Council  
MS. NANCY SWANTON  
MR. TOM LIVINGSTON, Livingston Slone Architects  
MR. TYLER JONES, City Manager, City of Seward  
MR. DARRELL SCHAEFERMEYER, Seward Association for the Advancemen  
of Marine Science (SAAMS)  
MR. ROY TEMPER, J. Donovan Associates  
MR. DALE FOX  
MR. BARRY ROTH, U.S. Dept. of Justice  
MR. RALPH ELUSKA, Akhiok-Kaguyak Corporation (AKI)  
MR. LARRY LANDRY, Attorney for AKI

1 accessible by plane, and the fish that are reared there are reared  
2 in net pens, and they're subjected to environmental challenge,  
3 predator challenge, disease challenge, many challenges that erode  
4 the -- the efficacy of the experiments that we do there. We feel  
5 that the proposed IMS improvements will provide essential support  
6 for research and monitoring studies that need to be conducted in  
7 the EVOS area. No facility like this currently exists in the Gulf  
8 of Alaska. In running fresh water and large volumes of sea water  
9 will enable us to do long-term rearing studies for anadromous  
10 (indiscernible) species. The rearing facilities will be uniquely  
11 designed with the flexibility for the use of sea water and fresh  
12 water that could be recycled and debravated allowing us to maximize  
13 the efficiency and isolate treatments from one another in a fashion  
14 that can't be done at any facility in Alaska today. The system of  
15 indoor wet labs, coupled with a land-based tanks and raceways,  
16 provide isolation from disease and the other environmental  
17 challenges that plague our work at other facilities. The Alaska  
18 Department of Fish & Game is one of the many agency and institution  
19 partners in the restoration studies, supports these IMS  
20 improvements as a long-lasting, emphasis long-lasting, contribution  
21 to the research and monitoring the effected area. Thank you.

22 MR. SELKREGG: Jim, we're going to ask Vera to say a few  
23 words.

24 DR. VERA ALEXANDER: I'd like to the sitting approach  
25 also. I'm really delighted to be here. I'll try to be brief. I  
26 think you have all seen the letter that I wrote, that Dr. Komisar

1 wrote, which shows a strong support of the University of Alaska for  
2 this project. I'd like to confirm something and support something  
3 that Mike Castellini just said, and that is the fact that there's  
4 -- that the facilities are urgently needed for research that is  
5 already ongoing and would be used immediately were they available  
6 in connection particularly with the marine mammal work. An example  
7 is that Dr. Sven Ebberson (ph), who is our -- a physiologist on our  
8 faculty, moved his entire lab operation from Fairbanks down to  
9 Seward already to our existing facility for salmon neurophysiology  
10 work because there were no such facilities in Fairbanks or any  
11 where else. This is just an example, and he's apparently maxed out  
12 what we have there now, in this particular work. Given the  
13 availability to facilities, the amount of work that could be done,  
14 which is already urgently needed, would be vastly expanded.  
15 There's nothing like this, not only in Alaska or on the Gulf of  
16 Alaska, but I guess north of California. There's no facility in  
17 which you could hold mammals and birds, and conduct the kind of  
18 work needed, and it's desperately needed in connection with  
19 restoration and the oil spill effects. It's rather ironic that  
20 there -- although there are few places in the world in which the  
21 green environment is as important to the people as it is in Alaska,  
22 that we have such a lack of infrastructure for supporting research,  
23 and the Exxon Valdez oil spill really illustrates this dearth.  
24 There has been insufficient work on the Sound previously to have  
25 any idea in terms of time service as what the system really looks  
26 like. It's going to be hard to make that up, but we can do a lot

1 better with restoration now, given the right approach, and that is  
2 the combination of laboratory and field studies. The ecosystem  
3 approach is critical, but without understanding the actual  
4 physiological responses of some of the organisms, the ecosystem  
5 approach by itself cannot give you all the answers. So, the  
6 University of Alaska is very much behind this. We would definitely  
7 commit to being involved with it. As Mike said, I can't send  
8 somebody down there, but they will go, and that's true. It will  
9 happen, I can guaranty it. We have long had plans to expand the  
10 research capabilities in Seward. It hasn't worked out with the  
11 capital -- ability to add capital facilities at the University, as  
12 you know, is very limited. The planned facility does not overlap  
13 with anything that we have now, either in the state or in the  
14 school, and certainly nothing -- it does not conflict to any of our  
15 plans. We have plans for enhanced facilities, or at least adequate  
16 facilities at -- at some of our sites, but Seward is our primary  
17 gateway to the ocean for the reasons already mentioned. Its  
18 accessibility, the good sea water, and so and so forth. Now, as --  
19 I might also point out that we have a pretty good record in  
20 ecosystem research. We pioneered with the approached project in  
21 the Bering Sea, we followed up by the Ishta (ph) project. We  
22 carried out another ecological project here in Auke Bay called  
23 "Apprise", all of these were quite successful. We look forward to  
24 working with agencies and with other universities in planning the  
25 intended work that needs to be done on Prince William Sound. As  
26 far as the ability to guaranty that we will put people at the new



1 facility, there is a way that we can do this. That is, we'll have  
2 several retirees coming up soon within the university, we can aim  
3 our hiring in such a way that the people we hire would be the  
4 people who would wish to use the facility. We have two endowed  
5 chairs already on the books for the School of Fisheries and Ocean  
6 Science. That nothing -- that does not include a new plans for  
7 endowed chairs, these already will be existing, will be filled in  
8 a few years. We can direct the hiring of those in such a way that  
9 they would fulfill -- fit into this program. So -- so we have  
10 certain opportunities to -- to make sure that we're very well  
11 involved and that we help provide the scientific participation and  
12 leadership for this project. Finally, I just want to say one more  
13 thing, the School of Fisheries and Sciences advisory council is  
14 indeed very supportive of this project. Their interest are of such  
15 that they're recommended that the Board of Regents take a serious  
16 look at, which I gather they did, a letter was drafted, it went  
17 through the Chancellor's office to the Board of Regents dealt with  
18 it in executive session last week. I have not seen the outcome of  
19 that, but I think what you will find that will come out of this is  
20 again a strong support, and the importance of the broad ecological  
21 approach to the restoration project and -- and the importance of  
22 the university playing a major role in this. We are indeed very  
23 committed to seeing this happen.

24 MR. SELKREGG: We want to invite Bob Spies from Cordova  
25 to say a few words. Cordova are you on line?

26 DR. SPIES: Yes, we are. Thank you, very much. I -

1 of Fish & Game, funding for Kim Sundberg, the biologist for project  
2 leadership on this project. The Council also authorized funding  
3 for pieces of the management of the EIS. For example, Nancy is  
4 funded through the Department of Interior, Fish & Wildlife Service  
5 for the EIS project. The cost of the actual EIS, and I think this  
6 is what Dave was pointing out, the cost of the EIS is being  
7 absorbed by the project from the funds that have been received from  
8 the state appropriation. But, we are funding the management, so to  
9 speak, of the project to ensure that it was done consistent with  
10 National Environmental Protection.

11 MR. SANDOR: Any other questions? Perhaps only one.

12 MR. PENNOYER: I have one more. Well, if someone else  
13 wants to do it, go ahead. I was a little confused by your and Dr.  
14 Castellini's comments on, you couldn't put people in the facility,  
15 and then we talked about endowed chairs, and this has UAF personnel  
16 in the facility, in (indiscernible). Could you elaborate a little  
17 bit?

18 MS. ALEXANDER: I could certainly, I'd love to do that.  
19 Yes, we can hire people with the expectation that they will go  
20 there and it would be part of the job description as we hire. What  
21 is difficult to do is to take a faculty member who already is on  
22 contract and reassign them to -- to move. I suppose it could be  
23 done. There's nothing legally that says the President or the  
24 Chancellor or I could not say, okay, you will move some of the  
25 faculty positions to Seward. Yes, of course, it could be done. It  
26 would be very unlikely that we would want to take that, sort of

1 heavy-handed faculty, are unique in that they have inherent  
2 autonomy, in a function -- academic position as you probably  
3 realize. (Laughter) And, administrators go against this grain  
4 with certain trepidation. And, it's not in its best interest.  
5 (Laughter) But, I think the reason I mention that we do have the  
6 potential of hiring as people retired in the future and with  
7 endowed chairs, we can specify that they will be in Seward.

8 MR. PENNOYER: I guess I wasn't suggesting you move Dr.  
9 Castellini to Seward, so relax. (Laughing) It wasn't what I was  
10 pushing. I was interested in how many people end up in Seward, as  
11 either people who are invited in or people who are part of the  
12 staff. This is separate from your current IMS facility, that's all  
13 that I (indiscernible).

14 MS. ALEXANDER: Right.

15 MR. PENNOYER: So, anybody at the university quits is  
16 going to have to be a new hire or a transfer, one or the other.

17 MS. ALEXANDER: Or, on the other hand, as I pointed out  
18 with Dr. Ebberson's work, he is a resident of Fairbanks, but he  
19 spends more than fifty percent of his time in Seward  
20 (indiscernible). So there will be people who will come to their  
21 research or have graduate students there, who may not be full time  
22 residents (indiscernible).

23 MR. PENNOYER: Of this facility, of the sixteen offices  
24 we have, eleven I guess, I'm not sure what the total numbers that  
25 genetics lab will have Fish & Game to move (indiscernible). Other  
26 than that it's basically sort of an open -- we haven't decided yet

1 who is really going to go there, or whether it's going to be  
2 rotational, part of the offices will be rotational, for projects as  
3 needed, visiting folks, there's no actual permanent assignment of  
4 staff in Seward.

5 MS. ALEXANDER: Well, we're expecting to have three people  
6 permanently assigned.

7 MR. PENNOYER: New hires -- as you would hire.

8 MS. ALEXANDER: We knew that they would be new hires.

9 MR. PENNOYER: But, you'd actually intend to do that.

10 MR. SELKREGG: On page 9-4, the personnel assumptions,  
11 we've made an effort to try to identify potential University of  
12 Alaska staff positions, both from the endowed chair perspective as  
13 well as the technical staff and university students, which in fact  
14 would be employed to support those chair activities, and that's on  
15 the far right-hand column. We are endeavoring to try to formalize  
16 the understanding ...

17 MR. PENNOYER: I'm sorry, what page was that?

18 MR. SELKREGG: 9-4, Section 9. The far right-hand corner  
19 intends to identify the University of Alaska staff positions.

20 MR. PENNOYER: Thank you.

21 MR. SANDOR: Any other questions? Yes, Craig.

22 MR. TILLERY: Mr. Chairman, I have a couple. Do I  
23 understand that the two endowed chairs you speak of, you are  
24 essentially agreeing or committing those to the Seward, or not?

25 MS. ALEXANDER: Not exactly as such, but rather I'm  
26 pointing out we already have two, perhaps we'll have some retirees,

1 plus there's the three endowed chairs proposed by the fund raising,  
2 and so -- a number of options of recruiting people who will be  
3 involved in the facility.

4 MR. TILLERY: But, those two endowed chairs may end up  
5 in Fairbanks, there's no other place.

6 MS. ALEXANDER: They could.

7 MR. TILLERY: Once subsidized -- it sounds like  
8 somewhere you're subsidizing the research by not charging people  
9 additional overhead costs. I guess, I kind of understand that with  
10 respect to EVOS related studies because we're putting in most of  
11 the overhead for a lot of infrastructure. Is that true for some  
12 outside person comes in, some outside university applies to come  
13 in, some government grant comes in, are we not going to -- and they  
14 come with overhead, are we not going to ...

15 MR. SELKREGG: I'll take that. That policy position,  
16 that level of detail has not been established by the project at  
17 this time. We have taken, what I would say, is a fairly simple  
18 approach by making the strategy towards the charge for research  
19 unilateral across the board. Once the official board structure is  
20 established, I think the policy for the cost of research at the  
21 facility will be -- one of the number one priorities of that board.  
22 Whether or not you have multiple charge standards for use,  
23 depending on source of funds, is something that the board will need  
24 to take up. We had to -- rather than develop a fairly complex  
25 analysis of that, we've taken a very simple strategy that says, all  
26 research will be subsidized, for planning purpose. I believe it

1 University, if they have an endowed chair that's going to do some  
2 research, that it consist of the Trustee Council, the university --  
3 someone's going to have to pay for some of these operating costs,  
4 if the turn-style doesn't work too well, to their average  
5 prediction. Everyone hopes -- I guess what I am saying, everyone  
6 is hopeful that this will work exactly right, but I think that if  
7 the Trustee Council is going to say, it must work absolutely right  
8 because we're not paying anything for research in this facility,  
9 then that's something that we need to discuss. That is not a final  
10 decision.

11 MR. SANDOR: A second question?

12 MR. PENNOYER: That's it.

13 MR. SANDOR: Any other questions, Deborah?

14 MS. WILLIAMS: Talking about the relationship between the  
15 university and endowed chairs of Exxon -- Exxon Valdez research,  
16 and the possible priority there obvious quite a bit of -- pieces  
17 that need to fit together here. I think while we all felt the  
18 Exxon -- I mean the university does succeed in getting endowed  
19 chairs, the question though is what if those endowed chairs wanted  
20 to do biological research on salmon, one of the hot issues now, as  
21 opposed to some Exxon-related research. What is going to be the  
22 relationship between endowed chairs' desires to do research given  
23 academic freedom concerns and the Council's desire to have this  
24 facility used primarily for Exxon Valdez related research.

25 MS. ALEXANDER: I'd love to address this. (Laughter) If  
26 -- if -- as I've tried to address that, if the hiring is done, then

1 that's part of the job description, then there is no choice, the  
2 academic freedom issue doesn't enter into it, because that will  
3 their -- their responsibility. We'll be using to develop the  
4 (indiscernible - coughing). They will also have to satisfy the  
5 requirements for a promotion of tenure if they are tenure track  
6 faculty. But, actually they don't even have to be tenured track  
7 faculty, they could be (indiscernible), in which case they could  
8 spend all their time actually on (indiscernible), but  
9 (indiscernible) type of work. If they -- we might want them to be  
10 tenured track faculty, because of the additional prestige and  
11 whatever else you might go along with that status. And then they  
12 will also have to satisfy the university class, and only in the --  
13 if the type of research being done doesn't allow (indiscernible)  
14 publication and graduate students involved (indiscernible). But,  
15 they certainly have the responsibility of caring out research out  
16 of this facility and it causes the Council priority.

17 MR. SANDOR: Any further questions? Phil Janik.

18 MR. JANIK: Question for clarification, please. In  
19 terms of the costs of operating the facility, and I see a section  
20 there called facility operations and it lists eight items. My  
21 compliments on the presentation, I thought it was really excellent.  
22 One of the things that really came home to me during the  
23 presentation of design was the sophistication here of this -- this  
24 facility. What comes to mind then is maintenance costs, especially  
25 in the years to come after the facility puts on some age. Are  
26 maintenance costs included in that section?

# Exxon Valdez Oil Spill Trustee Council

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



February 8, 2002

Jeanne Mungle  
Procurement Officer, ADEC  
410 Willoughby Avenue, Suite 303  
Juneau, AK 99801

Dear Ms. Mungle:

The purpose of this letter is to clarify the Trustee Council's intent in approving projects 02667 and 02668. As provided in the Detailed Project Descriptions approved by the Council, it is the Council's intent that implementation of these two projects include contracts with the following proposer:

<u>Project No.</u>	<u>Project Title</u>	<u>Proposer</u>
02667	Effectiveness of Citizens' Environmental Monitoring Program	Cook Inlet Keeper
02668	Developing an Interactive Water Quality and Habitat Database and Making it Accessible on the Web	Cook Inlet Keeper

Thank you for your attention to this matter.

Sincerely,

Molly McCarmon  
Executive Director

cc: Tom Chapple, ADEC EVOS Liaison



# Exxon Valdez Oil Spill Trustee Council

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



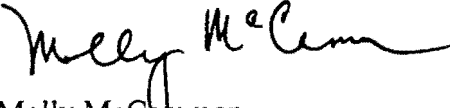
February 4, 2002

Jim Schultz  
General Services Administration  
222 W. 7th Avenue, Room 151  
Anchorage, AK 99501

  
Dear Mr. Schultz:

Thank you for the lovely flower arrangement you sent for our open house in December. The arrangement was bright and cheery and added to the festive spirit of the holiday. The staff and I appreciate your thoughtfulness, as well as all your help with our lease.

Sincerely,

  
Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



February 4, 2002

Joe Kolasinski  
Computer Matrix  
3522 West 27<sup>th</sup> Avenue  
Anchorage, Alaska 99517

Dear Joe:

Thank you for the wonderful brownies you sent during the holidays. The staff and I appreciate your thoughtfulness.

I look forward to working with you in the coming year.

Sincerely,

Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



February 4, 2002

Ellen Kubiak  
Office Products Services  
100 West Fireweed Lane  
Anchorage, Alaska 99503

Dear Ms. Kubiak:

Thank you for the Montreaux coffees. The staff and I have enjoyed the different flavors during the holiday season and into January when the temperatures dipped below zero. They were a tasty warm up to rejuvenate with.

The staff and I appreciate your thoughtfulness.

Sincerely,

Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



February 4, 2002

Max Mertz  
Elgee, Rehfeld and Funk, CPAs  
9309 Glacier Highway, Suite B-200  
Juneau, Alaska 99801

Dear Mr. Mertz: 

Thank you for the box of fresh fruit, cheese and crackers, tea, and preserves you sent during the holidays.

The staff and I appreciate your thoughtfulness. We look forward to working with you and Julie this coming year.

Sincerely,



Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



February 4, 2002

Roy Jones  
Birch, Horton, Bittner and Cherot  
1155 Connecticut Avenue NW, Suite 1200  
Washington, D.C. 20036

Dear Roy:

Thank you once again for the Brent and Sam's homemade cookies. They are my favorite cookies!

The staff and I appreciate your thoughtfulness. We look forward to working with you this year.

Sincerely,

Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



February 4, 2002

Marcia Olive  
P.O. Box 150496  
Lakewood, Colorado 80215

Dear ~~Ms. Olive:~~ *Marcia*

Thank you for the cookies and basket of candies, cheese and crackers. The staff and I appreciate your thoughtfulness.

Sincerely,

*Molly McCammon*  
Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



## **Restoration Office Tentative Meeting Schedule**

### **February 2002**

4-8 AK Forum on the Environment - Anchorage, AK  
18-20 Texas A&M 125<sup>th</sup> Anniversary Marine Symposium  
21 PAG Meeting  
25 TC Meeting

### **March 2002**

10-15 Coastal Monitoring, Oceans US - Warrenton, VA  
18-19 Tech Net Conference - Anchorage, AK

### **April 2002**

4-5 PICES Monitor Committee  
4-7 Kodiak ComFish  
7-10? Statewide Meeting on Tribal Environmental Concerns - Anchorage, AK  
12-14 Kachemack Bay NERRS workshop

### **May 2002**

11-12 Core reviewers - Homer, AK

### **June 2002**

7-8 Healthy Ecosystems Conference - Washington, D.C.  
10 World Oceans Day - Washington, D.C.  
12-13 PEW Oceans Commission - Washington, D.C.  
18-19 Alaska Oceans & Watershed Symposium

### **July 2002**

### **August 2002**

TBD Coastal States Organization - Girdwood, AK  
TBD U.S. Commission on Ocean Policy

### **September 2002**

\* tentative meeting dates

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

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# Daily News Letters

Sunday, February 3, 2002 **F-3**

Attachment D

## Critic of oil spill study attempts to discredit government science

The Point/Counterpoint by Bowdoin College's Dr. David Page (Jan. 31) questions my integrity performing a study last summer to estimate the amount of oil remaining in Prince William Sound from the Exxon Valdez oil spill. He disputes the extent of the work actually done and charges bias during sampling, based on his shadowing of our study. In rebuttal, I note:

(1) Page did not begin shadowing our study until August, after the study was 75 percent complete.

