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1994

(2 of 2)

JUNE

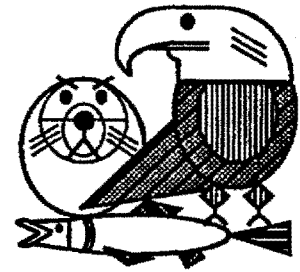
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** Alex Swiderski, Alaska Department of Law  
Gina Belt, U.S. Department of Justice  
Bill Brighton, U.S. Department of Justice  
Louise Milkman, U.S. Department of Justice  
Barry Roth, U.S. Department of Justice  
Cathy Chorostecki, NOAA  
Maria Lisowski, U.S. Forest Service

**FROM:** James R. Ayers  
Executive Director

**DATE:** June 30, 1994

**RE:** Legal Review of Project Proposals

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On June 23, you were sent a packet of project proposals for your legal review. In order to expedite this review, I would like you to focus your attention on the following proposed projects. It would be extremely helpful, if you would have your responses regarding these projects to me no later than July 11, 1995.

95079 Pink Salmon Restoration Through Small-Scale Hatcheries  
95042 Five-Year Plan to Remove Predators From Seabird Colonies  
95003 Area E Commercial Salmon Permit Buyback Program  
95093 PWSAC: Restoration of Pink Salmon Resources and Services  
95424 Restoration Reserve (proposed Trustee resolution)  
95017 Port Graham Coho Salmon Subsistence Fishery Restoration Project

### **Services - Recreation and Tourism**

95002 Leave No Trace Education Program  
95016 A Tribute to Prince William Sound  
95053 Cordova's Mini-Imaginarium  
95067 Overescapement Information Brochure  
95080 Fleming Spit Recreation Area Enhancements  
95082 "Mor-Pac Hill" Campground Improvements  
95084 Odiak Camper Spark Expansion  
95085 Cordova Historical Marine Park  
95056 Monitoring Visual Sensitivity in PWS

Thank you for your assistance in the Trustee Council efforts!

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#### **Trustee Agencies**

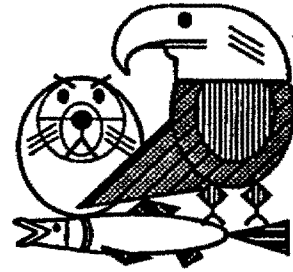
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

# Exxon Valdez Oil Spill Trustee Council

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## FAX COVER SHEET

TO: See Distribution List Below	FROM: James R. Ayers
OFFICE:	OFFICE: Executive Director's Office
FAX NUMBER:	FAX NUMBER: 586-7589
PHONE NUMBER:	PHONE NUMBER: 586-7238

COMMENTS:	
Alex Swiderski, ADOL	278-7022
Gina Belt, DOI	271-5827
Bill Brighton, DOI	202/514-4180
Louise Milkman, DOI	202/514-4231
Barry Roth, DOI	202/208-3877
Cathy Chorostecki, NOAA	206/526-6665
Maria Lisowski, USFS	586-7251

DATE: June 30, 1994	TOTAL PAGES: 2
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### Trustee Agencies

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



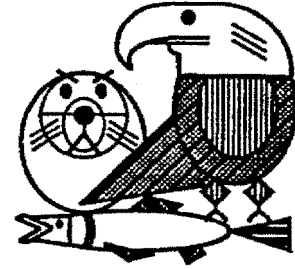
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 28, 1994

Mr. Michael Milby  
Clerk of Court  
United States District Court  
P. O. Box 61010  
Houston, TX 77208

Dear Mr. Milby:

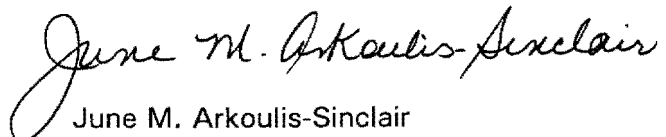
It was a pleasure speaking with you last week. I found our conversation very informative. I received the Court Registry Investment System Operating Procedures Manual and find it to be a most useful document. Thank you.

I relayed our conversation to the Executive Director and he is very interested in pursuing the establishment of a long term reserve account within the Court Registry. Annual payments from Exxon will end in September 2001 and the reserve account will provide a location to hold funds for restoration activities after that last payment. Approximately \$12 million per year (FY 1994 through FY 2002), for a total of \$108 million plus interest, would be deposited into the reserve. Allocation of the reserve funds to specific activities will be made by the Trustee Council at a later date. The Trustee Council authorized payment of \$12 million into a reserve on January 31, 1994.

A Trustee Council meeting has been scheduled on or about August 29 and we would like you to attend, at our expense, if your schedule permits. The discussion of investment strategies, the reserve account and status of funds in the Court Registry account is of great interest to the Trustee Council.

Please contact me at 907-586-7238 or EVOS Trustee Council, Executive Director's Office, P. O. Box 20122, Juneau, AK 99802 if you think you can attend the August meeting and to further discuss the reserve account.

Sincerely,

  
June M. Arkoulis-Sinclair  
Administrative Officer

cc: James R. Ayers, Executive Director

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## Trustee Agencies

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

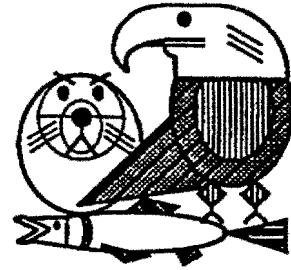
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Dave Gibbons, USFS

**FROM:** James R. Ayers  
Executive Director

**RE:** Appraisal Authorization

**DATE:** June 23, 1994

---

You are hereby authorized to undertake an appraisal for certain lands owned by the Afognak Joint Venture ("AJV"). The AJV consents to the appraisal of the parcels designated as AJV 01a, AJV 01(b), AJV 03a, and AJV 03b.

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

The appraisal should establish the base line (fee) value of each parcel, recognizing that the sellers are offering substantially less than fee interest for most parcels. Actual interests to be acquired, if any, have not yet been agreed upon. However, it is anticipated that parcel by parcel interests will be available for incorporation into the final appraisal.

JRA/mir

cc: Alex Swiderski, DOL  
Walt Sheridan, USDA, FS

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### Trustee Agencies

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

## MEMORANDUM

State of Alaska

Department of Law

TO: Jim Ayers  
Executive Director  
Exxon Valdez Oil Spill  
Trustee Council

DATE: June 22, 1994

FILE NO.:

TEL. NO.: 269-5274

SUBJECT: AJV Appraisal

FROM: Alex Swiderski *AS*  
Assistant Attorney General  
Environmental Section

The purpose of this memo is to request authorization to appraise AJV lands as described in the attached letter from AJV chairman Howard Valley authorizing appraisal of AJV lands. Parcels one and three are highly ranked. Parcels four, five and six are moderately ranked. The other tracts AJV wishes to sell have not been ranked although they are adjacent to the lands designated as the Afognak Island State Park and recently purchased with civil settlement funds.

cc: Bob Rice

Attachment

Post-It™ brand fax transmittal memo 7671		# of pages > 4
To <i>Jim Ayers</i>	From <i>Alex Swiderski</i>	
Co.	Co.	
Dept.	Phone #	
Fax # <i>586-7589</i>	Fax # <i>278-7022</i>	

**AFOGNAK JOINT VENTURE**

203 MARINE WAY SUITE 1

P.O. BOX 1277

KODIAK, ALASKA 99615

TELEPHONE (907) 486-8014

FAX (907) 486-2514

**RECEIVED**

Department of Law

JUN 21 1994

Office of the Attorney General  
Anchorage Branch  
Anchorage, Alaska

June 20, 1994

Mr. Alex M. Swiderski  
Assistant Attorney General  
Department of Law  
State of Alaska  
1031 West Fourth Avenue, Suite 200  
Anchorage, Alaska 99501-1994

Re: Afognak Joint Venture Negotiations

Dear Alex:

This will confirm our discussions regarding the request of the negotiating team to conduct an appraisal of certain lands owned by the Afognak Joint Venture ("AJV") in conjunction with their possible acquisition by the Trustee Council. The AJV consents to the appraisal of the parcels designated as AJV 01a, AJV 01(b), AJV 03a, and AJV 03b.

As we have discussed in the past, the AJV is not interested in selling just the parcels which you have designated. Any sale of some or all of such parcels would be conditioned upon the Council also acquiring some of the less timbered lands held by the AJV. In order to facilitate those discussions, it would be appropriate for the Council to also appraise, at the same time, the other AJV lands in order that the appraisal information would be available during our further discussions. Thus, the AJV's consent to the appraisal of the aforementioned parcels is conditional upon the performance of an appraisal of parcels AJV 04, AJV 05 and AJV 06 (as previously designated by the Restoration Team) and the lands described in Exhibit A to this letter.

Alex M. Swiderski  
June 20, 1994  
Page 2

By the Consenting to such appraisal, the AJV is not agreeing that the appraisal process which the Council has determined it will follow, will, in fact accurately determine the fair market value of its lands. As we have discussed, the AJV has conducted its own valuation based upon its expected return from the timber and obviously will not be interested in selling its lands for less.

I will have a draft confidentiality agreement sent to you during the next week for you review. If you have any questions, please feel free to contact our counsel, Bill Timme.

Yours truly,  
AFOGNAK JOINT VENTURE



Howard W. Valley, Chairman

**EXHIBIT A**

**Tract I**

Township 22 S, Range 17 W, sections 10, 15, 16, 21 and 22.

*part of Tonka*

**Tract II**

Township 22 S, Range 17 W, section 6

Township 22 S, Range 18 W, sections 1 west 1/2, 2, 11, 12 west 1/2, 13, 14, 23 through 26, 35, and 36.

Township 23 S, Range 18 W, sections 1, 2, 11, 12, 14, 22 and 23.

**Tract III**

Township 22 S, Range 18 W, sections 15, 22, 27, 33 and 34.

Township 23 S, Range 18 W, sections 3, 4, 9, 10 and 15.



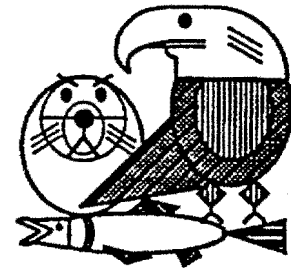
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

TO: Jim

FROM: *June*

DATE: June 21, 1994

RE: Investment of Funds Held in Court Registry

---

I spoke with Michael Milby, Clerk of the Court, United States District Court, regarding settlement funds held by the Court. The following information was provided:

The Federal court system has a Court Registry Investment System which is joined by individual courts throughout the country by court order. Funds are pooled and the initial fund established is known as a "liquidity fund". This type of fund is established when money comes in but it is unknown how long the funds will remain (no known disbursement horizon). The liquidity aspect allows them to buy big blocks of securities with essentially no risk.

The liquidity fund is set up to provide weekly liquidity similar to a money market fund. Funds are invested in government securities (at present only treasury securities) and purchased through secondary markets. The Court has a clearing account at the Federal Reserve and all transactions are cleared through this account. At no time are any of the funds ever held at a bank.

The investment strategy is very conservative - only Treasury securities. Presently, the Court buys out to about 100 days. Funds are receiving an 'A' market return but very liquid. Our funds are currently sitting in a pool of approximately \$650-\$700 million funds with several thousand other court cases.

The Court is currently in the process of creating a longer term fund with a staggered portfolio. This would be a 3-4 year fund with staggered maturity dates and quarterly liquidity. Cash flow would be managed to allow quarterly liquidations if needed. This would be a pooled fund. Our funds would be included in both the liquid and longer term fund and the two funds would be linked together. They are currently working on setting up the accounting system and expect to have this fund established in the next 90-100

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### Trustee Agencies

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

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

days.

We discussed setting up a reserve. He said this was a definite possibility and has been done before. A reserve could be handled in one of two ways unique or pooled. Typically, for a large dollar amount a unique reserve is set up. A pool is established for smaller dollar amounts. If we are looking at setting aside approximately \$12 million a year it would probably be pooled, however, if there are circumstances related to our funds that would require a unique reserve then that would still be a possibility. Regardless of whether we move forward with a reserve it is intended that our funds would be part of the longer term fund.

He will mail us a manual for the Court Registry Investment System. The manual is technical but will provide us information on how the funds flow and what the investment strategies are.

He looks forward to establishing a relationship with us and is more than willing to speak with you at any time.

milby.wpd

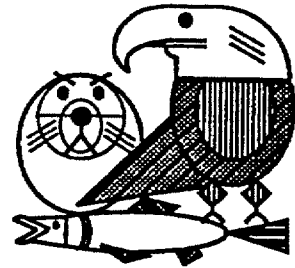
# Exxon Valdez Oil Spill Trustee Council

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

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## MEMORANDUM

**TO:** See Distribution

**FROM:** June Annoulis-Sinclair  
Administrative Officer

**DATE:** June 20, 1994

**RE:** Court Request Status Update

---

### Court Request #7:

Requested withdrawal of \$2,241,741 of funds from the Court Registry for funding actions taken by the Trustee Council at the April and May (excluding May 31) meetings. The request was filed with the Court on June 16, 1994. Alex Swiderski of the State Department of Law expects a response by the end of this week or first of next week.

### Distribution

Jim Ayers  
Bob Baldauf  
Mark Brodersen  
Carol Fries  
Dave Gibbon  
Veronica Gilbert  
Molly McCammon  
Jerome Montague  
Byron Morris  
Sandy Rabinowitch

crupdt1.wpd

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### Trustee Agencies

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

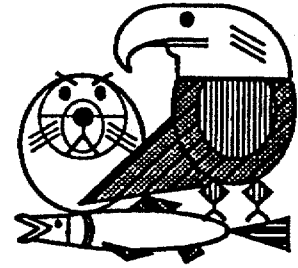
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

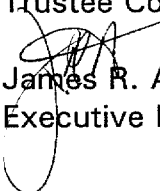
645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Trustee Council  
**FROM:**  James R. Ayers  
Executive Director  
**RE:** Schedules

**DATE:** June 20, 1994

---

There have been follow-up questions and suggestions regarding schedules. In order to accommodate the various regulatory requirements, Public Advisory Group reviews, and Trustee Council schedules and directives, we have set course for the following:

1. Trustee Council Meeting Schedule

a) July 11, 1994 meeting for\*:

- \* Policy review of Acquisitions "less than fee"
- \* Overview of proposals for FY95 Work Plan
- \* Science Review Board policy review
- \* Restoration Plan update

**\*\* We are planning an EVOS Trustee Council picnic -- sponsored by staff with no public funds or time -- for the evening of July 11. We hope all of you can attend.**

b) August 8th, 1994 meeting for:

- \* Review of FY95 draft Work Plan for release to the public
- \* Update on issues
- \* Restoration Plan EIS update and discussion of final alternative
- \* Fee Simple Acquisition progress
- \* Restoration Plan final structure

c) On or about August 20, 1994 a teleconference as necessary for:

- \* Restoration Plan Final EIS - final discussion
- \* Habitat protection/acquisition update

d) On or about August 28, 1994 meeting for:

- \* EIS and Final Restoration Plan update
- \* Fee Simple Acquisition approval as appropriate
- \* Interim budget approval
- \* IMS EIS Update: public comment

e) On or about September 28, 1994 meeting for:

- \* Restoration Plan FEIS Update
- \* IMS FEIS Update
- \* Habitat Acquisition Approval as appropriate

f) On or about October 30, 1994 (2-day meeting) for:

- \* Adoption of final Restoration Plan
- \* Final authorization of FY95 Work Plan
- \* Authorization for the Institute of Marine Science
- \* Authorization for Habitat Acquisition purchase agreements
- \* Update on Issues

## 2. Draft Environmental Impact Statement: Restoration Plan

The DEIS for the Draft Restoration Plan will go out for public review and comment from June 18 to August 1. A series of public meetings will be held during this time, which includes June 27 - Anchorage, June 29 - Seward, July 1 - Homer, July 5 - Kodiak, July 7 - Cordova, and July 19 - Valdez.

Following the public comment period, the Trustees must choose a Final Alternative for the Final Environmental Impact Statement. This may be the Preferred Alternative in the Draft EIS, or it could be some modification based on Trustee Council response to the public comment received. In any event, this decision must be made by mid-August. Following that decision, the Final EIS gets written, printed and becomes available for public review on or before September 28. There follows a 30-day appeal period for the FEIS. The Record of Decision will be ready to be signed by October 28 by all three federal secretaries or as required. Although there was some question about the timing of the appeal period, this schedule has been approved.

### 3. Final Restoration Plan

Concurrent with the writing of the Final Environmental Impact Statement is the need to write the Final Restoration Plan. Since the time the original Draft Restoration Plan was written in November, 1993, much has occurred, including the hiring of an Executive Director, emphasis by the Council on an Ecosystem approach, and the need for a management-by-objective structure, including a science program. Additionally, the Trustee Council has consistently expressed the importance of public participation and the need for information and actions to be clearly communicated.

Therefore, as we have discussed during the past Council meetings, staff have reorganized the draft restoration plan by including goals, clear objectives and strategies. These have been refined and further articulated during a series of workshops held in January, March and April which included scientists, researchers, agency representatives, Public Advisory Group members, and other representatives of the general public. The product is what some have been referring to as the Implementation Management Structure including a science and monitoring program. Therefore, to achieve our goal of simplicity and clarity we will include this in the Draft Restoration Plan, in addition to responding to public comments during the review phase of the DEIS. It looks as though we will be able to develop a Final Restoration Plan during August as planned. A release of the FEIS in September is critical to meet the timeline for the October Record of Decision and adoption of the final restoration plan.

I hope this clarifies the various schedules that we are following and more closely accommodates your respective plans. Please, give me a call if you have questions or recommendations for further changes.

cc: Agency Liaisons



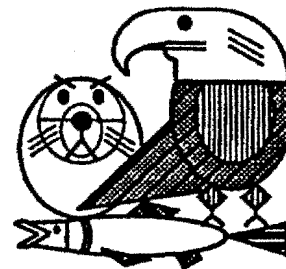
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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June 20, 1994

Dr. Charles Peterson  
University of North Carolina  
Institute of Marine Science  
Morehead City, North Carolina 28557

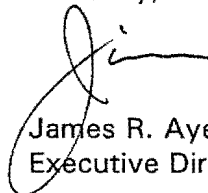
Dear Dr. Peterson:

On behalf of the Exxon Valdez Oil Spill Trustee Council, let me express our congratulations on your recent Pew Conservation Scholar award. We are pleased for you and the science community. Your commitment and dedication are a deeply appreciated contribution to our society.

We are proud to have you associated with our efforts and are grateful for your advice and participation.

Again, congratulations!

Sincerely,



James R. Ayers  
Executive Director

cc: Council members

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## Trustee Agencies

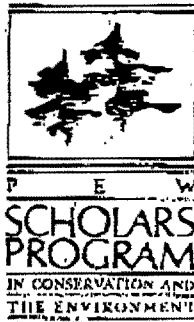
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

JUN-16-1994 14:16 FROM PEW SCHOLARS PROGRAM

TO

919072767178

P.001



Stan Van Velsor  
Assistant Director

backup sent to  
council members

**To:** Molly McCammon  
**From:** Stan Van Velsor, Assistant Director  
**Date:** June 16, 1994

**NUMBER OF PAGES (INCLUDING COVER PAGE)**

6

Dear Ms. McCammon,

Enclosed is a press release announcing the 1994 Pew Scholars in Conservation and the Environment including Charles Peterson, an associate of your organization. I would appreciate your assistance in publicizing his award and the very important work of these biodiversity experts.

If you have any questions or would like additional information you can contact Charles directly at (919) 726-6841, or please feel free to contact me at (313) 936-2556.

Sincerely,

Stan Van Velsor

JUN-16-1994 14:16 FROM PEW SCHOLARS PROGRAM

TO

919872767178

P.002



Stan Van Velsor  
Assistant Director

**DATE:** June 15, 1994

**CONTACT:** The Pew Scholars Program in Conservation  
and the Environment  
Stan Van Velsor, Assistant Director  
Pew Scholars Program in Conservation and the Environment  
Phone: (313) 936-2556 Fax: (313) 764-3516

### **Environmental Problem Solvers Receive Pew Conservation Scholars Award**

Ten conservation scientists have been selected as 1994 Scholars in Conservation and the Environment and will receive \$150,000 each over the next three years. The awards, given annually by the Pew Scholars Program in Conservation and the Environment, honor individuals whose careers reflect a commitment to both scholarship and environmental action.

"The 1994 Scholars have outstanding records in scholarship and conservation," said James E. Crowfoot, director of the Pew Scholars Program and president of Antioch College. "With the Pew awards these 10 individuals will be undertaking exciting new projects to advance the conservation of biological diversity. We look forward to the outcomes of their work, to their future collaborations with other Pew Scholars and their leadership in meeting the challenges of conservation."

The grant recipients include a plant ecologist devoted to the conservation and management of plant biodiversity in the species-rich Cape Floristic Region of South Africa, an internationally renowned conservation biologist whose work has revealed a much higher rate of tropical deforestation than generally accepted, and an interdisciplinary scientist who promotes the conservation of biodiversity in the developing world through the improved management of intensive agriculture.

"It is a privilege to be able to support the fine work of these 10 scholars," said Rebecca W. Rimel, president of The Pew Charitable Trusts. "Not only are they making significant contributions to understanding the origins of many of our environmental problems, they are committed to finding ways to solve them. Through their example, they are creating a new model for the field--that of scientist as active problem solver."

The Pew Scholars Program requires that all candidates be nominated by the heads of their institutions or by one of the Program's independent nominators. From a pool of approximately 70 nominees, 10 scholars are selected each year by a national advisory committee comprised of prominent leaders in the conservation community.

The Pew Scholars Program in Conservation and the Environment was established in 1988 by the Pew Charitable Trusts, one of the nation's largest environmental grantmakers. The Program was designed to encourage and support early to mid-career conservation scientists who are applying themselves to the conservation of biological diversity and related environmental issues. This program identifies outstanding scientists in a variety of environmentally oriented disciplines whose work combines scholarship with conservation action. The Program began making appointments in 1990 and the 10 Scholars selected for the 1994 round of awards comprise the fifth group of Pew Conservation Scholars.

The Pew Charitable Trusts, a national and international philanthropy with a special commitment to Philadelphia, support nonprofit activities in the areas of culture, education, the environment, health and human services, public policy and religion. Through their grantmaking, the Trusts seek to encourage individual development and personal achievement, cross-disciplinary problem solving, and innovative, practical approaches to meet the changing needs of a global community. The Pew Scholars Program in Conservation and the Environment is one of several scholars programs established by the Trusts, reflecting their interest in supporting exemplary individuals in the fields of art, religion, Eastern and Central European public policy, biomedical science, and the environment.

#### **1994 Pew Scholars in Conservation and the Environment**

Marcus E. Colchester  
Richard M. Cowling  
Gretchen C. Daily  
Thomas J. Goreau  
Norman Myers  
Rosamond L. Naylor  
Daniel C. Nepstad  
David W. Norton  
Charles H. Peterson  
Alexey V. Yablokov

World Rainforest Movement  
University of Cape Town  
University of California, Berkeley  
Global Coral Reef Alliance  
Self-Employed Environmental Consultant  
Stanford University  
Woods Hole Research Center  
Arctic Sivanmun Ilisagvik College  
University of North Carolina, Chapel Hill  
Koltzoff Institute of Developmental Biology

**Marcus Colchester** received a Ph.D. in Social Anthropology from Oxford University in 1982. He is currently the Director of the Forest Peoples Programme at the World Rainforest Movement in England. Mark's primary work has been securing indigenous peoples' rights to their lands and livelihoods by pressing for policy change at the national and international levels. Mark plans to use his Pew award to research, document, and analyze the problem of balancing indigenous communities, which are undergoing rapid social and economic change, with their environment. He aims to develop a practical problem solving approach to help indigenous communities evaluate the environmental implications of their changing livelihoods and take appropriate institutional measures to establish control.

**Richard Cowling** received a Ph.D. in Plant Ecology from the University of Cape Town (South Africa) in 1983. He is currently a Professor in the Institute for Plant Conservation at the University of Cape Town. Richard has devoted a majority of his efforts over the last decade to the conservation and management of plant biodiversity in the species-rich Cape Floristic Region of South Africa. He views the Pew award as a unique opportunity to develop an extension program for communicating to all sectors of society the economic and cultural benefits of the preservation and sustainable use of the extraordinarily diverse flora of the Cape Floristic Region.

**Gretchen Daily** received a Ph.D. in Biological Sciences from Stanford University in 1992. She is currently a Postdoctoral Fellow in the Energy and Resources Group at the University of California at Berkeley, where she is striving to enhance her proficiency as an interdisciplinary scientist to more effectively aid in the transformation of global society into a sustainable system. The Pew award will provide Gretchen with the resources and visibility needed for launching a major, long-term research effort concentrated on the relationship between biodiversity and ecosystem function. She believes that establishing the value of biodiversity is critical to its preservation.

**Thomas Goreau** received a Ph.D. in Biogeochemistry from Harvard University in 1981. He is currently the President of the Global Coral Reef Alliance, where he promotes coral reef protection by documenting stresses to reef ecosystems, identifying the causes of these stresses, and proposing strategies to restore these species-rich and highly sensitive ecosystems. Thomas intends to use the Pew award for establishing grass-roots environmental management councils in the important reef areas of the Caribbean. He plans on developing a bottom-up community management approach that confronts the deterioration of coral reef systems and promotes their official designation as marine protected areas.

**Norman Myers** received a Ph.D. in Conservation and Development from the University of California at Berkeley in 1973. He is a self-employed independent scientist and consultant whose pioneering work in the early 1970s established the true rate of species extinction worldwide to be one hundred times greater than generally accepted. Norman has focused a major portion of his work during the last decade on the rate of tropical rainforest deforestation, demonstrating that it continues to be much higher than previously speculated. He plans to use his Pew award to investigate the issue of synergistic compounding of biodiversity problems and the role of the "shifted cultivator" or displaced peasant in tropical deforestation.

**Rosamond Naylor** received a Ph.D. in Applied Economics from Stanford University in 1989. She is currently a Fellow in the Institute for International Studies at Stanford University, where she initiated an interdisciplinary research program that investigates biodiversity conservation in the developing world through improved management of intensive agriculture. She plans to use her Pew award to develop a research, training, and field outreach program that focuses specifically on the interactions between agricultural production and the conservation of biological diversity in Mexico and Southeast Asia.

**Daniel Nepstad** received a Ph.D. in Forest Ecology from Yale University in 1989. He is currently an Assistant Scientist at Woods Hole Research Center, where he works to empower the civil society of Amazonia to understand, defend, and sustainably manage their natural resources. His long-term goal is to build a collaborative program with Amazonian institutions to help organizations of farmers and forest residents advance proposals of sustainable forest utilization and management. Daniel plans to use his Pew award to understand and reduce the incidence of fire in the Amazonian region and to develop a fire prevention course and curriculum for agricultural communities.

**David Norton** received a Ph.D. in Zoophysiology from the University of Alaska in 1973. He is currently an Associate Professor of Natural Sciences at Arctic Sivuunmun Ilisagvik College, where he nurtures student interest in science and environment. David has recently focused his attention on developing Natural Science courses into curricular packages tailored to meet the diverse needs of rural Alaska college students. He plans to use his Pew award to develop multidisciplinary museology courses and training programs for rural North American Native students. He hopes to promote their movement into professional careers that will serve the goals of conserving biological diversity and celebrating their cultural heritage.