(2) Page misrepresented our more extensive sampling of oil patches as evidence of bias, when in fact we were simply following the peer-reviewed sampling design which called for additional holes to delineate the size of oil patches detected.

(3) Page's sponsor, ExxonMobil, filed a Freedom of Information Act request for all the study records on Jan. 8, 2002, which will prove we completed the study as advertised, but he has made his allegations before he received this evidence.

(4) Page could have asked to accompany us during the survey, as did several news organizations, all of which we accommodated. Instead, Page engaged in a secretive and incompetent

attempt to audit our progress. His public attack without bothering to look at the evidence of our field records appears to indicate that Page's fieldwork last summer was a premeditated attempt to discredit government science.

— Jeffrey W. Short  
Auke Bay

## Prince William Sound oil study critic's fraud charge is unfounded

In a recent Point/Counterpoint article, Exxon consultant Dr. David Page questioned the integrity of a study led by National Oceanic and Atmospheric Administration scientist Jeffrey Short. The study led to scientific estimates of the amount of oil remaining in Prince William Sound from the 1989 Exxon Valdez oil spill.

While scientists often disagree with interpretations of research efforts, it is rare to charge fraud. We can assure the public that the work was done as reported. News reporters, support-vessel crew, a government archaeologist, residents of Tatitlek and Chenega, and other participating scientists could bear witness to the work. Notebooks with the raw data, including daily entries of holes dug and oil found, provide corroborating evidence.

National experts reviewed the project's sampling design to make sure it was not biased. The study was conducted openly in the field, with several on-site visits by news media and intense public scrutiny. The results will soon be published in the open scientific literature, where unbiased scientists can view the results and the interpretations.

We are requesting the National Academy of Sciences to evaluate Dr. Page's allegation, along with the data collected by the National Oceanic and Atmospheric Administration. If Dr. Page is unwilling to cooperate, he should print a retraction of his allegation.

— Dr. Robert Spies, chief scientist,  
EVOS Trustee Council  
Molly McCammon, executive director,  
EVOS Trustee Council  
Dr. Jim Balsiger, Alaska administrator,  
National Marine Fisheries Service



### Author's rebuttal doesn't make oil study any less flawed, biased

I stand by my observations and experiences that formed the basis of my opinion published Jan. 31 in the Daily News.

Mr. Short's recent rebuttal ignores the details of my observations that indicated a strong bias in his Prince William Sound oil study. Many of Short's pits were dug at the top of the beach, well above the surf zone. While wave action may have eliminated evidence of some pits lower in the tide zone, I doubt we missed thousands of pits because of this.

We found many locations with far fewer than the required minimum of 100-plus pits, indicating a departure from Short's published study plan. Sites with no oil had far fewer pits than those with oil, indicating bias and inconsistent effort. Short's study plan required that each pit be 50 centimeters deep. We found pit depths to be highly variable and generally less than 50 centimeters, rendering oil amount estimates meaningless.

If Short is so confident of his findings, why not release all his data now, including field notes, for the public and scientific community to see? Why must we file a Freedom of Information Act submission to try to get the data? I am confident that Short's conclusions about the extent of remaining oil in Prince William Sound will not stand the test of rigorous and unbiased scientific scrutiny.

— David S. Page  
Professor, Bowdoin College  
Brunswick, Maine

### Mr. Page — aka Exxon — should educate himself before criticizing

With regard to David Page's Point Counterpoint (Jan. 31) and his so-called extensive observations, I think most Alaskans realize that any "study" funded by Exxon is suspect, but let's assume that Page was unbiased in his statement that "we saw no evidence that Short dug 7,000 pits." A little effort would have uncovered the fact that many pits were refilled to avoid further contamination of Prince William Sound. Also, 9,000 pits were dug and a simple request of Auke Bay Labs would confirm their locations. However, when your task is to distort, misinform and cover up, good science takes a back seat.

Page (Exxon) further states that "location of the pits ... were chosen subjectively." Actually,

the sites and pit locations were chosen at random. A disconcerting number of the pits missed visible surface oil. Heavily oiled Naked Island sites were not even selected by this random process. When oil was found, more pits were dug to ascertain extent and magnitude, a standard technique in peer-reviewed science. There are many more distortions in Page's column.

The conclusions of the Short study are, if anything, conservative and well documented and should be taken seriously to really understand what is happening in the Sound. To undermine the results of the Short study with personal opinion does a disservice to credible scientific process.

— Michael Yourkowsky  
Homer

intCounterPoint: Has Prince William Sound recovered?

*ce William Sound recovered?*

## Oil remains, appears to be affecting wildlife recovery

JEFFREY W. SHORT, *research chemist, Juneau*



Today, 12 years after the 1989 Exxon Valdez oil spill in Prince William Sound, you would have to look hard to find evidence of lingering effects. No species are threatened or endangered because of the oil spill, and the Sound supports large populations of fish, birds and marine mammals, which indicate a generally healthy ecosystem. Yet, if you did look hard, you would still find evidence of long-term effects from the spill.

Last summer, nearly 9,000 holes were dug to assess the amount of oil remaining in Prince William Sound, and much more oil was found than anticipated — around 200 times more than claimed by Exxon's contractor. The oil was most prevalent on beaches that were hit hardest by the spill, either on the surface or a foot or so beneath. The chances that one of these beaches contains some oil are around 2 to 1. At the most polluted of these beaches your chance of finding oil in a single pit is better than 1 in 3. When you find it, it will look and smell like crude oil, and it forms a sheen on water in the bottom of a pit.

Sea otters have not recovered in the Northern Knight Island area, the area of spill hit the hardest, although they have elsewhere in the Sound. They feed in the lower intertidal zone where oil was still found. Sea otters and some bird species that also forage in the same zone have biochemical markers that indicate they are still exposed to oil. It appears that oil may still be a

---

*These results strongly suggest  
that those parts of the Sound  
that were most heavily  
impacted by the spill are not  
yet fully recovered.*

---

factor impeding their recovery, possibly through ingestion of oiled prey. These results strongly suggest that those parts of the Sound that were most heavily impacted by the spill are not yet fully recovered.

Although the Sound is much cleaner now than it was in the early '90s, it remains substantially more polluted than it was in 1988 because of the lingering oil from the Exxon Valdez. Exxon continues to portray the Sound as more polluted from other sources apart from the Exxon Valdez oil spill, but their claims are riddled with inconsistencies. Much of what little we know about how oil actually affects ecosystems stems from research on the Exxon Valdez, and it is now clear that the long-term persistence and toxicity of the spilled oil is substantially greater than previously recognized.

---

■ Jeffrey W. Short, a research chemist at the National Marine Fisheries Service in Juneau, has studied the Exxon Valdez spill since it happened. The views here are his own, not those of his employer.

intCounterPoint: Has Prince William Sound recovered?



**POINTCOUNTERPOINT** *Has Pri*

## Recent study exaggerates; Sound is as healthy as ever

DAVID S. PAGE, *professor, Bowdoin College*

There is no credible scientific evidence of ongoing injury to the Prince William Sound ecosystem from the 1989 Valdez spill. While residues of the spill exist as isolated deposits in the Sound, they aren't environmentally relevant compared with petroleum coming from past and ongoing human activities. The environment of the Sound recovered from the spill long ago, in keeping with studies of much larger oil spills.

Regarding the recent reports of oil in Prince William Sound, my colleagues and I worked extensively there last summer, spending most of our time visiting beaches surveyed by researcher Jeff Short. Based on our observations, it is difficult to understand Short's claims.

We saw no evidence that Short dug 7,000 pits on 91 locations. We were able to locate and survey 78 of the 96 sites indicated in Short's study plan. We found clear evidence of activity at 33 sites and were able to map the locations of 875 pits. Had thousands been dug, we would have located many more.

We found visible evidence of oil in 196 pits at only 19 sites. The sites at which we found evidence of activity were generally those "worst case" locations in the Sound that have been known and studied for years. Seven known worst-case sites accounted for 133 of the 196 oiled pits. Even at these seven locations, remaining deposits of oil are localized and are not readily available to wildlife.

Any release of oil from these sites is negligible compared with other sources of petroleum in the Sound.

The locations of the pits at the sites demonstrate that they were chosen subjectively, with the greatest concentration of pits in areas showing oil residue. We found six times as many pits dug at sites found to have oil than sites that were found to have no oil. This approach exaggerates the extent of remaining residues of the spill based on pit tallies alone. It indicates a strong bias in the Short study and raises questions about the scientific validity of its conclusions.

I think that the Trustee Council's "nonrecovered" species list has no sound scientific basis. Claims of ongoing "spill effects" are either the results of natural or human factors not related to the spill, or the results of flawed scientific study designs based on invalid comparisons, or the use of a "return to pre-spill conditions" as a benchmark for recovery. The scientifically appropriate definition of recovery takes nonspill factors and natural environmental changes into account.

Prince William Sound today is as healthy as it would have been if the spill hadn't happened.

---

■ David S. Page is professor of chemistry and biochemistry at Bowdoin College in Brunswick, Maine. He has studied the Exxon Valdez spill since 1989 with the support of Exxon Mobil.

# Experts amazed at oil left in Sound

■ **DAMAGE:** Intertidal marine life show 1989 spill's effects.

By DOUG O'HARRA  
Anchorage Daily News

Sea otters have evidence of liver damage. Harlequin ducks have metabolized fresh hydrocarbons.

And certain beaches in Prince William Sound have far more oil than anyone thought possible a dozen years after the Exxon Valdez tanker struck Bligh Reef, according to a rigorous survey conducted last summer.

Much of that oiled sediment underlies the flat productive shore of the western Sound, homeland to mussels and clams and other intertidal life, said federal chemist Jeff Short of Auke Bay Laboratory in Juneau.

"It's more than it looks," he said.

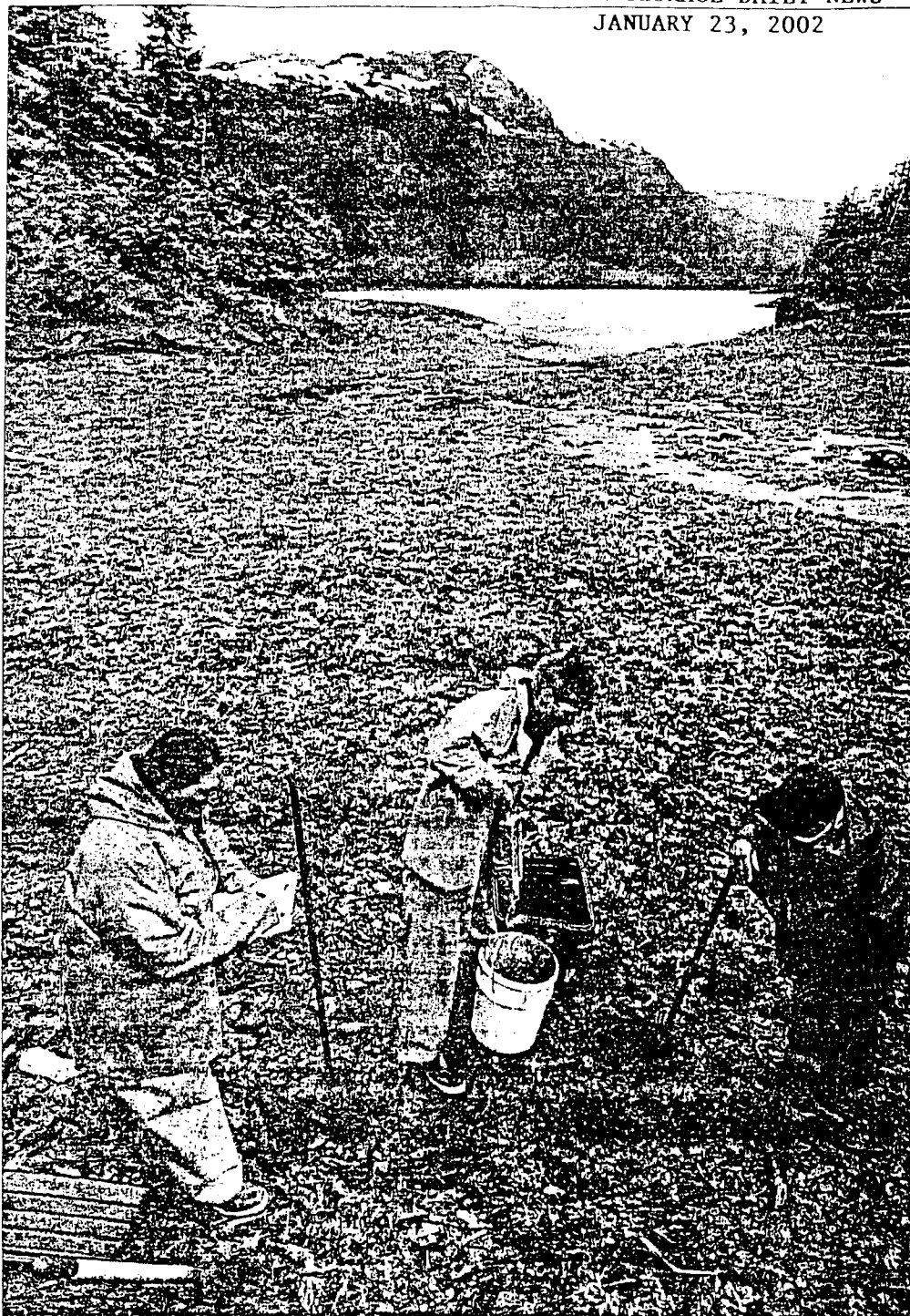
Other studies done as part of a continuing scientific review of the oil spill have documented problems among certain species that forage on the nearby sea floor.

The findings were presented Tuesday by scientists during the opening session of the state-federal Exxon Valdez Oil Spill Trustee Council's annual workshop. They suggest that lingering oil is leaching into the food chain, where it hurts local populations of sea otters and harlequin ducks.

"We did indeed find quite a lot more oil than we expected to see," Short said. "Most of the subsurface oil was in the fresh oil category, and by fresh oil I mean chemically, compositionally; it hasn't really changed very much since late in the summer of 1989."

Exposure to this oil may no longer threaten overall animal populations. But sea otters and harlequin ducks in the Knight-Green island areas have been ingesting hydrocarbons and apparently suffering damage, according to reports by biologists Brenda Ballachey of the U.S. Geological Survey and Dan Esler of Simon Fraser

See Back Page, SPILL



ERIK HILL Daily News Inc. photo

Last July, researchers Mandy Lindeberg of Juneau, left, Maciej Maselko of Anchorage and Wayne McDonald of Tatitlek collected samples of subsurface sediments in Bay of Isles on Knight Island in Prince William Sound. The result of their research was presented Tuesday at the Exxon Valdez Oil Spill Trustee Council's annual workshop.

Attachment A

## SPILL: Exxon, chemist dismiss Juneau lab's findings

Continued from A-1

University in British Columbia. This damage includes liver problems in otters, including abnormal tissues found last summer during endoscopies and biopsies conducted in the field, Ballachey said. Otter and duck numbers in oiled areas have continued to decline, while populations in nonoiled bays fare much better.

The tanker hit the charted reef in March 1989, dumping 11 million gallons that spread throughout much of the Sound and beyond. That this oil still has the power to harm wildlife, even if on a limited scale, is one of the most disturbing and startling findings to come from a decade of research and monitoring, several scientists said.

"The oil was quite a bit more persistent and quite a bit more toxic than we thought in 1989," Short told the audience during a question-and-answer period.

An Exxon Mobil official and a Maine chemist dismissed the idea that the spill still causes significant damage to life in the Sound.

**"What science has learned in Alaska and elsewhere is that while oil spills can have acute short-term effects, the environment has remark-**

able powers of recovery," said company vice president Frank Sprow in a statement e-mailed from company headquarters in Irving, Texas.

Bowdoin College biochemist David Page, who has conducted studies for Exxon, said he was skeptical of Short's findings.

"For at least the last seven years, natural factors in PWS have been the major factor in governing ecological changes," he added in an e-mail.

The meeting continues today at the Egan Convention Center in Anchorage with discussions of how a long-term research program to monitor the Gulf of Alaska can tie in with other research from Southeast Alaska and the Bering Sea.

As about 100 scientists and others gathered in a basement hall on Tuesday, seven biologists gave reports on lingering oil and the status of fisheries, birds and marine mammals in the spill zone. Included was a presentation on the beach survey, conducted by Auke Bay Lab with \$572,000 from the Trustee Council and help from the Bureau of Economic Geography at the University of Texas.

Over 90 days last summer, a field crew visited

91 sites along about five miles of beaches, covering about 20 percent of the area classified as heavily or moderately oiled between 1989 and 1993, Short said. They dug 6,775 pits at random locations, then dug dozens of additional pits every time they found oil to calculate how far it spread.

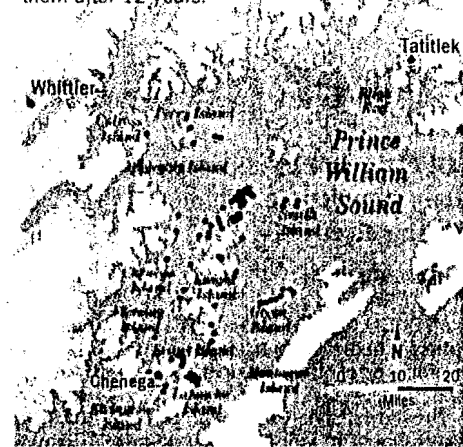
To gather enough data to make a meaningful estimate of how much oil remained and how fast it was weathering and leaching away, Short and the other investigators hoped to find oil at least 1 percent of the time.

Instead they discovered oil at 53 of 91 sites, in 568 different pits — about eight times more often than they expected. Although most of the pits were “lightly oiled,” about 20 contained oil that looked as fresh as that just a few weeks after the 1989 spill — “highly odiferous, lightly weathered, and very fluid,” they wrote in a preliminary report.

In the end, Short and his team estimated that about 10,000 gallons of Exxon Valdez crude remains buried under 26 to 28 acres spread along about 4.3 miles of shoreline scattered throughout the area, according to preliminary figures released on Monday. It appeared to be declining at 26 percent per year.

### Prince William Sound communities participating in survey

Survey during summer of 2001 showed that 58 out of 91 sites still had oil in them after 12 years.



**CHARLES ATKINS / Anchorage Daily News**

■ Doug O'Hara can be reached at [do'hara@adn.com](mailto:do'hara@adn.com) and 257-4334.

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Ted Otis  
ADF&G

Ron Heintz  
NOAA

FROM: Molly McCammon  
Executive Director

RE: Extension of Due Date: 02538 Final Report

DATE: March 29, 2002

The purpose of this memo is to approve an extended due date--from April 15, 2002 to September 30, 2002--for the final report on Project 02538/Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska. I understand this extension is necessary due to a delay in the processing of the otolith samples.

cc: Bill Hauser, ADF&G Liaison

# Exxon Valdez Oil Spill Trustee Council

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

## MEMORANDUM



TO: Dede Bohn / DOI  
Carol Fries / ADNR  
Ken Holbrook / USFS  
Celia Rozen / ADF&G  
Tom Chapple / ADEC  
Pete Hagen / NOAA

FROM: Sandra Schubert *Sandra Schubert*  
Program Coordinator

RE: Project Status -- Quarterly Update  
**DUE FRIDAY, APRIL 26, 2002**

DATE: March 26, 2002

Please find attached Project Status Update Forms for the quarter ending March 31, 2002. The forms and the instructions for filling them out are the same as they were last quarter. The quarterly report is an opportunity for you to contact each PI to discuss project progress and to report your findings to the Restoration Office. If a PI has an overdue report, please work with the PI to determine when it will be submitted. If other project tasks have been delayed or canceled, please get an explanation from the PI.

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# Exxon Valdez Oil Spill Trustee Council

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

## MEMORANDUM



TO: Dede Bohn / DOI  
Carol Fries / ADNR  
Ken Holbrook / USFS  
Celia Rozen / ADF&G  
Tom Chapple / ADEC  
Pete Hagen / NOAA

FROM: Sandra Schubert *Sandra Schubert*  
Program Coordinator

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<b>NOAA &amp; ADFG</b>							
02538	Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska	NOAA & ADFG T. Otis/ADFG, R. Heintz/NOAA	NOAA	CE	Letter on file	Partial on file (a) 99347 report (NOAA), (b) (ADFG favorable review of results from interim only)	Spring sample analysis
<b>NOAA &amp; DOI</b>							
02585	Lingering Oil: Bioavailability and Effects to Prey and Predators	NOAA & DOI J. Rice, J. Short/NOAA; J. Bodkin, B. Ballachey/USGS; D. Esler/Simon Fraser Univ	NOAA	CE	Letter on file		(a) 00195 report, (b) 00598 ms.



# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Jeep Rice  
NOAA Auke Bay Lab

FROM: Molly McCammon  
Executive Director

RE: Continuation of Project 02195 / Pristane Monitoring in Mussels

DATE: March 21, 2002

The purpose of this memorandum is to approve an additional year of sampling under Project 02195/Pristane Monitoring in Mussels and the reallocation of funds within Project 02195 necessary to conduct the sampling. The closeout of this project, originally scheduled for FY 02, will be postponed.

Please note that I have not yet authorized spending on Project 02195 pending submittal by the PI, Jeff Short, of two overdue reports: the 00195 annual report (which was due April 15, 2001) and the 00598 manuscript on resolution of mixtures containing *Exxon Valdez* oil and regional background hydrocarbons (which was due August 2000). Authorization to spend will be forthcoming as soon as these reports are submitted to the Chief Scientist for peer review.

Communication with PWSSC and PWSAC on ways to incorporate juvenile pink salmon timing of release and distribution with pristane sampling and modeling should be continued as Project 02195 progresses. Cooperation with a new project funded this year, Project 02636/Management Applications: Commercial Fishing should also be pursued (PIs are Ken Adams and Ross Mullins of Cordova).

cc: Pete Hagen, NOAA Liaison

# Exxon Valdez Oil Spill Trustee Council

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

March 15, 2002



Max Mertz  
Elgee, Rehfeld and Funk  
9309 Glacier Highway, Suite B-200  
Juneau, Alaska 99801

Dear Max:

On behalf of the Trustee Council, I am submitting responses to the general comments contained in the *Exxon Valdez Oil Spill Trustee Council, Internal Control and Operating Comments*, dated February 8, 2002.

## **Comment: DETERMINE ALLOWABILITY OF BONUS AWARDS**

### Response:

We agree that a policy regarding bonus awards should be established and that the policy should be detailed in the Operating Procedures. At the February 25, 2002 Trustee Council meeting the Council voted to disallow use of EVOS funds for fiscal year 2000 and 2001 bonus awards. A policy on the use of bonus awards will be developed and included in the upcoming revision to the Operating Procedures.

## **Comment: IMPROVE PEER REVIEW RESULTS REPORTING**

### Response:

We agree that project reports submitted for peer review should be reviewed and the review forwarded to the submitting agency in a timely manner to allow review comments to be addressed.

We also feel strongly that project reports should be prepared and submitted in a timely manner. We have established a thorough system for tracking the submittal, review, and finalization of project reports and make a concerted effort on a regular basis to see that work is performed timely—by report authors as well as report reviewers. We review report status monthly with the Chief Scientist (who oversees the corps of peer reviewers) and quarterly with all principal investigators. The Trustee Council has adopted a policy prohibiting release of project funds to any investigator who has an overdue report, and we routinely withhold funds for this reason.

Despite these efforts, some principal investigators and some peer reviewers fail to meet their commitments for various reasons, which is perhaps inexcusable but also not

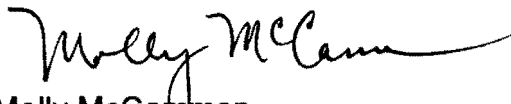
unexpected. This is not necessarily a failure of Trustee Council policy, but rather a failure by some individuals to comply with the policy. That said, we are aware of very few instances in which peer review arrived too late to be effectively addressed by the principal investigator.

In regard to your specific comments on projects 99423 and 00423, please note:

- The peer review of the 99423 report was dated February 16, 2001. Neither the submitting agency nor the Restoration Office, for reasons unknown, received the review until August 13, 2001. In other words, the extreme tardiness of the peer review was due in part to a delivery error.

- The peer review of the 00423 report, addressed to the submitting agency (Dede Bohn) and cc'd to the three PIs (Bodkin, Dean, and Esler), was dated July 5, 2001 and received by Bohn, the PIs and the Restoration Office July 12, 2001. In other words, peer review of this report was completed timely. (Your finding indicates the peer review had still not been received as of January 2002.)

Sincerely,

A handwritten signature in black ink, reading "Molly McCarron". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Molly McCarron  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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

March 15, 2002



Rodney Parrish, Ph.D.  
Executive Director  
Society of Environmental Toxicology and Chemistry  
North American Office  
1010 North 12<sup>th</sup> Avenue  
Pensacola, Florida 32501-3367

Dear Dr. Parrish:

On behalf of the *Exxon Valdez* Oil Spill Trustee Council, I am writing to request a review by the Society of Environmental Toxicology and Chemistry (SETAC) of a study of the long-term persistence of crude oil in the environment – a study I believe is of national significance. The study in question is a definitive investigation into the amount of oil remaining on the shorelines inside Prince William Sound known to have been oiled in 1989 by the *Exxon Valdez* oil spill. Designed by a team of professional statisticians, peer reviewed by national toxicology experts, and executed by the staff of the National Marine Fisheries Services' Auke Bay Laboratory, the study appears to have documented the presence on these beaches of toxicologically active, virtually intact crude oil from the T/V *Exxon Valdez*, more than twelve years after the spill occurred.

The study is potentially of national significance because, if valid, its results support the concept that the *Exxon Valdez* oil spill is a long lasting, chronic insult to the environment, in contrast to the alternative "transient shock" hypothesis that has been advanced in the literature. Further, the validation of this study has important implications for cumulative impact analyses nationwide.

Validation of the study will be provided to a large extent by publication of its results in peer-reviewed journals over time. Unfortunately, full validation cannot be achieved through the normal processes of peer review and publication due to an unfortunate set of circumstances that has developed around this particular study. Shortly after the first public presentation of initial study results in January 2002, a public allegation of research misconduct and scientific fraud was leveled at the study by a long-time consultant for Exxon-Mobil Corporation (see attachments A-E).

I believe the timing of the allegations and the manner in which they were delivered are a serious and irreparable violation of the scientific peer review process that cannot be undone without the review of the Auke Bay Laboratory study by an independent entity such as your organization. I am asking SETAC to empanel a small committee (3-4) to produce a report on the validity of the procedures, records and methods of the study, and

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#### Federal Trustees

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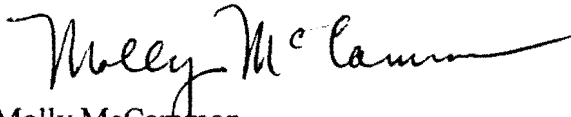
#### State Trustees

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

any evidence provided by the complainant that would indicate scientific misconduct. Without such a review, the findings of this important and costly study may forever be tainted by the allegations, regardless of the best efforts of the authors and the peer review process.

I ask SETAC to uphold the integrity of the scientific peer review process by undertaking the review of the conduct of this important study. A process such as that adopted by the California Institute of Technology (attachment F) might be appropriate. I would appreciate hearing from you as soon as possible about the Society's availability and willingness to undertake this task, as well as the associated costs.

Sincerely,

A handwritten signature in black ink, reading "Molly McCammon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Molly McCammon  
Executive Director

Attachments

cc: Dr. Jim Balsiger, Director, NMFS (w/o attachments)  
Dr. Robert Spies, Chief Scientist, EVOS TC (w/o attachments)

# Experts amazed at oil left in Sound

■ **DAMAGE:** Intertidal marine life show 1989 spill's effects.

By DOUG O'HARRA  
Anchorage Daily News

Sea otters have evidence of liver damage. Harlequin ducks have metabolized fresh hydrocarbons.

And certain beaches in Prince William Sound have far more oil than anyone thought possible a dozen years after the Exxon Valdez tanker struck Bligh Reef, according to a rigorous survey conducted last summer.

Much of that oiled sediment underlies the flat productive shore of the western Sound, homeland to mussels and clams and other intertidal life, said federal chemist Jeff Short of Auke Bay Laboratory in Juneau.

"It's more than it looks," he said.

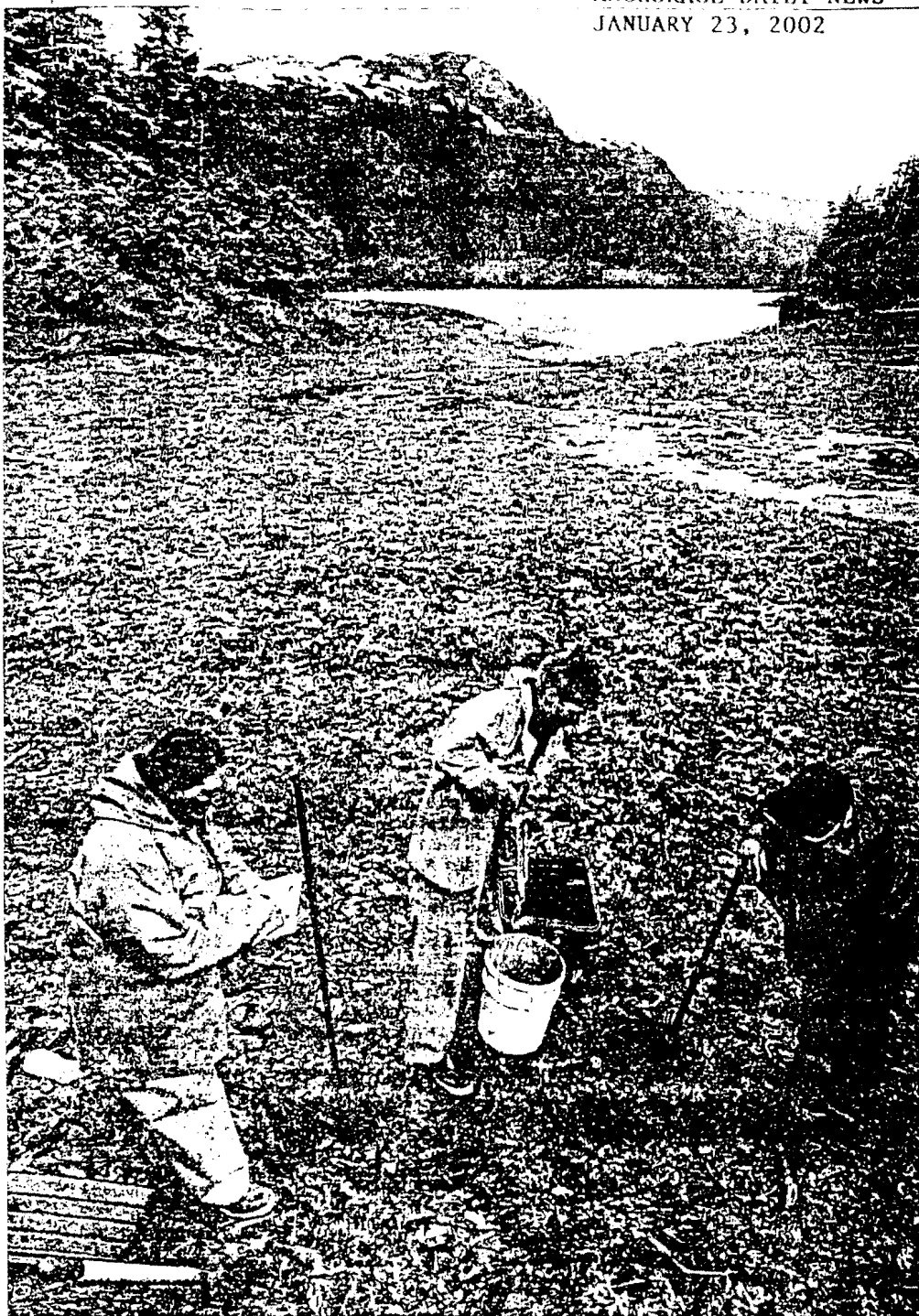
Other studies done as part of a continuing scientific review of the oil spill have documented problems among certain species that forage on the nearby sea floor.

The findings were presented Tuesday by scientists during the opening session of the state-federal Exxon Valdez Oil Spill Trustee Council's annual workshop. They suggest that lingering oil is leaching into the food chain, where it hurts local populations of sea otters and harlequin ducks.

"We did indeed find quite a lot more oil than we expected to see," Short said. "Most of the subsurface oil was in the fresh oil category, and by fresh oil I mean chemically, compositionally; it hasn't really changed very much since late in the summer of 1989."

Exposure to this oil may no longer threaten overall animal populations. But sea otters and harlequin ducks in the Knight-Green island areas have been ingesting hydrocarbons and apparently suffering damage, according to reports by biologists Brenda Ballachey of the U.S. Geological Survey and Dan Esler of Simon Fraser

See Back Page. SPILL



ERIK HILL Daily News file photo

Last July, researchers Mandy Lindeberg of Juneau, left, Maciej Maseko of Anchorage and Wayne McDonald of Tatitlek collected samples of subsurface sediments in Bay of Isles on Knight Island in Prince William Sound. The result of their research was presented Tuesday at the Exxon Valdez Oil Spill Trustee Council's annual workshop.

## SPILL: Exxon, chemist dismiss Juneau lab's findings

*Continued from A-1*

University in British Columbia. This damage includes liver problems in otters, including abnormal tissues found last summer during endoscopies and biopsies conducted in the field, Balachey said. Otter and duck numbers in oiled areas have continued to decline, while populations in nonoiled bays fare much better.

The tanker hit the charted reef in March 1989, dumping 11 million gallons that spread throughout much of the Sound and beyond. That this oil still has the power to harm wildlife, even if on a limited scale, is one of the most disturbing and startling findings to come from a decade of research and monitoring, several scientists said.

"The oil was quite a bit more persistent and quite a bit more toxic than we thought in 1989," Short told the audience during a question-and-answer period.

An Exxon Mobil official and a Maine chemist dismissed the idea that the spill still causes significant damage to life in the Sound.

"What science has learned in Alaska and elsewhere is that while oil spills can have acute short-term effects, the environment has remark-

able powers of recovery," said company vice president Frank Sprow in a statement e-mailed from company headquarters in Irving, Texas.

Bowdoin College biochemist David Page, who has conducted studies for Exxon, said he was skeptical of Short's findings.

"For at least the last seven years, natural factors in PWS have been the major factor in governing ecological changes," he added in an e-mail.

The meeting continues today at the Egan Convention Center in Anchorage with discussions of how a long-term research program to monitor the Gulf of Alaska can tie in with other research from Southeast Alaska and the Bering Sea.

As about 100 scientists and others gathered in a basement hall on Tuesday, seven biologists gave reports on lingering oil and the status of fisheries, birds and marine mammals in the spill zone. Included was a presentation on the beach survey, conducted by Auke Bay Lab with \$572,000 from the Trustee Council and help from the Bureau of Economic Geography at the University of Texas.

Over 90 days last summer, a field crew visited

91 sites along about five miles of beaches, covering about 20 percent of the area classified as heavily or moderately oiled between 1989 and 1993, Short said. They dug 6,775 pits at random locations, then dug dozens of additional pits every time they found oil to calculate how far it spread.

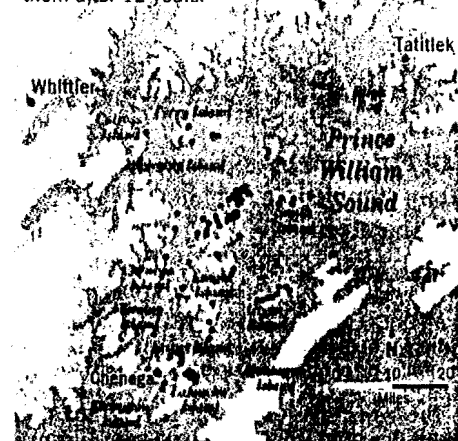
To gather enough data to make a meaningful estimate of how much oil remained and how fast it was weathering and leaching away, Short and the other investigators hoped to find oil at least 1 percent of the time.

Instead they discovered oil at 53 of 91 sites, in 568 different pits — about eight times more often than they expected. Although most of the pits were "lightly oiled," about 20 contained oil that looked as fresh as that just a few weeks after the 1989 spill — "highly odiferous, lightly weathered, and very fluid," they wrote in a preliminary report.

In the end, Short and his team estimated that about 10,000 gallons of Exxon Valdez crude remains buried under 26 to 28 acres spread along about 4.3 miles of shoreline scattered throughout the area, according to preliminary figures released on Monday. It appeared to be declining at 26 percent per year.

## Prince William Sound communities participating in survey

Survey during summer of 2001 showed Valdez that 58 out of 91 sites still had oil in them after 12 years.



CHARLES ATKINS / Anchorage Daily News

■ Doug O'Hara can be reached at [do'hara@adn.com](mailto:do'hara@adn.com) and 257-4334.

intCounterPoint: Has Prince William Sound recovered?

*ce William Sound recovered?*

## Oil remains, appears to be affecting wildlife recovery

JEFFREY W. SHORT, *research chemist, Juneau*



Today, 12 years after the 1989 Exxon Valdez oil spill in Prince William Sound, you would have to look hard to find evidence of lingering effects. No species are threatened or endangered because of the oil spill, and the Sound supports large populations of fish, birds and marine mammals, which indicate a generally healthy ecosystem. Yet, if you did look hard, you would still find evidence of long-term effects from the spill.

Last summer, nearly 9,000 holes were dug to assess the amount of oil remaining in Prince William Sound, and much more oil was found than anticipated — around 200 times more than claimed by Exxon's contractor. The oil was most prevalent on beaches that were hit hardest by the spill, either on the surface or a foot or so beneath. The chances that one of these beaches contains some oil are around 2 to 1. At the most polluted of these beaches your chance of finding oil in a single pit is better than 1 in 3. When you find it, it will look and smell like crude oil, and it forms a sheen on water in the bottom of a pit.