**Charles Peterson** received a Ph.D. in Biology from the University of California at Santa Barbara in 1972. He is currently a Professor of Marine Sciences at the University of North Carolina at Chapel Hill. Charles made a major contribution to environmental science as Chair of the Global Ocean Ecosystems Dynamics program that addressed how global change may be expected to affect marine ecosystems. He plans to use his Pew award to develop environmental regulations for coastal water quality and estuarine fisheries management designed to evaluate the consequences of alternative human activities on the health and production of two critical estuarine habitats, seagrass beds and oyster reefs.

**Alexey Yablokov** received a Ph.D. in Population Biology from the Soviet Union Academy of Sciences in 1965. He is currently a Senior Scientist at the Koltzoff Institute of Developmental Biology in Russia, and has worked as the top environmental policy advisor in both the Gorbachev and Yeltsin administrations. Alexey pioneered the application of "phenetic" marks (the smallest differences in anatomical structures, i.e., the difference in ear shape on the two sides of a person) to the detection of animal population structure and environmental stress. He plans to use his Pew award to develop a quick, cheap, non-invasive method which can be used for early detection of environmental contamination and the study of natural populations.

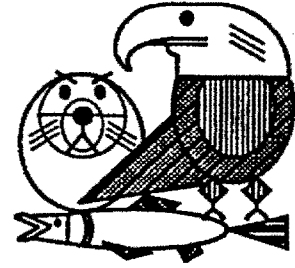
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Dave Gibbons, USFS  
**FROM:** James R. Ayers  
Executive Director  
**RE:** Appraisal Authorization

**DATE:** June 17, 1994

You are hereby authorized to undertake an appraisal for the Eyak Corporation lands as identified in the Eyak and Sherstone Comprehensive Habitat Protection proposal of May 24, 1994.

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

The appraisal should establish the base line (fee) value of each parcel, recognizing that the sellers are offering substantially less than fee interest for most parcels. Actual interests to be acquired, if any, have not yet been agreed upon. However, it is anticipated that parcel by parcel interests will be available for incorporation into the final appraisal.

JRA/mir

cc: Alex Swiderski, DOL  
Walt Sheridan, USDA, FS

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### Trustee Agencies

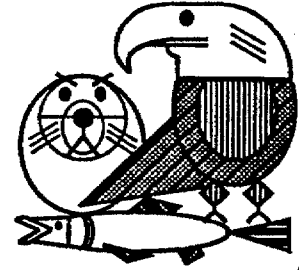
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



*faxed 6/17/94*

## FAX COVER SHEET

TO: Alex Swidirski	FROM: James R. Ayers
OFFICE: Department of Law	OFFICE: Executive Director's Office
FAX NUMBER: 278-7022	FAX NUMBER: 586-7589
PHONE NUMBER: 269-5274	PHONE NUMBER: 586-7238

COMMENTS:

DATE: June 17, 1994	TOTAL PAGES: 2
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### Trustee Agencies

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

# Exxon Valdez Oil Spill Trustee Council

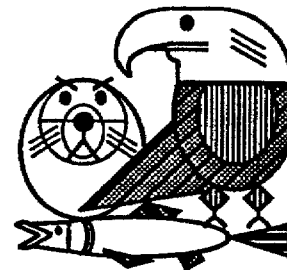
Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## FAX COVER SHEET

TO: Dave Gibbons	FROM: James R. Ayers
OFFICE: USFS	OFFICE: Executive Director's Office
FAX NUMBER: 586-7555	FAX NUMBER: 586-7589
PHONE NUMBER: 586-8784	PHONE NUMBER: 586-7238

COMMENTS:

DATE: June 17, 1994	TOTAL PAGES: 2
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### Trustee Agencies

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

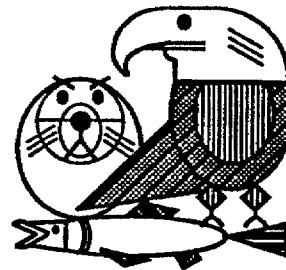
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## FAX COVER SHEET

TO: Walt Sheridan	FROM: James R. Ayers
OFFICE: USDA, FS	OFFICE: Executive Director's Office
FAX NUMBER: 586-7840	FAX NUMBER: 586-7589
PHONE NUMBER: 586-8863	PHONE NUMBER: 586-7238

COMMENTS:

DATE: June 17, 1994	TOTAL PAGES: 2
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### Trustee Agencies

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

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

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# of pages 1

To	W. H. Sheridan	From	Alex S. Gondecki
Co.		Co.	
Dept.		Phone #	
Fax #	586-7840	Fax #	278-7022

DRAFT

June 17, 1994 3:08pm

DRAFT

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

POLICY STATEMENT

**Acquisition of less than fee simple title**

Fee simple title acquisitions have the potential to provide the highest level of habitat protection. However, in some cases, restoration of injured resources and services can be achieved through acquisition of less than a fee simple title interest in the land. When adequate to meet restoration objectives, this strategy can have several advantages. First, it may reduce the cost of the protection. Second, lands with high restoration potential for which fee simple title is not for sale may be available for acquisition of less than fee simple. Third, it may allow the owner of the residual fee interest to pursue economic, cultural and other activities on the lands that are compatible with restoration objectives.

The density of commercial or other development has the potential to reduce the value for restoration purposes of the rights acquired in a less than fee simple transaction. The rights reserved to the seller, including the extent of development permitted, if any, must be delineated so as to preserve the value of the land for restoration purposes. The reserved rights may differ from parcel to parcel. In addition to density, related environmental issues such as shoreline setbacks, water and sewage and stream buffers should be addressed to ensure that the rights being acquired will, in fact, provide the level of protection needed to facilitate realization of the restoration objectives.

**Acquisition of commercial timber rights**

Acquisitions involving commercial timber rights, where the retained fee interests include the right of the fee owner to pursue development and other activities other than commercial timber harvest, should address the extent of timber removal permitted incidental to the fee owner's exercise of retained rights. The amount of incidental timber removal to be allowed must not significantly reduce the value of acquiring the timber rights for restoration purposes. Factors to be considered are the extent of buffers for sensitive areas such as streams and shorelines, limitations on the amount of canopy removal and limitations on the clearing or substantial clearing of areas. Any revenue in excess of removal costs received from the sale of commercial timber removed incident to the exercise of retained rights should be paid to the managing agency.

Because of differing restoration needs for various parcels the limitations on incidental timber removal may differ for different

faxed 6/17/94 to  
the attached list  
of people

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parcels. Nevertheless, as a guideline, incidental timber removal should be limited to no more than five percent of the basal area<sup>1</sup> of each parcel<sup>2</sup> to be acquired. Incidental timber removal of up to 25 percent of the basal area of any portion of the parcel to be developed may be allowed as long as the development does not exceed 100 acres in size and no more than five percent of the basal area of the entire parcel is removed. In addition to the basal area limitations, the size and juxtaposition of discrete blocks of timber harvested incidental to the fee owner's exercise of retained rights must be limited.<sup>3</sup> The size of such discrete blocks should be limited to no more than one, five acre block per one sixteenth section. The blocks should not be contiguous. Incidental timber removal must be conducted so that there is not a disproportionate number of larger trees removed. In addition no timber removal should be permitted within 300 feet of anadromous streams, streams that support nesting of injured species, mean high water of salt water bodies, or fish bearing fresh water body shorelines except as may be specifically agreed upon after consideration of the restoration impact of the proposed removal.

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<sup>1</sup> Basal area is a per acre measure of the cross sectional area at chest height occupied by the standing timber.

<sup>2</sup> A "parcel" is a discrete piece of land as identified and evaluated through the Comprehensive Habitat Protection process and identified in that process, e.g., EYA1, KON4.

<sup>3</sup> "Discrete blocks" are areas which are clearcut or more than 75 percent of the basal area is removed.

DRAFT  
June 17, 1994 3:04pm

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### PUBLIC ACCESS

All acquisitions shall be for the purpose of restoring to their pre-spill condition natural resources injured, lost, or destroyed as a result of the oil spill and the services provided by those resources. Covenants governing public access shall be sought when the interest to be acquired is less than fee simple but the price to be paid for the interest is a substantial portion of the value of fee simple and acquisition of public access rights will serve to restore services lost or diminished as a result of the oil spill.

### The Nature of Public Access

Scope: Public access is access by the public to lands in which the interests are acquired for purposes of subsistence use and recreation, including among other activities, sport hunting and fishing, hiking and camping.

Limitations on public access: Public access should not be unreasonably restricted or denied for personal, non-commercial use of lands which are "unimproved" as that term is used in AS 09.45.795, so long as AS 09.45.795, or a substantially similar statute, continues in effect. Public access for personal, non-commercial use on unimproved lands may be reasonably restricted or denied as follows:

**DRAFT**

(i) through reasonable restrictions by the seller on conditions of use such as requirements for permits, size of group activities allowed, length of stay and other conditions of occupancy;

(ii) where necessary for the seller to exercise its reasonable business interests, such as in connection with a lodge site;

(iii) where necessary to protect specific areas of cultural or historical significance;

(iv) where the government agency which has acquired the interest in land (the "buyer") determines that continued public use of the land will diminish the ability of the land to aid in the restoration of injured natural resources to the degree that restriction or denial of further public access is appropriate.

(v) where the seller determines that public use of the land has injured the land so as to diminish the use of the lands for purposes of restoration of resources or services injured by the oil spill and the buyer has failed, after reasonable notice and opportunity, to repair the damage;

**DRAFT**

**DRAFT**

(vi) where the seller and the buyer, in consultation with applicable state or federal agencies, determine that continued public access will jeopardize the ability of the natural resources on the land to provide subsistence services to the residents of the area where the land is located.

Restriction or denial of public access must be as limited in scope as is feasible while still addressing the problem which led to the restriction or denial, instituted only after consultation with the buyer, and remain in place only so long as the condition which gave rise to the restriction or denial of public access exists. Where the restriction denial is based on injury to the land, public access must be restored after the injury has been repaired and the seller and buyer have reached agreement on actions needed, if any, to minimize the likelihood of a recurrence of such injury.

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## PUBLIC ACCESS

Covenants governing public access shall be sought when the interest to be acquired for purposes of restoring natural resources injured by the oil spill is less than fee simple but the price to be paid for the interest is a substantial portion of the value of fee simple and acquisition of public access rights will also serve to ~~restere~~ benefit services lost or diminished as a result of the oil spill.

## The Nature of Public Access

Scope: Public access is access by the public to lands in which the interests are acquired for purposes of restoration of natural resources injured by the oil spill and also serves to benefit subsistence use and recreation, including among other activities, sport hunting and fishing, hiking and camping.

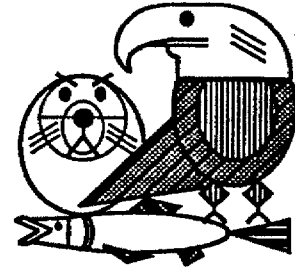
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# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



## FAX COVER SHEET

TO: Byron Morris	FROM: James R. Ayers/Walt Sheridan
OFFICE: NOAA	OFFICE: Executive Director's Office
FAX NUMBER: 789-6608	FAX NUMBER: 586-7589
PHONE NUMBER: 789-6600	PHONE NUMBER: 586-7238

COMMENTS:
Comments from Walt Sheridan:
Enclosed are draft policy statements on public access and acquisition of less than
fee simple title. Please review and be prepared to discuss at the Wednesday,
June 22, meeting with Executive Director Ayers. We would like to be able to
reach agreement at that meeting on a form of the policies suitable for review and
comment by the Public Advisory Group at their upcoming meeting.

DATE: June 17, 1994	TOTAL PAGES: 7
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### Trustee Agencies

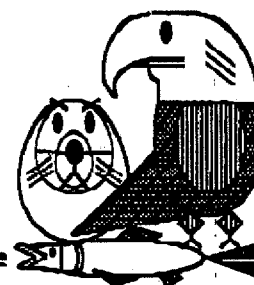
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

# Exxon Valdez Oil Spill Trustee Council

## Restoration Office

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

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



### WORK FORCE AGENCY LIAISONS

Dave Gibbons

USFS

709 West 9th Street, Rm 831

Juneau, Alaska 99802-1628

586-8784

586-7555 - fax

Mark Brodersen

ADEC

410 Willoughby Avenue, Rm 105

Juneau, Alaska 99801-1795

465-5323

465-5375 - fax

Jerome Montague

ADF&G

1255 West 8th Street

Juneau, Alaska 99802-5526

465-6160

465-4759 - fax

Byron Morris

NOAA

11305 Glacier Highway

Auke Bay, Alaska 99821

789-6600

789-6608 - fax

Sandy Rabinowitch

DOI

2525 Gambell Street

Anchorage, Alaska 99503

257-2653

257-2510 - fax

Veronica Gilbert

ADNR

645 G Street, Rm 401

Anchorage, Alaska 99501-3451

278-8012

276-7178 - fax ✓

8/8/84

### 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

Habitat Protection Work Group

Tom Gerlach  
USFWS  
1011 E Tudor Road  
Anchorage, Alaska 99503

786-3342  
786-3635 - Fax ✓

Jess Grunblatt  
ADNR  
645 G Street, Rm 401  
Anchorage, Alaska 99501-3451

278-8012  
276-7178 - Fax ✓

Ken Holbrook  
USFS  
3301 C Street, Rm 300  
Anchorage, Alaska 99503-3998

271-2819  
271-3992 - Fax ✓

Mark Kuwada  
ADF&G  
333 Raspberry Road  
Anchorage, Alaska 99518-1599

267-2277  
349-1723 - Fax ✓

Art Welner  
ADNR  
645 G Street, Rm 401  
Anchorage, Alaska 99501-3451

278-8012  
276-7178 - Fax ✓



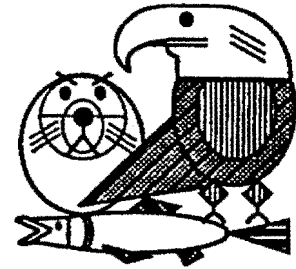
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 15, 1994

Ms. Donna Nadell  
President  
Eyak Corporation  
P.O. Box 340  
Cordova, AK 99574

Mr. Luke Borer  
President  
Sherstone, Inc.  
P.O. Box 340  
Cordova, AK 99574

Dear Ms. Nadell and Mr. Borer:

The *Exxon Valdez* Oil Spill Trustee Council met on May 31 in Juneau. One of the agenda items was a review of the status of the Comprehensive Habitat Protection program. Specifically, the Trustees, in executive session, received a briefing on the status of each habitat protection effort.

Upon reconvening in public session, the Trustees authorized me to proceed with the appraisal process for those parcels identified in the Comprehensive Habitat Protection Process. Included are the lands identified in your May 24, 1994 Comprehensive Proposal for Protection of Eyak Lands and Sherstone's Timber Interests. With your written concurrence, I am prepared to immediately authorize an appraisal of the lands and interests identified in your proposal. This would provide a clear basis for further negotiations.

In a related matter, the Trustees noted common issues arising in situations involving the acquisition of a less-than-fee interest. Two of those issues are public access and level of resource protection needed to meet restoration objectives. In an effort to obtain more consistency with respect to these issues, I was asked to develop proposed policies for consideration of the Council at its next meeting. The policy development effort is to involve the landowners and the public. I will provide you, and the other landowners with a more detailed schedule of this process in the near future.

---

#### Trustee Agencies

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

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

June 15, 1994

In closing, I thank you for your hard work in submitting your comprehensive proposal. I look forward to receipt of your authorization for me to proceed with the appraisal process.

Sincerely,

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

James R. Ayers  
Executive Director

JRA/mir

cc: Alex Swirderski, Assistant Attorney General, Department of Law  
Walt Sheridan, USDA Forest Service

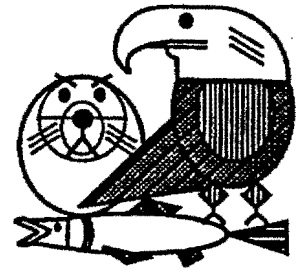
# Exxon Valdez Oil Spill Trustee Council

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

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## MEMORANDUM

**TO:** See Distribution

**FROM:** June Arkoulis-Sinclair  
Administrative Officer

**DATE:** June 13, 1994

**RE:** Court Request Status Update

---

### Court Request #6:

Requested withdrawal of \$13,618,982 of funds from the Court Registry for FY 94 Work Plan projects (authorized budget of \$16,928,500). Request was filed with the Court on June 3, 1994.

### Court Request #7:

Requested withdrawal of \$2,241,741 of funds from the Court Registry for funding actions taken by the Trustee Council at the April and May meetings. Currently under review by the Department of the Interior, Alex Swiderski of the State Department of Law expects request to be filed within the next two days

I will let you know if the latest request is filed this week and if not what is causing the delay.

### Distribution

Jim Ayers  
Bob Baldauf  
Mark Broderson  
Carol Fries  
Dave Gibbons  
Veronica Gilbert  
Molly McCammon  
Jerome Montague  
Byron Morris  
Sandy Rabinowitch

crupdt.wpd

### Trustee Agencies

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

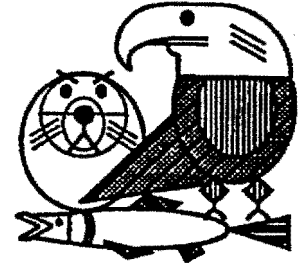
# Exxon Valdez Oil Spill Trustee Council

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645 "G" Street, Anchorage, AK 99501

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## MEMORANDUM

**TO:** Paul Eade  
Regional Management & Budget Officer

**THROUGH:** James R. Ayers  
Executive Director

**FROM:** June Arkovits-Sinclair  
Administrative Officer

**DATE:** June 13, 1994

**RE:** Juneau Federal Building Space Requirements

---

We have done a thorough and comprehensive analysis of the cost and benefit of reconstructing our space (Room 859A) and feel that it would be more prudent not to proceed with any further construction. We are confident that we are able to accomplish our mission with the current floor plan. Particularly, given an estimated reconstruction cost of \$12,000-\$15,000 we feel it would be best to leave the space as is.

cc: Steve Pennoyer

eade.wpd

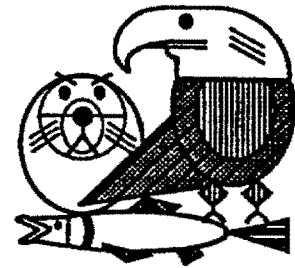
# Exxon Valdez Oil Spill Trustee Council

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

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## **MEMORANDUM**

**TO:** Trustee Council  
**FROM:** James R. Ayers  
Executive Director

**DATE:** June 10, 1994

**RE:** May 31, 1994 Trustee Council Meeting

---

This memo is intended to update you on a number of issues and a tentative meeting schedule for the next five months.

### **FY95 Work Plan -**

Everyone is working hard to accommodate your direction and the various policies that must be included in the FY95 Work Plan. Attached you will find a revised schedule based on the most recent council preferences (Attachment 1). It is not perfect. However, it has been designed with the following:

- A detailed solicitation for proposals with guidance
- Science plan framework
- Public Advisory Group participation
- Public review
- Legal review
- Trustee Council review of draft
- Trustee Council authorization
- Implementation subject to Science review
- Project monitoring
- Project reports
- Synthesizing
- Adaptive Management Process
- Ecosystem approach
- Final authorization (F.A.) in October (Next year we'll have F.A. prior to October 1)

### **FY95 Administration -**

We are in the process of developing the administration budget for FY95. I have requested that "liaisons" develop their budgets based on 1 F.T.E. and \$150,000. It would seem that this is sufficient in most cases. The total budget must be no more than \$3.5 million including our Chief Scientist and technical review capability in order to meet your 5% goal. This is achievable. In addition, we are continuing our effort to develop an Information Management System. This will likely be a separate project for your review.

---

#### **Trustee Agencies**

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

**Science Review Board -**

We have had several work sessions involving scientists, the Restoration Work Force, Public Advisory Group members, and other public members to develop an effective Science program. The results of these workshops are included in Chapter 3 and Appendix A of the Invitation to Submit a Restoration Project for FY95. These research priorities will be continually reviewed and revised using an adaptive management approach.

In order to develop and maintain a Science program as a cornerstone to our Ecosystem foundation and provide the integration and synthesis of research results, a Science Review Board is essential. Attached you will find a draft of the Science Review Board structure (Attachment 2). I assume that the Trustee Council will want to review and approve appointments to the Science Review Board. That is consistent with the Memorandum of Agreement between the United States and the State of Alaska. I would request that any comments on the draft be submitted to me by Friday, June 24. For the long term, I would hope that you would formalize the Science Review Board during either the July or August meeting.

Until you take formal action it is my intent to use an informal technical review committee for this current year's effort. This committee will be made up of:

- Bob Spies, Chief Scientist.
- Charles Peterson. Dr. Peterson is a Professor at the Institute of Marine Science of the University of North Carolina in Moorehead City, NC. Dr. Peterson is a marine ecologist with particular expertise in intertidal ecosystems who has been actively involved in the review of research and monitoring activities conducted by the Trustee Council during the past several years.
- Philip Mundy. Dr. Mundy is a well-respected fisheries biologist specializing in the study of salmon, who is currently a private consultant. He has studied salmon of the northern hemisphere for the past 20 years, and has been a key reviewer of fisheries monitoring and research for the Trustee Council.
- Christopher Haney. Dr. Haney is an Assistant Professor of Wildlife Technology in the School of Forest Resources at Pennsylvania State University in Dubois, PA. He has studied Alaska seabirds for many years, and has a very strong background in statistical applications in the biological sciences.
- Stanley Senner. Mr. Senner is the Director of the Audubon Migratory Bird Office in Boulder, CO. He specializes in the study of migratory shorebirds, and possesses an in-depth knowledge of the oil spill from his previous work on the Restoration Team for the Alaska Department of Fish and Game from 1990-1992.

**"Less Than Fee" -**

We are in the process of developing a draft policy statement regarding "less than fee simple" acquisitions. The focus is on public access and easement acquisition. A draft will be circulated for your review prior to the PAG meeting on June 28.

**Investment Options -**

Research and preparation of an options paper on how to maximize interest earnings on all Trustee Council funds including the Reserve has begun and will be available for your review by the August meeting. A detailing of current interest rates will be sent to you shortly. Currently the Federal District Court Rate is averaging 3.6%. The State percentage is averaging 4.7% and we do not have a Federal percentage at this time.

**Project Status -**

An analysis of the Project Status Report will be included with the next quarterly report as you directed. All efforts will be made to work with individual agencies to resolve any outstanding issues.

**Future Meetings -**

Based on the integration of the various tasks that have to be accomplished and your respective schedules, we now anticipate:

a) July 5th or 11th, 1994 meeting for\*:

- Policy review of Acquisitions "less than fee"
- Overview of proposals for FY95 Work Plan
- Science Review Board policy review
- EIS and Restoration Plan rewrite authorization

**\* We are planning an EVOS Trustee Council picnic for the evening of July 11. We hope all of you can attend.**

b) August 5th, 1994 meeting for:

- Review of FY95 draft Work Plan for release to the public
- Update on issues
- Restoration Plan EIS update
- Fee Simple Acquisition progress

c) On or about September 15th, 1994 for:

- EIS and Final Restoration Plan update
- Fee Simple Acquisition approval as appropriate
- Interim budget approval

d) On or about October 31st, 1994 for:

- Adoption of final Restoration Plan
- Final authorization on FY95 Work Plan
- Authorization for the Institute of Marine Science

- Authorization for Habitat Acquisition purchase agreements
- Update on Issues

All things considered, we are making progress. However, it will take a series of meetings this summer to stay on track. Please, let me know if there is additional information that you may need.

JRA/mir

Attachments:    1 - FY95 Work Plan Timeline  
                     2 - Science Review Board, Duties, Composition & Assumptions  
                     3 - Science Planning and Management Organizational Diagram  
                     4 - EVOS Adaptive Management Cycle



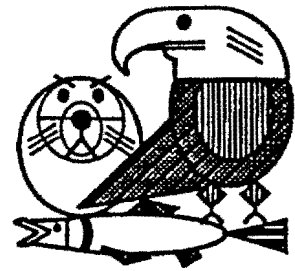
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Trustee Council  
**FROM:** James R. Ayers  
Executive Director

**DATE:** June 10, 1994

**RE:** May 31, 1994 Trustee Council Meeting

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This memo is intended to update you on a number of issues and a tentative meeting schedule for the next five months.

### FY95 Work Plan -

Everyone is working hard to accommodate your direction and the various policies that must be included in the FY95 Work Plan. Attached you will find a revised schedule based on the most recent council preferences (Attachment 1). It is not perfect. However, it has been designed with the following:

- A detailed solicitation for proposals with guidance
- Science plan framework
- Public Advisory Group participation
- Public review
- Legal review
- Trustee Council review of draft
- Trustee Council authorization
- Implementation subject to Science review
- Project monitoring
- Project reports
- Synthesizing
- Adaptive Management Process
- Ecosystem approach
- Final authorization (F.A.) in October (Next year we'll have F.A. prior to October 1)

### FY95 Administration -

We are in the process of developing the administration budget for FY95. I have requested that "liaisons" develop their budgets based on 1 F.T.E. and \$150,000. It would seem that this is sufficient in most cases. The total budget must be no more than \$3.5 million including our Chief Scientist and technical review capability in order to meet your 5% goal. This is achievable. In addition, we are continuing our effort to develop an Information Management System. This will likely be a separate project for your review.

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#### Trustee Agencies

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

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

Science Review Board -

We have had several work sessions involving scientists, the Restoration Work Force, Public Advisory Group members, and other public members to develop an effective Science program. The results of these workshops are included in Chapter 3 and Appendix A of the Invitation to Submit a Restoration Project for FY95. These research priorities will be continually reviewed and revised using an adaptive management approach.

In order to develop and maintain a Science program as a cornerstone to our Ecosystem foundation and provide the integration and synthesis of research results, a Science Review Board is essential. Attached you will find a draft of the Science Review Board structure (Attachment 2). I assume that the Trustee Council will want to review and approve appointments to the Science Review Board. That is consistent with the Memorandum of Agreement between the United States and the State of Alaska. I would request that any comments on the draft be submitted to me by Friday, June 24. For the long term, I would hope that you would formalize the Science Review Board during either the July or August meeting.

Until you take formal action it is my intent to use an informal technical review committee for this current year's effort. This committee will be made up of:

- Bob Spies, Chief Scientist.
- Charles Peterson. Dr. Peterson is a Professor at the Institute of Marine Science of the University of North Carolina in Moorehead City, NC. Dr. Peterson is a marine ecologist with particular expertise in intertidal ecosystems who has been actively involved in the review of research and monitoring activities conducted by the Trustee Council during the past several years.
- Philip Mundy. Dr. Mundy is a well-respected fisheries biologist specializing in the study of salmon, who is currently a private consultant. He has studied salmon of the northern hemisphere for the past 20 years, and has been a key reviewer of fisheries monitoring and research for the Trustee Council.
- Christopher Haney. Dr. Haney is an Assistant Professor of Wildlife Technology in the School of Forest Resources at Pennsylvania State University in Dubois, PA. He has studied Alaska seabirds for many years, and has a very strong background in statistical applications in the biological sciences.
- Stanley Senner. Mr. Senner is the Director of the Audubon Migratory Bird Office in Boulder, CO. He specializes in the study of migratory shorebirds, and possesses an in-depth knowledge of the oil spill from his previous work on the Restoration Team for the Alaska Department of Fish and Game from 1990-1992.

"Less Than Fee" -

We are in the process of developing a draft policy statement regarding "less than fee simple" acquisitions. The focus is on public access and easement acquisition. A draft will be circulated for your review prior to the PAG meeting on June 28.

Investment Options -

Research and preparation of an options paper on how to maximize interest earnings on all Trustee Council funds including the Reserve has begun and will be available for your review by the August meeting. A detailing of current interest rates will be sent to you shortly. Currently the Federal District Court Rate is averaging 3.6%. The State percentage is averaging 4.7% and we do not have a Federal percentage at this time.

Project Status -

An analysis of the Project Status Report will be included with the next quarterly report as you directed. All efforts will be made to work with individual agencies to resolve any outstanding issues.

Future Meetings -

Based on the integration of the various tasks that have to be accomplished and your respective schedules, we now anticipate:

## a) July 5th or 11th, 1994 meeting for\*:

- Policy review of Acquisitions "less than fee"
- Overview of proposals for FY95 Work Plan
- Science Review Board policy review
- EIS and Restoration Plan rewrite authorization

\* We are planning an EVOS Trustee Council picnic for the evening of July 11. We hope all of you can attend.

sponsored by staff  
stock all - NO public funds

## b) August 5th, 1994 meeting for:

- Review of FY95 draft Work Plan for release to the public
- Update on issues
- Restoration Plan EIS update
- Fee Simple Acquisition progress

c) On or about September 15<sup>th</sup>, 1994 for:

- EIS and Final Restoration Plan update
- Fee Simple Acquisition approval as appropriate
- Interim budget approval

d) On or about October 31<sup>st</sup>, 1994 for:

- Adoption of final Restoration Plan
- Final authorization on FY95 Work Plan
- Authorization for the Institute of Marine Science

Aug 15<sup>th</sup> tele confer

August 29<sup>th</sup> or 30<sup>th</sup>

28<sup>th</sup>

- Authorization for Habitat Acquisition purchase agreements
- Update on Issues

All things considered, we are making progress. However, it will take a series of meetings this summer to stay on track. Please, let me know if there is additional information that you may need.

JRA/mir

Attachments:    1 - FY95 Work Plan Timeline  
                     2 - Science Review Board, Duties, Composition & Assumptions  
                     3 - Science Planning and Management Organizational Diagram  
                     4 - EVOS Adaptive Management Cycle

## FY95 Work Plan Timeline

Period	Task
05/16 - 06/15	Invitation to submit FY95 Restoration Projects. (Deadline for main process is 6/15; deadline for two experimental procurements is 6/30.) Trustee Council briefed on May 31.
05/27	Identify interim funding needs for first quarter FY95.
06/02	Finalize and distribute FY95 budget instructions to agencies.
06/02 - 06/10	Review and finalize list of FY95 interim funding needs.
06/16 - 06/25	Staff review and organization of project proposals. Review of each agency's projects by that agency's attorneys completed.
06/24	All budgets for FY95 due.
06/28	Public Advisory Group briefing.
06/27 - 07/11	Chief scientist and technical review. Legal review of all projects by all attorneys.
07/11	Trustee Council meeting (less than fee issues).
07/12 - 07/13	Chief Scientist, Interim Science Review Board, Executive Director, Restoration Work Force, and Coordinating Committee develop \$35 million preliminary Draft FY95 Work Plan (including administration, restoration reserve and payables).
07/14 - 07/27	Revise, combine, and add projects if needed. Prepare preliminary Draft Work Plan.
08/01	Public Advisory Group review of preliminary Draft FY95 Work Plan.
08/05	Trustee Council meeting to review preliminary Draft FY95 Work Plan.

08/06 - 08/18	Finalize Draft FY95 Work Plan. Finalize Brief Project Descriptions and draft budgets.
08/19 - 09/05	Print and mail Draft FY95 Work Plan.
09/06-09/15	Trustee Council meeting to take action on FY95 budgets for administration, carry-forward projects, and 94 reports.
09/06 - 10/04	Review of the Draft FY95 Work Plan by the general public and the Public Advisory Group.
10/05 - 10/18	Compile comments received.
10/19 - 10/20	Executive Director prepares final recommendations in response to public comment.
10/21	Trustee Council receives packet of information for 10/31 meeting.
10/31	Trustee Council approves FY95 Work Plan.
11/01 - 12/1	Agencies prepare Detailed Project Descriptions, prepare Requests For Proposals (RFPs) as appropriate.
12/1 - 01/31	Scientific or peer review of Detailed Project Descriptions.
1/15 - 1/20	Principle Investigator Workshop to review results of 1994 field season, modify FY95 projects if needed, and develop FY96 priorities.
02/01 - 02/28	Approve Detailed Project Descriptions (revise if needed) and negotiate contracts.

# SCIENCE REVIEW BOARD

## Responsibilities of the Board

1. Assist in the development of an adaptive management process:
  - A. Develop a synthesis that provides an annual overview of what has been accomplished, what has been learned, and what gaps need to be addressed.
  - B. Assist that Executive Director to organize the agenda for the annual workshop which reviews the restoration program.
  - C. Participate in the development of the Annual Status Report to the public, including an overview of the general health of the spill area ecosystem, and the status of injured resources and service.
  - D. Recommend appropriate changes to ongoing and proposed work and annually identify appropriate new projects.
2. Recommend scientific priorities based on technical merit:
  - A. Identify meritorious ideas and projects.
  - B. Recommend a prioritized list of ideas and projects within a specified funding level.
  - C. Recommend resolution of conflicts between competing proposals.
  - D. Recommend the best proposal or combination of proposals for a given objective and/or project.
  - E. Provide guidance to the interdisciplinary work groups for the development of strategies, research approaches, and testable hypotheses for monitoring, research, and general restoration activities.
  - F. Participate in the formation of the annual work plan; ensure that it is a comprehensive package for restoration that is both integrated and synthesized.
3. Assist in the peer review process for proposed, ongoing, and completed work:
  - A. Review proposals.
  - B. Review project design.
  - C. Review project conclusions and reports.

DRAFT

## Composition

1. Members must be recognized as leading experts with proven track records, must have a multi-disciplinary approach to solving scientific problems, and must have demonstrated professional integrity.
2. Since continuity is important, prior knowledge of the *Exxon Valdez* oil spill is desirable.
3. The Board will consist of three to five members including the Chief Scientist to cover as many as is appropriate of the following disciplines:
  - A. Archaeology
  - B. Birds
  - C. Ecotoxicology/chemistry
  - D. Fish
  - E. Intertidal/Subtidal
  - F. Marine Mammals
  - G. OceanographyWhere expertise is not available on the board, additional expertise on specific topics will be secured as necessary from appropriate sources.
4. The Chief Scientist will chair the Board (including calling meetings, setting agendas, and conveying results).
5. Appointment of persons to fill the Science Review Board positions shall be made by the Executive Director subject to approval by the Trustee Council.
6. Members will serve at the discretion of the Executive Director.
7. Members may not be contractually involved in the implementation of projects. Even the appearance of a conflict of interest must be avoided.
8. Annually, members must be able to travel to Alaska for at least two meetings. The first is the annual workshop that is conducted to disseminate the results of the previous season's field work, and recommend projects and/or modification of projects for the coming year. The second meeting will be to review project proposals as part of the annual work plan. The Board or individual members may hold additional meetings as needed.

DRAFT

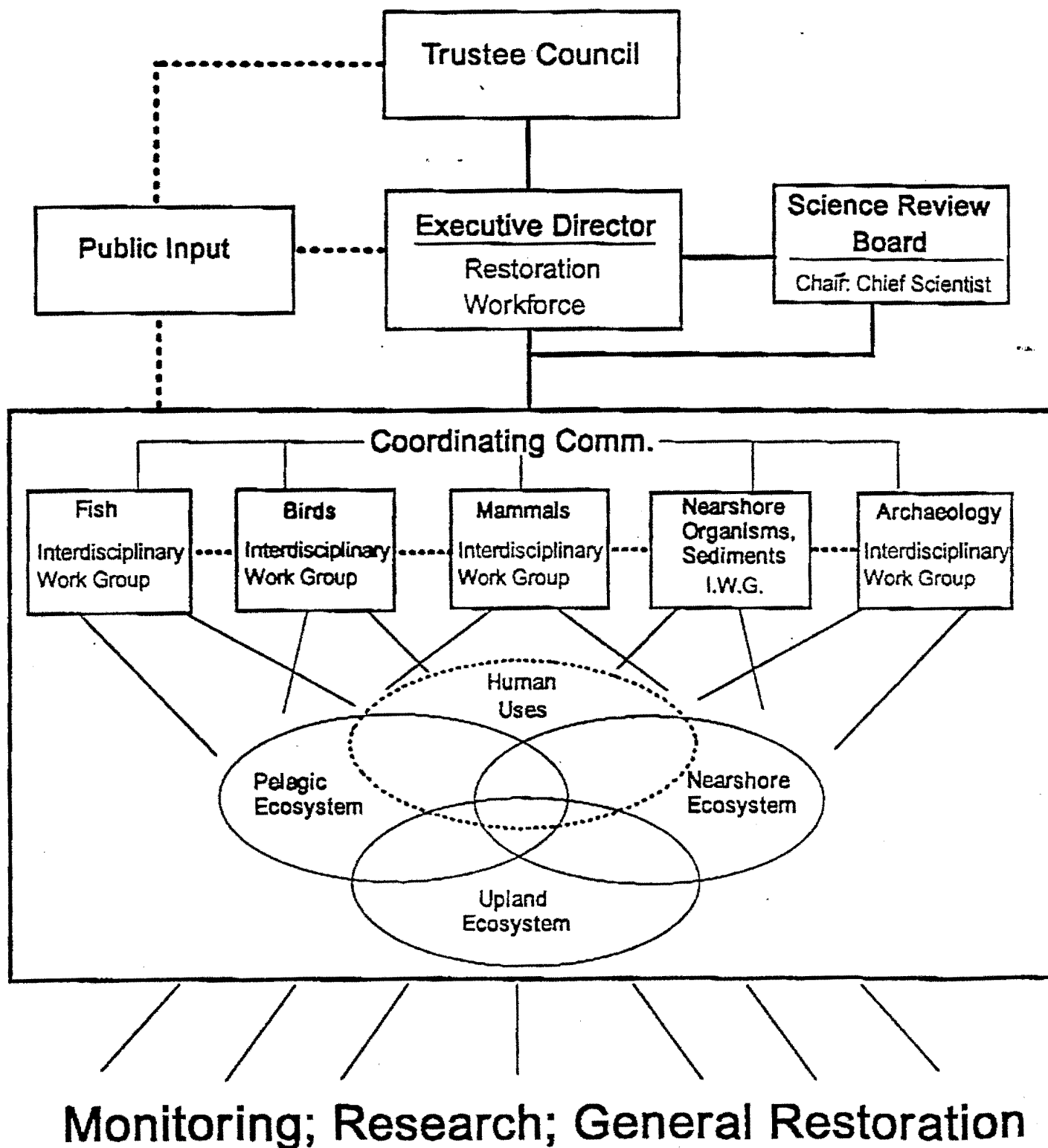


## **Assumptions**

1. The Science Review Board primarily focuses on the science program and scientific issues.
2. The Trustee Council establishes policies and executes authorizations per the Consent Decree. The Science Review Board makes recommendations and presentations to the Executive Director and the Trustee Council as appropriate.
3. Social objectives and policy continue to be set by the Trustee Council. The Science Review Board will be requested to make recommendations on how to most efficiently and effectively implement those objectives and policies.
4. The Science Review Board will operate on a consensus basis with majority and minority reports issued when necessary.
5. Science Review Board members only work part time and are compensated appropriately.
6. Both compensated and uncompensated peer reviewers will be available to the Science Review Board as necessary to review proposals, project descriptions, and reports.
7. Science Review Board meetings will be open to the public unless otherwise indicated by law (such as when reviewing proposals as part of a competitive procurement process in which proposals are confidential).
8. Staff support for the Science Review board will be provided by the Executive Director.

**DRAFT**

DRAFT 5/19/94

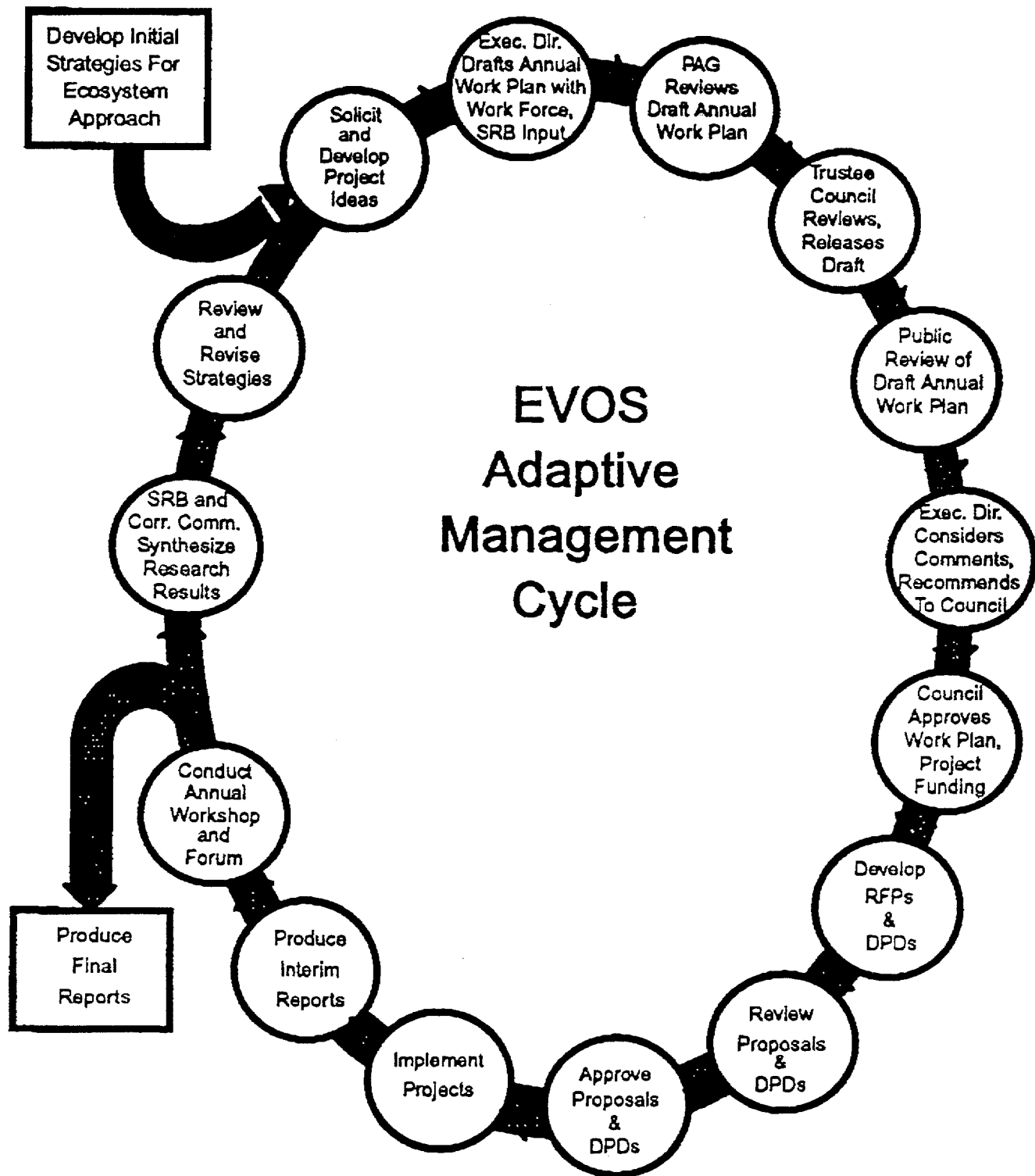
Science Planning and Management  
Organizational Diagram

DRAFT

DRAFT

DRAFT

(06/07/94)



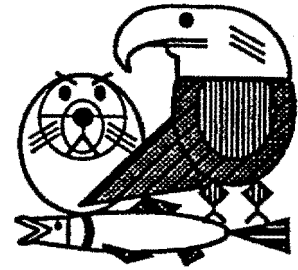
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Alex Swirderski, Department of Law  
Walt Sheridan, USDA Forest Service  
Habitat Work Group

**FROM:** James R. Ayers  
Executive Director

**DATE:** June 10, 1994

**RE:** Tatitlek

---

The Tatitlek Corporation has recently contacted me regarding their interest in participating in the *Exxon Valdez* Oil Spill Trustee Council habitat protection effort (see attached). By way of this memo I am asking that you work together to determine if there are habitat areas within the Tatitlek lands that warrant our attention at this time.

I request that this review be conducted in a manner consistent with the previous analysis and should include ranking within our comprehensive habitat protection process.

Please keep me apprised of your progress. No negotiations or appraisal should proceed until this assessment has been accomplished and reported to me.

Thank you.

JRA/mir

Attachment



June 6, 1994

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

Dear Mr. Ayers,

This letter will serve as authorization for staff members designated by your office to enter on lands of The Tatitlek Corporation in Prince William Sound for the purpose of habitat evaluation.

This letter may be revoked at any time.

Sincerely,

THE TATITLEK CORPORATION

*Carroll Kompkoff*

Carroll Kompkoff, President

REF 94-077  
CK/pkm



Landry &  
Associates

RECEIVED

JUN 08 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

June 2, 1994

Deborah Williams  
Special Assistant to the Secretary  
U.S. Fish & Wildlife Service  
1011 E. Tudor Road  
Anchorage, Alaska 99503

Dear Deborah:

It was a pleasure meeting you at the Exxon-Valdez Trustees' Council meeting in Juneau. It is my understanding that, as a result of your discussions and leadership, there is a possibility the Federal Trustees will be able to tour Kodiak Island July 6th through the 8th.

On behalf of the Akhiok-Kaguyak Native Corporation and the Old Harbor Native Corporation, this letter will serve as a formal invitation for you to visit their villages and lands. Depending on the weather, it may be a particularly good time to view the petroglyphs. It is an easy trip on Akhiok-Kaguyak lands.

Deborah, we know the Fish & Wildlife Service could easily take all the time that is available, but we request the Federal Trustees try to take the time to learn a little bit more about the people and their lands on a direct basis.

We will discuss this with you further as the time draws closer.

Good luck on all your endeavors.

Warm regards,

  
Larry Landry

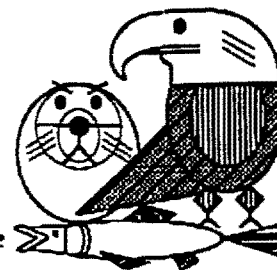
cc: Ralph Eluska, President, Akhiok-Kaguyak, Inc.  
Emil Christiansen, President, Old Harbor Native Corporation  
James Wilkens, Esq.  
Walt Ebell, Esq.  
Glen Ellison

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



June 3, 1994

Dr. Ted Cooney  
Institute of Marine Science  
University of Alaska Fairbanks  
Fairbanks, Alaska 99775-1080

Dear Dr. Cooney:

Post-It™ brand fax transmittal memo 7671

# of pages > 2

To	Trustee Council	From	James Ayers
Co.		Co.	Executive Director
Dept.		Phone #	278-8012
Fax #		Fax #	276-7178

I have recently been advised that you are in the process of preparing your FY95 proposal for restoration funds, to continue research efforts in Prince William Sound (PWS). I want to commend you for your commitment in FY94 and provide some framework for the FY95 work plan process. We are building the work plan for FY95 as you know through the "Invitation to Submit Project Descriptions for Fiscal Year 1995." I want to call your attention to this document.

Specifically, there are a couple of points I want to bring to your attention. First, due to time constraints, the Trustee Council will not take action on the final FY95 work plan until late October. Therefore, Fish and Game will be contacting you regarding first quarter funding needs. The first quarter funding is limited to funds for completing 94 field work and reports, as well as funds to continue those specific projects through the fall that absolutely cannot wait until the complete work plan process is finalized in late October. Ted, we expect this to be minimal.

Secondly, it is important that you note that there is clear guidance in many areas. In particular I look forward to your cooperation in meeting our financial effort to continue a total level of funding for research and monitoring similar to last year. This is imperative if we are to carry out a comprehensive balanced approach throughout the spill area. A rapid expansion of program and a dramatic increase in costs would be irresponsible. I am suggesting that I am willing to support an FY95 level of funding for the PWS Science Center that is similar to the level in FY94 less the hatchery project amount. That support of course will depend on the accomplishments of FY94 work, the FY95 proposal itself, and how the project ranks in meeting the overall Trustee Council mission compared to other projects that are being proposed this year. By way of this letter I am asking the Department of Fish and Game to work with you on a review of FY94 expenditures and assist us in the development of FY95 proposals within these guidelines.

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

Therefore, unless there is some unforeseen circumstance or discovery I do not intend to support dramatic increases (i.e., above \$4.25 million).

I hope this is consistent with your understanding and expectations. I look forward to our continuing restoration efforts together.

Sincerely,



James R. Ayers  
Executive Director

Attachment: *"Invitation to Submit Project Descriptions for Fiscal Year 1995"*

cc: Trustee Council Members  
Molly McCammon, Director of Operations, Anchorage  
Jerome Montague/Joe Sullivan, ADF&G  
Dr. Don Schell, Director, Institute Marine Science, UAF  
Dr. Gary Thomas, Director, PWSSC

/ra/rmw



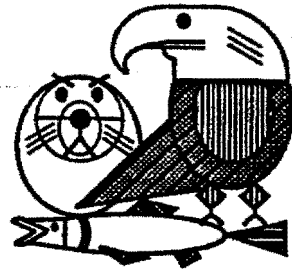
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 3, 1994

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

Dear Mr. Valley:

Once again, thank you for the interest in and comments you have provided to me and other members of the EVOS Trustee Council staff regarding the appraisal process to be utilized for habitat acquisition projects. I want to assure you that the comments made were carefully reviewed, and many have been reflected in the process that has now been approved.

This process recognizes the right of sellers or their representatives to review and comment on the appraisal prepared under contract to the government before that appraisal is authorized for use in the Council process. In addition, sellers may, at their option and expense, retain their own appraiser. The governments, through the lead negotiating agency, will work with the private appraisers in such manner as the sellers deem appropriate. This is to insure that the private appraisers have the same information concerning the property as do the governments' appraisers, and that they conduct an appraisal that satisfies the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) and Uniform Standards of Professional Appraisal Practice (USPAP). Such private appraisals will be reviewed by both governments.

If one of the appraisers has considered appropriate information not considered by the other appraiser, this process will allow the review appraiser to make that information available to the second appraiser for consideration. If the review concludes that there is pertinent information that has been overlooked by USFS appraiser then it would be referred to the contract appraiser for consideration. If the private appraisal conforms to UASFLA and USPAP and best supports the estimate of value for the property or interests to be acquired, the private appraisal will be used for the Trustee Council acquisition process.

A copy of the approved process and a description flow chart are enclosed. Should you have any questions about this process, please don't hesitate to provide them to me by letter. On behalf of the Trustee Council, I look forward to working with you in the future on successful habitat acquisition and protection projects.

Sincerely,

James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Bill Timme  
Middleton, Timme & Luke

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#### Trustee Agencies

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

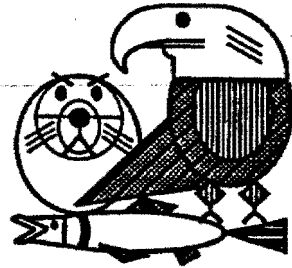
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 3, 1994

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

Dear Mr. Eluska: *Ralph*

Once again, thank you for the interest in and comments you have provided to me and other members of the EVOS Trustee Council staff regarding the appraisal process to be utilized for habitat acquisition projects. I want to assure you that the comments made were carefully reviewed, and many have been reflected in the process that has now been approved.

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Sincerely,

*James R. Ayers*  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Jim Wilkens  
Bliss & Wilkens

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#### Trustee Agencies

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

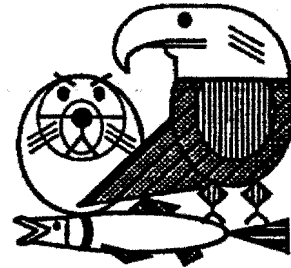
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 3, 1994

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

Dear Mr. Totemoff:

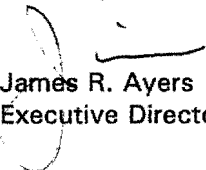
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Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Sam Fortier  
Fortier & Mikko, P.C.

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## Trustee Agencies

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

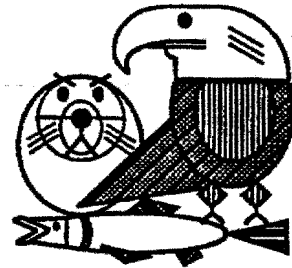
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



June 3, 1994

Mr. Michael E. Brown  
President  
Chugach Alaska Corporation  
560 East 34th Street #200  
Anchorage, AK 99503

Dear Mr. Brown:

Once again, thank you for the interest in and comments you have provided to me and other members of the EVOS Trustee Council staff regarding the appraisal process to be utilized for habitat acquisition projects. I want to assure you that the comments made were carefully reviewed, and many have been reflected in the process that has now been approved.

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Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: William Bittner  
Birch, Horton, Bittner & Cherot

---

## Trustee Agencies

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

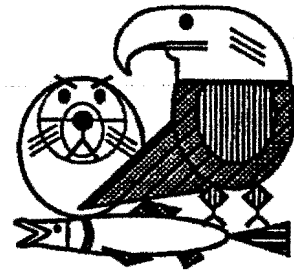
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 3, 1994

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

Dear Mr. Emmal:

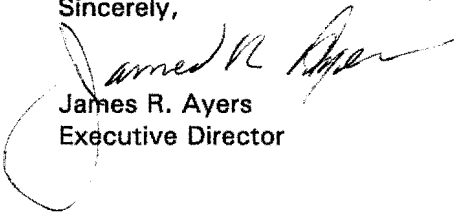
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Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Bill Timme  
Middleton, Timme & Luke

---

#### Trustee Agencies

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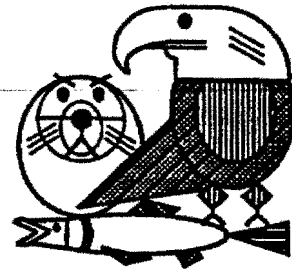
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



June 3, 1994

Ms. Donna Nadell  
President  
The Eyak Corporation  
P.O. Box 340  
Cordova, AK 99574

Dear Ms. Nadell: *Donna*

Once again, thank you for the interest in and comments you have provided to me and other members of the EVOS Trustee Council staff regarding the appraisal process to be utilized for habitat acquisition projects. I want to assure you that the comments made were carefully reviewed, and many have been reflected in the process that has now been approved.

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Sincerely,

*James R. Ayers*  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: James Linxwiler  
Guess & Rudd

---

#### Trustee Agencies

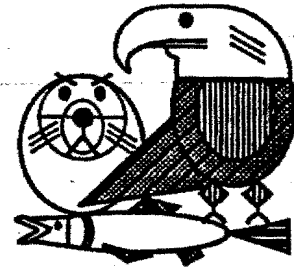
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



June 3, 1994

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

Dear Mayor Selby: *Jerome*

Once again, thank you for the interest in and comments you have provided to me and other members of the EVOS Trustee Council staff regarding the appraisal process to be utilized for habitat acquisition projects. I want to assure you that the comments made were carefully reviewed, and many have been reflected in the process that has now been approved.