Sea otters have not recovered in the Northern Knight Island area, the area of spill hit the hardest, although they have elsewhere in the Sound. They feed in the lower intertidal zone where oil was still found. Sea otters and some bird species that also forage in the same zone have biochemical markers that indicate they are still exposed to oil. It appears that oil may still be a

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*These results strongly suggest that those parts of the Sound that were most heavily impacted by the spill are not yet fully recovered.*

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factor impeding their recovery, possibly through ingestion of oiled prey. These results strongly suggest that those parts of the Sound that were most heavily impacted by the spill are not yet fully recovered.

Although the Sound is much cleaner now than it was in the early '90s, it remains substantially more polluted than it was in 1988 because of the lingering oil from the Exxon Valdez. Exxon continues to portray the Sound as more polluted from other sources apart from the Exxon Valdez oil spill, but their claims are riddled with inconsistencies. Much of what little we know about how oil actually affects ecosystems stems from research on the Exxon Valdez, and it is now clear that the long-term persistence and toxicity of the spilled oil is substantially greater than previously recognized.

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■ Jeffrey W. Short, a research chemist at the National Marine Fisheries Service in Juneau, has studied the Exxon Valdez spill since it happened. The views here are his own, not those of his employer.



PointCounterPoint: Has Prince William Sound recovered?



**POINTCOUNTERPOINT** *Has Pri*

## Recent study exaggerates; Sound is as healthy as ever

DAVID S. PAGE, *professor, Bowdoin College*

There is no credible scientific evidence of ongoing injury to the Prince William Sound ecosystem from the 1989 Valdez spill. While residues of the spill exist as isolated deposits in the Sound, they aren't environmentally relevant compared with petroleum coming from past and ongoing human activities. The environment of the Sound recovered from the spill long ago, in keeping with studies of much larger oil spills.

Regarding the recent reports of oil in Prince William Sound, my colleagues and I worked extensively there last summer, spending most of our time visiting beaches surveyed by researcher Jeff Short. Based on our observations, it is difficult to understand Short's claims.

We saw no evidence that Short dug 7,000 pits on 91 locations. We were able to locate and survey 78 of the 96 sites indicated in Short's study plan. We found clear evidence of activity at 33 sites and were able to map the locations of 875 pits. Had thousands been dug, we would have located many more.

We found visible evidence of oil in 196 pits at only 19 sites. The sites at which we found evidence of activity were generally those "worst case" locations in the Sound that have been known and studied for years. Seven known worst-case sites accounted for 133 of the 196 oiled pits. Even at these seven locations, remaining deposits of oil are localized and are not readily available to wildlife.

Any release of oil from these sites is negligible compared with other sources of petroleum in the Sound.

The locations of the pits at the sites demonstrate that they were chosen subjectively, with the greatest concentration of pits in areas showing oil residue. We found six times as many pits dug at sites found to have oil than sites that were found to have no oil. This approach exaggerates the extent of remaining residues of the spill based on pit tallies alone. It indicates a strong bias in the Short study and raises questions about the scientific validity of its conclusions.

I think that the Trustee Council's "nonrecovered" species list has no sound scientific basis. Claims of ongoing "spill effects" are either the results of natural or human factors not related to the spill, or the results of flawed scientific study designs based on invalid comparisons, or the use of a "return to pre-spill conditions" as a benchmark for recovery. The scientifically appropriate definition of recovery takes nonspill factors and natural environmental changes into account.

Prince William Sound today is as healthy as it would have been if the spill hadn't happened.

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■ David S. Page is professor of chemistry and biochemistry at Bowdoin College in Brunswick, Maine. He has studied the Exxon Valdez spill since 1989 with the support of Exxon Mobil.

# Daily News Letters

Sunday, February 3, 2002 **F-3**

## Critic of oil spill study attempts to discredit government science

The Point/Counterpoint by Bowdoin College's Dr. David Page (Jan. 31) questions my integrity performing a study last summer to estimate the amount of oil remaining in Prince William Sound from the Exxon Valdez oil spill. He disputes the extent of the work actually done and charges bias during sampling, based on his shadowing of our study. In rebuttal, I note:

(1) Page did not begin shadowing our study until August, after the study was 75 percent complete.

(2) Page misrepresented our more extensive sampling of oil patches as evidence of bias, when in fact we were simply following the peer-reviewed sampling design which called for additional holes to delineate the size of oil patches detected.

(3) Page's sponsor, ExxonMobil, filed a Freedom of Information Act request for all the study records on Jan. 8, 2002, which will prove we completed the study as advertised, but he has made his allegations before he received this evidence.

(4) Page could have asked to accompany us during the survey, as did several news organizations, all of which we accommodated. Instead, Page engaged in a secretive and incompetent

attempt to audit our progress. His public attack without bothering to look at the evidence of our field records appears to indicate that Page's fieldwork last summer was a premeditated attempt to discredit government science.

— Jeffrey W. Short  
Auke Bay

## Prince William Sound oil study critic's fraud charge is unfounded

In a recent Point/Counterpoint article, Exxon consultant Dr. David Page questioned the integrity of a study led by National Oceanic and Atmospheric Administration scientist Jeffrey Short. The study led to scientific estimates of the amount of oil remaining in Prince William Sound from the 1989 Exxon Valdez oil spill.

While scientists often disagree with interpretations of research efforts, it is rare to charge fraud. We can assure the public that the work was done as reported. News reporters, support-vessel crew, a government archaeologist, residents of Tatitlek and Chenega, and other participating scientists could bear witness to the work. Notebooks with the raw data, including daily entries of holes dug and oil found, provide corroborating evidence.

National experts reviewed the project's sampling design to make sure it was not biased. The study was conducted openly in the field, with several on-site visits by news media and intense public scrutiny. The results will soon be published in the open scientific literature, where unbiased scientists can view the results and the interpretations.

We are requesting the National Academy of Sciences to evaluate Dr. Page's allegation, along with the data collected by the National Oceanic and Atmospheric Administration. If Dr. Page is unwilling to cooperate, he should print a retraction of his allegation.

— Dr. Robert Spies, chief scientist,  
EVOS Trustee Council  
Molly McCammon, executive director,  
EVOS Trustee Council  
Dr. Jim Balsiger, Alaska administrator,  
National Marine Fisheries Service

### Author's rebuttal doesn't make oil study any less flawed, biased

I stand by my observations and experiences that formed the basis of my opinion published Jan. 31 in the Daily News.

Mr. Short's recent rebuttal ignores the details of my observations that indicated a strong bias in his Prince William Sound oil study. Many of Short's pits were dug at the top of the beach, well above the surf zone. While wave action may have eliminated evidence of some pits lower in the tide zone, I doubt we missed thousands of pits because of this.

We found many locations with far fewer than the required minimum of 100-plus pits, indicating a departure from Short's published study plan. Sites with no oil had far fewer pits than those with oil, indicating bias and inconsistent effort. Short's study plan required that each pit be 50 centimeters deep. We found pit depths to be highly variable and generally less than 50 centimeters, rendering oil amount estimates meaningless.

If Short is so confident of his findings, why not release all his data now, including field notes, for the public and scientific community to see? Why must we file a Freedom of Information Act submission to try to get the data? I am confident that Short's conclusions about the extent of remaining oil in Prince William Sound will not stand the test of rigorous and unbiased scientific scrutiny.

— David S. Page  
Professor, Bowdoin College  
Brunswick, Maine

### Mr. Page — aka Exxon — should educate himself before criticizing

With regard to David Page's Point Counterpoint (Jan. 31) and his so-called extensive observations, I think most Alaskans realize that any "study" funded by Exxon is suspect, but let's assume that Page was unbiased in his statement that "we saw no evidence that Short dug 7,000 pits." A little effort would have uncovered the fact that many pits were refilled to avoid further contamination of Prince William Sound. Also, 9,000 pits were dug and a simple request of Auke Bay Labs would confirm their locations. However, when your task is to distort, misinform and cover up, good science takes a back seat.

Page (Exxon) further states that "location of the pits ... were chosen subjectively." Actually,

the sites and pit locations were chosen at random. A disconcerting number of the pits missed visible surface oil. Heavily oiled Naked Island sites were not even selected by this random process. When oil was found, more pits were dug to ascertain extent and magnitude, a standard technique in peer-reviewed science. There are many more distortions in Page's column.

The conclusions of the Short study are, if anything, conservative and well documented and should be taken seriously to really understand what is happening in the Sound. To undermine the results of the Short study with personal opinion does a disservice to credible scientific process.

— Michael Yourkowski  
Homer

**Caltech Policy on Research Misconduct**  
(Approved by the Faculty Board January 22, 2001)

*Preamble*

Research misconduct is historically a rare occurrence, especially at Caltech, where all members of the community are bound by a very effective code of honor. However, should an instance arise of either real or apparent misconduct, the Institute must act swiftly and decisively, while affording maximum possible protection both to the "whistle blower" (complainant) and to the accused (respondent). That is the intent of this policy.

The term research misconduct has been chosen instead of the narrower scientific misconduct to describe this policy. It refers to all research conducted at the Institute. The Chair of each Division is responsible for informing the Division's Faculty, staff, and students of the Institute's policy with regard to research misconduct, and for interpreting this policy. This policy is not intended to deal with other problems, such as disputes over order of authorship, or violation of Institute or federal regulations, that do not amount to research misconduct.

**Definitions**

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.

**Findings**

A finding of research misconduct requires that:

- There be significant departure from accepted practices of the scientific community for maintaining the integrity of the research record;
- The misconduct be committed intentionally, or knowingly, or in reckless disregard of accepted practices; and
- The allegation be proven by a preponderance of evidence.

**Procedure**

The procedures to be followed have three stages: Inquiry, Investigation, and Adjudication, or Resolution. These are the stages required by regulations issued by the Federal government applicable to sponsored research. Those responsible for conducting each phase should bear in mind the following important responsibilities:

1. The Institute must vigorously pursue and resolve all charges of research misconduct.
2. All parties must be treated with justice and fairness, bearing in mind the vulnerabilities of their positions and the sensitive nature of academic reputations.
3. Confidentiality should be maintained to the maximum practical extent particularly in the inquiry phase.
4. All semblance of conflict of interest must rigorously be avoided at all stages.
5. All stages of the procedure should be fully documented.
6. All parties are responsible for acting in such a way as to avoid unnecessary damage to the

general enterprise of academic research. Nevertheless, the Institute must inform appropriate government agencies of its actions, and if it is found that misleading data or information have been published, the Institute is responsible for setting the public record straight, for example, by informing the editors of scholarly or scientific journals.

#### A. INQUIRY

The purpose of this stage is to determine, with minimum publicity and maximum confidentiality, whether there exists a sufficiently serious problem to warrant a formal investigation. It is crucial at this stage to separate substantive issues from conflicts between colleagues that may be resolved without a formal investigation.

##### 1. Initiating the Inquiry

All allegations of research misconduct arising from inside or outside the Institute, should be referred directly to the Division Chair (DC) concerned. If more than one Division is involved, more than one DC may be informed. If either the complainant or the DC perceives a possible conflict of interest the case may be taken directly to the Provost who will act as prescribed below for DCs, but the DC must be informed immediately and confidentially. A DC may initiate an inquiry without a specific complaint if it is felt that evidence of suspicious academic conduct exists.

When a complaint comes forth, the DC's first job is to provide confidential counsel. If the issue involved does not amount to research misconduct, satisfactory resolution through means other than this policy should be sought. However, if there is an indication that research misconduct has occurred, the DC must pursue the case even in the absence of a formal allegation. Moreover, the case must be pursued to its conclusion even if complainant(s) and/or respondent(s) resign from their positions at the Institute.

The DC should also counsel those involved that, should it be found at either the inquiry or the investigation stage that the allegations were both false and malicious, confidentiality may not be further maintained and, in fact, sanctions may be brought to bear against the complainant.

##### 2. Inquiry Procedure

The DC is responsible for conducting the inquiry (except, as noted above, where a conflict of interest might be perceived). The DC may call upon one or more senior colleagues for help where specific technical expertise is required, but this need should be carefully weighed against the importance of confidentiality at this stage. Confidentiality is likely to be a rapidly decreasing function of the number of persons involved in the inquiry.

The DC may wish to notify the President and Provost, and call upon Institute legal counsel at this stage. Every effort should be made to make personal legal counsel unnecessary for either complainant or respondent at this and all other stages, but all parties should recognize the Institute counsel always acts on behalf of the Institute, not one or the other party.

An inquiry is formally begun when the DC notifies the respondent in writing of the charges and process to follow. This and all other documents are to be preserved in a secure file in the Division offices for at least three years.

The nature of the inquiry will depend on the details of the case, and should be worked out by the DC in consultation with the complainant and respondent, with any colleague the DC calls on for assistance, and with Institute legal counsel. At this stage, every effort should be made to keep open the possibility of resolving the issue without damage to the position or reputation of either the complainant or the respondent. However, the DCs primary allegiance is not to the individuals but to the integrity of academic research, and to the Institute. If research misconduct has been committed, it must not be covered up.

The inquiry should be completed and a written record of findings should be prepared, within 30 days of its initiation. If the 30-day deadline cannot be met, a report should be filed citing progress to date and the reasons for the delay, and the respondent and other involved individuals should be informed.

##### 3. Findings of the Inquiry

The inquiry is completed when a judgment is made of whether a formal investigation is warranted. An investigation is warranted if a reasonable possibility of research misconduct exists. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews,

and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of the inquiry. If they comment on that report, their comments may be made part of the record. The DC must inform the complainant whether the allegations will be subject to a formal investigation.

If the allegation is found to be unsupported but has been made in good faith, no further action is required, aside from informing all parties, and attempting to heal whatever wounds have been inflicted. If confidentiality has been breached, the DC may wish to take reasonable steps to minimize the damage done by inaccurate reports. If the allegation is found not to have been made in good faith, the DC should inform the Provost and the President who will consider possible disciplinary action.

If a complainant is not satisfied with a DC's finding that the allegations are unsupported, the result may be appealed to the Provost, or if the Provost has made the finding, to the President.

#### 4. Notifications

The relevant responsible agency (or agencies in some cases) should be informed of the allegation upon completion of an inquiry, if (1) the allegation involves Federally funded research (or an application for Federal funding) and meets the Federal definition of research misconduct which is the same as the one given above, and (2) there is sufficient evidence to proceed to an investigation.

The relevant responsible agency should continue to be informed of the progress of the investigation, its outcome, and any actions taken.

- Other Reasons to Notify the Agency.

At any time during an inquiry or investigation, the institution will notify the relevant Federal agency if public health or safety is at risk; if agency resources or interests are threatened; if research activities should be suspended; if there is reasonable indication of possible violations of civil or criminal law; if Federal action is required to protect the interests of those involved in the investigation; if the Provost and DC believe the inquiry or investigation may be made public prematurely so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved; or if the scientific community or public should be informed.

### B. INVESTIGATION

An investigation is initiated within 30 calendar days when an inquiry results in a finding that an investigation is warranted. The purpose of the investigation is to determine whether research misconduct has been committed. If an investigation is initiated, the Provost and DC should decide whether interim administrative action is required to protect the interests of the subjects, students, colleagues, the funding agency, or the Institute while the investigation proceeds. Possible actions might include temporary suspension of the research in question, for example. If there is reasonable indication of possible criminal violations, cognizant authorities must be informed by the Provost within 24 hours. Note the provisions of Section A.4 above requiring the Institute to notify the agency if it ascertains at any stage of the inquiry or investigation that specified conditions exist.

#### 1. The Investigation Committee

The Provost in consultation with the DC, shall appoint an Investigation Committee. The principal criteria for membership shall be fairness and wisdom, technical competence in the field in question, and avoidance of conflict of interest. Membership of the committee need not be restricted to the Faculty of the Institute.

The respondent and complainant should be given an opportunity to comment, in writing, on the suitability of proposed members before the membership is decided. The committee should be provided with a budget that will enable it to perform its task. The Provost and DC should write a formal charge to the committee, informing it of the details of its task.

#### 2. The Investigation Process

Once the Investigation Committee is formed, it should undertake to inform the respondent of all allegations so that a response may be prepared. It is assumed that all parties, including the respondent will cooperate fully with the Investigation Committee. The committee should call upon the help of Institute legal counsel in working out the procedure to be followed in conducting the investigation. The complainant and respondent should be fully informed of the procedure chosen.

At this stage, the demands of confidentiality become secondary to the necessity that a vigorous investigation make a conclusive determination of the facts. Nevertheless, every attempt should be made to protect the reputations of all parties involved.

The investigation should be completed, and a full report filed with those parties requiring notice within 120 days of its initiation. If this deadline cannot be met, an interim report of the reasons for delay and progress to date should be filed, with appropriate persons and agencies.

A draft of the committee report should be submitted to both complainant and respondent for comment before the final report is written. The respondent should be given the opportunity for a formal hearing before the Investigation Committee. Institute legal counsel should be called upon to assist in working out the procedure to be followed in conducting such a hearing.

If an investigation results in a finding, based on a preponderance of the evidence, that research misconduct occurred, an adjudication, or resolution phase follows whereby the recommendations are reviewed and appropriate action determined.

## C. RESOLUTION

Adjudication or resolution decisions are separated organizationally from the agency's or research institution's inquiry and investigation processes. Any appeals process should likewise be separated organizationally from the inquiry and investigation.

The committee finding may be grouped into two broad categories:

### 1. No Finding of Research Misconduct

All federal agencies or other entities initially informed of the investigation should be notified promptly. A full record of the investigation should be retained by the Institute in a secure and confidential file for at least three years. The Provost and DC should decide what steps need to be taken to clear the record and protect the reputations of all parties involved.

If the allegations are found to have been maliciously motivated, the Provost and DC may wish to recommend to the President appropriate disciplinary action. If the allegations are found to have been made in good faith, steps should be taken to prevent retaliatory actions.

### 2. Finding of Research Misconduct

The Provost and DC should decide on an appropriate course of action to deal with misconduct, to notify appropriate agencies, and to correct the scholarly or scientific record. The Provost and DC should forward the committee report to the President with a recommendation of sanctions and other actions to be taken. Possible sanctions include:

- Removal from the project
- Letter of reprimand
- Special monitoring of future work
- Probation or suspension
- Salary or rank reduction
- Termination of employment

The President should review the full record of the inquiry and investigation. The respondent may at this stage appeal to the President on grounds of improper procedure or a capricious or arbitrary decision based on the evidence in the record. New evidence may lead the President to call for a new investigation or further investigation, but not to an immediate reversal of the finding. After hearing any appeal and reviewing the case, the President should make a decision, or, in appropriate cases, recommend a final disposition to the Board of Trustees. The decision of the Board is final. In deciding what administrative actions are appropriate, the President should consider the seriousness of the misconduct, including whether the misconduct was intentional or reckless; was an isolated event or part of a pattern; had significant impact on the research record; and had significant impact on other researchers or institutions.

For research sponsored by a relevant responsible agency (or agencies) a final report should be submitted to describe the policies and procedures under which the investigation was conducted, how and

from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or other administrative action taken by the Institution.

In addition to regulatory authorities and sponsors, all interested parties should be notified of the final disposition of the case and provided with any legally required documentation. The list may include:

- The complainant
- Coauthors, coinvestigators, collaborators
- Editors of journals that have published compromised results
- Professional licensing boards and professional societies
- Other institutions that might consider employing the respondent
- Criminal authorities



# Exxon Valdez Oil Spill Trustee Council

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



## FAX COVER SHEET

To: Dr Parrish Number: 850-469-9778

From: Molly Date: Mar 15, 2002

Comments: Pages: 3 with cover

Dr Parrish following is a letter<sup>(w/o)</sup> (attach)  
requesting action by SETAC.