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Sincerely,

*James R. Ayers*  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Joel Bolger  
Jamin, Ebell, Bolger & Gentry

---

## Trustee Agencies

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

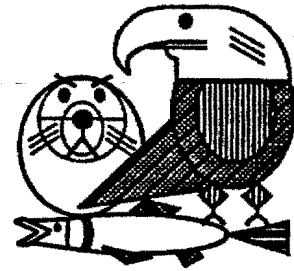
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 3, 1994

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

Dear Mr. Gross:

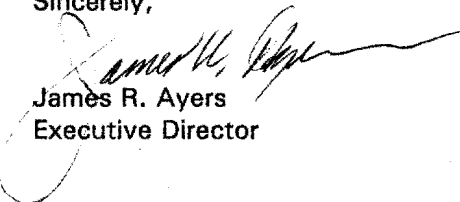
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James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Bill Timme  
Middleton, Timme & Luke

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#### Trustee Agencies

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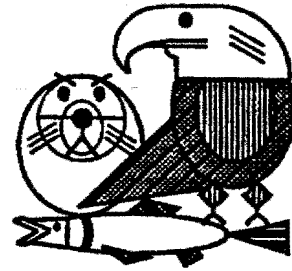
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



June 3, 1994

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

Dear Mr. Christiansen:

Once again, thank you for the interest in and comments you have provided to me and other members of the EVOS Trustee Council staff regarding the appraisal process to be utilized for habitat acquisition projects. I want to assure you that the comments made were carefully reviewed, and many have been reflected in the process that has now been approved.

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Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Walt Ebell  
Jamin, Ebell, Bolger & Gentry

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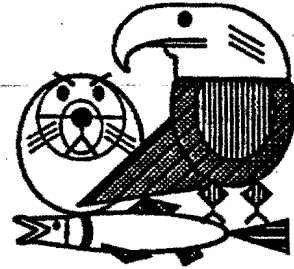
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 3, 1994

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

Dear Mr. Norman:


Once again, thank you for the interest in and comments you have provided to me and other members of the EVOS Trustee Council staff regarding the appraisal process to be utilized for habitat acquisition projects. I want to assure you that the comments made were carefully reviewed, and many have been reflected in the process that has now been approved.

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Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Sam Fortier  
Fortier & Mikko, P.C.

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## Trustee Agencies

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

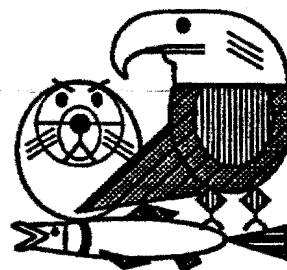
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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June 3, 1994

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

Dear Mr. Kompkoff:

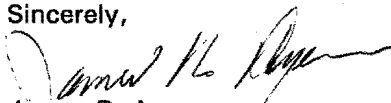
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Executive Director

JRA/mir

Enclosures

cc: William Bittner  
Birch, Horton, Bittner & Cherot

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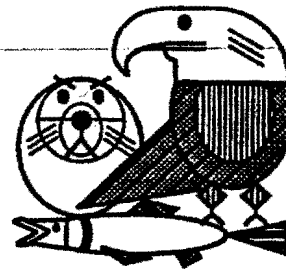
# Exxon Valdez Oil Spill Trustee Council

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## MEMORANDUM

**TO:** Walt Sheridan, USFS  
Alex Swirderski, DOL

**FROM:** James R. Ayers  
Executive Director

**DATE:** June 3, 1994

**RE:** Less Than Fee Simple Acquisitions/Public Access

---

The Trustee Council has directed me to organize a process to establish a policy regarding "less than fee simple" acquisitions with specific attention to the issue of public access and the extent of protection required in commercial timber/conservation easement. I am hereby authorizing you to coordinate that effort. Please be sure to build a schedule that includes:

- a. public advisory group review and comment;
- b. the participation/comments of the Habitat Work Group;
- c. a preliminary review by the Restoration Work Force;
- d. participation/comments by affected landowners; and
- e. full presentation to the Trustee Council during its next meeting.

As you know our primary responsibility is the restoration of injured resources and services. Acquisitions are to be accomplished with that sole purpose in mind. There may be secondary benefits; however, the primary goal is habitat protection. To that end "less than fee simple" proposals are not the preference of the Trustee Council but may be considered within the framework of satisfying the protection that is necessary for restoration.

It is understood that some of the sellers are reluctant to sacrifice or impair their lands and subsistence rights granted to them under the Alaska Native Claims Settlement Act

June 3, 1994

(ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA). Their efforts to maintain their rights while accommodating the need for long term habitat protection should be recognized and respected.

Please advise me no later than Tuesday, June 6, of your plan and schedule.

Thank you!

JRA/mir

cc: Trustee Council Members

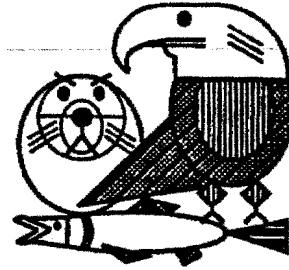
# Exxon Valdez Oil Spill Trustee Council

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

---



## MEMORANDUM

**TO:** See Distribution

**FROM:** June Arkoulis-Sinclair  
Administrative Officer

**RE:** FFY 95 Budget Instructions

---

**DATE:** June 2, 1994

Enclosed are the FFY 95 budget instructions, hardcopy budget forms and diskette with the forms. There are no significant changes from the FFY 94 format. Please note that the project number, title and agency blocks have not been filled in. The FFY95 projects have not been fully identified yet. I will be out of town from June 3 through June 10. During that time Molly will be working with you reviewing the various categories of projects. I will contact you upon my return to the office on June 13.

Enclosures

### Distribution

Mark Brodersen  
Carol Fries  
Dave Gibbons  
Veronica Gilbert  
Molly McCammon  
Jerome Montague  
Byron Morris  
Sandy Rabinowitch  
Joe Sullivan

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### Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
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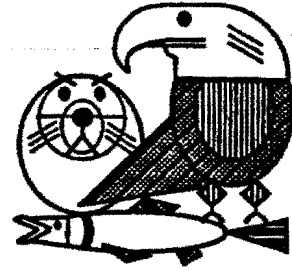
# Exxon Valdez Oil Spill Trustee Council

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645 "G" Street, Anchorage, AK 99501

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

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June 2, 1994

Mr. Craig O. Matkin, Director  
North Gulf Oceanic Society  
P.O. Box 15244  
Homer, AK 99603

Dear Mr. Matkin:

Thank you for your letter. I'm sorry that you were not able to attend the monitoring portion of the workshop last month. In general, I think there was broad appreciation for the workshop and a feeling that the sessions were very constructive. The workshop was the beginning of what I intend will be an on-going "adaptive management" process that will include an annual forum to share information as part of the effort to continually update, revise and refine the research and monitoring program, always trying to take advantage of the most current information available.

I understand that you have already received a copy of the *Invitation to Submit Project Descriptions for Fiscal Year 1995*. As you will note, this document draws heavily from the findings of the April workshop sessions. The project descriptions generated as a result of this invitation will be used to develop a Draft FY 95 Work Plan that will be published in mid-August which will then be subject to formal public review and comment. It is anticipated that the Trustee Council will meet at the end of October to take formal action on the FY 95 work plan.

The Trustee Council has included a policy in the *Draft Restoration Plan* (November 1993) stating that competitive proposals for restoration projects will be encouraged (Policy #6). We are working to implement this policy in several ways. As part of the FY 95 work plan *development* process, we are experimenting with two competitive procurement methods: a federal Broad Agency Announcement (or BBA), and a state, two-stage RFQ/RFP process (see *Invitation to Submit Project Descriptions for Fiscal Year 1995*, Chapter 1). Additionally, we will be trying to implement more project work through competitive RFPs. Again, referring to the *Invitation to Submit Project Descriptions for Fiscal Year 1995*, if a project is proposed for implementation by a specific state or

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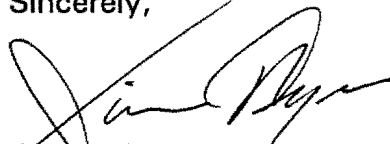
#### Trustee Agencies

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

federal agency, a statement will be required as to why that agency is appropriate to implement the project. The public would have an opportunity to comment on that statement during the September public comment period.

Again, thank you for your participation in the workshop process. I hope that you will contribute your suggestions regarding appropriate restoration projects for the FY 95 work plan.

Sincerely,

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

James R. Ayers  
Executive Director

JRA/mir

cc: Molly McCammon, Director of Operations  
Jim Diehl



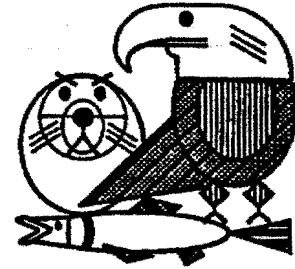
# Exxon Valdez Oil Spill Trustee Council

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

---



## MEMORANDUM

**TO:** See Distribution

**FROM:** June Arkoulis-Sinclair  
Administrative Officer

**DATE:** June 2, 1994

**RE:** Court Request Number Seven

---

Attached is a signed copy of court request number seven for your files. I spoke with Alex Swiderski and he expects that number six will be filed on June 3, 1994.

Attachment

### Distribution

Mark Broderon  
Carol Fries  
Veronica Gilbert  
Dave Gibbons  
Jerome Montague  
Sandy Rabinowitch

cr7dist.wpd

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### Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
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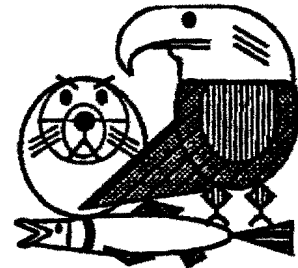
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Sandy Rabinowitch, DOI

**FROM:**   
James R. Ayers  
Executive Director

**DATE:** June 1, 1994

**RE:** Project #94102 and Taking of Marbled Murrelets

---

As you are aware, I asked the Chief Scientist to develop a recommendation regarding the proposed collection of marbled murrelets as part of the proposed study design for Project #94102/Marbled Murrelet Prey and Foraging Habitat in PWS. On the basis of our teleconference phone call on May 18 as well as subsequent discussions, the Chief Scientist has recommended that the proposed taking of murrelets be deferred until next year in order to better coordinate and integrate this element of the Project #94102 study with Project #94163, the forage fish research project being conducted by NOAA (see attached).

As you can appreciate, collections have been the source of substantial controversy and while I recognize that there would be value in data obtained as a result of taking murrelets this field season, I concur with the Chief Scientist's assessment that a more integrated and coordinated effort in concert with the forage fish investigations when there is an operable capability to detect forage fish in shallow waters would yield the most valuable results. Accordingly, based on the Chief Scientist's recommendation and observation, it seems most prudent to defer further discussions of this issue until we can address it comprehensively. At such time as there is an operable capability to detect forage fish in shallow waters, I would be willing to entertain further consideration of this issue. It should be noted that if this capability is demonstrated in late FY 94, one of the issues that will have to be addressed is the value of being able to collect data only from the final portion of the field season in 1994.

The commitment and hard work of Fish & Wildlife staff with regard to restoration effort is appreciated. We share the concern for marbled murrelets and believe this is the wisest course.

JRA/mir

Attachment

**cc:** Catherine Berg  
Kathy Kuletz  
Karen Oakley  
Bob Spies

---

### **Trustee Agencies**

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

MAY

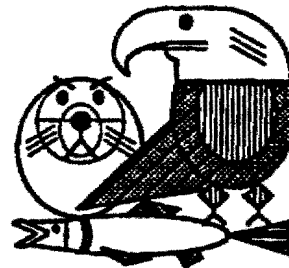
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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May 27, 1994

Ms. Regina R. Belt  
Acting Assistant Attorney General  
Environment & Natural Resource Division  
Suite 504  
801 B Street  
Anchorage, AK 99501-3657

Dear Gina,

I have received a copy of your letter, dated May 18, 1994, to George T. Frampton, Jr., Steven Pennoyer, and James Wolfe. I am extremely disheartened and frustrated that the court request continues to be delayed. This is causing extreme problems in the Trustee Council discharging its duties. Please advise, as soon as possible.

Sincerely,

*James R. Ayers*  
for  
James R. Ayers  
Executive Director

cc: Bill Brighton  
Bruce M. Bothelo  
George T. Frampton, Jr.  
Phil Janik  
Steven Pennoyer  
Carl Rosier  
John A. Sandor

---

## Trustee Agencies

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

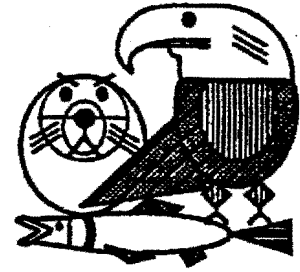
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** George T. Frampton, Jr.  
Department of Interior

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 25, 1994

**RE:** Eyak Comprehensive Proposal

---

Attached you will find the comprehensive proposal package submitted by Eyak and Sherstone Corporations. This document has been approved by their respective boards and signed by the Presidents.

This will be included in the presentation and discussion during the May 31 meeting.

Please call if you wish to discuss prior to meeting.

JRA/mir

Attachment

cc: Deborah Williams, DOI

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### **Trustee Agencies**

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

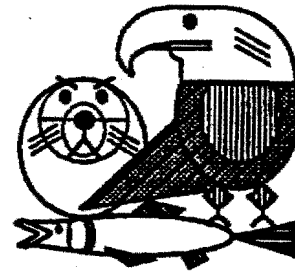
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Bruce Botelho  
Attorney General  
Department of Law

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 25, 1994

**RE:** Eyak Comprehensive Proposal

---

Attached you will find the comprehensive proposal package submitted by Eyak and Sherstone Corporations. This document has been approved by their respective boards and signed by the Presidents.

This will be included in the presentation and discussion during the May 31 meeting.

Please call if you wish to discuss prior to meeting.

JRA/mir

Attachment

cc: Craig Tillery, DOL

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### **Trustee Agencies**

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

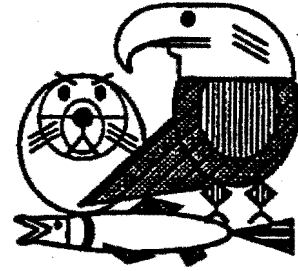
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## MEMORANDUM

**TO:** John A. Sandor  
Commissioner  
Department of Environmental Conservation

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 25, 1994

**RE:** Eyak Comprehensive Proposal

---

Attached you will find the comprehensive proposal package submitted by Eyak and Sherstone Corporations. This document has been approved by their respective boards and signed by the Presidents.

This will be included in the presentation and discussion during the May 31 meeting.

Please call if you wish to discuss prior to meeting.

JRA/mir

Attachment

*We have hand delivered one to mark for you  
as well.*

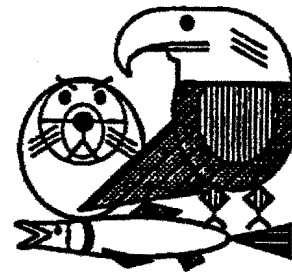
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Carl L. Rosier  
Commissioner  
Department of Fish & Game

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 25, 1994

**RE:** Eyak Comprehensive Proposal

---

Attached you will find the comprehensive proposal package submitted by Eyak and Sherstone Corporations. This document has been approved by their respective boards and signed by the Presidents.

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Please call if you wish to discuss prior to meeting.

JRA/mir

Attachment



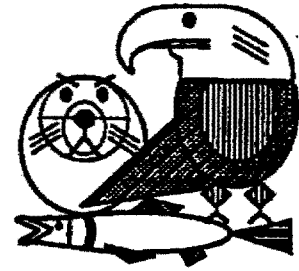
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G". Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Steve Pennoyer  
Regional Director  
National Marine Fisheries Service

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 25, 1994

**RE:** Eyak Comprehensive Proposal

---

Attached you will find the comprehensive proposal package submitted by Eyak and Sherstone Corporations. This document has been approved by their respective boards and signed by the Presidents.

This will be included in the presentation and discussion during the May 31 meeting.

Please call if you wish to discuss prior to meeting.

JRA/mir

Attachment

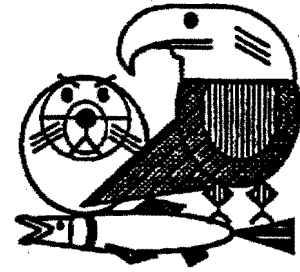
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Jim Wolfe  
Acting Regional Forester  
USDA Forest Service

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 25, 1994

**RE:** Eyak Comprehensive Proposal

---

Attached you will find the comprehensive proposal package submitted by Eyak and Sherstone Corporations. This document has been approved by their respective boards and signed by the Presidents.

This will be included in the presentation and discussion during the May 31 meeting.

Please call if you wish to discuss prior to meeting.

JRA/mir

Attachment

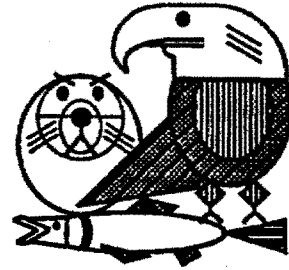
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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May 25, 1994

Mr. D. H. Cuddy  
Chairman, First National Bank  
646 West 4th Avenue  
P. O. Box 100720  
Anchorage, AK 99510-0720

Dear Mr. Cuddy:

Per your correspondence with Craig Tillery, I am enclosing copies of the latest Exxon Valdez Oil Spill Trustee Council financial statements and the most recent accounting report received from the court. If you have any questions regarding these statements you may reach me at 586-7152.

Sincerely,

*June M. Arkoulis-Sinclair*  
June M. Arkoulis-Sinclair  
Administrative Officer

Enclosures

cc: James R. Ayers, Executive Director  
Craig J. Tillery, Assistant Attorney General

---

## Trustee Agencies

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

## Statement 1

**DRAFT****Statement of Exxon Settlement Funds As of April 30, 1994****Beginning Balance of Settlement**

900,000,000

**Receipts:**

Interest Earned on Exxon Escrow Account

831,233

Net Interest Earned on Joint Trust Fund (See Note 1)

4,038,655

Interest Earned on United States and State of Alaska Accounts

536,999

**Total Interest**

5,406,887

**Disbursements:**

Reimbursements to United States and State of Alaska

139,111,287

Exxon clean up cost deduction

39,913,688

Joint Trust Fund deposits

161,806,258

**Total Disbursements**

340,831,233

**Funds Available**

Exxon future payments

560,000,000

Balance in Joint Trust Fund (See Statement 2)

90,636,294

Seal Bay acquisition payments due (See Note 3)

(9,975,000)

Other (See Note 2)

TBD

**Total Estimated Funds Available**

640,661,294

Note 1: Gross interest earned less District Court registry fees.

Note 2: Previously funded projects may have unobligated balances which will be available.

Note 3: Annual payments due in November 1994, 1995 and 1996.

**Footnotes: April 1994 court request to be submitted in the amount of \$13,618,982.****May 1994 court request to be submitted in the amount of \$2,300,300.**

**DRAFT**

**Cash Flow Statement Exxon Valdez Oil Spill Settlement United States and State of Alaska Joint Trust Fund  
As of April 30, 1994**

**Receipts:****Exxon payments**

Deposit December 1991	36,837,111	
Deposit December 1992	56,586,312	
Deposit September 1993	68,382,835	
Total Deposits	<u>161,806,258</u>	<u>161,806,258</u>

Interest Earned	4,481,971	
Total Interest	<u>4,481,971</u>	<u>4,481,971</u>

<b>Total Receipts</b>		<u><u>166,288,229</u></u>
-----------------------	--	---------------------------

**Disbursements:****Court requests**

Withdrawal June 1992	12,879,700	
Withdrawal December 1992	6,567,254	
Withdrawal June 1993	21,067,740	
Withdrawal November 1993	29,950,000	
Withdrawal November 1993	4,743,925	
Total Requests	<u>75,208,619</u>	<u>75,208,619</u>

District Court Fees	<u>443,316</u>	<u>443,316</u>
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<b>Total Disbursements</b>		<u><u>75,651,935</u></u>
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<b>Balance in Joint Trust Fund</b>		<u><u>90,636,294</u></u>
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**Footnote: April 1994 court request to be submitted in the amount of \$13,618,982.  
May 1994 court request to be submitted in the amount of \$2,300,300.**

3:91-CV-000082 CV A

	Prior	Current	Ending
Principal	161,806,257.78	0.00	161,806,257.78
Principal Disbursed	(75,208,618.28)	0.00	(75,208,618.28)
Net Principal	86,597,639.50	0.00	86,597,639.50
Earnings Deposits	48,807.38	0.00	48,807.38
Earnings Allocated	4,038,199.51	47,920.68	4,086,120.19
Earnings Disbursed	0.00	0.00	0.00
Net Earnings	4,087,006.89	47,920.68	4,134,927.57
Balance	90,684,646.39	47,920.68	90,732,567.07

U.S.A. VS. EXXON CORPORATION

Minor: N Orig Dep: 12/19/91  
 Fee? : Y Fee Rate: 10.00%  
 Current Fee: 5,324.53  
 QTD Fee: 31,528.65  
 YTD Fee: 97,354.71  
 QTD Earnings: 283,757.61  
 YTD Earnings: 876,191.92

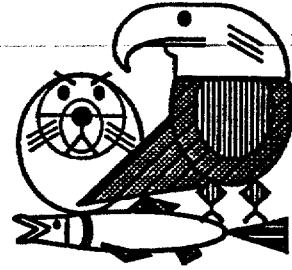
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** Carl L. Rosier  
Commissioner  
Department of Fish & Game

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 24, 1994

**RE:** Trip Report

---

I travelled to Seattle, Washington, on April 20 and April 25, 1994, for the purposes of meeting with the Forest Service and Eyak Corporation.

These meetings involved negotiations of Eyak lands for the purposes of habitat protection related to restoration of natural resources. These trips were productive and have led to Eyak developing a proposal for the Trustee Council of habitat protection on their land.

JRA/mir

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### **Trustee Agencies**

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

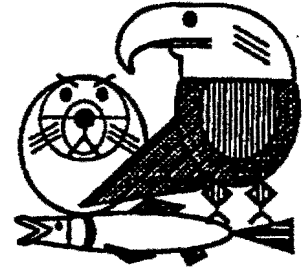
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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## MEMORANDUM

**TO:** Kim Garner  
ADF&G Finance Officer

**FROM:** June Arkois-Sinclair  
Administrative Officer

**DATE:** May 18, 1994

**RE:** AKSAS Reports

---

I am hereby requesting the following monthly AKSAS reports in addition to those currently being sent to us:

1. Expenditures by month starting with October 1993. We need information down to the lowest level account code.
2. Vendor audit trail, cumulative starting with October 1993.

We need the reports by ledger code, by account. The following ledger codes are to be reported:

11940024 Executive Director  
11940025 Operations  
11941300 PAG  
11941400 Public Outreach  
11944230 Oil Spill Public Information Center  
48000026 EDO Staff  
48000027 Trustee Meeting Costs  
48000028 PAG  
48000029 Miscellaneous Costs  
48000053 Executive Director  
48000054 OSPIC

Please provide two(2) copies of each report. If you have any questions, give me a call at 586-7152. Thank you for your assistance.

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### Trustee Agencies

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



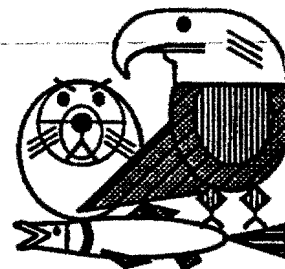
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## MEMORANDUM

**TO:** Carol Fries  
Jess Grunblatt

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 18, 1994

**RE:** Information Management System Discussion Paper

---

I appreciate the work that both of you have put into the draft discussion paper on Information Management. I believe it does an excellent job of describing the approaches that should be taken in order to make the information generated by Trustee Council research more accessible to a wide variety of users.

The next step is to develop this discussion paper into a project proposal, most likely using a phased approach. As you develop this proposal, I would like you to establish and consult with a small advisory group consisting of a computer-literate youth, a librarian, a teacher, and a technician.

Further, I would like you to develop this project in coordination with the Department of the Interior, to ensure that it meets both federal and state needs. This would be a good project for Catherine Berg since she could act as a liaison with the U.S. Fish and Wildlife Service, GIS section.

As you know, the deadline for project descriptions is June 15. Please advise me if this presents a problem or if you have additional questions.

JRA/mir

**cc:** Molly McCammon, Director of Operations  
Eric Myers, Anchorage Restoration Office  
Marty Rutherford, ADNR  
Veronica Gilbert, ADNR  
Sandy Rabinowitch, USDO  
Bob Spies, Chief Scientist

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### Trustee Agencies

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

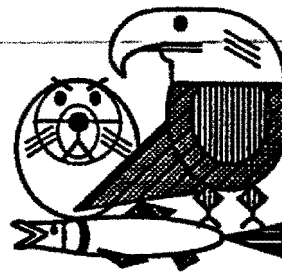
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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May 17, 1994

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

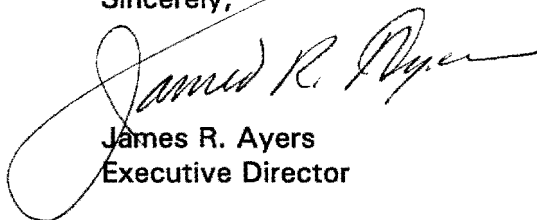
RE: Your Letter of May 3, 1994

Dear Mr. Fortier:

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

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

Sincerely,



James R. Ayers  
Executive Director

JRA/mir

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

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## Trustee Agencies

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

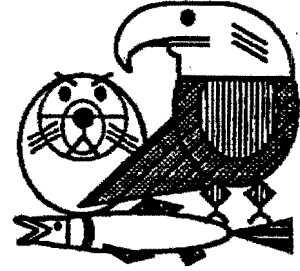
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Bonnie Maguire  
Administrative Support Assistant

**FROM:** June Arkoulis-Sinclair  
Administrative Officer

**DATE:** May 17, 1994

**RE:** EVOS Signs

---

Please initiate a request for the following signs:

1. Elevator directory -

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

2. Sign on door to Room 859A

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
EXECUTIVE DIRECTOR'S OFFICE

**cc:** Mary Rivera, Administrative Assistant

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### **Trustee Agencies**

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

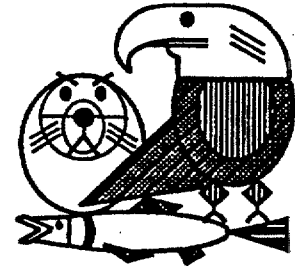
# **Exxon Valdez Oil Spill Trustee Council**

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645 "G" Street, Anchorage, AK 99501

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---



## **MEMORANDUM**

**TO:** Bob Baldauf  
Office of Budget  
Department of the Interior

**FROM:** June Annoulis-Sinclair  
Administrative Officer

**DATE:** May 11, 1994

**RE:** New Court Request

---

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

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

BBRO

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### **Trustee Agencies**

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

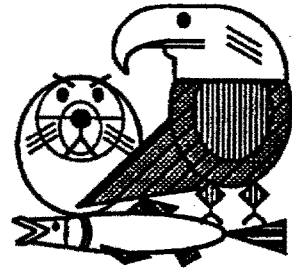
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Dave Gibbons, USFS

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 6, 1994

**RE:** Appraisal Authorization

---

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

JRA/mir

**cc:** Respective Negotiators  
Carol Fries, DNR



## United States Department of the Interior



## FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.

Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

ARW

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

MAY 6 1994

Dear Mr. Ayers:

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

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

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

Sincerely,

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

OPTIONAL FORM 99 (7-90)

## FAX TRANSMITTAL

# of pages ▶

To <b>Jim Ayers</b>	From <b>Glenn Elison</b>
Dept./Agency	Phone # <b>786-3545</b>
Fax # <b>586-7589</b>	Fax # <b>786-3640</b>

NSN 7540-01-317-7368

5099-101

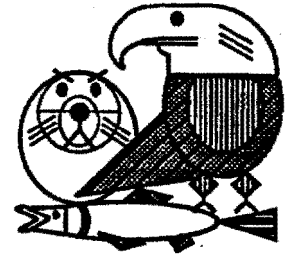
GENERAL SERVICES ADMINISTRATION

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



## MEMORANDUM

**TO:** Laraine L. Derr  
Deputy Commissioner  
Department of Revenue

**FROM:**   
James R. Ayers  
Executive Director

**DATE:** May 4, 1994

**RE:** Land Purchases with Exxon Valdez Oil Spill Settlement Funds

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

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

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

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

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

JRA/jas

DERR.WPD

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### Trustee Agencies

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

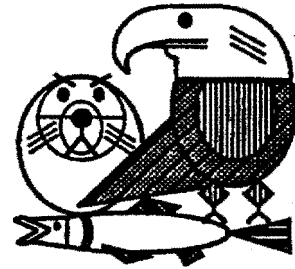
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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May 4, 1994

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

Dear Lew:

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

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

Hope to see you soon.

Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

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## **Trustee Agencies**

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



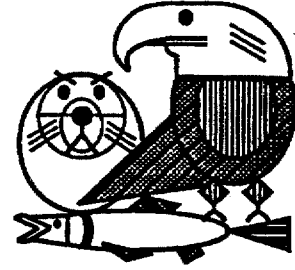
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



May 3, 1994

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

Dear Mr. & Mrs. Lietzau:

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

Sincerely,

James R. Ayers  
Executive Director

JRA/mir

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

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#### Trustee Agencies

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

April 28, 1994

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

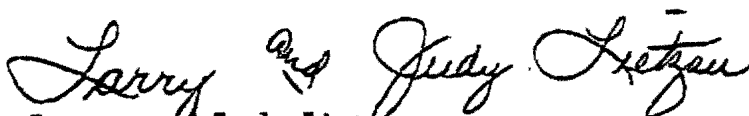
Dear Mr. Ayers,

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

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

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

Thank you,



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

Copy to The EVOS Trustees, please.

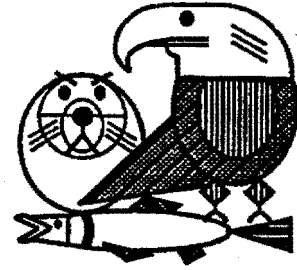
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Molly McCammon  
Director of Operations

**FROM:** James R. Ayers  
Executive Director

**DATE:** May 3, 1994

**RE:** Private Lands

---

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

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

JRA/mir

Attachment

# STATE OF ALASKA

## RECEIVED

### DEPARTMENT OF LAW

APR 19 1994

OFFICE OF THE ATTORNEY GENERAL

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

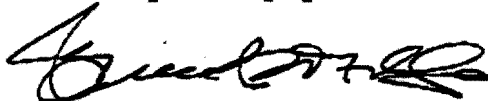
March 16, 1994

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

Dear Jim:

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

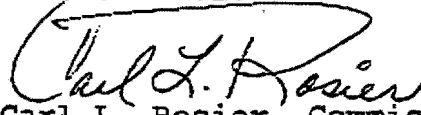
Very truly yours,



Bruce M. Botelho  
Attorney General



John A. Sandor, Commissioner  
Department of Environmental  
Conservation



Carl L. Rosier, Commissioner  
Department of Fish & Game

Encl

cc: George Frampton  
Steve Pennoyer  
Mike Barton  
John Sturgeon

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

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

c:\wpdoco\ej\ayara.cjt

January 24, 1994

**KFP**  
**Koncor Forest Products Company**

Exxon Valdez Oil Spill Trustee Council

3501 Denali, Suite 202  
Anchorage, Alaska 99503  
(907) 562-3335 FAX (907) 562-0599Bruce Botelho  
Attorney General  
State of Alaska Department of Law  
Capitol Building - 4th Floor  
120 4th Street  
Juneau, Alaska 99801**RECEIVED**  
Department of Law**FEB 10 1994**Office of the Attorney General  
Anchorage Branch  
Anchorage, Alaska**RECEIVED**  
Department of Law  
AM FEB 08 1994 PM  
7,8,9,10,11,12,1,2,3,4,5,6Paul Gates  
U.S. Department of Interior  
Office of the Secretary  
1689 C Street, Suite 100  
Anchorage, Alaska 99501-5151Steve Pennoyer, Director  
U.S. Department of Commerce  
Federal Building Annex  
9109 Mendenhall Road, Suite 6  
Juneau, Alaska 99801

Dear Trustee:

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

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

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

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

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

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

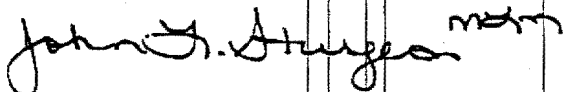
Some examples of projects that could be proposed are:

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

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

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

Sincerely,



John L. Sturgeon  
President

JLS/jes

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

APRIL

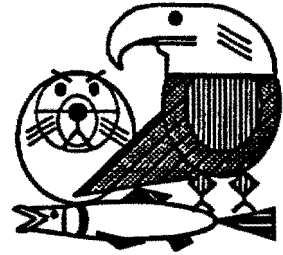
# **Exxon Valdez Oil Spill Trustee Council**

**Restoration Office**

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

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

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April 28, 1994

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

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

Dear Ms. Nadell and Mr. Borer,

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

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

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

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#### **Trustee Agencies**

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



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

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

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

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

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

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

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

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

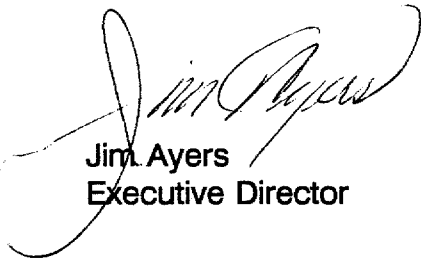
Should the Boards of Directors of the Eyak and Sherstone Corporations wish to offer to the Trustee Council sale of the commercial timber rights to this sub-parcel, the offer should recognize that the sale would be at fair market value as determined by an appraisal. Further, the offer should include a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

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

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

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

Sincerely,



Jim Ayers  
Executive Director

cc: Trustee Council

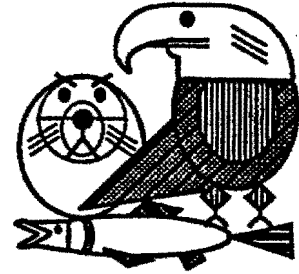
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Dave Gibbons, USFS

**FROM:** James R. Ayers  
Executive Director

**RE:** Appraisal Authorization

**DATE:** April 29, 1994

---

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

JRA/mir

cc: Respective Negotiators  
Carol Fries, DNR

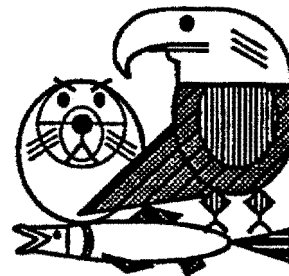
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



## **MEMORANDUM**

**TO:** Dave Gibbons, USFS

**FROM:** James F. Ayers  
Executive Director

**DATE:** April 29, 1994

**RE:** Appraisal Authorization

---

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

JRA/mir

cc: Respective Negotiators  
Carol Fries, DNR

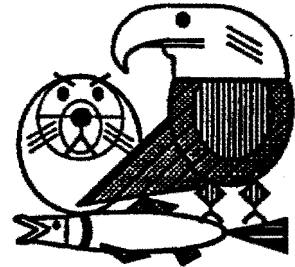
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



April 28, 1994

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

Dear Mr. Valley:

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

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

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

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

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#### **Trustee Agencies**

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

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

Mr. Howard Valley

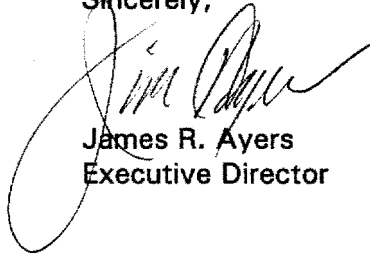
- 2 -

April 28, 1994

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

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

Sincerely,

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

James R. Ayers  
Executive Director

JRA/mir

Enclosures: Finalized standardized instructions

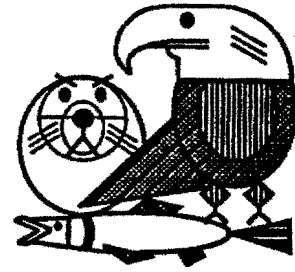
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



April 28, 1994

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

Dear Mr. Eluska:

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

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

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#### **Trustee Agencies**

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

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

Mr. Ralph Eluska

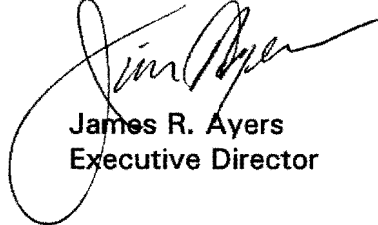
- 2 -

April 28, 1994

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

Sincerely,

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James R. Ayers  
Executive Director

JRA/mir

Enclosures: Finalized standardized instructions



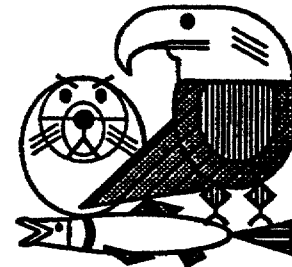
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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April 28, 1994

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

Dear Mr. Totemoff:

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

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---

#### **Trustee Agencies**

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

Mr. Charles W. Totemoff

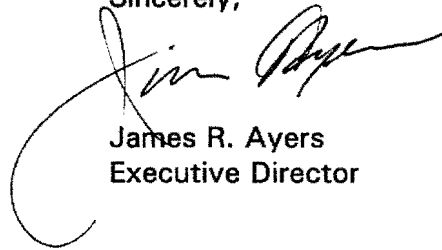
- 2 -

April 28, 1994

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

Sincerely,

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James R. Ayers  
Executive Director

JRA/mir

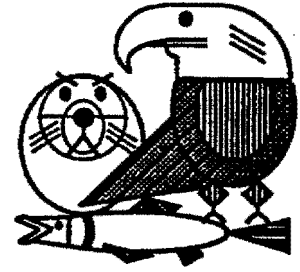
Enclosures: Finalized standardized instructions

# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501  
Phone: (907) 278-8012 Fax: (907) 276-7178

---



April 28, 1994

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

Dear Mr. Emmal:

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

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

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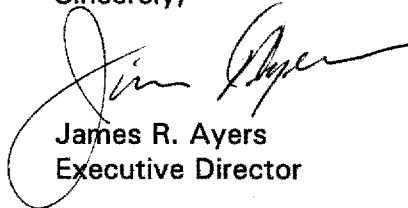
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April 28, 1994

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Executive Director

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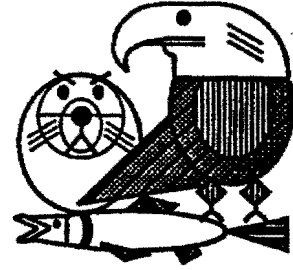
Enclosures: Finalized standardized instructions

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501  
Phone: (907) 278-8012 Fax: (907) 276-7178

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April 28, 1994

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

Dear Ms. Nadell: *Donna*

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

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#### Trustee Agencies

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

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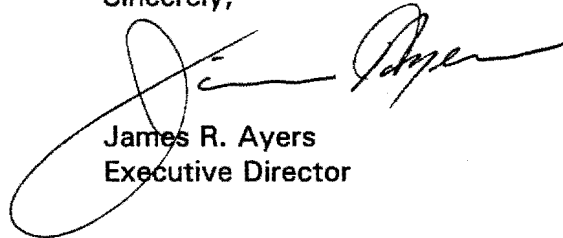
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April 28, 1994

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James R. Ayers  
Executive Director

JRA/mir

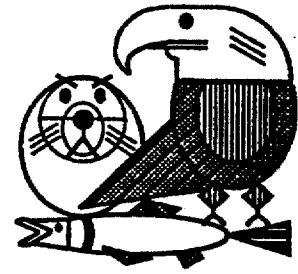
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# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501  
Phone: (907) 278-8012 Fax: (907) 276-7178

---



April 28, 1994

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

Dear Mayor Selby:

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

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#### Trustee Agencies

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

The Honorable Jerome Selby

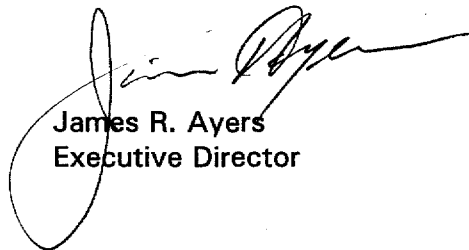
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April 28, 1994

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James R. Ayers  
Executive Director

JRA/mir

Enclosures: Finalized standardized instructions



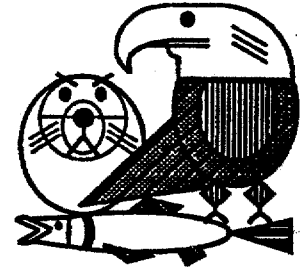
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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April 28, 1994

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

Dear Mr. Gross:

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

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Mr. Uwe Gross

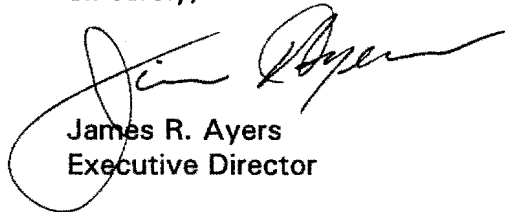
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April 28, 1994

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Executive Director

JRA/mir

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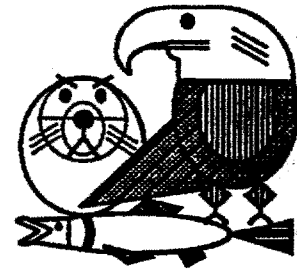
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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April 28, 1994

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

Dear Mr. Norman:

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#### **Trustee Agencies**

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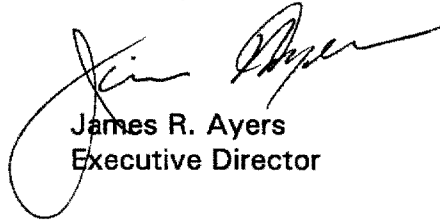
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Executive Director

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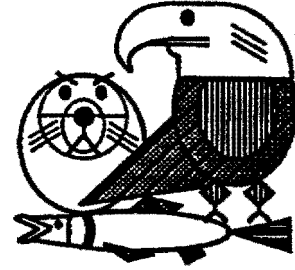
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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April 28, 1994

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

Dear Mr. Christiansen:

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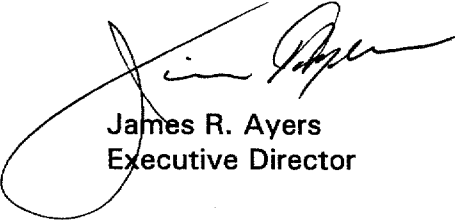
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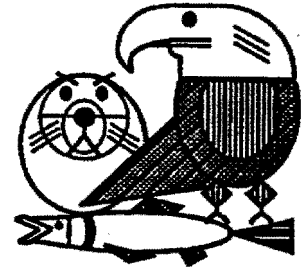
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



April 26, 1994

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

Dear Mr. Timme:

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

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

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

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

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

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

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



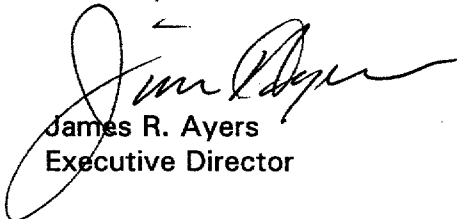
Mr. William H. Timme

- 3 -

April 26, 1994

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

Sincerely,



James R. Ayers  
Executive Director

JRA/mir

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

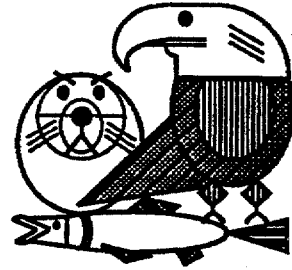
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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April 26, 1994

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

Dear Mr. Kompkoff:

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#### **Trustee Agencies**

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

Mr. Carroll Kompkoff

- 2 -

April 26, 1994

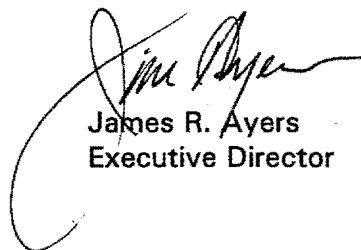
and USPAP, and to have such appraisals considered in a meaningful manner as part of the governmental review process. Sellers will also be given the opportunity to comment on the conformity of the governments' contract appraisal and the review statement to the requirements of these same appraisal standards.

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

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Ayers", is written over a large, loopy flourish that extends from the left side of the signature area.

James R. Ayers  
Executive Director

JRA/mir

Enclosures: Finalized standardized instructions

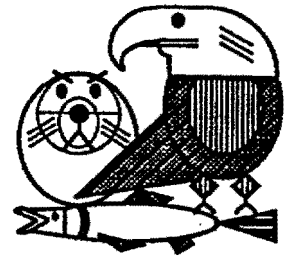
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Molly McCammon

**FROM:** June Arkoulis-Sinclair

**DATE:** April 25, 1994

**RE:** Approving Officer Affidavit

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

Enclosures

mmappadv.wpd

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### Trustee Agencies

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

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

# MEMORANDUM

State of Alaska  
Department of Fish and Game

TO: Director  
Division of Administration  
Department of Fish And Game

DATE:

FILE NO:

TELEPHONE NO: 465-

FROM: \_\_\_\_\_ (Director)  
Division of \_\_\_\_\_  
Department of Fish and Game

SUBJECT: Delegation of  
Approving Authority

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

Name: \_\_\_\_\_

PCN: \_\_\_\_\_ Duty Station: \_\_\_\_\_

Job Class: \_\_\_\_\_

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

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

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

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

Concur \_\_\_\_\_  
Director  
Division of Administration

Date \_\_\_\_\_

Enclosures

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE			No. II-016	PAGE 016-1
			ISSUED 07/01/88	EFFECTIVE 07/01/88
SUBJECT APPROVING OFFICER				
CHAPTER DEPARTMENT POLICIES				
SUPERSEDES	No. ALL PREVIOUS EDITIONS	PAGE	DATE	APPROVED BY <i>Don Callinsworth</i>

#### PURPOSE

To establish and define responsibilities and procedures for the delegation of authority to the department's Approving Officers.

#### DISTRIBUTION:

To manual holders.

#### AUTHORITY:

A.S. 37.10.20, voucher to be approved by Administrative Officer; A.S. 37.10.30, responsibility of officer or employee approving or certifying a voucher; and A.S.37.10.40, enforcement of liability. Also Section 6903 - Receipt of Services, 6904 - Account to the charged, and 6905 - Approval, of the State Administrative Manual.

#### DEFINITION OF AN APPROVING OFFICER:

As defined under A.S. 37.10.30-40 (see Exhibit D):

"The officer or employee approving or certifying a voucher is responsible for the existence and correctness of the facts recited in the certificate or stated on the voucher or its supporting papers for the legality of the proposed payment under the appropriation or fund involved...."

In the Department of Fish and Game, Approving Officers are those officers or employees that are close to or have immediate access to persons that are close to the source of a transaction. In that capacity, they have (or have access to) first-hand knowledge pertinent to a transaction, enabling reasonable and responsible scrutiny of the transaction as required by Alaska law and administrative regulation.

The payment offices of the department depend heavily on the Approving Officers and the assurances provided by their approvals in both the quality and the reliability of the internal controls needed in the payment and expenditure process.

#### POLICY:

The Commissioner of the Department of Fish and Game, in executing the provisions, duties and responsibilities as provided by statute, may delegate to officers and employees of the department, approving authority over administrative actions and document approval as directed by A.S. 37.10.30-40 and the State Administrative Manual, Sections 6904 and 6905.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No. II-016	PAGE 016-2
	ISSUED 07/01/88	EFFECTIVE 07/01/88

SUBJECT  
APPROVING OFFICER

CHAPTER  
DEPARTMENT POLICIES

SUPERSEDES	No.	PAGE	DATE	APPROVED BY
ALL PREVIOUS EDITIONS				<i>Don W. Allenworth</i>

Accordingly, each division director is delegated those responsibilities and authorities required of an administrative or approving officer as defined by these policies. Each director may, with the concurrence of the Director of the Division of Administration, make appointment of subordinate officers or employees as approving officers for that division's administrative actions and documents.

A duly appointed Approving Officer must, as a result of that appointment, complete the "Approving Officers Affidavit", page 016-10, "Signature Authorization Cards" (three), page 016-11, and the transmittal memorandum, page 016-12, within ten (10) working days of the appointment. In addition, within 30 days of appointment or upon notice from the Division of Administration, the Approving Officer will attend training as provided by the Division of Administration. The Approving Officer may begin exercising the duties and responsibilities upon appointment.

In addition, it is the policy of this department that:

1. An officer or employee may not be appointed as an Approving Officer if that officer or employee does not have final authority in the approval of a transaction or document (within that division). If an additional person (or persons) must approve or review transactions or documents, then that individual cannot (and should not) be approving the transaction.
2. An Approving Officer may not be hampered, coerced or subject to other compelling influences in the exercise of independent judgment. This should not be construed as preventing an individual from discussing the facts of a particular action or instance in order to clarify extraordinary circumstances or to present other facts.
3. An Approving Officer may not unreasonably withhold approval of an action. The Approving Officer may not be dilatory, capricious or malicious in the exercise of the duties and responsibility of an Approving Officer. The Approving Officer must make every effort to process documents in an efficient and expedient manner. The ignoring of or hampering the processing of any document for unfounded reasons will not be tolerated and may result in disciplinary action.
4. An Approving Officer will, in approving an action or document, sign that document with a full signature, the date of that signature and the RD Code of the Approving Officer. Initials or signature stamps are not acceptable.
5. An Approving Officer may be held accountable for and required to make good to the State the amount of an illegal, improper, or incorrect payment resulting from a false, inaccurate, or misleading certificate or

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE	No. II-016	PAGE 016-3
	ISSUED 07/01/88	EFFECTIVE 07/01/88

SUBJECT            APPROVING OFFICER

CHAPTER           DEPARTMENT POLICIES

SUPERSEDES	ALL PREVIOUS EDITIONS	DATE	APPROVED BY <i>Donna Greenworth</i>
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for a payment prohibited by law or which does not represent a legal obligation under the appropriation or fund involved. These provisions provide for the "Enforcement of Liability" in circumstances where an Approving Officer knowingly and/or willfully, through explicit or implicit action or omission of action, allows a violation to occur. An action or omission of action, if unwittingly done as the result of a misrepresentation or falsification by another is not a misrepresentation or falsification by the Approving Officer.

PROCEDURES REQUIRED FOR APPOINTMENT OF APPROVING OFFICERS:

Appointing an Approving Officer will require the following actions:

1. The Division Director, or designee, will authorize an officer or employee, in writing, of an appointment. Once authorized by the Division Director, or designee, the Approving Officer may commence those duties and responsibilities required of an Approving Officer;
2. Within 10 working days the appointed officer or employee must file with the Division Director a completed Delegation of Authority Memorandum, Approving Officer Affidavit (signed by the appointing officer or employee) and three Signature Cards with original signature.
3. The division director approves the delegation of authority by signing the Delegation of Authority Memorandum, and forwarding the original of the Delegation of Authority Memorandum, Approving Officers Affidavit, and the three Signature Cards (with original signatures), to the Director of the Division of Administration.
4. The Director of the Division of Administration must take action on the appointment of the Approving Officer within 30 calendar days of the date of the appointment. If the Director of Administration concurs with the appointment, a copy of the approved Delegation of Authority Memorandum will be sent to the appointing Director and to the officer or employee.

In the event that the Director of Administration does not concur with the appointment, the Director of Administration will notify the appointing Director with an explanation of that dissent within the 30 day (calendar) period. This decision will be reversed if the Appointing Director can adequately address the concerns that caused the denial.

RESPONSIBILITIES:

For the purposes of these Policies and Procedures, responsibilities will be outlined for the Director of the Division of Administration (and staff), the



STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE				No. II-016	PAGE 016-4
				ISSUED 07/01/88	EFFECTIVE 07/01/88
SUBJECT APPROVING OFFICER					
CHAPTER DEPARTMENT POLICIES					
SUPERSEDES	No.	PAGE	DATE	APPROVED BY	
	ALL PREVIOUS EDITIONS			<i>One Callenworth</i>	

Director of the appointing Division (and staff) and for the appointed Approving Officer. The listed responsibilities shall not be construed to limit the responsibilities to only that shown in this list, nor to presume that all responsibilities have been defined by this list. This list provides a foundation upon which all functions of each responsible member can be laid and built.

Director of the Division of Administration: The Director of the Division of Administration will have responsibility to:

1. Approve or disapprove the appointment of any officer or employee as an Approving Officer.
2. Maintain a list of designated Approving Officers by division and location. This list will be made available to each division director.
3. Provide training and support to Approving Officers as necessary. Training will be provided to any newly appointed Approving Officer within 30 days of appointment, unless such training cannot be reasonably scheduled within that time frame.
4. Provide performance feedback to division directors when requested for evaluation of an Approving Officer.
5. Advise division directors of violations to the delegated responsibilities of Approving Officers.
6. Recommend and advise division director on corrective action or appropriate disciplinary action.
7. Rescind or suspend the delegation of authority for any Approving Officer who repeatedly neglects or with willful or malicious neglect, violates the responsibilities of the Approving Officer.
8. After consultation with the division director make recommendation to the Commissioner for more severe disciplinary action against an Approving Officer as deemed warranted.

Appointing Division Director or Section Chief (or designee): The Appointing Director or Section Chief shall have the responsibility and authority to:


1. Delegate authority for appointing Approving Officers and the Delegation of authority to an Approving Officer as specified by these policies.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE				No. II-016	PAGE 016-5
				ISSUED 07/01/88	EFFECTIVE 07/01/88
SUBJECT APPROVING OFFICER					
CHAPTER DEPARTMENT POLICIES					
SUPERSEDES	No.	PAGE	DATE	APPROVED BY	
	ALL PREVIOUS EDITIONS			<i>Donnell</i>	

2. Ensure that Approving Officers carry sufficient authority to discharge the responsibilities of an Approving Officer.
  
3. Ensure that each appointed Approving Officer knows the responsibilities and limits of authority required in carrying out the duties as a Divisional Approving Officer. Each Approving Officer must discharge the duties and responsibilities in accordance with guidelines established by:
  - Divisional Operating Policies and Procedures.
  - Departmental Operating Policies and Procedures.
  - State Administrative Regulation.
  - The LAWS of the State of Alaska.
  
4. Provide Approving Officers with the necessary resources to enable proper execution of the responsibilities of an Approving Officer. Resources should include (but not limited to) copies of the following:
  - Divisional operating policies and procedures.
  - Departmental operating policies and procedures.
  - State Administrative Manual.
  - Contract Award Manual.

In addition, Division Directors (or Section Chiefs) will require Approving Officers to attend all scheduled training for Approving Officers sponsored either by the Division or the Division of Administration.
  
5. Provide division training to supplement other training. Such training will include, but not be limited to:
  - a. Delegations of authority.
  - b. Proper state purchasing policies and procedures.
  - c. Personnel and payroll regulations.