The original letter with attachments  
is being sent FedEx this  
afternoon.

**FAX COMPLETE**

HARD COPY TO FOLLOW: YES letter w/ attachments

Document sent by: Cherri

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\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO.	6457
CONNECTION TEL	18504699778
CONNECTION ID	SETAC
START TIME	03/15 12:53
USAGE TIME	01'56
PAGES	3
RESULT	OK

# Exxon Valdez Oil Spill Trustee Council

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## FAX COVER SHEET

To: Joe / Jeff

Number: 907-789-6094

From: Molly

Date: 3-15-02

Comments:

Pages: 3 with cover

FVI

**FAX COMPLETE**

HARD COPY TO FOLLOW: NO

Document sent by: [Signature]

\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO.	6460
CONNECTION TEL	19077896094
CONNECTION ID	NOAA/AUKE BAY
START TIME	03/15 13:21
USAGE TIME	01'33
PAGES	3
RESULT	OK

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Brian O'Gorman  
PO Box 4261  
Kodiak, AK 99615

Dear Brian:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

Molly McCammon,  
Executive Director

Brian - Thanks for getting  
back to me today.  
I'll be in Kodiak  
for cons fish - see you then.  
Molly

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

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

FROM: Molly McCammon  
Executive Director

RE: Project 99154: Approval of Repository Design Documents

Project 99154: Authorization to Proceed with Repository Phase III,  
Remodeling

DATE: March 13, 2002

Chugachmiut has proposed to remodel the Orca Building in Seward to serve as a regional archaeological repository. In accordance with Appendix B, Section 2.2.2, of the grant agreement between the Alaska Department of Natural Resources and Chugachmiut, Inc., executed on October 14, 1999, I approve the design of the repository. Furthermore, in accordance with Appendix B, Section 2.3.1 of the grant agreement, I authorize you to proceed with Phase III, Remodeling, for the proposed repository. For the following reasons, I find that all requirements for these approvals have been met:

1. The proposed repository satisfies the requirements of the National Environmental Policy Act (NEPA) according to a letter from Dave Gibbons dated September 21, 2001;
2. In a resolution approved on December 4, 2000, the Exxon Valdez Trustee Council directed that the repository be developed in accordance with the repository business plan dated March 30, 2000, as modified by Chugachmiut's letter of June 19, 2000;
3. Chugachmiut has submitted evidence that it purchased the Orca Building in Seward on May 19, 1999, and has clear and unencumbered title to the building;
4. Elizabeth Knight, Senior Curator, National Park Service, has reviewed the final design documents dated December 6, 2001, and advised you that the

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Alaska Department of Law

design of the repository satisfies applicable federal regulations (36 C.F.R., Part 79); and

5. You have approved the final version of the *Relocation of Collections Report* dated March 6, 2002, after consulting with Elizabeth Knight, Senior Curator, National Park Service, and Dan Odess, Curator of Archaeology, University of Alaska Museum.



# Exxon Valdez Oil Spill Trustee Council

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



## FAX COVER SHEET

To: Veronica Christman Number: 269.8908

From: Cheri Date: 3/14/02

Comments: Pages: 3 with cover

**FAX COMPLETE**

HARD COPY TO FOLLOW: No

Document sent by: JA

*faxed  
& mailed  
3/14*



\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO. 6442

CONNECTION TEL 2698908

CONNECTION ID

START TIME 03/14 10:45

USAGE TIME 01'08

PAGES 3

RESULT OK

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Marcia Olive  
PO Box 150496  
Lakewood, CO 80215


Dear Marcia:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

  
Molly McCannmon,  
Executive Director

*Marcia -  
It was great meeting you.  
Will definitely keep you in mind  
as the program develops!  
Molly*

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

David Schoolcraft  
11539 Depew Court  
Westminster, CO 80021

Dear David:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

A handwritten signature in black ink that reads "Molly McCammon". The signature is fluid and cursive, with the first name "Molly" and last name "McCammon" clearly distinguishable.

Molly McCammon,  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Patrick Allaband  
4435 N. First St., #153  
Livermore, CA 94550

Dear Patrick:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

A handwritten signature in black ink, reading "Molly McCammon". The signature is fluid and cursive, with the first name "Molly" and last name "McCammon" clearly distinguishable.

Molly McCammon,  
Executive Director

---

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# Exxon Valdez Oil Spill Trustee Council

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March 13, 2002

David Anderson  
4437 Coolidge Place  
Boulder, CO 80303

Dear David:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

A handwritten signature in black ink, reading "Molly McCammon". The signature is fluid and cursive, with the first name "Molly" and last name "McCammon" clearly distinguishable.

Molly McCammon,  
Executive Director

---

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# Exxon Valdez Oil Spill Trustee Council

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March 13, 2002

Vathsala DeSilva  
5643 46th Avenue, SW  
Seattle, WA 98136

Dear Vathsala:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

A handwritten signature in black ink that reads "Molly McCammon". The signature is written in a cursive, flowing style.

Molly McCammon,  
Executive Director

---

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# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Brian O'Gorman  
PO Box 4261  
Kodiak, AK 99615

Dear Brian:

Thank you for applying for the Data Manager position with the *Exxon Valdez* Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

A handwritten signature in cursive script that reads "Molly McCammon".

Molly McCammon,  
Executive Director

Brian - thanks for getting  
back to me today.  
I'll be in Kodiak  
for a conf - see you then.  
Molly

# Exxon Valdez Oil Spill Trustee Council

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



March 13, 2002

Michael Pendergast  
PO Box 3041  
Seward, AK 99664

*Mike*  
Dear Michael:

Thank you for applying for the Data Manager position with the Exxon Valdez Oil Spill Trustee Council. As you know, we received numerous applications from some outstanding candidates, including yourself. However, we have offered the position to another applicant, and he has accepted.

We will be sure to keep your resume on file and as our program develops and future needs are identified, I hope we can contact you.

Again, thank you for your interest in our program

Sincerely,

Molly McCammon,  
Executive Director

*No letter needed -  
we offered the job to him  
first - he turned us  
down.  
Keep him in data mgr. file.  
M.*




# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

TO: Craig Tillery  
Regina Belt

FROM:   
Debbie Hennigh  
Special Assistant

DATE: March 12, 2002

SUBJ: Court Notice #11

---

The purpose of this memorandum is to request that the Alaska Department of Law and the United States Department of Justice notify the United States District Court of our intent to expend \$16,100 in earnings that have accrued on monies disbursed from the *Exxon Valdez* Oil Spill Settlement Trust. This amount is for amending Project 02630 to provide funding for the Department of Environmental Conservation.

There has been one Trustee Council meeting (February 25, 2002) since the last court notice, dated December 28, 2001.

Attached are the following documents:

1. Draft meeting notes for February 25, 2002 (including labeled attachments)
2. Second copy of draft meeting notes Attachment C, request for \$16,100, without attachment label
3. Executive Director's certification of Trustee Council action
4. Updated court notification spreadsheet

# Exxon Valdez Oil Spill Trustee Council

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



March 12, 2002

I certify that on February 25, 2002 the *Exxon Valdez* Oil Spill Trustee Council Trustee Council approved a motion to amend Project 02630 (Planning for Long-term Research & Monitoring Program) by \$16,100. This is for the Department of Environmental Conservation to develop a report summary of strategies that other state agencies have developed and approaches they use to fund their surface water quality monitoring programs.

Molly McCammon  
Executive Director

---

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EXXON VALDEZ OIL TRUSTEE COUNCIL  
2002 Federal Fiscal Year Project Budget  
October 1, 2001 - September 30, 2002

Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
ADEC	All	02100	Public Information, Science Management and Administration	23.0			23.0
	All	02250	Project Management	10.3			10.3
		02514	Lower Cook Inlet Waste Management Plan (capital project)		47.9		47.9
		02630	Planning for Long-Term Research and Monitoring Program			16.1	16.1
		02667	Effectiveness of Citizens' Environmental Monitoring	16.7	1.2		17.9
		02668	Water Quality and Habitat Database		16.1		16.1
			<b>ADEC Total</b>	<b>50.0</b>	<b>65.2</b>	<b>16.1</b>	<b>131.3</b>
ADF&G	All	02052	Community Involvement Planning for GEM	45.0			45.0
		02100	Public Information, Science Management and Administration	970.5			970.5
		02190	Construction of a Linkage Map for the Pink Salmon Genome	43.1	124.9		168.0
		02210	Youth Area Watch	106.1			106.1
		02245	Community-Based Harbor Seal Management and Biological Sampling	26.8			26.8
	All	02247	Kametolook River Coho Salmon Subsistence Project	30.8			30.8
		02250	Project Management	60.6			60.6
		02320	SEA: Printing Final Report		2.1		2.1
		02340	Toward Long-Term Oceanographic Monitoring of the Gulf of Alaska Ecosystem	77.8			77.8
		02395	Workshop on Nearshore/Intertidal Monitoring	63.6			63.6
	DOI-FWS/USGS	02407	Harlequin Duck Population Dynamics	68.7			68.7
		02423	Patterns and Processes of Population Change in Selected Nearshore Vertebrate Predators (Bench Fees Only)	128.7			128.7
		02441-CLO	Harbor Seal Recovery: Effects of Diet on Lipid Metabolism and Health	20.2			20.2
		02455	Gulf Ecosystem Monitoring and Research Program Data System	105.0			105.0
		02462-CLO	Effect of Disease on Pacific Herring Population Recovery in Prince William Sound	77.4			77.4
	NOAA	02535	EVOS Trustee Council Restoration Program Final Report	52.4			52.4
		02538	Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska	22.7	10.1		32.8
		02550	Alaska Resources Library and Information Services	93.4			93.4
		02558	Harbor Seal Recovery: Application of New Technologies for Monitoring Health (including Bench Fees)	292.3			292.3
		02584	Airborne Remote Sensing Tools		63.6		63.6
NOAA		02593	River Otter Synthesis	32.4			32.4
		02603	Ocean Circulation Model		80.0		80.0
		02608	Archiving of Nearshore & Deep Benthic Specimens	61.6			61.6
		02610	Kodiak Archipelago Youth Area Watch	61.8			61.8
		02612	Marine-Terrestrial Linkages in Kenai River Watershed	44.6			44.6

Dollar Amounts are shown in thousands of dollars

Revised 3/12/02

EXXON VALDEZ OIL TRUSTEE COUNCIL  
2002 Federal Fiscal Year Project Budget  
October 1, 2001 - September 30, 2002

Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
		02614	Monitoring Program for Near-Surface Temperature, Salinity, and Fluorescence in the Northern Pacific Ocean	38.2			38.2
	ADNR	02630	Planning for Long-Term Research and Monitoring Program	21.0	166.0		187.0
		02649	Reconstructing Sockeye Populations in the Gulf of Alaska over the Last Several Thousand Years	88.1			88.1
		02671-BAA	Coordinating Volunteer Vessels of Opportunity to Collect Oceanographic Data in Kachemak Bay and Lower Cook Inlet	34.8			34.8
	NOAA	02674-BAA	Continuing Decline of Pigeon Guillemots in the Oiled Portion of Prince William Sound (Bench Fees Only)	17.8	-17.8		0.0
			<b>ADF&amp;G Total</b>	<b>2,685.4</b>	<b>428.9</b>		<b>3,114.3</b>
ADNR	All	02100	Public Information, Science Management and Administration	307.6			307.6
	USFWS	02126	Habitat Protection and Acquisition Support	86.9			86.9
		02154	Archaeological Repository & Local Display Facilities, and Exhibits for Prince William Sound and Lower Cook Inlet	29.1			29.1
	All	02250	Project Management	8.6			8.6
		02600	EVOS Synthesis, 1989-2001		133.8		133.8
	ADFG	02630	Planning for Long-Term Research and Monitoring Program	42.8	74.9		117.7
			<b>ADNR Total</b>	<b>475.0</b>	<b>208.7</b>		<b>683.7</b>
USFS	All	02100	Public Information, Science Management and Administration	20.0			20.0
	All	02250	Project Management	8.7			8.7
		02256B	Sockeye Salmon Stocking at Solf Lake	15.5			15.5
			<b>USFS Total</b>	<b>44.2</b>	<b>0.0</b>		<b>44.2</b>
DOI-FWS	ADNR	02126	Habitat Protection and Acquisition Support	74.9			74.9
		02144	Common Murre Population Monitoring	14.8			14.8
		02159	Seabird Boat Surveys		33.3		33.3
	DOI-USGS/ADFG	02423	Patterns and Processes of Population Change in Selected Nearshore Vertebrate Predators	12.1			12.1
		02561	Evaluating the Feasibility of Developing a Community-Based Forage Fish Sampling Project for GEM	54.3			54.3
			<b>DOI-FWS Subtotal</b>	<b>156.1</b>	<b>33.3</b>		<b>189.4</b>
DOI-USGS		02100	Public Information, Science Management and Administration	112.5			112.5
		02163M	Alaska Predator Ecosystem Experiment in Prince William Sound and the Gulf of Alaska (APEX)	50.0			50.0
	All	02250	Project Management	36.2			36.2

Dollar Amounts are shown in thousands of dollars  
Revised 3/12/02

**EXXON VALDEZ OIL TRUSTEE COUNCIL**  
**2002 Federal Fiscal Year Project Budget**  
**October 1, 2001 - September 30, 2002**

Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
		02404	Archival Tags for Tracking King Salmon at Sea: Migrations, Biology, and Oceanographic Preferences in Prince William Sound	104.6			104.6
	DOI-FWS/ADFG	02423	Patterns and Processes of Population Change in Selected Nearshore Vertebrate Predators	317.6			317.6
		02479	Effects of Food Stress on Survival and Reproductive Performance of Seabirds	55.0			55.0
	NOAA	02585	Lingering Oil: Bioavailability & Effects		94.8		94.8
	DOI-NPS	02656	Retrospective Analysis of Nearshore Marine Communities Based on Analysis of Archaeological Material and Isotopes	105.1			105.1
			<b>DOI-USGS Subtotal</b>	<b>781.0</b>	<b>94.8</b>		<b>875.8</b>
DOI-NPS	USGS	02656	Retrospective Analysis of Nearshore Marine Communities Based on Analysis of Archaeological Material and Isotopes	4.8			4.8
			<b>DOI-NPS Subtotal</b>	<b>4.8</b>	<b>0.0</b>		<b>4.8</b>
DOI-O/S	All	02100	Public Information, Science Management and Administration	43.8			43.8
			<b>DOI-O/S Subtotal</b>	<b>43.8</b>	<b>0.0</b>		<b>43.8</b>
			<b>DOI Total</b>	<b>985.7</b>	<b>128.1</b>		<b>1,113.8</b>
NOAA		02012-BAA	Photographic and Acoustic Monitoring of Killer Whales in Prince William Sound and Kenai Fjords	35.2			35.2
	All	02100	Public Information, Science Management and Administration	22.6			22.6
		02195	Pristane Monitoring in Mussels	20.0			20.0
	All	02250	Project Management	57.3			57.3
		02290	Hydrocarbon Database and Interpretation Service	35.0			35.0
		02360-BAA	The <i>Exxon Valdez</i> Oil Spill: Guidance for Future Research Activities	90.1			90.1
		02396	Alaska Salmon Shark Assessment	28.8			28.8
		02401	Assessment of Spot Shrimp Abundance in Prince William Sound	25.5			25.5
		02476	Effects of Oiled Incubation Substrate on Pink Salmon Reproduction	39.8			39.8
		02492	Were Pink Salmon Embryo Studies in Prince William Sound Biased?	24.0			24.0
	ADFG	02538	Evaluation of Two Methods to Discriminate Pacific Herring Stocks along the Northern Gulf of Alaska	30.2	17.4		47.6
		02543	Evaluation of Oil Remaining in the Intertidal from the <i>Exxon Valdez</i> Oil Spill	113.1			113.1
		02552-BAA	Exchange Between PWS and GOA		102.5		102.5
		02574-BAA	Bivalve Recovery on Treated Beaches		94.8		94.8
	ADFG	02584	Airborne Remote Sensing Tools		15.0		15.0
	USGS	02585	Lingering Oil: Bioavailability & Effects		201.6		201.6
		02622	Digital ESI Maps: Cook Inlet/Kenai		36.6		36.6

Dollar Amounts are shown in thousands of dollars

Revised 3/12/02

EXXON VALDEZ OIL . TRUSTEE COUNCIL  
2002 Federal Fiscal Year Project Budget  
October 1, 2001 - September 30, 2002

Agency	Cooperating Agency(s)	Project Number	Project Title	First FY 02 Court Notification	Second FY 02 Court Notification	Third FY 02 Court Notification	Total
		02624-BAA	Ships of Opportunity: Plankton Survey		120.6		120.6
		02636-BAA	Commercial Fishing Management Applications		50.0		50.0
	ADFG	02674-BAA	Continuing Decline of Pigeon Guillemots in the Oiled Portion of Prince William Sound	42.6	-42.6		0.0
			NOAA Total	564.2	595.9		1,160.1
			Total	4,804.5	1,426.8		6,247.4



# Exxon Valdez Oil Spill Trustee Council

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



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

February 25, 2002

By Molly McCammon

Executive Director

### Trustee Council Members Present:

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

Frank Rue, ADF&G  
Michele Brown, ADEC  
\*Craig Tillery, ADOL

\* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

● Alternates:

Maria Lisowski served as an alternate for Dave Gibbons for the entire meeting.

Meeting convened at 9:48 a.m., February 25, 2002, in Anchorage.

### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the February 25, 2002 agenda  
(Attachment A).

Motion by Pearce, second by Lisowski.

### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved December 11, 2001 meeting notes  
(Attachment B).

Motion by Brown, second by Pearce.

### 3. Asset Allocation Policy

Discussion - No changes made to the Asset Allocation Policy.

Public comment period began at 11:05 a.m.

**No Public comments received**

Public comment period closed at 11:06 a.m.

4. Project 02360 Amendment:

**APPROVED MOTION:** Approved a motion to amend project 02630, Planning for Long-Term Research and Monitoring Program, by authorizing an additional \$16,100 be added to the budget to develop a report summary of strategies and approaches that other state agencies have developed to fund their surface water quality monitoring programs. (Attachment C)

Motion by Rue, second by Balsiger.

Public comment period re-opened 11:32 a.m.

**Public comments received by 1 individual from Anchorage.**

Public comment period closed 11:51 a.m.

**BREAK**

Off the record at (11:51 a.m.)

On the record at (12:19 p.m.)

5. STAC Process

**APPROVED MOTION:** Approved a motion to approve the Scientific and Technical Advisory Committee (STAC) process (Attachment D).

Motion by Rue, second by Pearce.

6. Support for PICES

**APPROVED MOTION:** Approved a motion to approve \$14,000 of Project 02630 (Restoration Office portion) contractual costs be give to PICES for travel and report expenses.

Motion by Brown, second by Rue.



7. Bonus awards

**APPROVED MOTION:** Approved a motion to disallow the allocation of EVOS funds to be used for bonuses given out of Project 00159 (\$5000), Project 00163 (\$2500), and Project 01423 (\$2796).

Motion by Rue, second by Pearce.