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


  


6. As appropriate, take corrective or disciplinary action against officers or employees (and Approving Officers) who knowingly violate the authority and responsibility established under this Policy and Procedure.
  
7. Consult with the Director of the Division of Administration prior to any disciplinary action, under these policies and procedures, and to advise, in writing, the Director of the Division of Administration of any disciplinary action enacted under these policies and procedures.
  
8. Manage and keep current, the list of appointed Approving Officers for the division. The division director is responsible for immediately notifying the Director of the Division of Administration, if an appointed Approving Officer:
  - a. Leaves the employment of the division
  - b. Has had their Authorized Delegation of Authority revoked or suspended in whole or part (includes purchasing authority)
  - c. Is to be removed from the authorized list of Approving Officers for any reason

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

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

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

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE				No.	II-016	PAGE	016-7
				ISSUED	07/01/88	EFFECTIVE	07/01/88
SUBJECT <u>APPROVING OFFICER</u>							
CHAPTER <u>DEPARTMENT POLICIES</u>							
SUPERSEDES		No.	PAGE	DATE	APPROVED BY		
		ALL PREVIOUS EDITIONS					
<p>b. The goods and/or services have been received.</p> <p>c. The financial coding of the claim as an expenditure transaction, constitutes a valid claim against the appropriation charged and sufficient "unobligated" funds exist to pay the claim.</p> <p>2. <u>Approve all adjusting journal entries (AJE's) for processing.</u> In approving the AJE transaction Approving Officer is confirming the following:</p> <p>a. The adjustment is valid and does not cause a transfer between appropriations. If the adjustment is a transfer between appropriations, its purpose is to correct a clerical error, to redistribute overhead items or distribute payroll expenses based on time sheets or a documented cost allocation plan, or to correct an expenditure processed against the divisional dump code.</p> <p>b. The adjustment is necessary and warranted for the proper presentation of financial information and is in conformity with state and departmental policies and procedures for adjusting entries.</p> <p>c. The narrative explanation and the supporting documentation demonstrates or justifies the need for the adjustment.</p> <p>3. <u>Approve all travel claims.</u> While it is not intended that the Approving Officer have the authority to approve the intent and need for the adjustment travel, it is the responsibility of the Approving Officer to approve the validity of the amount claimed and the appropriateness of the appropriation charged.</p> <p style="padding-left: 40px;">Reference RESPONSIBILITIES as described above for invoices.</p> <p>4. <u>Approve all Purchase Requisitions.</u> Approval by the Approving Officer is confirmation that:</p> <p>a. The proposed acquisition is a valid obligation of the appropriation charged.</p> <p>b. Sufficient funds exist for encumbrance against the proposed obligation.</p> <p>c. Goods and/or services have not been received.</p>							

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

5. Approve Timesheets. In approving a timesheet, the Approving Officer is confirming that:
  - a. The time worked by the employee is accurately reflected on the timesheet and has been approved by the supervisor.
  - b. Overtime reported on the timesheet has been approved by the supervisor.
  - c. Budget codes indicated for overtime charges are valid and sufficient funds exist to cover the obligation.
  
6. Approve Leave Slips. In approving a leave slip, the Approving Officer is confirming that:
  - a. Leave type and duration is correct as reported on the timesheet.
  - b. Approved LWOP or default from sick or annual leave up to 45 days must be approved by the division director. LWOP in excess of 45 days must be approved by the Commissioner.
  
7. Approve Form 11-054, Personnel Action Request Form (PARF). In approving a PARF the Approving Officer is confirming that:
  - a. All information and changes are correct and in accordance with applicable personnel rules, departmental policies and as directed by the Division of Administration.
  - b. All necessary approvals have been obtained.
  
8. Approve Form 11-025, Transfer Sheet. In approving the Transfer sheet, the Approving Officer is confirming that:
  - a. PCN will be performing the duties in the new location.
  - b. Verification whether the position is vacant. If filled, confirmation of the concurrence of the incumbent.
  
9. Approve Form 02-252, Performance Evaluation Report. In approving the Performance Evaluation Report, the Approving Officer is confirming that:
  - a. All appropriate information is completed.

STATE OF ALASKA DEPARTMENT OF FISH AND GAME STANDARD OPERATING PROCEDURE		No. II-016	PAGE 016-9
		ISSUED 07/01/88	EFFECTIVE 07/01/88
SUBJECT	APPROVING OFFICER		
CHAPTER	DEPARTMENT POLICIES		
SUPERSEDES	ALL PREVIOUS EDITIONS	DATE	APPROVED BY <i>Oneil Belinworth</i>
<p>b. Position description has been reviewed and evaluation signed by rater.</p> <p>c. Evaluation signed by the employee or a reason noted on the evaluation indicating why it was not signed.</p> <p>d. Narrative Section is objective, based on performance measures, and appears appropriate for job responsibilities.</p> <p>10. Advise Supervisor of employees who have numerous administrative violations for corrective counseling or disciplinary action.</p> <p>11. Advise Supervisor or higher authority if a document approved by another Approving Officer is believed to be in violation of administrative regulation.</p> <p>12. Document, in writing, those circumstances where a document is approved which might otherwise appear to be a non-valid or inappropriate action.</p>			

## ALASKA DEPARTMENT OF FISH AND GAME

## APPROVING OFFICERS AFFIDAVIT

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

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

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

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

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

## SECTION 37.10.030:

"The officer or employee approving or certifying a voucher

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

## SECTION 37.10.040: -

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

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**ALASKA DEPARTMENT OF FISH & GAME  
SIGNATURE AUTHORIZATION CARD  
APPROVING OFFICER**

Name \_\_\_\_\_ Division \_\_\_\_\_  
(Print or Type)

PCN \_\_\_\_\_ Duty Station \_\_\_\_\_

Signature \_\_\_\_\_

**DO NOT COMPLETE/ADMINISTRATION USE ONLY**

**Delegated Authority (Circle as Applicable):**

**1. Personnel Documents**

**2. Evaluations**

**3. Payroll Documents**

**4. Obligation Documents**

**5. Accounting Documents**

Approved: \_\_\_\_\_ Director Div of Admin



## MEMORANDUM

## State of Alaska

TO: Director  
Division of Administration  
Department of Fish and Game

DATE:

FILE NO:

TELEPHONE NO: 465-

FROM: Division of  
Department of Fish and Game

SUBJECT: Delegation of Approving  
Authority

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

Name: \_\_\_\_\_

PCN: \_\_\_\_\_ Duty Station: \_\_\_\_\_

Job Class: \_\_\_\_\_

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

\_\_\_\_ Personnel Documents  
PARF (11-054)  
Transfer Sheet (11-025)

\_\_\_\_ Evaluations (02-252)  
(Supervisor only)

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

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

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

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

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

Concur \_\_\_\_\_  
Director  
Division of Administration

Date \_\_\_\_\_

Enclosures

# Exxon Valdez Oil Spill Trustee Council

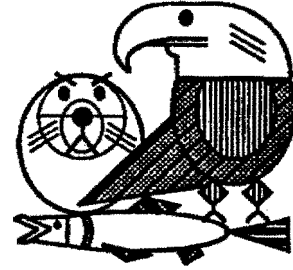
Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** All Interested Parties

**FROM:** Mary Rivera *MR*  
Administrative Assistant

**DATE:** April 25, 1994

**RE:** Change of Address

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Effective immediately, the Executive Director's office in Juneau has the following changes:

### Mailing Address

EVOS Trustee Council  
Executive Director's Office  
P.O. Box 20122  
Juneau, AK 99802

### Street Address

EVOS Trustee Council  
Executive Director's Office  
709 W. 9th Street, Room 859A  
Juneau, AK 99801

Our fax number is 907-586-7589.

Our office hours are from 8:00 a.m. to 5:00 p.m. We do have a telephone recorder so if we are unavailable to answer your call between these hours, please leave a message and we will return your call as soon as possible.

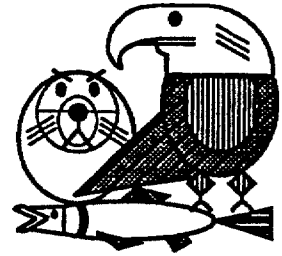
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** See Distribution

**FROM:** June Arkoulis-Sinclair  
Director of Administrative Services

**DATE:** April 20, 1994

**RE:** FFY 94 Revised Programs

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I am tracking EVOS authorization activity and will need copies of any revised programs you may have processed so far this fiscal year. In the future, please copy me on revised program memos sent to the Office of Management and Budget so that our information will be current.

Thank you for your assistance.

### Distribution

Mark Broderon, ADEC Liaison  
Jerome Montague, ADF&G Liaison  
Carol Fries, ADNR Liaison

rpreq,jas

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### Trustee Agencies

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

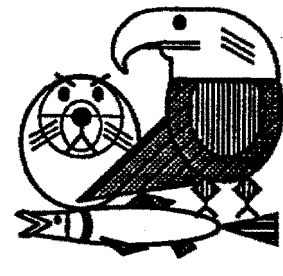
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

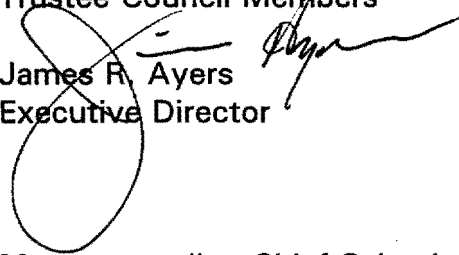
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via Fax

## MEMORANDUM

**TO:** Trustee Council Members

**FROM:** James R. Ayers   
Executive Director

**RE:** Memo regarding Chief Scientist

**DATE:** April 15, 1994

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This is regarding the memorandum that was sent out earlier today in reference to the evaluation of the Chief Scientist. Please note that the due date of April 15 was incorrect. Please return your responses to me by Friday, April 29, 1994.

Sorry for the confusion.

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### Trustee Agencies

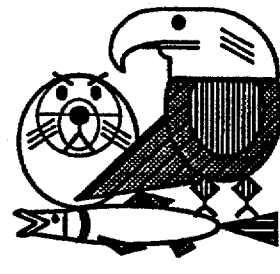
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



## MEMORANDUM

**TO:** Dave Gibbons  
USFS Liaison

**FROM:** Jim Ayers  
Executive Director

**DATE:** April 15, 1994

**RE:** Financial Operating Procedures

It came to my attention, at the April 11 teleconference, that my office does not have the most current approved Trustee Council Financial Operating Procedures. Please provide us with one.

It is also not clear whether all Trustee Council financial operating procedures and processes have been documented. I would like to take you up on your offer to work on a revised document. Please get together with June Arkoulis-Sinclair so the two of you can begin this project.

A handwritten signature in cursive script, appearing to read "Jim Ayers", with a large flourish at the end.

gibbons.jas

### Trustee Agencies

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

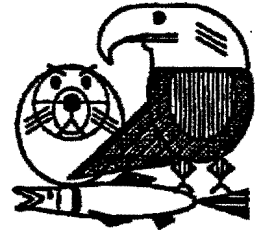
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

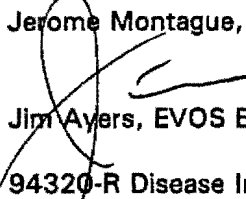
Phone: (907) 278-8012 Fax: (907) 276-7178

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15 April 1994

TO: Jerome Montague, Chief of Restoration ADF&G

FROM:  Jim Ayers, EVOS Executive Director

SUBJECT: 94320-R Disease Impacts on Prince William Sound Herring Populations

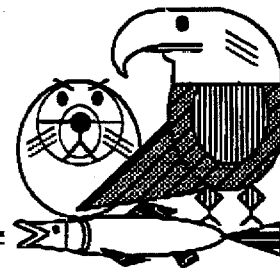
I concur with your memorandum of April 15, 1994 regarding the subject subproject. Please proceed with the cooperative agreement to conduct this subproject as soon as possible. Funding this subproject out of 94320-E and 94139 are acceptable options.

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



## Fax Cover Sheet

To: Trustee Council

Number:

From: Jim Ayers  
Executive Director

Date: April 14, 1994

Total Pages: 2

We have recently received a letter from Eyak Corporation expressing a desire to open fresh discussions regarding habitat acquisition of their lands. I have had the opportunity to discuss our interests with most of you and have received input accordingly. (A proposed response to Eyak drafted by John Sandor is attached indicating his views.) Several of you expressed the desire of moving forward quickly. We will be meeting with them in the near future to clarify their intentions and express ours. If you have any additional comments, I will be in Anchorage through Thursday and in Juneau Friday.

Donna Nadell  
President  
EYAK Corporation

**DRAFT**

Thank you for your letter of April 11, 1994, which was jointly signed by Luke Borer, President of Sherstone, Inc. Your letter states that Sherstone anticipates resumption of timber harvest operations this summer on some of Eyak Corporation's lands. Timber harvesting can be conducted in a manner which protects fisheries, wildlife and scenic values, and we would anticipate that Sherstone's harvesting activities would be conducted with the protection of such values in mind. Even the timber harvesting which occurred in the Cordova area early this century, has regenerated and supports outstanding fisheries and wildlife values. Thus, the more modern forest practices including those covered in the Forest Practices Act should enable Sherstone, Inc. to provide significant protection for these values under normal circumstances.

Because of the *Exxon Valdez* oil spill and the resultant stress placed on resources and services injured by the spill, the Trustees propose to purchase the so-called core lands of approximately 13,700 acres, including a subset of three parcels; the Power Creek parcel consisting of approximately 4,800 acres; the Eyak Lake parcel consisting of approximately 5,100 acres and the Eyak River parcel consisting of approximately 3,800 acres. The Trustees propose to purchase these lands in fee at fair market value, and would propose these lands be identified with a specific designation chosen by the Eyak Corporation and shareholders so that the area may be so signed and identified as such in perpetuity.

The Trustees also propose to purchase approximately 19,600 acres of land which have been identified as areas of special biological importance. These three areas consist of Sheep Bay (9,100 acres), Windy Bay/Deep Bay (7,100 acres), and Port Gravina (3,400 acres). The Trustees also propose to purchase these lands at fair market value. We are interested in discussing with you any additional measures that may be necessary for lands which have historical or cultural significance.

We believe your Board is aware of the public negotiations which surrounded the purchase of the Seal Bay lands on Afognak Island by the Trustee Council, and the Trustees are hopeful Sherstone and Eyak Corporations will follow a similar process in preparing various counteroffers which the Trustees can consider.

The Trustees urge Sherstone, Inc. and Eyak Corporation to give serious consideration to this proposal, and are willing to consider whatever counter or additional proposals your organizations may want to propose.

The Trustees believe these or any other proposals must be subject to approval by the shareholders and understand that the lands and timber under consideration are wholly owned by Eyak Corporation and its shareholders. Any lands or interests in lands, including commercial timber interests, not owned by Eyak Corporation need to be identified at the outset of any negotiations.



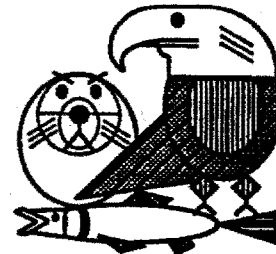
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

TO: Jerome Montague, ADF&G

FROM:   
James R. Ayers  
Executive Director

DATE: April 12, 1994

RE: Project #94258/Sockeye Salmon Overescapement - Authorization

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The purpose of this memorandum is to formally approve work to proceed on Project #94258/Sockeye Salmon Overescapement, as described in the DPD, as recommended by the Chief Scientist in his memorandum dated April 5 (attached).

As indicated in the Chief Scientist's memo, Project #94258/Sockeye Salmon Overescapement is a continuation of a project started during the NRDA process and was favorably reviewed by an international panel in March of 1993.

JRA/mir

Attachment: R. Spies to J. Ayers memo dated April 5, 1994

cc: Joe Sullivan, ADF&G  
Eric Myers, Anchorage

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### Trustee Agencies

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

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

April 5, 1994

TO: James Ayers  
Executive Director

FROM: Robert B. Spies   
Chief Scientist

THRU: Eric Myers

RE: Projects 94041 and 94258

Project 94041 ("Introduced Predator Removal from Islands") and Project 94258 ("Sockeye Salmon Overescapement") were delivered to my office with a request to expedite the peer-review process. The DPD for Project 94041 arrived in our office on March 24, and the DPD for Project 94258 arrived on March 10. The reviewd for both of these projects has been received.

As we have agreed, I plan to provide a formal recommendation for each project that summarizes the purpose of each study and its relationship to restoration management objectives. Given the extensive work currently underway with regards to Project 94320, I have not yet completed the formal recommendations. I do plan to recommend that both projects go forward, however, and given their time sensitive nature I thought this informal recommendation might allow the projects to proceed.

Project 94041 ("Introduced Predator Removal from Islands"): The key issue raised by the reviewer was to verify that neither cattle or rats are present on the two islands slated for fox trapping. Cattle destroy bird nesting habitat and crush burrows, and rats are predators on seabirds, so if they are present removing the foxes will not provide a "predator" free habitat for seabirds. The principal investigator has assured Andy Gunther that Simeonof and Chernabura Islands (in the Shumagin Islands) do not contain either cattle or rats. Consequently, I recommend the project go forward as described.

Project 94258 ("Sockeye Salmon Overescapement"): This project is a continuation of a project started during the NRDA process. The project was favorably reviewed by an international panel convened in Vancouver on March 15, 1993. The panel made some recommendations for improvements, which have been incorporated by the principal investigators. Consequently, I recommend the project go forward as described.

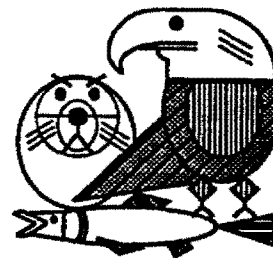
As you are aware, the analysis that the peer reviewers and I have provided these Detailed Project Descriptions is focused upon their technical merit. I recommend that each project be given a budgetary review in addition to the technical review provided by my office.

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



**CONFIDENTIAL**

## MEMORANDUM

TO: John A. Sandor  
Commissioner, ADEC

FROM:   
James R. Ayers  
Executive Director

DATE: April 8, 1994

RE: Evaluation of Chief Scientist

I am undertaking an evaluation of the performance of the Chief Scientist and am asking for your assessment of his performance. The present contract with the Chief Scientist will expire September 30, 1994. The Chief Scientist is the primary scientific advisor to the Executive Director and the Trustee Council on scientific matters. In order to have a fair and reasonable evaluation of his performance, I need to know your views on the effectiveness of his interactions with the Trustee Council.

Please answer the following questions regarding Dr. Spies' performance as Chief Scientist. I would appreciate it if you would use a narrative format to clearly convey your impressions and return your responses directly to me by April 15, 1994. I fully intend to meet with Dr. Spies to review these evaluations. However, your responses will be kept confidential. Thank you.

1. **Responsiveness.** When assigned tasks, has Dr. Spies responded clearly and directly? Has he shown the willingness and ability to carry out new assignments? Have his responses been timely? Please explain.

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2. **Scientific Quality of Products.** Has the content of Dr. Spies' work maintained a satisfactory level of scientific excellence? Has his work been accurate and complete? Has he demonstrated a comprehensive knowledge and understanding of the work done during the damage assessment and restoration phases of the Exxon Valdez oil spill? Please explain.

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### Trustee Agencies

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

3. **Effectiveness.** Describe your expectations of Dr. Spies' work with the many diverse groups involved in the restoration process: peer reviewers, principle investigators and the public. How did Dr. Spies live up to your expectations?

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4. **Accessibility.** Dr. Spies' office is located in Livermore, California. Have you found Dr. Spies to be accessible and responsive to your needs?

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5. **Overall Effectiveness on the Job.** Please comment on Dr. Spies' overall effectiveness in his role as Chief Scientist.

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6. **In what areas could Dr. Spies improve?**

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7. **What additional tasks or responsibilities** do you feel Dr. Spies should be expected to accomplish in the future?

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8. **Additional Comments.** Please feel free to comment on any other aspect of Dr. Spies' work that you feel pertinent to this evaluation.

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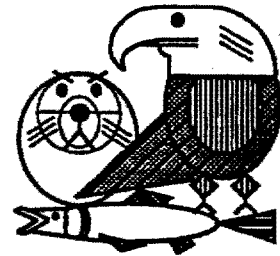
JRA/mir

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



## MEMORANDUM

**TO:** Sandy Rabinowitch, DOI  
Tony DeGange, USFWS  
Leslie Holland-Bartles, NBS

**FROM:** James R. Ayers  
Executive Director

**DATE:** April 11, 1994

**RE:** Project #94102/Marbled Murrelet Prey and Foraging  
Habitat in PWS - Authorization

The purpose of this memorandum is to formally approve work to proceed on Project #94102/Marbled Murrelet Prey and Foraging Habitat in PWS, as described in the DPD, with the understanding that the work effort will be modified as recommended by the Chief Scientist in his memorandum dated April 7 (attached). In particular, these study modifications include that:

1. the proposed lipid analysis will be eliminated; and
2. the Principle Investigator will examine substituting non-lethal dietary analysis techniques (live capture and regurgitation).

With respect to the second issue, it is my understanding that the project DPD, as presented for peer review, called for the collection (i.e., killing) of 30 murrelets. As a general matter, the Trustee Council has not looked favorably upon methods that involve the sacrifice of already damaged resources. While I recognize that there may well be valid and important justifications for "taking" 30 murrelets, this element of the project should not proceed prior to my being personally briefed on this aspect of the study and persuaded that the alternative technique of capture and regurgitation will not reasonably accomplish the research objectives.

JRA/mir

Attachment: Spies to Ayers, memo dated April 7

cc: David Irons, Project Manager, DOI-USFWS  
Karen Oakley, DOI-USFWS  
Eric Myers, Anchorage

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### Trustee Agencies

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

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

April 7, 1994

TO: James Ayers  
Executive Director

FROM: Robert B. Spies  
Chief Scientist

THRU: Eric Myers

RE: Projects 94102 and 94173

Project 94102 ("Marbled Murrelet Prey and Foraging Habitat in Prince William Sound, Alaska, in Summer") and Project 94173 ("Pigeon Guillemot Recovery Monitoring") were delivered to my office with a request to expedite the peer-review process. The DPDs for these projects arrived in our office on March 24, and the reviews for both of these projects have been received.

As we have agreed, I plan to provide a formal recommendation for each project that summarizes the purpose of each study and its relationship to restoration management objectives. Given the extensive work currently underway with regards to Project 94320, I have not yet completed the formal recommendations. I do plan to recommend that both projects go forward, however, and given their time sensitive nature I thought this informal recommendation might allow the projects to proceed.

Project 94102 ("Marbled Murrelet Prey and Foraging Habitat in Prince William Sound, Alaska, in Summer"): Murrelets are the most abundant seabird in PWS the summer, although as with many seabirds their numbers have declined significantly since the early 1970s. Murrelets were injured by the spill, and the goal of this project is to determine if food is limiting the recovery of marbled murrelets in PWS. The peer reviewer has pointed out correctly that there are unavoidable confounding factors that will cast doubt on the conclusions of this study. For example, 75% of the murrelets leave PWS in the winter for sites unknown, and mortality there could be limiting observed recovery in PWS. In addition, marbled murrelets make solitary nests high in trees and it is not feasible to directly measure their reproductive success. This study will attempt to develop indices of reproductive success (such as counts of fledged juveniles at sea).

Without studies such as this, we will have little knowledge to track recovery or effect restoration of marbled murrelets. I have discussed the peer reviewer's concerns and my own with Dr. David Irons (Project Manager), and I believe he will integrate these thoughts into the Project. The study will also be carefully integrated with the forage fish project (94163), which should provide the ability to correlate forage fish availability with murrelet foraging locations, foraging behavior, and possibly reproductive success indices. This project proposes to take 30 marbled murrelets (out of a summer population of 100,000). The USF&WS is considering alternate techniques for diet analysis (capture and regurgitation). The proposed lipid analysis is very experimental, and I believe such experimentation is better suited to birds with more varied diets such as pigeon guillemots.

Consequently, I recommend the project go forward as described except that the lipid analysis be eliminated, and the principal investigator consider substituting non-lethal dietary

analysis techniques. I also recommend that the principal investigator share GIS data with the SEA investigators, and obtain relevant data from that study for use in his own GIS analyses.

Project 94173 ("Pigeon Guillemot Recovery Monitoring"): Pigeon guillemots were injured by the spill, and are also among the group of seabirds with declining populations since the 1970s. This project will examine the important factors limiting guillemot recovery, including food availability and predation. The reviewer's key concern here was that guillemots eat a variety of prey, making it difficult to determine if a change in one prey resource (e.g., forage fish) is related to observed changes in reproductive success. I agree that it is unlikely that we will obtain unambiguous information regarding the linkages between pigeon guillemot populations and forage fish distributions, and I plan to consider this issue carefully in review of the forage fish study. The reviewer also pointed out that previous data suggest that predation may be a very important factor affecting guillemot recovery, and that experiments to study predation may yield less ambiguous information.

As with the marbled murrelets, however, pigeon guillemots are an injured resource about which we have very little information for purposes of restoration. If through this study we develop an understanding of factors limiting pigeon guillemot recovery, we could design restoration strategies to bolster recovery of this injured resource. Consequently, I recommend that this project go forward as described with the condition that the principal investigator consider all ways that might strengthen the data obtained from the study regarding predation as a factor limiting guillemot recovery.

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

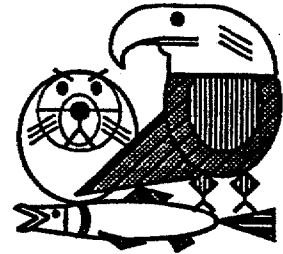
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** Sandy Rabinowitch, DOI  
Tony DeGange, USFWS  
Leslie Holland-Bartles, NBS

**FROM:**   
James R. Ayers  
Executive Director

**DATE:** April 11, 1994

**RE:** Project #94173/Pigeon Guillemot Monitoring - Authorization

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The purpose of this memorandum is to formally approve work to proceed on Project #94173/Pigeon Guillemot Recovery Monitoring, as described in the DPD, with the understanding that the principal investigator will be making a specific effort to strengthen the data obtained regarding predation as a factor limiting recovery as recommended by the Chief Scientist in his memorandum date April 7 (attached).

JRA/mir

Attachment: Spies to Ayers, memo dated April 7

**cc:** David Irons, Project Manager, DOI-USFWS  
Karen Oakley, DOI-USFWS  
Eric Myers, Anchorage

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### **Trustee Agencies**


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



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

April 7, 1994

TO: James Ayers  
Executive Director

FROM: Robert B. Spies   
Chief Scientist

THRU: Eric Myers

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As with the marbled murrelets, however, pigeon guillemots are an injured resource about which we have very little information for purposes of restoration. If through this study we develop an understanding of factors limiting pigeon guillemot recovery, we could design restoration strategies to bolster recovery of this injured resource. Consequently, I recommend that this project go forward as described with the condition that the principal investigator consider all ways that might strengthen the data obtained from the study regarding predation as a factor limiting guillemot recovery.

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

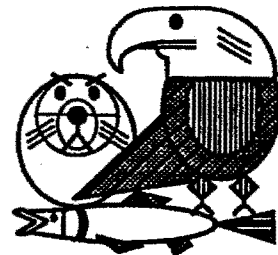
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Dr. Bob Spies, Chief Scientist

**FROM:** James R. Ayers  
Executive Director

**DATE:** April 11, 1994

**RE:** Trustee Council Research Projects - Collecting of Animals

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The purpose of this memorandum is to formalize my request that you please bring to my attention any Trustee Council sponsored study plan that calls for the collection (i.e., killing) of birds or mammals as part of the proposed Detailed Project Description (DPD) study design.