8. Small Parcel KEN 309

**APPROVED MOTION:** Adopted resolution 02-05 (Attachment E) to provide funds for the State of Alaska to purchase all of the seller's rights and interests in small parcel KEN 309.

Motion by Rue, second by Brown.

9. Small Parcel KAP 285

Discussion regarding concerns about how the purchase of KAP 285 would impact local economic potential. No formal action taken.

Meeting adjourned 2:02 p.m.

Motion by Rue, second by Lisowski.

Public comment period began at 11:05 a.m.

**No Public comments received**



Public comment period closed at 11:06 a.m.

4. Project 02360 Amendment:

**APPROVED MOTION:** Approved a motion to amend project 02630, Planning for Long-Term Research and Monitoring Program, by authorizing an additional \$16,100 be added to the budget to develop a report summary of strategies and approaches that other state agencies have developed to fund their surface water quality monitoring programs. (Attachment C)

Motion by Rue, second by Balsiger.

Public comment period re-opened 11:32 a.m.

**Public comments received by 1 individual from Anchorage.**

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On the record at (12:19 p.m.)

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Motion by Rue, second by Pearce.

6. Support for PICES

**APPROVED MOTION:** Approved a motion to approve \$14,000 of Project 02630 (Restoration Office portion) contractual costs be give to PICES for travel and report expenses.

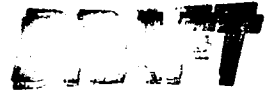
Motion by Brown, second by Rue.

## **TRUSTEE COUNCIL MEETING NOTES**

**Anchorage, Alaska**

**February 25, 2002**

By Molly McCammon  
Executive Director



### **Trustee Council Members Present:**

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

Frank Rue, ADF&G  
Michele Brown, ADEC  
\*Craig Tillery, ADOL

\* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

● Alternates:

Maria Lisowski served as an alternate for Dave Gibbons for the entire meeting.

Meeting convened at 9:48 a.m., February 25, 2002, in Anchorage.

### **1. Approval of the Agenda**

**APPROVED MOTION:** Approved the February 25, 2002 agenda  
(Attachment A).

Motion by Pearce, second by Lisowski.

### **2. Approval of Meeting Notes**

**APPROVED MOTION:** Approved December 11, 2001 meeting notes  
(Attachment B).

Motion by Brown, second by Pearce.

### **3. Asset Allocation Policy**

Discussion - No changes made to the Asset Allocation Policy.

7. Bonus awards

**APPROVED MOTION:** Approved a motion to disallow the allocation of EVOS funds to be used for bonuses given out of Project 00159 (\$5000), Project 00163 (\$2500), and Project 01423 (\$2796).

Motion by Rue, second by Pearce.

8. Small Parcel KEN 309

**APPROVED MOTION:** Adopted resolution 02-05 (Attachment E) to provide funds for the State of Alaska to purchase all of the seller's rights and interests in small parcel KEN 309.

Motion by Rue, second by Brown.

9. Small Parcel KAP 285

Discussion regarding concerns about how the purchase of KAP 285 would impact local economic potential. No formal action taken.

Meeting adjourned 2:02 p.m.

Motion by Rue, second by Lisowski.

# Exxon Valdez Oil Spill Trustee Council

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



## AGENDA EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL MEETING

**February 25, 2002 9:30 a.m.**

**441 West 5<sup>th</sup> Ave., Suite 500, ANCHORAGE**

**DRAFT**

### Trustee Council Members:

CRAIG TILLERY  
Assistant Attorney General  
State of Alaska

MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

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

MARIA LISOWSKI for  
DAVE GIBBONS  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture

JAMES W. BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service

FRANK RUE  
Commissioner, Alaska  
Department of Fish & Game

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Teleconferenced in Anchorage, Restoration Office, 441 W 5<sup>th</sup> Ave, Suite 500  
\_\_\_\_\_ State Chair

1. Call to Order - 9:30 a.m.
  - Approval of Agenda\*
  - Approval of Meeting Notes\*
  - December 11, 2001
2. PAG Report - Chuck Meacham
  - February 21, 2002 meeting -briefing
  - PAG charter amendments - briefing

3. Executive Director's Report
  - Injured species update - briefing
  - Upcoming TC meeting schedule
  - Research MOA
  - Oceans and Watershed Symposium
  - Quarterly project financial report
  - Quarterly project status report
4. Investments - 10:00 a.m.
  - Investment reports: December 2001 and January 2002
  - Callan's Capital Market Assumptions - Briefing by John Jenks
  - Discussion of Asset Allocation Policy\*
5. Public Comment - 11:00 a.m.
6. Scientific and Technical Advisory Committee (STAC) process \*
7. Work Plan Adjustments
  - Project 02630 - Designation of funding recipient (PICES)\*
  - Project 02630 - Additional funds for water quality planning workshop\*
  - Projects 01423, 00163, 00159: approval of bonus awards as allowable project costs\*
8. Small Parcel Habitat Protection
  - Leisnoi, Inc. - Woody Island - briefing
  - Icicle Seafoods - KEN 309 \*
  - Carlson/Hook Bay - KAP 285\*

Adjourn - 1:30 p.m.

\* Indicates tentative action items.

# Exxon Valdez Oil Spill Trustee Council

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



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska  
December 11, 2001

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

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

Frank Rue, ADF&G  
● Michele Brown, ADEC  
Craig Tillery, ADOL

#### \* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

#### ● Alternates:

Lynn Kent served as an alternate for Michele Brown from 10:11 a.m. until 11:45 a.m.

Meeting convened at 10:11 a.m., December 11, 2001, in Anchorage.

#### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the December 11, 2001 agenda (Attachment A).  
Motion by Tillery, second by Balsiger.

#### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved August 6, 2001 meeting notes (Attachment B)  
Motion by Rue, second by Kent.

#### 3. NOAA budget adjustment

**APPROVED MOTION:** Approved the reprogramming of remaining FY 01 funds from EVOS project funds not obligated to cover a spending overage in Project 1543.

Motion by Rue, second by Tillery.

4. Investment/Payout policy

Discussion. No action taken.

Public comment period began at 11:00 a.m.

**Public comments received telephonically from 1 individual in Cordova and from 6 in Anchorage.**

Public comment period closed at 11:29 a.m.

**BREAK INTO EXECUTIVE SESSION**

Off the record at (12:15 p.m.)

5. Executive Session:

**APPROVED MOTION:** Adjourn into executive session to discuss Executive Director evaluation and legal issues.

Motion by Tillery, second by Brown.

On the record at (1:25 p.m.)

6. FY 02 Work Plan - Deferred Projects

**APPROVED MOTION:** Adopted resolution 02-04 (Attachment C) to approve the FY 02 Work plan recommendations as outlined.

Motion by Tillery, second by Rue.

7. Kodiak three 10-acre parcels

**APPROVED MOTION:** Adopted resolution 02-01 (Attachment D) to provide funding for the United States Fish and Wildlife Service to offer, or purchase if an offer is accepted, all of each seller's rights and interest in the three 10-acre parcels ( KAP 2071, KAP 2072, KAP 2073).

Motion by Rue, second by Brown.



8. Protection of land in Perenos Bay

**APPROVED MOTION:** Adopted resolution 02-02 (Attachment E) supporting and encouraging the efforts underway by the Kodiak Brown Bear Trust, American Lands Conservancy, Rocky Mountain Elk Foundation and others to seek funds for protection of the coastal habitat in Perenos Bay.

Motion by Rue, second by Brown.

**BREAK**

Off the record at (3:05 p.m.)

On the record at (3:20 p.m.)

9. Afognak Microwave station proposal

Discussion. No objection to the proposal. No formal action taken.

10. Jack Bay small parcel PWS 1010

**APPROVED MOTION:** Adopted resolution 02-03 (Attachment F) extending authorization for funding for small parcel PWS 1010 purchase to September 15, 2002. Amended by a contingency (Section I) that the U.S.F.S. provide a mineral study indicating low probability of mineral development.

Motion by Tillery, second by Rue.

11. Habitat grant priorities

Consultation with Conservancy and Conservation Fund. No action taken.

12. Proposed Scientific and Technical Advisory Committees

Discussion. Work group to be formed. Trustee Council to follow up with workgroup committee nominations. No formal action taken.

Meeting adjourned 5:08 p.m.

Motion by Rue, second by Tillery.

# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION COMMISSIONER'S OFFICE

Attachment C

TONY KNOWLES, GOVERNOR

410 Willoughby Avenue  
Juneau, AK 99801  
PHONE: (907) 465-5066  
FAX: (907) 465-5070  
<http://www.state.ak.us/dec/>

February 22, 2002

Molly McCammon, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
441 W. 5<sup>th</sup> Avenue Suite 500  
Anchorage, AK 99501-2340

Dear Ms. McCammon:

Re: Project 02630 Amendment, Surface Water Quality Monitoring

The Department of Environmental Conservation (DEC), Division of Air and Water Quality is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- Assess the effectiveness and gaps in Alaska's water stewardship;
- Assess the health of Alaska's surface and ground waters; and
- Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program (GEM) and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meetings to involve stakeholders in development of a surface water monitoring strategy. DEC will task a term contractor with developing a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs. Information will be made available to assist DEC and stakeholders in identifying strategies which may have utility for Alaska. The contract final report will be due from the contractor prior to the end of State Fiscal Year 2002.

Sincerely,



Michele Brown  
Commissioner

Received 2 2-02

FY 02 EXXON VALDEZ TRUS. COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

Budget Category:	Authorized FY 01	Proposed FY 02					
Personnel		\$0.0					
Travel		\$0.0					
Contractual		\$15.0					
Commodities		\$0.0					
Equipment		\$0.0					
Subtotal	\$0.0	\$15.0	Estimated				
General Administration		\$1.1	FY 03				
Project Total	\$0.0	\$16.1					
Full-time Equivalents (FTE)		0.0					
Other Resources							

LONG RANGE FUNDING REQUIREMENTS

Dollar amounts are shown in thousands of dollars.

The Department of Environmental Conservation, Division of Air and Water Quality (DEC) is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- ? Assess the effectiveness and gaps in Alaska's water stewardship;
- ? Assess the health of Alaska's surface and ground waters; and
- ? Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meetin

FY02

Project Number: 02630-AMENDMENT  
Project Title: Planning for GEM  
Agency: ADEC

FORM 3A  
TRUSTEE  
AGENCY  
SUMMARY

Prepared:

# FY 02 EXXON VALDEZ TRUS. COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

Personnel Costs:		GS/Range/ Step	Months Budgeted	Monthly Costs	Overtime	Proposed FY 02
Name	Position Description					
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
Subtotal			0.0	0.0	0.0	
Personnel Total						\$0.0
Travel Costs:		Ticket Price	Round Trips	Total Days	Daily Per Diem	Proposed FY 02
Description						
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
Travel Total						\$0.0

**FY02**

Project Number: 02630-AMENDMENT  
 Project Title: GEM Planning  
 Agency: ADEC

FORM 3B  
 Personnel  
 & Travel  
 DETAIL

Prepared:

October 1, 2003 - September 30, 2002

**FY02**

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

**FORM 3B**  
**Contractual &**  
**Commodities**  
**DETAIL**

Prepared:

## FY 02 EXXON VALDEZ TRUST, -- COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

[illegible]

**FY02**

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

FORM 3B  
Equipment  
DETAIL

Prepared:

## **Gulf of Alaska Ecosystem Monitoring and Research Program**

### **Process for Providing Scientific and Technical Advice and Peer Review**

*February 25, 2002 Draft*

#### **Addendum to Program Management**

#### **(GEM Program Document, Volume I, Chapter 6)**

*(References to Volume numbers and chapters refer to the August 2001 Draft of the GEM Program Document, available on <http://www.oilspill.state.ak.us/index.html>)*

### **I. DESCRIPTION OF PROCESS FOR SCIENTIFIC ADVICE**

The GEM Program is a long-term monitoring and research program, responsive to the needs of resource management agencies, stakeholders and the public, consistent with the program's mission and goals, and held to a high standard of scientific excellence. The process for providing scientific and technical advice includes 1) advice on the program as a whole; 2) advice at the individual project level; and 3) peer review of all proposals and reports.

The GEM scientific advice process builds upon the Trustee Council's successful record of 13 years of peer-reviewed science. This process will be implemented by staff to the *Exxon Valdez* Oil Spill Trustee Council; a committee structure consisting of a Scientific and Technical Advisory Committee (STAC) and related subcommittees and work groups; and a periodically convened independent review committee (see Figure 6.1 below). Programmatic and technical review largely will be separated. This process will be reviewed and refined over time, as experience with program implementation permits better understanding of the Trustee Council's needs for scientific advice under GEM.

In addition to scientific advice provided by the proposed STAC and subcommittees, the Trustee Council also relies on advice from the Program Advisory Committee, other members of the public, and trustee agency staff. The Executive Director is expected to take this broad spectrum of advice into account when resolving conflicting issues and developing recommendations for Trustee Council consideration.

#### **A. Staff**

Since the Trustee Council receives information and guidance from a number of sources, the Council relies on its Executive Director to ensure that all advice and reviews are organized and summarized to assist the Council's decision-making. The Executive Director reports directly to the Trustee Council and has the ultimate responsibility for implementing all the Trustee Council's programs, policies and procedures.

The Executive Director will be assisted by a Senior Science Advisor for Oil Spill Effects, a Science Director and other staff.

The Senior Science Advisor for Oil Spill Effects will provide advice on direct oil-spill related injury and recovery, including peer review of related project proposals and

orts. This position will chair the Oil Effects Subcommittee and report the committee's recommendations to the STAC.

The Science Director will assist the Executive Director by 1) providing scientific leadership for the GEM Program; 2) serving as GEM's primary scientific spokesperson and a non-voting permanent co-chair of the STAC; 3) coordinating the scientific committee structure; and 4) ensuring that the GEM Program is implemented with a high standard of scientific excellence. This role is expected to adapt to the changing needs of the growing GEM program.

## **B. Committee Structure**

***Scientific and Technical Advisory Committee (STAC).*** The STAC is a standing committee that is expected to provide the primary scientific advice to the Executive Director on how well the collection of proposed monitoring and research projects (the Work Plan) and the overall GEM Program meet the mission and goals of the Trustee Council (GEM Program Document Vol. I, Chapter 1) and test the adequacy of the GEM conceptual foundation (see Figure 4.3). As needed and appropriate, the STAC may participate in and/or lead the peer review process of proposals and project reports.

***Subcommittees.*** The subcommittees are standing committees organized to address the "nuts and bolts" of developing and implementing projects responsive to the Council's needs, coordinating among scientists and other interested parties, and helping to organize technical peer review of individual proposals.

***Work groups.*** *Ad hoc* work groups are subcommittees temporarily formed to address specific issues. They have a specific purpose and a limited duration.

## **C. External Review Committee**

Periodically (every five to ten years), the Trustee Council will contract with an external entity, such as the National Research Council, to review the entire GEM Program.

# **II. ESTABLISHING AND MAINTAINING COMMITTEE STRUCTURE**

## **A. Scientific and Technical Advisory Committee (STAC)**

### **Responsibilities**

1. The STAC shall meet as often as needed to provide to the Executive Director broad programmatic advice and guidance on the GEM Work Plan with respect to the GEM Program's mission, goals, conceptual foundation, central hypotheses and questions.



2. The STAC shall recommend to the Executive Director projects for the GEM Work Plan best suited to the mission, goals, conceptual foundation, and central hypothesis. A written record of these recommendations shall be presented to the Program Advisory Committee (PAC) and to the Trustee Council.
3. The STAC co-chairs shall brief the PAC and the Council once a year on the state of the GEM program and on other occasions at the request of the Trustee Council, the Executive Director, or the STAC.
4. The STAC, in conjunction with the subcommittees, shall provide leadership in identifying and developing testable hypotheses relevant to the conceptual foundation and central questions of the GEM Strategic Plan, consistent with the GEM Program's mission and goals and the policies of the Trustee Council.
5. The STAC, using recommendations provided by the subcommittees and other means, shall identify and recommend syntheses, models, process studies, and other research activities for the Invitation to Submit Proposals.
6. The STAC shall meet with subcommittee chairs as needed.
7. The STAC shall select the subcommittee members, following a process approved by the Trustee Council. The STAC shall receive reports and briefings from the subcommittee chairs as needed.
8. The STAC shall assist Trustee Council staff in identifying peer reviewers, and may, upon request, conduct peer review on individual responses to the Invitation for Proposals and project reports.
9. Subject to funding restrictions and in consultation with the Executive Director, the STAC may convene special review panels or work groups to evaluate and make recommendations about aspects of the GEM program, or to meet with project investigators and others to fully explore particular projects or issues.

### **Membership**

1. The STAC shall have seven members: six voting members appointed by the Trustee Council with the advice of the independent nominating committee and the Trustee Council's GEM Science Director as the seventh member who serves as permanent non-voting co-chair.
2. The STAC members shall be drawn from the scientific sectors of academic, government, NGO, and private institutions. Together the members shall possess expertise in the habitats, species and environments of the Alaska Coastal Current and offshore, the intertidal and subtidal (nearshore), the watersheds, modeling, resource management, human activities and their potential ecological impacts, and community-based science programs.
3. The STAC members shall be selected for their expertise, broad perspective, long experience and leadership in areas important to the GEM Program.
4. STAC members cannot be principal investigators for presently funded or ongoing GEM projects.
5. The STAC members shall serve terms of four years, renewable once at the option of the Trustee Council, except during the first two years of the program when three members shall serve initial terms of two years, renewable for a full four year term. All renewals for a second term are at the option of the Trustee Council.

6. After serving on the STAC, a person is not eligible to serve again on the STAC for two years, with the exception of a person who was appointed from the list of alternates to complete a partial term. A person appointed as an alternate is eligible to be nominated to an open membership slot to serve a full term, and may, if serving less than two years and at the discretion of the Trustee Council, also be eligible for renewal.
7. In the event of a vacancy prior to the end of a term, the Trustee Council shall appoint a replacement from among the list of alternates. Inactive members may be removed by the Trustee Council from the STAC membership.

### **Rules of Procedure**

1. The STAC shall elect a co-chair by majority vote at least once every two years. The Science Director shall serve as the other co-chair.
2. Matters that cannot be resolved by consensus shall be decided by four affirmative votes of the STAC membership.
3. The STAC shall develop procedures for interfacing with the subcommittees, work groups and the Program Advisory Committee.

### **B. Subcommittees**

#### **Responsibilities**

1. Subcommittees shall provide guidance within each habitat type to the STAC and to the Trustee Council staff regarding testable hypotheses and other topics for consideration in future Invitations to Submit Proposals.
2. Subcommittees shall identify implementation strategies and possible locations for measuring monitoring variables that are relevant to the key questions and testable hypotheses.
3. Subcommittees shall, upon request, help organize the peer review on proposals and project reports in their broad habitat types, including recommending appropriate peer reviewers.
4. Initially, the subcommittees shall be organized along the lines of the four primary habitat types: offshore, Alaska Coastal Current, nearshore and watersheds, with additional subcommittees for oil effects and data management. The subcommittee structure may change following further review and discussion (and pending final NRC review).
5. Subject to funding restrictions, subcommittees may convene special review panels from time to time to evaluate and make recommendations about aspects of the GEM program. At other times, special panels may meet with project investigators and others to fully explore particular topics, problems, or projects.
6. A subcommittee may notify the STAC when it encounters the need for a work group.

#### **Membership**

1. Subcommittees are composed of at least 5 and not more than 8 individuals: scientists, resource managers, and/or other experts selected by the STAC primarily for their disciplinary expertise and familiarity with a broad habitat type (watersheds, intertidal and subtidal, ACC, or offshore). Other criteria include institutional and professional affiliations in order to promote collaboration and cooperation.
2. Subcommittee members serve three year renewable terms.
3. Subcommittee members may include principal investigators of GEM projects.
4. Nominees who agreed to serve, but were not selected by the STAC, may serve as peer reviewers and recommend peer reviewers, and are automatically considered as nominees to fill vacancies on subcommittees.

### **Rules of Procedure**

1. Subcommittees shall elect their own chairs, usually in a person's third year on the committee.
2. Matters that cannot be resolved by consensus shall be decided by majority vote of the membership.

## **C. Work Groups**

### **Responsibilities**

1. Work Groups shall recommend to the STAC or a subcommittee courses of action on the task for which the work group has been established. Tasks may include developing strategies to implement specific monitoring and research goals.
2. Work Groups may help organize the peer review on proposals submitted to address the task for which the work group has been established.

### **Membership**

1. Any number of individuals may be appointed to work groups established by the Executive Director at the request of the STAC. Expertise will depend on the issue to be addressed.
2. Members are approved by the Executive Director from nominees submitted by the STAC or subcommittee that identified the need for the work group.
3. Work groups are expected to be issue specific and of a limited duration specified by the Executive Director at its inception.

### **Rules of Procedure**

1. Work groups shall elect a chair by majority vote.
2. Matters that cannot be resolved by consensus shall be decided by majority vote of the membership.

### **III. SELECTING COMMITTEE MEMBERS**

#### **A. Selection Process for STAC**

1. The Executive Director shall issue a public call for nominations to serve on the STAC. The call will identify the types of expertise and the qualifications the Trustee Council desires to see for the nominees. Any person (including oneself) or organization is free to make a nomination.
2. Those nominating a person – or the person being nominated -- will be asked to submit a one-page synopsis of the nominee's qualifications to the Executive Director.
3. At the request of the Executive Director, a Nominating Committee will convene to develop a recommended list of persons fitting STAC membership criteria. The Nominating Committee shall recommend to the Executive Director a nominee for each vacant seat on the STAC, after determining that each is willing to serve on the STAC. Remaining nominees who are willing to serve may become alternates. The list of nominees and alternates shall be forwarded to the Trustee Council by the Executive Director.
4. The Nominating Committee may suggest names of persons not nominated if there are gaps in desired expertise among the nominees provided to it by the process (i.e., nominating committee members may also make their own nominations).

#### **STAC Nominating Committee**

##### **Responsibilities**

1. The STAC Nominating Committee shall review nominations for the STAC; if necessary, it may solicit additional nominations at its discretion.
2. The nominating committee shall provide the Executive Director a list of preferred and alternate nominees for appointment to the STAC.
3. The Nominating Committee chair shall brief the Trustee Council on its recommendations.

##### **Membership**

1. The STAC Nominating Committee shall be composed of seven members who are familiar with the development and operation of regional monitoring programs similar to GEM.
2. Nominating Committee members may not currently be receiving funding from the Trustee Council, nor may they be closely associated with, or dependent on, those who are funded by the Trustee Council. For example, the Nominating Committee members may not be funded investigators within the EVOS/GEM program, nor may nominating committee members be the immediate supervisors or supervisees of currently funded investigators, or members of their immediate family.
3. At least five Nominating Committee members shall reside in Alaska. STAC nominees and current STAC members may not serve on the Nominating Committee.

4. Nominating Committee members shall be selected by the Executive Director in consultation with the Trustee Council. The Executive Director shall also determine the life of the Nominating Committee.

#### **Rules of procedure**

1. The Nominating Committee shall elect a chairperson by majority vote to conduct the meetings.
2. The Nominating Committee shall establish a schedule and a process for developing a recommended list of nominees for the STAC that is consistent with applicable state and federal statutes, particularly with regard to Equal Employment Opportunity principles and diversity considerations.
3. The Executive Director shall provide assistance as requested by the Nominating Committee chair.

#### **B. Selection Process for Subcommittee Members**

1. The Executive Director shall issue public calls for nominations to the subcommittees. The announcements shall list desirable qualifications and other nominating criteria.
2. The STAC shall review the nominees and make recommendations to the Trustee Council for approval.

#### **C. Selection Process for Work Group Members**

1. The Executive Director shall approve work group members upon the recommendation of the STAC and/or subcommittees.

### **IV. PEER REVIEW**

Each project proposal, as well as some annual and all final reports, will be peer-reviewed by appropriate experts who are not competing for funding from the GEM program in the same competition and, in general, also are not conducting projects funded by the Trustee Council. The external peer review process will provide a rigorous critique of the scientific merits of proposals and reports. The goals of the review process are to ensure that studies sponsored by the Trustee Council 1) adhere to a high standard of scientific excellence; 2) have scientific objectives that are relevant and consistent with the GEM Program's conceptual foundation, central questions, and testable hypotheses; and 3) use valid methods that will allow them to achieve these objectives. The peer review may be either paid or volunteer, or some combination, whichever is most expeditious and appropriate. Reviews and recommendations shall be documented in writing.

The STAC or subcommittees may convene work groups from time to time to evaluate and make recommendations about aspects of the GEM program. These may include special peer review panels that would meet with project investigators and others to fully explore particular topics, problems, or projects.

A framework for peer review shall be developed by Trustee Council staff and include the following:

- A clear statement of the purposes of the peer review
- The role of the peer reviewer
- Guidelines for achieving and maintaining impartiality

The Science Director is responsible to the Executive Director and the Trustee Council for maintaining independence and the appropriate level of expertise for each peer review activity, training of peer reviewers in established procedures, and establishing an honorarium (payment) process for peer reviewers when necessary to accomplish the needed peer review.

**Figures follow on two pages**

Figure 4.3 Selecting monitoring elements starts with the mission and goals established by the Trustee Council, as expressed in the conceptual foundation, which is regularly updated by new information from a variety of sources. GEM Program Document, Vol. I, Chapter 4, page 38.

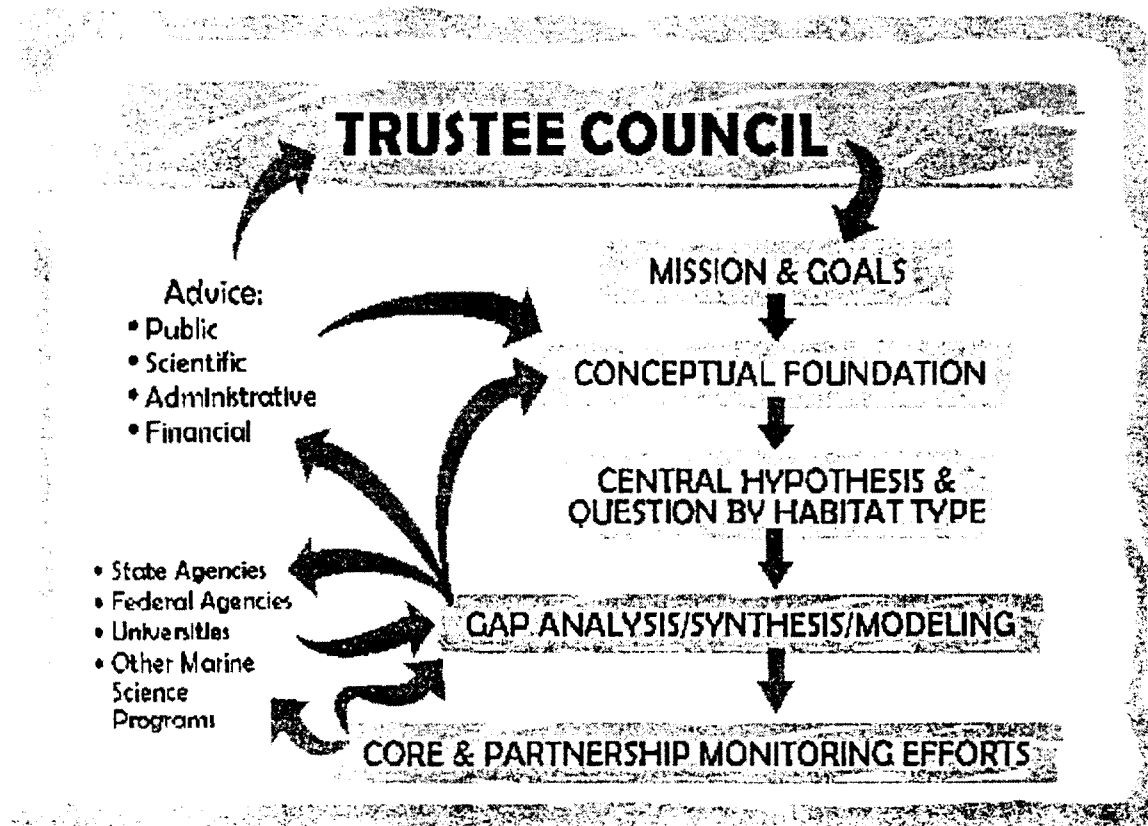
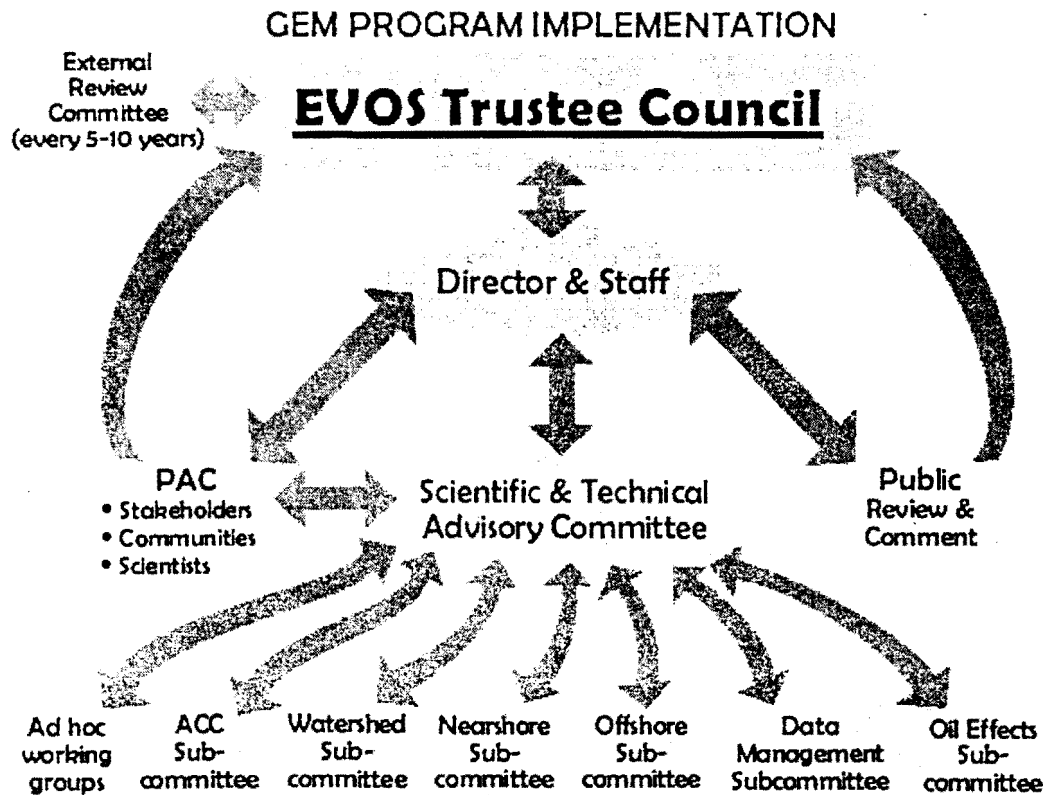


Figure 6.1. The organizational elements involved in GEM implementation. Modified in response to comments from the NRC, after GEM Program Document, Vol. I, Chapter 6, page 66.





**RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING KEN 309**

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

1. The Conservation Fund has purchased the Ninilchik small parcel, KEN 309, in anticipation that it will sell the parcel to the State of Alaska for \$113,000;
2. An appraisal of the parcel approved by the federal review appraiser determined that the fair market value of the parcel is \$113,000;
3. As set forth in Attachment A, Restoration Benefits Report for KEN 309, if acquired, this small parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Acquisition of this small parcel will assure protection of approximately 4.2 acres including approximately 800 feet of linear shoreline along each bank of the Ninilchik River. The parcel supports a popular king salmon fishery each spring and Dolly Varden, silver salmon and steelhead fisheries later in the season. In addition, harlequin ducks, mergansers, mink, otter, black and brown bears, and moose utilize this area as well. The parcel is important to the sport fishing and tourism industries, both of which were impacted by the *Exxon Valdez* Oil Spill ("EVOS").
4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal

Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources;

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

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

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all the seller's rights and interests in the small parcel KEN 309 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director") and approved by the Trustee Council and pursuant to the following conditions:

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska shall be one hundred thirteen thousand dollars (\$113,000) for small parcel KEN 309;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by September 30, 2002;

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

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

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

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

(g) compliance with the National Environmental Policy Act; and

(h) a conservation easement on parcel KEN 309 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.


It is the intent of the Trustee Council that the above referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to prefill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the

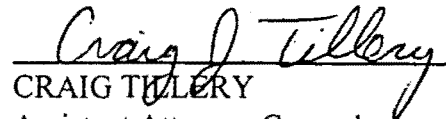
services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.


By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

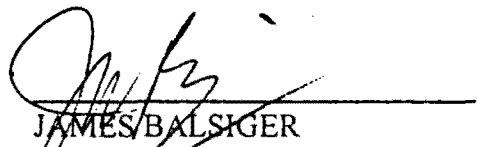
Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.


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

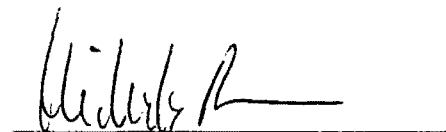
  
DAVE GIBBONS  
Forest Supervisor  
Forest Service Alaska Region  
US Department of Agriculture

  
CRAIG TILLEY  
Assistant Attorney General  
State of Alaska

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

  
JAMES BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service

  
FRANK RUE  
Commissioner  
Alaska Department of  
Fish and Game

  
MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

Attachment A - Restoration Benefits Report

# **Attachment A**

## **Resolution 02-05 Small parcel – KEN 309**

## KEN 309: Icicle Seafoods

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Acreage: 4.17 acres, 18 lots

Sponsor: ADNDR & ADF&G

Appraised Value: \$113,000

Owner: The Conservation Fund (former owner Icicle Seafoods, Inc.)

Location: Mission Avenue, near intersection with Sterling Highway, Ninilchik, AK.

Legal Description: Lots 1 – 11, 15 – 19, 21 & 22, Block 8, Ninilchik Townsite.

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**Parcel Description.** This collection of small parcels, including 18 platted lots, is downstream and immediately adjacent to a large parcel owned by the Alaska Department of Fish and Game. The ADF&G parcel is located mostly on the downstream side of the Sterling Highway bridge. These lots border, or are near the Ninilchik River, one of south central Alaska's most important sportfishing rivers. These lots are part of the original Ninilchik Townsite subdivision, with roads and lots platted with no logical relationship to the terrain. Some small lots within this batch of parcels straddle the Ninilchik River, or may be nearly entirely occupied by the river, while the platted roads do not have any logical possibility for reasonable construction without extensive fill and bridge construction. The parcel is subject to periodic flooding during high water events such as fall rainstorms, and is generally wet and brushy. The parcel contains approximately 1,600 linear feet of shoreline.

The lands are characterized by their river valley riparian habitat, with willows, scattered spruce and small cottonwoods and other floodplain vegetation. Wildlife species that commonly use this area include harlequin ducks, mergansers, mink, otter, black and brown bears, and moose. This is an important winter feeding area for moose and often 8-12 moose can be counted in or near the subject property on a winter day. During the early summer, harlequin ducks are commonly viewed in the downstream portion of this property, and the other wildlife species can be seen occasionally throughout the year.

**Restoration Benefits.** The public has used this area of the Ninilchik River for decades, while pursuing the popular king salmon fishery each spring, and later in the season for Dolly Varden, silver salmon and steelhead angling. Although private land, the landowners have never posted this land and most anglers are not aware that the land is not publicly owned. Anglers primarily access this parcel on foot, following traditional fishing access trails along the river banks. There is no development on the land at this time.

The Ninilchik River supports an enhanced hatchery-supported and native run of king salmon, providing outstanding sport fishing opportunities for anglers. It is one of the finest bank-accessible sport fisheries for king salmon on the Kenai Peninsula, and is extremely popular and productive. The area owned by Icicle Seafoods supports a great deal of the angler activity on this river as the fishing is particularly productive here.

Support of the sportfishing industry is the most important basis of the Ninilchik community's economy. A large number of businesses cater to anglers, and include B &

B's, lodges, restaurants and cafes, taxidermy shops and other retail businesses. These businesses depend upon having predictable fishing destinations available for prospective clients and customers. The Icicle Seafood parcel provides one of the important destinations that support the area's tourism economy.

Should the parcels be sold as individual lots or as a bulk sale to another private property owner, the public could lose forever one of Alaska's premier king salmon sportfishing locations. The loss of access to the public would be significant enough, but a sale would also mean that a sensitive riparian section of the Ninilchik River would be subject to development pressures. This could result in the deterioration of important riparian fish habitat, loss of important winter moose feeding habitat, loss of harlequin duck nesting and rearing habitat. Social conflicts with the new owners and anglers wishing to continue to fish traditional fishing holes would emerge and tax local and state government. Acquisition of this parcel would protect approximately 1,600 linear feet of shoreline, important riparian habitat.