As a general rule, the Trustee Council has not looked favorably upon methods that involve the sacrifice of already damaged resources without substantial documentation from the Chief Scientist and peer reviewers that this taking is scientifically sound and is critical to the recovery of the injured species. I will want to be personally informed of those projects that propose such methods and will want to know that there are not alternative methods available to accomplish the research objectives prior to final approval of the DPD.

JRA/mir

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

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### Trustee Agencies

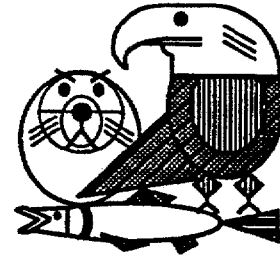
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



**CONFIDENTIAL**

## MEMORANDUM

**TO:** Carl L. Rosier  
Commissioner, ADF&G

**FROM:** *James R. Ayers*  
James R. Ayers  
Executive Director

**DATE:** April 8, 1994

**RE:** Evaluation of Chief Scientist

I am undertaking an evaluation of the performance of the Chief Scientist and am asking for your assessment of his performance. The present contract with the Chief Scientist will expire September 30, 1994. The Chief Scientist is the primary scientific advisor to the Executive Director and the Trustee Council on scientific matters. In order to have a fair and reasonable evaluation of his performance, I need to know your views on the effectiveness of his interactions with the Trustee Council.

Please answer the following questions regarding Dr. Spies' performance as Chief Scientist. I would appreciate it if you would use a narrative format to clearly convey your impressions and return your responses directly to me by April 15, 1994. I fully intend to meet with Dr. Spies to review these evaluations. However, your responses will be kept confidential. Thank you.

1. **Responsiveness.** When assigned tasks, has Dr. Spies responded clearly and directly? Has he shown the willingness and ability to carry out new assignments? Have his responses been timely? Please explain.

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2. **Scientific Quality of Products.** Has the content of Dr. Spies' work maintained a satisfactory level of scientific excellence? Has his work been accurate and complete? Has he demonstrated a comprehensive knowledge and understanding of the work done during the damage assessment and restoration phases of the Exxon Valdez oil spill? Please explain.

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### Trustee Agencies

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

3. **Effectiveness.** Describe your expectations of Dr. Spies' work with the many diverse groups involved in the restoration process: peer reviewers, principle investigators and the public. How did Dr. Spies live up to your expectations?

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4. **Accessibility.** Dr. Spies' office is located in Livermore, California. Have you found Dr. Spies to be accessible and responsive to your needs?

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5. **Overall Effectiveness on the Job.** Please comment on Dr. Spies' overall effectiveness in his role as Chief Scientist.

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6. **In what areas could Dr. Spies improve?**

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7. **What additional tasks or responsibilities** do you feel Dr. Spies should be expected to accomplish in the future?

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8. **Additional Comments.** Please feel free to comment on any other aspect of Dr. Spies' work that you feel pertinent to this evaluation.

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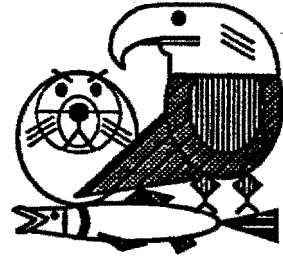
JRA/mir

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



**CONFIDENTIAL**

## **MEMORANDUM**

**TO:** Bruce Botelho  
Attorney General, DOL

**FROM:** James R. Ayers  
Executive Director

**RE:** Evaluation of Chief Scientist

**DATE:** April 8, 1994

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### **Trustee Agencies**

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

3. **Effectiveness.** Describe your expectations of Dr. Spies' work with the many diverse groups involved in the restoration process: peer reviewers, principle investigators and the public. How did Dr. Spies live up to your expectations?

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4. **Accessibility.** Dr. Spies' office is located in Livermore, California. Have you found Dr. Spies to be accessible and responsive to your needs?

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5. **Overall Effectiveness on the Job.** Please comment on Dr. Spies' overall effectiveness in his role as Chief Scientist.

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6. **In what areas could Dr. Spies improve?**

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7. **What additional tasks or responsibilities** do you feel Dr. Spies should be expected to accomplish in the future?

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8. **Additional Comments.** Please feel free to comment on any other aspect of Dr. Spies' work that you feel pertinent to this evaluation.

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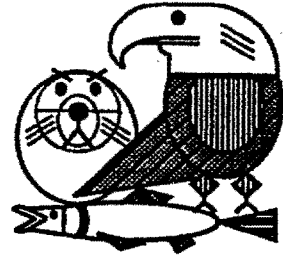
JRA/mir

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



**CONFIDENTIAL**

## MEMORANDUM

TO: Steve Pennoyer  
Director, NOAA

FROM:   
James R. Ayers  
Executive Director

DATE: April 8, 1994

RE: Evaluation of Chief Scientist

I am undertaking an evaluation of the performance of the Chief Scientist and am asking for your assessment of his performance. The present contract with the Chief Scientist will expire September 30, 1994. The Chief Scientist is the primary scientific advisor to the Executive Director and the Trustee Council on scientific matters. In order to have a fair and reasonable evaluation of his performance, I need to know your views on the effectiveness of his interactions with the Trustee Council.

Please answer the following questions regarding Dr. Spies' performance as Chief Scientist. I would appreciate it if you would use a narrative format to clearly convey your impressions and return your responses directly to me by April 15, 1994. I fully intend to meet with Dr. Spies to review these evaluations. However, your responses will be kept confidential. Thank you.

1. **Responsiveness.** When assigned tasks, has Dr. Spies responded clearly and directly? Has he shown the willingness and ability to carry out new assignments? Have his responses been timely? Please explain.

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2. **Scientific Quality of Products.** Has the content of Dr. Spies' work maintained a satisfactory level of scientific excellence? Has his work been accurate and complete? Has he demonstrated a comprehensive knowledge and understanding of the work done during the damage assessment and restoration phases of the Exxon Valdez oil spill? Please explain.

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### Trustee Agencies

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



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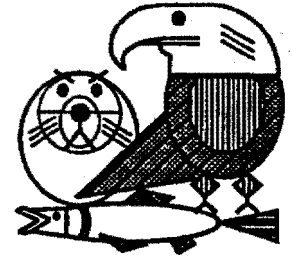
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JRA/mir

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

---



**CONFIDENTIAL**

**MEMORANDUM**

**TO:** Paul Gates  
Office of the Secretary, DOI

**FROM:** *James R. Ayers*  
James R. Ayers  
Executive Director

**DATE:** April 8, 1994

**RE:** Evaluation of Chief Scientist

I am undertaking an evaluation of the performance of the Chief Scientist and am asking for your assessment of his performance. The present contract with the Chief Scientist will expire September 30, 1994. The Chief Scientist is the primary scientific advisor to the Executive Director and the Trustee Council on scientific matters. In order to have a fair and reasonable evaluation of his performance, I need to know your views on the effectiveness of his interactions with the Trustee Council.

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**Trustee Agencies**

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

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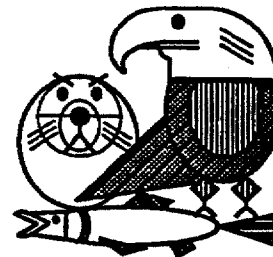
JRA/mir

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



**CONFIDENTIAL**

## **MEMORANDUM**

**TO:** Michael A. Barton  
Regional Forester, USFS

**FROM:** James R. Ayers  
Executive Director

**RE:** Evaluation of Chief Scientist

**DATE:** April 8, 1994

I am undertaking an evaluation of the performance of the Chief Scientist and am asking for your assessment of his performance. The present contract with the Chief Scientist will expire September 30, 1994. The Chief Scientist is the primary scientific advisor to the Executive Director and the Trustee Council on scientific matters. In order to have a fair and reasonable evaluation of his performance, I need to know your views on the effectiveness of his interactions with the Trustee Council.

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### **Trustee Agencies**

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

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

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JRA/mir

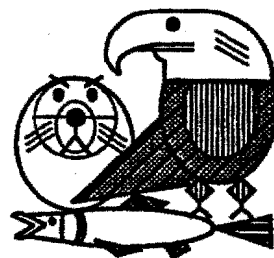
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** Jerome Montague, ADF&G  
Byron Morris, NOAA

**FROM:** James R. Ayers  
Executive Director

**DATE:** April 7, 1994

**RE:** Project #94191/Egg and Alevin Mortality - Authorization

---

The purpose of this memorandum is to authorize work to proceed on Project #94191 (Egg/Alevin Mortality) consistent with the changes recommended by the Chief Scientist in the attached memorandum dated April 1, 1994.

Please note especially the specific changes on page 3. I would appreciate your written response to each of these study design changes to indicate how you plan to proceed together with appropriate revisions to the project budget as a result of the change in project scope.

As you appreciate, the work being done under this project is some of the most important research being supported by the Trustee Council. In particular, I refer to the work that resulted in last years findings indicating inheritable genetic damage to pink salmon. These are startling findings that were not anticipated at the time of the Settlement. Work on this project deserves strong support in order to determine the full extent of spill related damages.

JRA/mir

Attachment: Spies to Ayers Memo Dated April 1, 1994

cc: Molly McCammon, Director of Operations, Anchorage  
Eric Myers, Anchorage  
Jeep Rice  
Sam Scharr  
Jim Seeb  
Bob Spies, Chief Scientist, Applied Marine Sciences  
Joe Sullivan  
Craig Tillery, Department of Law

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### **Trustee Agencies**

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

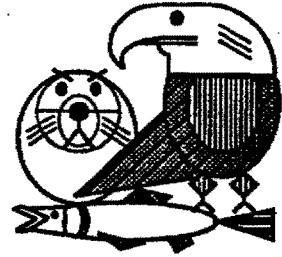
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Jerome Montague, ADF&G

**FROM:** James R. Ayers  
Executive Director

**DATE:** April 6, 1994

**RE:** Project #94320 - PWSAC Hatchery Manipulation

---

The purpose of this memorandum is to formally authorize you to proceed with funding for the PWSAC Experimental Manipulation (94320-L) and Experimental Release (94320-K) portions of Project #94320/PWS System Investigation as time critical.

As you know, NEPA compliance has been addressed through a Finding of No Significant Impact (FONSI) by the National Marine Fisheries Service on March 28, 1994. In view of the time critical role of the hatchery component of the overall research effort, please proceed as quickly as possible with the funding of this portion of the project effective March 28, 1994.

cc: Mark Brodersen, ADEC  
Dave Gibbons, USFS  
Veronica Gilbert, ADNR  
Molly McCammon, Director of Operations, Anchorage  
Byron Morris, NOAA  
Eric Myers, Anchorage  
Sandy Rabinowitch, DOI

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### Trustee Agencies

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

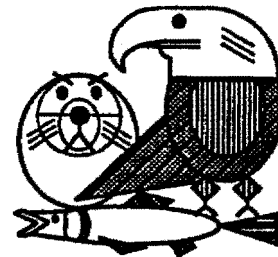
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** Sandy Rabinowitch, DOI

**FROM:** James R. Ayers  
Executive Director

**DATE:** April 6, 1994

**RE:** Project #94041/Introduced Predator Removal - Authorization

---

The purpose of this memorandum is to formally approve work to proceed on Project #94041/Introduced Predator Removal as described in the DPD.

As indicated by Karen Oakley/USFWS, expenditure authority for this project is needed immediately in order to meet the R/V Tiglax sailing date of May 13 from Homer. The Chief Scientist has reviewed the DPD and recommends that the project go forward as indicated in the attached memorandum dated April 5. (A more formal recommendation from the Chief Scientist will follow.)

JRA/mir

Attachment

cc: Eric Myers, Anchorage  
Bob Spies, Chief Scientist, Applied Marine Sciences

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### **Trustee Agencies**

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

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




A P P L I E D

*marine*

S C I E N C E S

April 5, 1994

TO: James Ayers  
Executive Director

FROM: Robert B. Spies   
Chief Scientist

THRU: Eric Myers

RE: Projects 94041 and 94258

Project 94041 ("Introduced Predator Removal from Islands") and Project 94258 ("Sockeye Salmon Overescapement") were delivered to my office with a request to expedite the peer-review process. The DPD for Project 94041 arrived in our office on March 24, and the DPD for Project 94258 arrived on March 10. The reviewd for both of these projects has been received.

As we have agreed, I plan to provide a formal recommendation for each project that summarizes the purpose of each study and its relationship to restoration management objectives. Given the extensive work currently underway with regards to Project 94320, I have not yet completed the formal recommendations. I do plan to recommend that both projects go forward, however, and given their time sensitive nature I thought this informal recommendation might allow the projects to proceed.

Project 94041 ("Introduced Predator Removal from Islands"): The key issue raised by the reviewer was to verify that neither cattle or rats are present on the two islands slated for fox trapping. Cattle destroy bird nesting habitat and crush burrows, and rats are predators on seabirds, so if they are present removing the foxes will not provide a "predator" free habitat for seabirds. The principal investigator has assured Andy Gunther that Simeonof and Chernabura Islands (in the Shumagin Islands) do not contain either cattle or rats. Consequently, I recommend the project go forward as described.

Project 94258 ("Sockeye Salmon Overescapement"): This project is a continuation of a project started during the NRDA process. The project was favorably reviewed by an international panel convened in Vancouver on March 15, 1993. The panel made some recommendations for improvements, which have been incorporated by the principal investigators. Consequently, I recommend the project go forward as described.

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

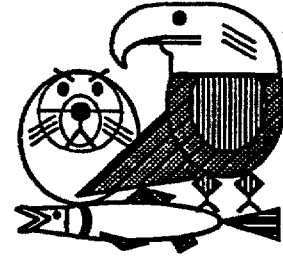
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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April 1, 1994

Mr. Roderick R. Shipley  
Senior Vice President  
National Bank of Alaska  
P.O. Box 100600  
Anchorage, AK 99510-0600

Dear Mr. Shipley:

Thank you for your recent letter regarding the Trust Department of N.B.A. I appreciate your taking the time to contact us regarding the investment of Trustee Council funds. However, under the terms of the Memorandum of Agreement between the State of Alaska and the United States, and in accordance with rules of the U.S. Department of the Treasury, our options are limited.

The settlement agreement provides that the funds must be deposited in the registry of the United States District Court for the District of Alaska. The court, in turn, has issued an order under which it invests the funds through the Court Registry Investment System. Neither the state nor the joint state/federal Exxon Valdez Trustee Council has discretion over where or how the funds are invested.

Again, thank you for your consideration.

Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

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#### Trustee Agencies

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

MARCH

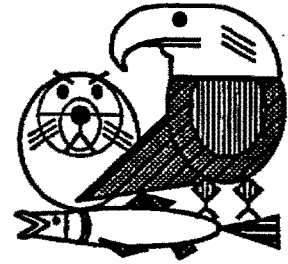
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Ken Chalk  
Alaska Department of Fish & Game

**FROM:** James R. Ayers  
Executive Director

**DATE:** March 31, 1994

**RE:** Commendation

---

I would like to add to the chorus in expressing my appreciation for the extraordinary time and effort you took in completing the NEPA analysis for the Hatchery Experimental Manipulation portion of Project 94320.

It was a job well done, as exemplified by NOAA's acceptance of your product. Congratulations, and again my thanks.

**cc:** Trustee Members

Michael A. Barton, Regional Forester, US Forest Service  
Bruce Botelho, Attorney General, Department of Law  
Paul Gates, Office of the Secretary, DOI  
Steve Pennoyer, Director, NOAA  
Carl L. Rosier, Commissioner, ADF&G  
John A. Sandor, Commissioner, ADEC

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### Trustee Agencies

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

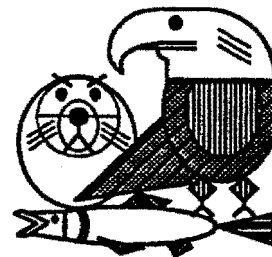
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Kim Garnero  
Finance Officer  
Department of Fish and Game

**FROM:**   
James R. Ayers  
Executive Director

**DATE:** March 25, 1994

**RE:** Executive Director's Office Approving Officers

---

The following individuals are authorized to approve transactions for the Executive Director's Office:

<u>Name</u>	<u>Transactions</u>
James R. Ayers	All
Molly McCammon	All

garnero.jra

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### Trustee Agencies

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

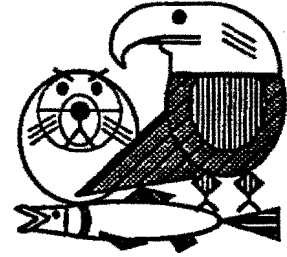
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## MEMORANDUM

**TO:** Dr. Bob Spies, Chief Scientist

**FROM:**   
James R. Ayers  
Executive Director

**DATE:** March 25, 1994

**RE:** Scientific Peer Review of FY 94 Work Plan Projects

---

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

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

JRA/mir

Enclosures

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

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### Trustee Agencies

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

TOTAL P.01

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

March 16, 1994

TO: Molly McCammon

FROM: Andy Gunther  
 Bob Spies

RE: Peer Review of Detailed Project Descriptions

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

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

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

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

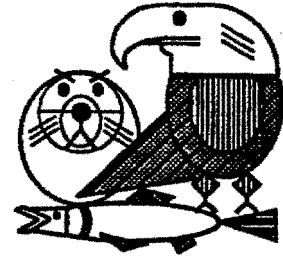
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 25, 1994

Ms. Phyllis Rhodes  
Clerk of the Court  
U. S. District Court  
222 West Seventh  
Box 4  
Anchorage, AK 99513-7564

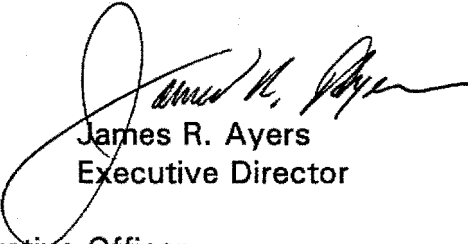
Dear Ms. Rhodes:

I am writing this letter to formally request copies of the accounting reports (see sample report attached) generated for the *Exxon Valdez* Oil Spill United States/State of Alaska Joint Trust Fund. It is my understanding that this report is generated weekly by the District Court in Houston and forwarded to you. I realize this report is part of your accounting records and not the court file, however, we do need this information for our own accounting purposes. We have financial reporting requirements that must be met and the status of this account is critical information.

I wish to make arrangements to receive these reports as they are received by your office but if that is not practical then each month end would be sufficient. If there is some other means by which we can receive this information, please let me know.

Thank you for your assistance in this matter. If you have any questions, I can be reached in Anchorage at 278-8012 or Juneau at 586-7238.

Sincerely,



James R. Ayers  
Executive Director

cc: June Arkoulis-Sinclair, Administrative Officer

rhodes,jra

---

## Trustee Agencies

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



003/003

J. AYERS

EV Restoration

907 276 7178

12:02

03/23/94

Detail - Single District

U.S. District Court

Page 2

TOTALS THIS DISTRICT	PRIOR	CURRENT	ENDING
Principal	161,806,257.78	0.00	161,806,257.78
Principal Disbursed	(75,208,618.28)	0.00	(75,208,618.28)
Net Principal	86,597,639.50	0.00	86,597,639.50
Earnings Deposits	48,807.38	0.00	48,807.38
Earnings Allocated	3,707,386.94	46,926.02	3,754,312.96
Earnings Disbursed	0.00	0.00	0.00
Net Earnings	3,756,194.32	46,926.02	3,803,120.34
Total Portfolio	90,353,833.82	46,926.02	90,400,759.84

Number of Cases: 1

Current Fee: 5,214.01

QTD Fee: 60,487.21

YTD Fee: 60,487.21

QTD Earnings: 544,384.69

YTD Earnings: 544,384.69

District of Alaska

Period From 3/18/94 To 3/24/94

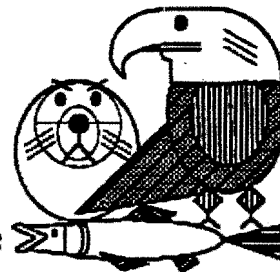
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# Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



## MEMORANDUM

To: Simpson Building EVRO Staff

From: Molly McCammon *for*  
Director of Operations

Date: March 25, 1994

Subj: Response to Public Inquires on Small Parcel Process

When members of the public call with questions or nominations for the Small Parcel Process, as a rule, these calls should be referred to either the Public Information Specialist, L.J. Evans or to OSPIC. The following message should be courteously conveyed:

- The small parcel process is being developed, and should be completed by April.
- Once a small parcel process is approved, it will include a nomination process. That process will be made public via public notice.
- Information regarding parcels and nominations should be held until the public notice goes out regarding nominations. We are not prepared at this time to receive this information

If you have any questions, please contact me. All written inquiries should be date stamped and given to Rebecca Williams for filing.

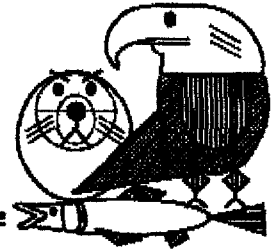
Post-It™ brand fax transmittal memo 7671		# of pages > 1
To <i>Mary Rivera</i>	From <i>Rebecca</i>	
Co.	Co.	
Dept. <i>FOR FILE</i>	Phone # <i>278-8012</i>	
Fax #	Fax # <i>276-7178</i>	

**Exxon Valdez Oil Spill Trustee Council**

Restoration Office

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

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



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**MEMORANDUM**

To: Steve Pennoyer  
National Marine Fisheries Service

From: *Marfa*  
Jim Ayers  
Executive Director

Date: March 24, 1994

Subj: Trustee Council Teleconference

We are polling Trustee Council members for a date for a teleconferenced continuation of the January 31 meeting. Please indicate, by calling Rebecca Williams at 278-8012, your availability on April 4, 5 or 6. The earlier dates are preferable, if possible.

Attached is a draft agenda. The new business items are still very tentative. Please let me know if there are additional items you feel should be included.

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**Trustee Agencies**

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

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

**DRAFT****DRAFT**

**AGENDA  
EXXON VALDEZ OIL SPILL SETTLEMENT  
TRUSTEE COUNCIL CONTINUATION MEETING**

**TELECONFERENCE**

3/24/94 - 1:49pm **DRAFT**

**DATE TO BE DETERMINED  
TIME TO BE DETERMINED**

**Trustee Council Members:**

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

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

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

**STEVEN PENNOYER**  
Director, Alaska Region  
National Marine Fisheries Service

**CARL L. ROSIER**  
Commissioner  
Alaska Department of Fish & Game

**JOHN A. SANDOR**  
Commissioner  
Alaska Department of Environmental  
Conservation

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**Time**

**Date**

1. Approval of Agenda  
Order of the Day
2. Reports
  - Executive Director's Report
  - Financial Report
3. Old Business
  - 1994 Work Plan
    - \* A. Review scope and detailed budgets of Project 94320
    - \* B. Increment for Project 94191
    - \* C. Increment for NEPA for Project 94199
    - \* D. Report on status of NEPA Compliance for 1994 Projects
    - \* E. Resolution on Restoration Reserve - Bob Storer, Alaska Department of Revenue

#### 4. New Business

(These are still being discussed and will be circulated to all agencies before a final proposal is decided upon)

- \* • Planning project for subsistence (still in draft stages)
- \* • Additional funds for Science Review Board/Science Planning Workshops

Adjourn

\* Indicate action items.

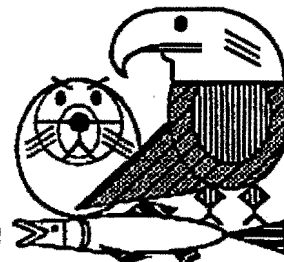
**DRAFT**

## 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: All EVOS Staff  
From: Jim Ayers  
Executive Director  
Date: March 23, 1994  
Subj: Exxon Trial

Trial dates are coming up for litigation involving Exxon and various plaintiffs regarding liability related to the *Exxon Valdez* oil spill.

If you are contacted by lawyers or other representatives of the parties, please, refer the call to your attorney. If you are a state employee, you should contact your supervisor and Alex Swiderski at 269-5274. Federal employees should contact your superior and respective solicitor or Office of General Council.

If you have questions please contact me or Molly McCammon.

#### Trustee Agencies

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

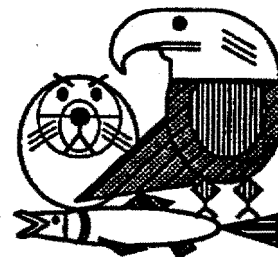
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 17, 1994

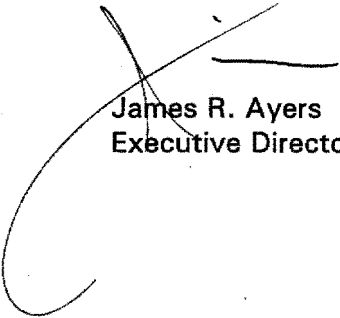
Mr. Dave Gibbons  
U.S. Department of Agriculture  
Forest Service  
709 W. 9th Street, Room 831  
Juneau, AK 99801

Dear Mr. Gibbons:

Enclosed is a resolution in recognition of your accomplishments and dedication as Interim Administrative Director for the *Exxon Valdez* Oil Spill Trustee Council from its inception through 1993.

Thank you for your effort, creativity, and immeasurable contribution to the restoration of the injuries caused by the *Exxon Valdez* oil spill. We appreciate your exceptional dedication, experience and accomplishments.

Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

Enclosure

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## Trustee Agencies

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

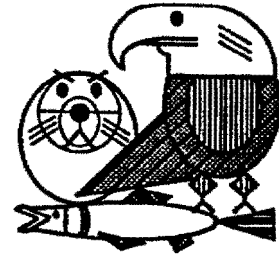
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## Resolution of Appreciation for Dave Gibbons Recognizing His Accomplishments and Dedication

as

Interim Administrative Director  
for the Exxon Valdez Oil Spill Trustee Council

- Whereas,** Dave Gibbons was the Interim Administrative Director for the *Exxon Valdez* Oil Spill Trustee Council from its inception through 1993;
- whereas,** in that role, Dave Gibbons was an influential force in overseeing and pioneering restoration activities for the country's largest oil spill;
- whereas,** during that time the Trustee Council accomplished millions of dollars of restoration, monitoring, and research activities and the first two habitat purchases; and
- whereas,** the accomplishments of the Trustee Council were made only with Dave Gibbon's exceptional dedication, experience, and effort;

**Therefore, be it resolved** that the *Exxon Valdez* Oil Spill Trustee Council expresses its grateful appreciation of Dave Gibbon's work as Interim Administrative Director; recognizes his effort, creativity, and immeasurable contribution to the restoration of the injuries caused by the *Exxon Valdez* Oil Spill; and gives their personal appreciation for his exceptional dedication and accomplishments.

Michael A. Barton  
Regional Forester  
USDA Forest Service

Bruce Botelho  
Attorney General  
State of Alaska

George T. Frampton  
Assistant Secretary  
U.S. Department of Interior

John A. Sandor  
Commissioner  
Department of Environmental Conservation

Steve Pennoyer  
Director  
National Marine Fisheries Service

Carl L. Rosier  
Commissioner  
Department of Fish and Game

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### Trustee Agencies

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

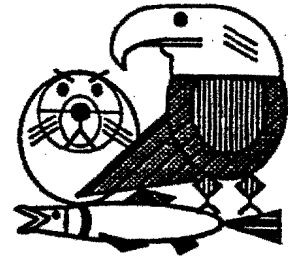


# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



March 17, 1994

Mr. Charles E. Cole  
406 Cushman Street  
Fairbanks, AK 99701

Dear Mr. Cole:

Enclosed is a resolution in recognition of your extraordinary leadership on Attorney General negotiations in the settlement agreement which led to the establishment of the Trustee Council.

Also enclosed is "The Exxon Valdez Oil Spill Final Report, State of Alaska Response" prepared by the Alaska Department of Environmental Conservation.

We are grateful for your professionalism and friendship and wish you the best.

Sincerely,

*[Signature]*  
James R. Ayers  
Executive Director

JRA/mir

Enclosures

*Pls. give me a  
call if you get  
to town (2010)-*

*Thanks  
I look forward  
to our friendship -  
and working together again  
down the trail!*

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## Trustee Agencies

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

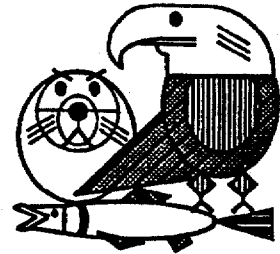
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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Resolution of Appreciation for Charles Cole  
Recognizing His Extraordinary Leadership  
on

Attorney General Negotiations in the Settlement Agreement  
which led to the Establishment of the Trustee Council

The *Exxon Valdez* Oil Spill Trustee Council expresses its deepest appreciation to **Charles E. Cole** for his extraordinary leadership on Attorney General negotiations in the settlement agreement which led to the establishment of the Trustee Council; and for his leadership in initiating and guiding the Trustee Council to make sure the Council's operations were in strict accord with the settlement agreement, and targeted for the restoration of resources and services injured by the *Exxon Valdez* Oil Spill. The Trustee Council is profoundly grateful for **Mr. Cole's** professionalism and friendship and extends its best wishes for good health and happiness to **Charlie and Christine Cole** in the years ahead.

Michael A. Barton  
Regional Forester  
USDA Forest Service

Bruce Botelho  
Attorney General  
State of Alaska

George T. Frampton  
Assistant Secretary  
U.S. Department of Interior

John A. Sandor  
Commissioner  
Department of Environmental Conservation

Steve Pennoyer  
Director  
National Marine Fisheries Service

Carl L. Rosier  
Commissioner  
Department of Fish and Game

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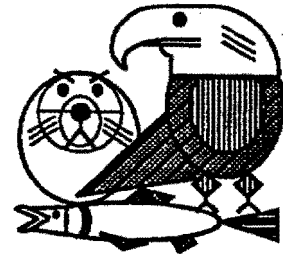
# Exxon Valdez Oil Spill Trustee Council

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

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March 16, 1994

Mr. Stephen C. Planchon  
Director of Conservation Programs  
The Nature Conservancy of Alaska  
601 West 5th Avenue  
Anchorage, AK 99501

Dear Steve:

Thank you for your letter of January 28, 1994 concerning the Biological Survey Strategy Cooperative Agreement. As you pointed out in your letter, Trustee Council staff are in the process of initiating a strategic planning process and reassessing our needs for database and information management.

I sincerely appreciate the work that you and others put into this project last fall. We are currently in the process of assessing our internal needs and process for integrated research. I would appreciate your ideas and suggestions. I also agree that if a proposal is resubmitted, work completed on the original project could be applied toward the matching requirements.

Again, thank you for all the help you and other members of the Nature Conservancy staff have provided the Trustee Council. I hope you will continue to be involved in our development of a Management Implementation Strategy. As I mentioned to you, the next work session is scheduled for March 21, and you should be receiving backup materials very soon.

Sincerely,

  
James R. Ayers  
Executive Director

JRA/mir

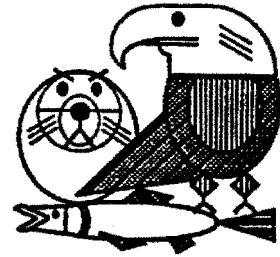
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 11, 1994

Afognak Joint Venture  
P.O. Box 1277  
Kodiak, AK 99615

We have worked hard over the past six weeks to develop a process and procedure for habitat acquisition that is fair, reasonable and consistent. These efforts included meeting with various parties representing willing sellers as we had said we would do.

Enclosed are the proposed standardized appraisal instructions that will be used to determine fair market value interests in lands potentially to be acquired as a part of the Exxon Valdez restoration program. These general specifications are the requirements to be used by the contract appraiser in the instructions to determine fair market value. We have tried to incorporate, to the maximum extent possible, both Trustee and willing seller concerns while maintaining compliance with State and Federal law. We intend to move forward in the near future with appraisals and would like your comments on these proposed instructions as soon as possible.

Please send them to:

Dave Gibbons  
U.S. Forest Service  
709 West 9th Street, Room 839-D  
Juneau, AK 99801

The Trustee Council will use the United States Forest Service appraiser contract to accomplish appraisals for any EVOS related acquisitions. This provides for consistency and further assurance of compliance with State and Federal law. There will be a meeting scheduled with you and the appraiser prior to initiating appraisals. Our respective negotiators will be in touch with you to initiate detail negotiations.

I look forward to working with you on this important effort. Please do not hesitate to call me, if you would like to discuss this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "James R. Ayers". The signature is fluid and cursive, with the first name "James" being the most prominent.

James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Trustee Council Members  
Attorney Representative

---

## **Trustee Agencies**

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

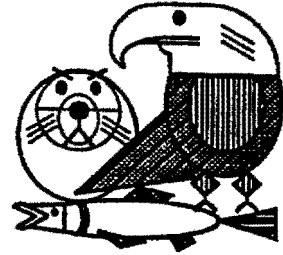
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 11, 1994

Akhiok-Kaguyak Corporation  
5028 Mills Dr.  
Anchorage, AK 99508

We have worked hard over the past six weeks to develop a process and procedure for habitat acquisition that is fair, reasonable and consistent. These efforts included meeting with various parties representing willing sellers as we had said we would do.

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I look forward to working with you on this important effort. Please do not hesitate to call me, if you would like to discuss this matter.

Sincerely,

James R. Ayers  
Executive Director

JRA/mir  
Enclosures

cc: Trustee Council Members  
Attorney Representative

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## Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
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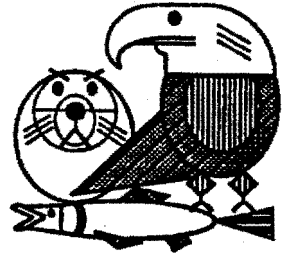
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 11, 1994

Chenega Corporation  
P.O. Box 60  
Chenega Bay, AK 99574-9999

We have worked hard over the past six weeks to develop a process and procedure for habitat acquisition that is fair, reasonable and consistent. These efforts included meeting with various parties representing willing sellers as we had said we would do.

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Juneau, AK 99801

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I look forward to working with you on this important effort. Please do not hesitate to call me, if you would like to discuss this matter.

Sincerely,

James R. Ayers  
Executive Director

JRA/mir  
Enclosures  
cc: Trustee Council Members  
Attorney Representative

---

#### **Trustee Agencies**

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

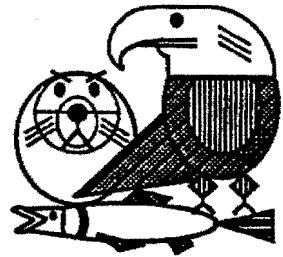
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



March 11, 1994

English Bay Corporation  
1637 Stanton Avenue  
Anchorage, AK 99508

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Sincerely,

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James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Trustee Council Members  
Attorney Representative

---

## Trustee Agencies

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

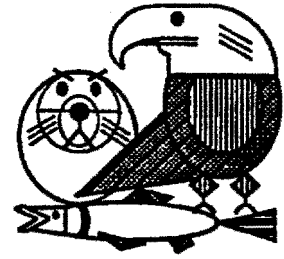
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



March 11, 1994

Eyak Corporation  
4792-5 Business Park Boulevard  
Anchorage, AK 99503

We have worked hard over the past six weeks to develop a process and procedure for habitat acquisition that is fair, reasonable and consistent. These efforts included meeting with various parties representing willing sellers as we had said we would do.

Enclosed are the proposed standardized appraisal instructions that will be used to determine fair market value interests in lands potentially to be acquired as a part of the Exxon Valdez restoration program. These general specifications are the requirements to be used by the contract appraiser in the instructions to determine fair market value. We have tried to incorporate, to the maximum extent possible, both Trustee and willing seller concerns while maintaining compliance with State and Federal law. We intend to move forward in the near future with appraisals and would like your comments on these proposed instructions as soon as possible.

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Dave Gibbons  
U.S. Forest Service  
709 West 9th Street, Room 839-D  
Juneau, AK 99801

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I look forward to working with you on this important effort. Please do not hesitate to call me, if you would like to discuss this matter.

Sincerely,

James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Trustee Council Members  
Attorney Representative

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## **Trustee Agencies**

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



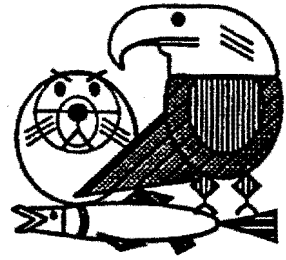
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

---



March 11, 1994

Kodiak Island Borough  
710 Mill Bay Road  
Kodiak, AK 99615-6331

We have worked hard over the past six weeks to develop a process and procedure for habitat acquisition that is fair, reasonable and consistent. These efforts included meeting with various parties representing willing sellers as we had said we would do.

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Dave Gibbons  
U.S. Forest Service  
709 West 9th Street, Room 839-D  
Juneau, AK 99801

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Sincerely,

James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Trustee Council Members  
Attorney Representative

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## **Trustee Agencies**

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
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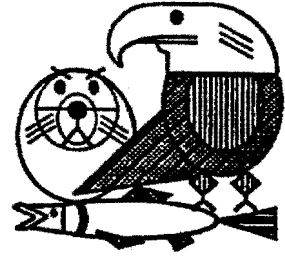
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 11, 1994

Koniag Incorporated  
4300 B Street, #407  
Anchorage, AK 99503

We have worked hard over the past six weeks to develop a process and procedure for habitat acquisition that is fair, reasonable and consistent. These efforts included meeting with various parties representing willing sellers as we had said we would do.

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Sincerely,

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James R. Ayers  
Executive Director

JRA/mir  
Enclosures

cc: Trustee Council Members  
Attorney Representative

---

## Trustee Agencies

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

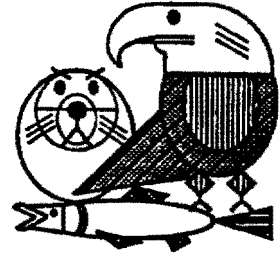
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 11, 1994

Port Graham Corporation  
P.O. Box PGM  
Port Graham, AK 99603-8998

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U.S. Forest Service  
709 West 9th Street, Room 839-D  
Juneau, AK 99801

The Trustee Council will use the United States Forest Service appraiser contract to accomplish appraisals for any EVOS related acquisitions. This provides for consistency and further assurance of compliance with State and Federal law. There will be a meeting scheduled with you and the appraiser prior to initiating appraisals. Our respective negotiators will be in touch with you to initiate detail negotiations.

I look forward to working with you on this important effort. Please do not hesitate to call me, if you would like to discuss this matter.

Sincerely,

James R. Ayers  
Executive Director

JRA/mir  
Enclosures

cc: Trustee Council Members  
Attorney Representative

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#### **Trustee Agencies**

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

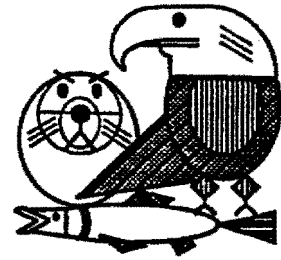
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 11, 1994

Tatitlek Corporation  
P.O. Box 650  
Cordova, AK 99574

We have worked hard over the past six weeks to develop a process and procedure for habitat acquisition that is fair, reasonable and consistent. These efforts included meeting with various parties representing willing sellers as we had said we would do.

Enclosed are the proposed standardized appraisal instructions that will be used to determine fair market value interests in lands potentially to be acquired as a part of the Exxon Valdez restoration program. These general specifications are the requirements to be used by the contract appraiser in the instructions to determine fair market value. We have tried to incorporate, to the maximum extent possible, both Trustee and willing seller concerns while maintaining compliance with State and Federal law. We intend to move forward in the near future with appraisals and would like your comments on these proposed instructions as soon as possible.

Please send them to:

Dave Gibbons  
U.S. Forest Service  
709 West 9th Street, Room 839-D  
Juneau, AK 99801

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I look forward to working with you on this important effort. Please do not hesitate to call me, if you would like to discuss this matter.

Sincerely,

James R. Ayers  
Executive Director

JRA/mir

Enclosures

cc: Trustee Council Members  
Attorney Representative

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## Trustee Agencies

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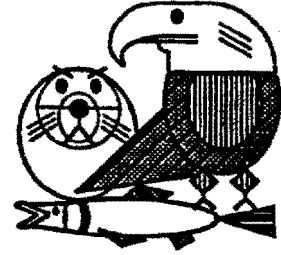
# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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March 7, 1994

via Fax: 465-6142

Mr. Wayne Regelin  
Deputy Director  
Division of Wildlife Conservation  
Alaska Department of Fish & Game  
P.O. Box 25526  
Juneau, AK 99802

Dear Mr. Regelin: *Wayne*

Thank you for discussing the Harlequin Duck project with me. If you have identified significant data information that substantiates claims that monitoring this year is imperative to the recovery of Harlequin Ducks, please review it with me immediately!

As I have stated, we are prepared to take critical issues to the Trustees at any point in the work plan cycle.

Sincerely,

*James R. Ayers*  
James R. Ayers  
Executive Director

JRA/mir

cc: Trustee Council Members

bcc: Agency Liaisons

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## Trustee Agencies

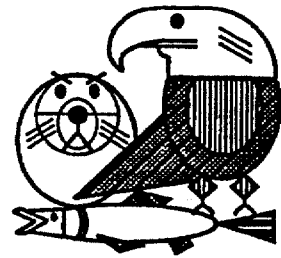
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
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# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



## MEMORANDUM

**TO:** LaRae Jones  
Personnel

**FROM:** June Arkoulis-Sinclair  
Director of Administrative Services

**DATE:** March 2, 1994

**RE:** Trustee Council Positions

Provided below is a breakdown of Trustee Council positions being charged to the Department of Fish and Game and the collocation codes they should be charged to:

PCN	Employee	Sub-project/Collocation Code/LC
11-117002	Jim Ayers	Executive Director/11941100/11940024
11-117003	June Arkoulis-Sinclair	Executive Director/11941100/11940024
11-117007	Mary Rivera	Executive Director/11941100/11940024
11-117006	Mary McCammon	Operations/11941100/11940025
11-117009	Eric Meyers	Operations/11941100/11940025
11-117701	L. J. Evans	Operations/11941100/11940025
11-117702	Ward Lane	Operations/11941100/11940025
11-117704	Barbara Wilson	Operations/11941100/11940025
11-117706	Rebecca Williams	Operations/11941100/11940025
11-117008	Vacant	Operations/11941100/11940025
11-117705	Tammy Yockey	Operations/11940009
11-117707	Ron Bruyere	Operations/11941100/11940025
11-117703	Vacant	Operations/11941100/11940025

### Trustee Agencies

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

11-117005	Cherri Womac	Public Advisory Group/11941100/11940026
11-117708	Carrie Holba	OSPIC/11944230
11-117709	Beverly Hayes	OSPIC/11944230
11-117710	Jeffrey Lawrence	OSPIC/11944230

Please adjust all year to date charges to the appropriate collocation code. Thank you for your assistance.

cc: Molly McCammon, Director of Operations

FEBRUARY



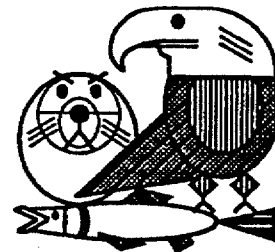
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** State Restoration Work Force Members

**FROM:** June Arkoulis-Ginclair  
Director of Administrative Services

**DATE:** February 18, 1994

**RE:** Exxon Valdez Oil Spill Projects RPL 18-4-9992

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The purpose of this memo is to:

1. Provide status update of Exxon Valdez Oil Spill projects revised program 18-4-9992.
2. Recording the revised program.
3. Provide information on how funding approved in revised programs can be transferred between state agencies.

### **Status of RPL 18-4-9992**

The Legislative Budget and Audit Committee (LB&A) approved all of the projects conceptually and the FY 94 funding. It will be necessary to go back to LB&A for approval of the FY 95 funding just prior to the beginning of FY 95. The RPL will either be carried forward or a new one will need to be submitted. The Office of Management and Budget is working on submitting language for the appropriation bill which would put an extended lapse date on the RPL.

### **Recording the Revised Program**

The entire amount (\$12,389.7) of the revised program will be recorded in the state accounting system, however, if the lapse date is not extended a restriction will be necessary for the FY 95 funding portion.

### **Transfers between state agencies**

The revised program amount is considered an appropriation with three allocations (Environmental

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#### **Trustee Agencies**

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
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Conservation, Natural Resources, and Fish and Game). The amounts in the revised programs must be recorded as approved initially and cannot be changed. If it becomes necessary to make adjustments/transfers between these three allocations it will be necessary to submit an additional revised program to make the change for Office of Management and Budget approval.

If you have any questions you can contact me at 586-7238. Please note that our new fax number here in Juneau is 586-7589.

Enclosure

**Revised Program 18-4-9992  
Project Allocations**

<b>Project Number</b>	<b>Project Description</b>	<b>Agency</b>	<b>LB&amp;A Request 2/16/94</b>
94007	Site Specific Archaeological Restoration	ADNR	403.4
94064	Harbor Seal Habitat Use and Monitoring	ADF&G	153.3
94086	Herring Bay Experimental and Monitoring Studies	ADF&G	531.4
94090	Mussel Bed Restoration and Monitoring	ADEC	332.9
94110	Habitat Protection - Data Acquisition and Support	ADF&G ADNR	59.9 316.1
94126	Habitat Protection and Acquisition Fund	ADF&G ADNR	10.4 210.0
94137	Stock Identification of Chum and Sockeye Salmon in Prince William Sound	ADF&G	214.9
94139	Salmon Stream Habitat and Stock Restoration	ADF&G	515.6
94163	Forage Fish Influence on Injured Species	ADF&G	95.4
94165	Herring Genetic Stock Identification in Prince William Sound	ADF&G	62.2
94166	Herring Spawn Deposition and Reproductive Impairment	ADF&G	239.2
94191	Oil Related Egg and Alevin Mortalities	ADF&G	202.5
94199	Institute of Marine Science - Seward Improvements	ADF&G	200.0
94244	Harbor Seal and Sea Otter Co-Op Subsistence Harvest Assistance	ADF&G	54.5
94255	Kenai River Sockeye Salmon Restoration	ADF&G	281.1
94258	Sockeye Salmon Overescapement	ADF&G	475.7
94259	Coghill Lake Sockeye Salmon Restoration	ADF&G	113.2
94266	Shoreline Assessment and Oil Removal	ADEC	341.6
94272	Chenega Chinook Release Program	ADF&G	57.4
94279	Subsistence Food Safety Testing	ADF&G	176.1
94320	Prince William Sound System Investigation	ADF&G	6052.5
94417	Waste Oil Disposal Facilities	ADEC	232.2
94422	Restoration Plan NEPA Compliance	ADF&G	50.4
94423	Oil Spill Public Information Center	ADEC ADF&G	111.6 136.5
94507	Symposium Proceedings Publication	ADEC	69.0
940ED	Public Information and Administration	ADF&G	690.7
	<b>Total</b>		<u>12,389.7</u>

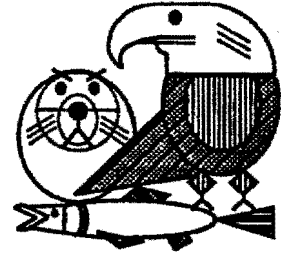
# **Exxon Valdez Oil Spill Trustee Council**

Restoration Office

645 "G" Street, Anchorage, AK 99501

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

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## **MEMORANDUM**

**TO:** Negotiators

**FROM:** James R. Ayers  
Executive Director

**DATE:** February 3, 1994

**RE:** Habitat Protection Negotiations

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As you are probably aware, the Trustee Council passed a resolution to proceed with the habitat protection program during the January 31, 1994 meeting. Specifically, authorization was given to the Executive Director to proceed with detailed negotiations with the landowners of the previously identified high value parcels. Additional direction was given to me regarding appraisals and other aspects of the habitat protection process.

In order to adhere to the direction of the Trustee Council and move forward in a systematic clearly defined manner there will be no further negotiations until after we have had an opportunity to meet and address these issues. I would like to schedule a meeting for Tuesday, February 8, 1994 at 9:00 a.m. in the Restoration offices in Anchorage. This meeting will focus on the following topics:

- A standardized appraisal process, including standardized appraisal instructions.
- A strategic approach to negotiations.
- Geographical broad based, species specific approach to Habitat Protection.
- Rationale for acquisition.

If you have an appraiser technical person that you believe would be helpful, please bring them along for the first part of the meeting.

Please make plans to attend this meeting. Should you have any questions or concerns, please contact me at 586-7238.

Attachment: Resolution to Proceed with a Habitat Protection Program

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### **Trustee Agencies**

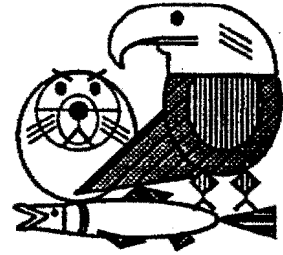
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation  
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

# Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



February 2, 1994

Mr. George T. Frampton  
Department of Interior  
Fish & Wildlife Service  
1849 "C" Street, NW Mail Stop 3156  
Washington, DC 20240-1000

Dear Mr. Frampton: *George*

Enclosed is "The Exxon Valdez Oil Spill-Final Report, State of Alaska Response" as prepared by the Alaska Department of Environmental Conservation, June 1993, and a resolution.

The report and resolution will be given to Mr. Charles E. Cole in recognition of his extraordinary leadership on Attorney General negotiations in the settlement agreement which led to the establishment of the Trustee Council.

Also enclosed is a resolution of appreciation for Dave Gibbons recognizing his accomplishments and dedication as Interim Administrative Director for the EVOS Trustee Council.

Please sign the inside of this report, the two resolutions, and send them back to my office at the following address:

James R. Ayers  
Executive Director  
Exxon Valdez Oil Spill Trustee Council  
709 W. 9th Street, Room 461  
P.O.Box 21668  
Juneau, AK 99802-1668

Thank you for your time! If you have any questions you can call me 907-586-7238.

We are moving forward!

Sincerely,

*[Signature]*  
James R. Ayers  
Executive Director

JR/mir

Enclosures

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## Trustee Agencies

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

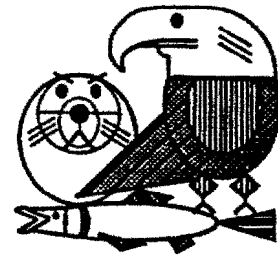
# **Exxon Valdez Oil Spill Trustee Council**

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Resolution of Appreciation for Charles Cole  
Recognizing His Extraordinary Leadership

on

Attorney General Negotiations in the Settlement Agreement  
which led to the Establishment of the Trustee Council

The *Exxon Valdez* Oil Spill Trustee Council expresses its deepest appreciation to **Charles E. Cole** for his extraordinary leadership on Attorney General negotiations in the settlement agreement which led to the establishment of the Trustee Council; and for his leadership in initiating and guiding the Trustee Council to make sure the Council's operations were in strict accord with the settlement agreement, and targeted for the restoration of resources and services injured by the *Exxon Valdez* Oil Spill. The Trustee Council is profoundly grateful for **Mr. Cole's** professionalism and friendship and extends its best wishes for good health and happiness to **Charlie and Christine Cole** in the years ahead.

Michael A. Barton  
Regional Forester  
USDA Forest Service

Bruce Botelho  
Attorney General  
State of Alaska

George T. Frampton  
Assistant Secretary  
U.S. Department of Interior

John A. Sandor  
Commissioner  
Department of Environmental Conservation

Steve Pennoyer  
Director  
National Marine Fisheries Service

Carl L. Rosier  
Commissioner  
Department of Fish and Game

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## **Trustee Agencies**

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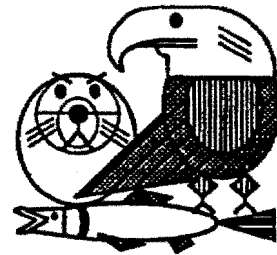
# Exxon Valdez Oil Spill Trustee Council

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

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Resolution of Appreciation for Dave Gibbons  
Recognizing His Accomplishments and Dedication  
as

Interim Administrative Director  
for the Exxon Valdez Oil Spill Trustee Council

**Whereas,** **Dave Gibbons** was the Interim Administrative Director for the *Exxon Valdez* Oil Spill Trustee Council from its inception through 1993;

**whereas,** in that role, **Dave Gibbons** was an influential force in overseeing and pioneering restoration activities for the country's largest oil spill;

**whereas,** during that time the Trustee Council accomplished millions of dollars of restoration, monitoring, and research activities and the first two habitat purchases; and

**whereas,** the accomplishments of the Trustee Council were made only with **Dave Gibbon's** exceptional dedication, experience, and effort;

**Therefore, be it resolved** that the *Exxon Valdez* Oil Spill Trustee Council expresses its grateful appreciation of **Dave Gibbon's** work as Interim Administrative Director; recognizes his effort, creativity, and immeasurable contribution to the restoration of the injuries caused by the *Exxon Valdez* Oil Spill; and gives their personal appreciation for his exceptional dedication and accomplishments.

Michael A. Barton  
Regional Forester  
USDA Forest Service

Bruce Botelho  
Attorney General  
State of Alaska

George T. Frampton  
Assistant Secretary  
U.S. Department of Interior

John A. Sandor  
Commissioner  
Department of Environmental Conservation

Steve Pennoyer  
Director  
National Marine Fisheries Service

Carl L. Rosier  
Commissioner  
Department of Fish and Game

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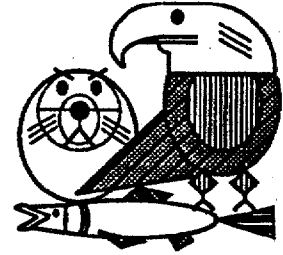


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## **MEMORANDUM**

**TO:** Distribution

**FROM:** James R. Ayers  
Executive Director

**DATE:** January 19, 1994

**RE:** Preliminary Negotiations

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I am compelled to reiterate my position that no one is authorized at this time to represent the Trustee Council in discussions of appraisals, appraisal instructions, or appraisers. That is not a part of preliminary negotiations. It is a major issue to be resolved during detailed negotiations which have not yet been authorized.

You are authorized only to identify seller interests and potential integrated strategies to accomplish Habitat Protection. If you have questions, please contact me.

JRA/mir

**Distribution:**

Chris Bockmon, NPS  
Dee Butler, FWS  
Glen Ellis, FWS  
John Harmening, FS  
Chuck Gilbert, NPS  
Sandy Rabinowitch, NPS  
Bob Rice, FWS  
Cordell Roy, NPS  
Alex Swirderski, ADOL  
Craig Tillery, ADOL  
Art Weiner, ADNR

cc: Trustee Council Members and Liaisons

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### **Trustee Agencies**

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