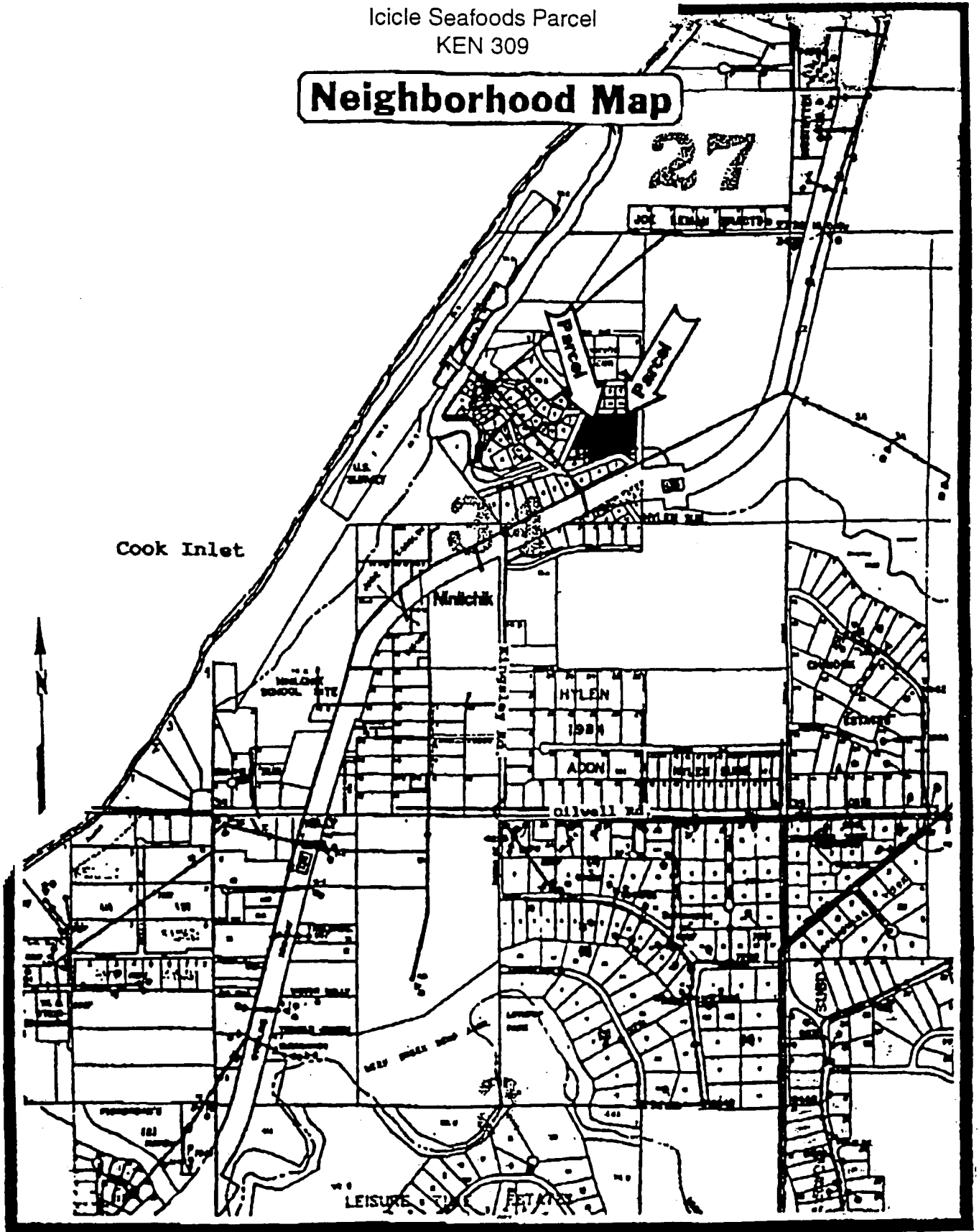
**Appraised Value.** \$113,000, sold as a single cash transaction.

**Proposed Management.** ADF&G will manage the parcel in a manner consistent with its management of the adjacent parcel and will maintain public access to the river and protect riparian habitat.

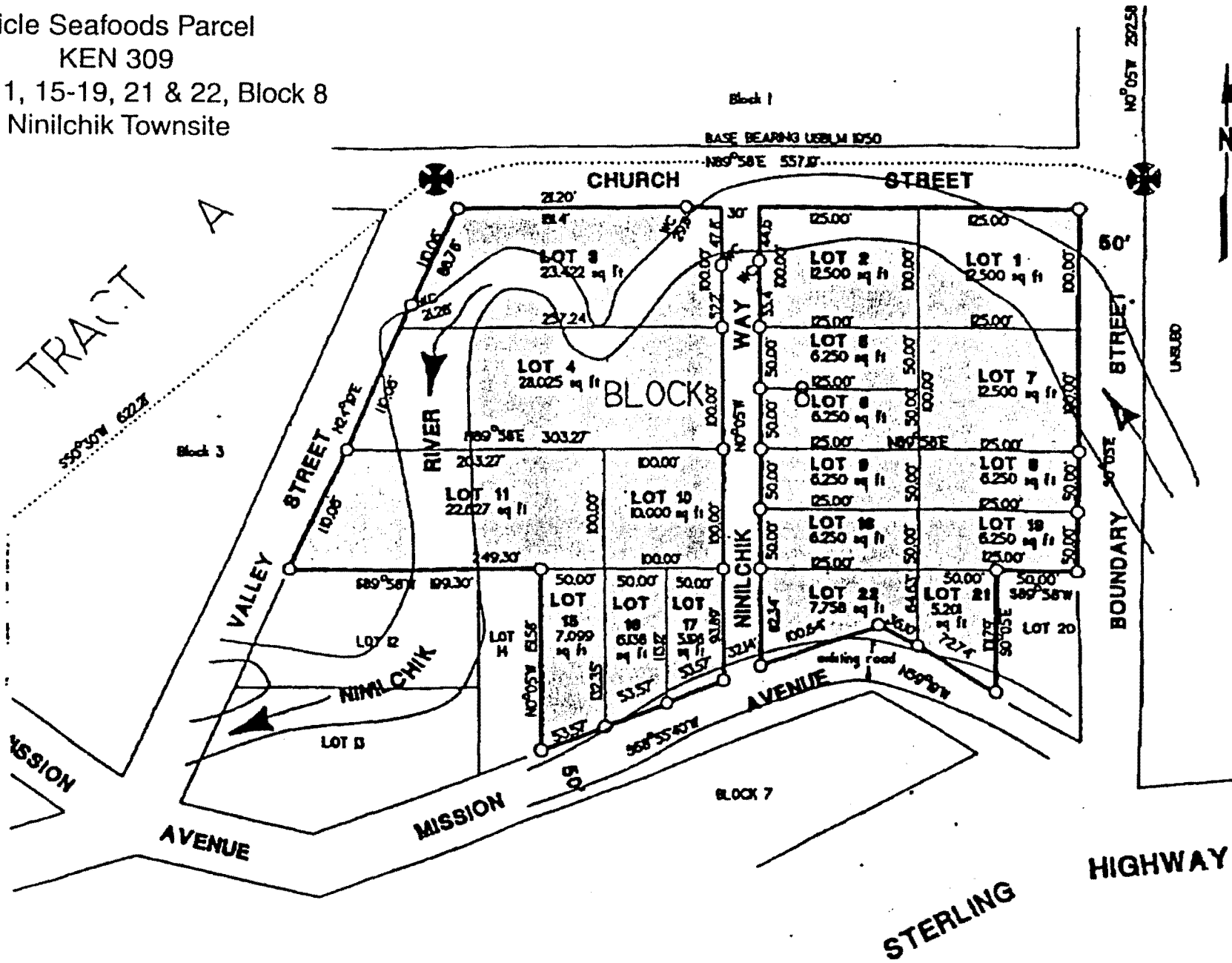


Icicle Seafoods Parcel  
KEN 309

# Neighborhood Map



Icicle Seafoods Parcel  
 KEN 309  
 Lots 1-11, 15-19, 21 & 22, Block 8  
 Ninilchik Townsite



# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION COMMISSIONER'S OFFICE

TONY KNOWLES, GOVERNOR

410 Willoughby Avenue  
Juneau, AK 99801  
PHONE: (907) 465-5066  
FAX: (907) 465-5070  
<http://www.state.ak.us/dec/>

February 22, 2002

Molly McCammon, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
441 W. 5<sup>th</sup> Avenue Suite 500  
Anchorage, AK 99501-2340

Dear Ms. McCammon:

Re: Project 02630 Amendment, Surface Water Quality Monitoring

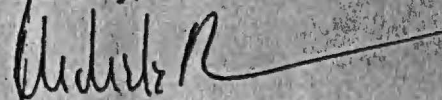
The Department of Environmental Conservation (DEC), Division of Air and Water Quality is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- Assess the effectiveness and gaps in Alaska's water stewardship;
- Assess the health of Alaska's surface and ground waters; and
- Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program (GEM) and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meetings to involve stakeholders in development of a surface water monitoring strategy. DEC will task a term contractor with developing a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs. Information will be made available to assist DEC and stakeholders in identifying strategies which may have utility for Alaska. The contract final report will be due from the contractor prior to the end of State Fiscal Year 2002.

Sincerely,



Michele Brown  
Commissioner



## FY 02 EXXON VALDEZ TRUST COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

Budget Category:	Authorized FY 01	Proposed FY 02						
Personnel		\$0.0						
Travel		\$0.0						
Contractual		\$15.0						
Commodities		\$0.0						
Equipment		\$0.0	LONG RANGE FUNDING REQUIREMENTS					
Subtotal	\$0.0	\$15.0	Estimated FY 03					
General Administration		\$1.1						
Project Total	\$0.0	\$16.1						
Full-time Equivalents (FTE)		0.0						
	Dollar amounts are shown in thousands of dollars.							
Other Resources								

The Department of Environmental Conservation, Division of Air and Water Quality (DEC) is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- ? Assess the effectiveness and gaps in Alaska's water stewardship;
- ? Assess the health of Alaska's surface and ground waters; and
- ? Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meeting.

FY02

Project Number: 02630-AMENDMENT  
Project Title: Planning for GEM  
Agency: ADEC

FORM 3A  
TRUSTEE  
AGENCY  
SUMMARY

Prepared:

**FY 02 EXXON VALDEZ TRU: COUNCIL PROJECT BUDGET**  
 October 1, 2003 - September 30, 2002

<b>Personnel Costs:</b>		<b>GS/Range/ Step</b>	<b>Months Budgeted</b>	<b>Monthly Costs</b>	<b>Overtime</b>	<b>Proposed FY 02</b>
<b>Name</b>	<b>Position Description</b>					
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
<b>Subtotal</b>			0.0	0.0	0.0	
<b>Personnel Total</b>						<b>\$0.0</b>

<b>Travel Costs:</b>		<b>Ticket Price</b>	<b>Round Trips</b>	<b>Total Days</b>	<b>Daily Per Diem</b>	<b>Proposed FY 02</b>
<b>Description</b>						
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
<b>Travel Total</b>						<b>\$0.0</b>

**FY02**

Project Number: 02630-AMENDMENT  
 Project Title: GEM Planning  
 Agency: ADEC

**FORM 3B  
 Personnel  
 & Travel  
 DETAIL**

Prepared:



**FY 02 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET**

October 1, 2003 - September 30, 2002

<b>Contractual Costs:</b>		<b>Proposed</b>
<b>Description</b>		<b>FY 02</b>
Contract to develop a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs		15.0
When a non-trustee organization is used, the form 4A is required.		
<b>Contractual Total</b>		<b>\$15.0</b>
<b>Commodities Costs:</b>		<b>Proposed</b>
<b>Description</b>		<b>FY 02</b>
<b>Commodities Total</b>		<b>\$0.0</b>

**FY02**

Prepared:

Project Number: 02630-AMENDMENT  
 Project Title: GEM Planning  
 Agency: ADEC

**FORM 3B**  
**Contractual &**  
**Commodities**  
**DETAIL**

**October 1, 2003 - September 30, 2002**

FY02

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

**FORM 3B**  
**Equipment**  
**DETAIL**

**Prepared:**

# Exxon Valdez Oil Spill Trustee Council

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



March 6, 2002

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

RE: Status of EVOS Projects and Reports, Including Authorization to Proceed

Dear John:

This letter replies to your recent correspondence with Sandra Schubert regarding the status of your EVOS project reports and papers. It includes authorization-to-spend for two FY 02 projects (02163M and 02479) and requests some further information from you in regard to outstanding commitments.

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

1. Project 00501/Seabird Monitoring Protocols final report. This information is essential to planning for GEM, which as you know is underway and nearing a decision point (the GEM plan is expected to go to the Trustee Council for approval in early July 2002). You indicate the report will be submitted to the EVOS Chief Scientist by March 31, 2002 and we strongly encourage you to keep this commitment. This report was originally due September 30, 2000.
2. Project 99163/APEX subproject M final report. Peer review of the APEX final report has been on hold for over a year, due to this one chapter not having been submitted. APEX was one of the Trustee Council's major research efforts, and the comprehensive presentation of the studies and results that comprised this effort is critical. You indicate the report will be submitted to the EVOS Chief Scientist March 2002 and we strongly encourage you to keep this commitment. This report was originally due September 30, 2000.

In regard to your other EVOS projects:

Project 01163/APEX Closeout. These three synthesis manuscripts are also of very high importance, but perhaps without as much of a timing crunch. We understand that in at least one case the delay in completion is due to a delay in receiving the Barren Islands data from the investigator who collected it. We also acknowledge that a substantial number of other publications have been prepared



by you and your team using APEX data. However, it is essential that the key findings of APEX be synthesized and presented in the published literature. Can you please restate for us (a) the expected titles of your principal synthetic papers and (b) your current timetable for preparing them and submitting them to the peer reviewed literature? A brief memo or e-mail providing this information will suffice. We will then continue to track completion of those manuscripts on behalf of the Trustee Council.

Project 01338/Murre & Kittiwake Survival final report. We will note your new expected completion date of September 15, 2002, due to a necessary extension of the resighting effort into Summer 2001 to offset the effects of high variability in return rates at Chisik Island in 1998 and Gull Island in 1999. This report was originally due September 15, 2001.

Project 02163M/APEX: Numerical and Functional Response of Seabirds to Fluctuation in Forage Fish Density. This letter will serve as your formal authorization to proceed on this project. The work must be performed consistent with the revised Detailed Project Description and budget dated July 9, 2001.

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

Final Report	Project /479 Final Report	Due 4/30/03
Ms. #1	Endocrine responses to varying foraging conditions: stress or anti-stress hormones? Wingfield & Kitaysky	Due 8/30/02
Ms. #2 & 3	Relationships among corticosterone levels, reproduction, food abundance, and post-breeding survival. Kitaysky, Piatt, Wingfield	Due 4/30/03
Ms. #4 & 5	Relationships among food provisioning, nutritional state and corticosterone secretion in juvenile seabirds. Kitaysky, Wingfield, Piatt	Due 8/30/02
Ms. #6	Field endocrinology protocol for monitoring seabird populations	Due 8/30/02

Please do not hesitate to contact us if you wish to discuss any of this further. We look forward to receiving from you very shortly the final reports for projects 00510 and 99163M, as well as a current accounting of your APEX synthesis manuscripts.

Sincerely,



Molly McCammon  
Executive Director



Dr. Robert Spies  
Chief Scientist

cc: Dede Bohn, USGS Liaison  
Dave Duffy, APEX Project Leader

# Exxon Valdez Oil Spill Trustee Council

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



## MEMORANDUM

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

FROM: Molly McGammon  
Executive Director

RE: Project 99154: Authorization to Modify the Design of the Local  
Display Facility in Port Graham

DATE: March 6, 2002

On December 3, 2001, I authorized you to proceed with the construction phase of the Port Graham local display facility. On February 7, 2002, Chugachmiut asked you to approve changes in the mechanical component of the design. The design that I approved included a large HVAC (heating, ventilation and air conditioning) system. The Port Graham Corporation, which owns the building and manages the project on behalf of the Port Graham Village Council, is concerned about the maintenance requirements of the HVAC system. To reduce the cost of long-term maintenance of the facility, the corporation has proposed replacing the HVAC system with a monitor heater, an Apilaire Humidifier model 110-112 and Nutone fans.

Elizabeth Knight, Senior Curator, National Park Service, discussed the proposed design changes with Pat Norman, President, Port Graham Corporation, and made the following recommendations:

1. Because the Apilaire humidifier, model 110-112, is no longer available, substitute a Bonaire humidifier. The Bonaire humidifier is available and would maintain a humidity level of 35 percent. The model would depend on the size of the space to be humidified.
2. Monitor the humidity of the local display area year-round. If the humidity exceeds 35%, install a dehumidifier and operate it when the humidity exceeds this level.
3. A monitor heater and Nutone fans are acceptable.

I authorize you to approve changes in the design of the Port Graham local display facility consistent with Ms. Knight's recommendations. I commend the Port Graham Corporation for their foresight in proposing these changes.

# Exxon Valdez Oil Spill Trustee Council

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

March 5, 2002



Honorable Frank Murkowski  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Murkowski:

I am writing to request your support for the Chugach Regional Resources Commission (CRRC) in the FY 2003 federal appropriations process. With your support and hard work, \$350,000 was included in the Bureau of Indian Affairs' budget 12 years ago (in 1990) for CRRC to assist the communities in the Chugach Region in developing sustainable economic projects at the local level. CRRC has been included in the BIA budget ever since.

Over the past 12 years, CRRC has supported the development and operation of many programs that have assisted communities in providing meaningful employment opportunities as well as valuable services and products to the people of the State of Alaska. This funding also supports the base operating expenses of CRRC, and without this funding, their work will not be able to continue.

The *Exxon Valdez* Oil Spill Trustee Council has worked closely with CRRC over the past eight years to help restore resources injured by the 1989 oil spill that are important to local communities and villages. CRRC has been our primary contact for community involvement with the villages in the spill-affected region and for subsistence and fishery restoration projects. They have a good reputation with these communities.

I am respectfully requesting your support in getting this funding reinstated. It would be most helpful if you could let Senator Ted Stevens know that this is a priority for the FY 2003 budget process and that you support the reinstatement of the \$350,000 to the BIA's Fish, Wildlife, and Parks permanent base budget.

Thank you in advance for any assistance you can provide.

Sincerely,

A handwritten signature in dark ink, reading "Molly McCammon". The signature is fluid and cursive, with the first name "Molly" and last name "McCammon" clearly distinguishable.

Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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



March 5, 2002

Honorable Ted Stevens  
United States Senate  
522 Hart Senate Office Building  
Washington, D.C. 20510

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I respectfully request your support as a member of the Appropriations Committee to have the \$350,000 reinstated as part of the BIA's Fish, Wildlife, and Parks permanent base budget.

Thank you in advance for your consideration of this request.

Sincerely,

Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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

March 5, 2002



Honorable Don Young  
U.S. House of Representatives  
2111 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Young:

I am writing to request your support for the Chugach Regional Resources Commission (CRRC) in the FY 2003 federal appropriations process. With your support and hard work, \$350,000 was included in the Bureau of Indian Affairs' budget 12 years ago (in 1990) for CRRC to assist the communities in the Chugach Region in developing sustainable economic projects at the local level. CRRC has been included in the BIA budget ever since.

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Molly McCammon  
Executive Director

# Exxon Valdez Oil Spill Trustee Council

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## Restoration Office Tentative Meeting Schedule

### March 2002

- 8 Fisheries Application workshop - Cordova, AK
- 10-15 Coastal Monitoring, Oceans US - Warrenton, VA
- 12 GEM Education meeting
- 14-16 NPAFC - Vancouver, B.C.
- 18-19 AK Ocean Exploration meeting - Anchorage, AK
- 18-19 Tech Net Conference - Anchorage, AK
- 21-22 North Pacific Research Board - Anchorage, AK

### April 2002

- 4-5 PICES Monitor Committee - Seattle, WA
- 4-7 Kodiak ComFish
- 7-10? Statewide Meeting on Tribal Environmental Concerns - Anchorage, AK
- 12-14 Kachemak Bay NERRS workshop, including GEM intertidal workshop
- 17-19 US GOOS Steering Committee - Arlington, VA
- 27-29 American Fisheries Society sustainability conference - Spokane, WA

### May 2002

- 8-9 North Pacific Research Board - Anchorage, AK
- 11-12 EVOS Core reviewers - Homer, AK
- 13 STAC - Homer, AK (maybe)

### June 2002

- 7-8 Healthy Ecosystems Conference - Washington, D.C.
- 10 World Oceans Day - Washington, D.C.
- 12-13 PEW Oceans Commission - Washington, D.C.
- 18-19 Alaska Oceans & Watershed Symposium

### July 2002

### August 2002

- TBD Coastal States Organization - Girdwood, AK
- 22-23 U.S. Commission on Ocean Policy

### September 2002

- 11-12 North Pacific Research Board - Anchorage, AK

### October 2002

\* tentative meeting dates

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

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