

OPPORTUNITIES FOR
HABITAT PROTECTION /
ACQUISITION

16 FEBRUARY 1993



**Opportunities
for
Habitat Protection/Acquisition**

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Habitat Protection Work Group
February 16, 1993

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Opportunities for Habitat Protection / Acquisition

February 16, 1993

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SECTION 1

**SUMMARY OF PUBLIC COMMENTS ON RESTORATION FRAMEWORK SUPPLEMENT:
HABITAT PROTECTION AND ACQUISITION PROCESS**

COMMENTER	PREFERRED HABITAT PROTECTION STRATEGY		PREFERRED THRESHOLD CRITERIA			OTHER COMMENTS
	CONCUR.	HIER.	A	B	C	
Natural Resources Defense Council	X		X			Evaluation process too long and cumbersome. Step #2, natural recovery could be used as an excuse to avoid protecting habitat. Step #5 puts Trustees in awkward position of ruling that regulations are inadequate. Step #14 needs to list other criteria that will be used. Step #20, non-acquisition tools seem ineffective. Broaden imminent threat process to include opportunities to purchase habitat in addition to imminently threatened lands. Drop recreation from step # 7, threat analysis.
Nancy Hillstrand	No comment	No comment	No comment	No comment	No comment	Acquisition should be priority, particularly Afognak Island. Revitalize Forest Practices Regulations to minimize ecosystem injury and fragmentation. Resource agency mismanagement can be more destructive than oil spill. Renovate resource agency mandates. Monitoring should encompass widespread health of ecosystem.
Sierra Club / Alaska Center for the Environment	X		X			Hierarchical approach is completely unacceptable and unjustifiable. Proposed process is too complex and cumbersome. Step #2 should be deleted. Step #5 puts an unnecessary hurdle in path of restoration. Step #6 should provide for permanent protection, not just until resource recovers. Step #9 delete, "that are not adequately recovering". Asking price should be considered at time of applying threshold criteria; ranking acquisitions during step #s 14 & 15 will drive up asking price. Support imminent threat process but delete step #2.
The Nature Conservancy of Alaska	X		X			"Best professional judgement" must be a key component of the decision making process. Land owner should not have to create "imminent threat" in order to have their property seriously considered; strategically important, but unthreatened parcels should be given full consideration.

See figures 1, 2, 6 & 7 in Restoration Framework Supplement

**SUMMARY OF PUBLIC COMMENTS ON RESTORATION FRAMEWORK SUPPLEMENT:
HABITAT PROTECTION AND ACQUISITION PROCESS**

COMMENTER	PREFERRED HABITAT PROTECTION STRATEGY		PREFERRED THRESHOLD CRITERIA			OTHER COMMENTS
	CONCUR.	HIER.	A	B	C	
The Wilderness Society	X		X			Support imminent threat protection process. Habitat acquisition is the most meaningful form of restoration. "Adequate" rate and degree of recovery and "no further action" decisions on flow charts should incorporate provision for change if monitoring detects latent injury. Set C, criteria #4 (inadequate protection afforded by existing laws and regulations) is unrealistic and is a political rather than biological determination. Contingent Valuation studies should be made available and considered in Sets A and B. Add additional criteria: The degree to which the proposed action minimizes further impact on an injured resource and service.
National Parks (on behalf of National Parks and Conservation Association)	X		X			Scientific information inadequate to draw precise conclusions about effectiveness of management strategies; habitat protection is best means of protecting natural and cultural resources. Process described in Supplement document is confusing. Cost effectiveness is an inappropriate criteria for assessing habitat and ecosystem values; cost benefit analysis may be better. Document should be rewritten for clarity; all studies should be released to public; same stringent process and standards for habitat acquisition should be applied to other restoration options.
Knik Canoers and Kayakers	No comment	No comment		X		Set A is too broad, allowing for indirect linkage and no physical limits on spill affected area. Set C are too narrow, not enough room for Trustee Council to judge selections, too time consuming. Set B limits number of actions but allows for flexibility and timely decisions.
Homer Society of Natural History	No comment	No comment	No comment	No comment	No comment	Supports state purchase of Seldovia Native Association lands, timber, and mineral rights in Kachemak Bay State Park.
Wayne Ash	No comment	No comment			X	Federal Exchange Process on page 41 should include a step for preparing an Environmental Assessment; opposes Set A.
Alaska Survival	No comment	No comment	No comment	No comment	No comment	Supplement document is too complex for general public to understand. Acquisition process taking too much time; no more talk - start using funds to buy land. Settlement monies are being wasted on bureaucrats, consultants, and scientists.

See figures 1, 2, 6 & 7 in Restoration Framework Supplement

**SUMMARY OF PUBLIC COMMENTS ON RESTORATION FRAMEWORK SUPPLEMENT:
HABITAT PROTECTION AND ACQUISITION PROCESS**

COMMENTER		PREFERRED HABITAT PROTECTION STRATEGY		PREFERRED THRESHOLD CRITERIA			OTHER COMMENTS
		CONCUR.	HIER.	A	B	C	
John Grimes		No comment	No comment	No comment	No comment	No comment	Should include an alternative for public taking; imminent domain for unwilling sellers. An advantage of this method is that land owner doesn't have to pay taxes on imminent domain sales. Recommends that Kachemak Bay State Park inholdings be acquired by this method.
Kodiak Island Borough		X		X			The proposed process is complex and bureaucratic with a clear bias against land acquisition; substitute a simpler process. Process favors staff input over public input; example, public nominations (step #10) does not occur until well into the process.
Kodiak Environmental Network		X		X			
Kodiak Audubon		X		X			
Eric Meyers		No comment	No comment	X			Opposes Set C; too burdensome, would frustrate restoration goals.
Kristin Stall-Johnson		X		No comment	No comment	No comment	Supports use of Figure #7.
TOTALS	16	9	0	9	1	1	

See figures 1, 2, 6 & 7 in Restoration Framework Supplement

Interim Threshold Criteria *

1. There is a willing seller of the parcel or property right.
2. The parcel contains key habitats that are linked to, replace, provide the equivalent of, or substitute for injured resources or services based on scientific data or other relevant information.
3. The seller acknowledges that the government cannot purchase the parcel or property rights in excess of fair market value.
4. Recovery of the injured resource or service would benefit from protection in addition to that provided by the owner and applicable laws and regulations.
5. The acquired property rights can reasonably be incorporated into public land management systems.

*Approved by the Trustee Council at their January 19, 1993 meeting.

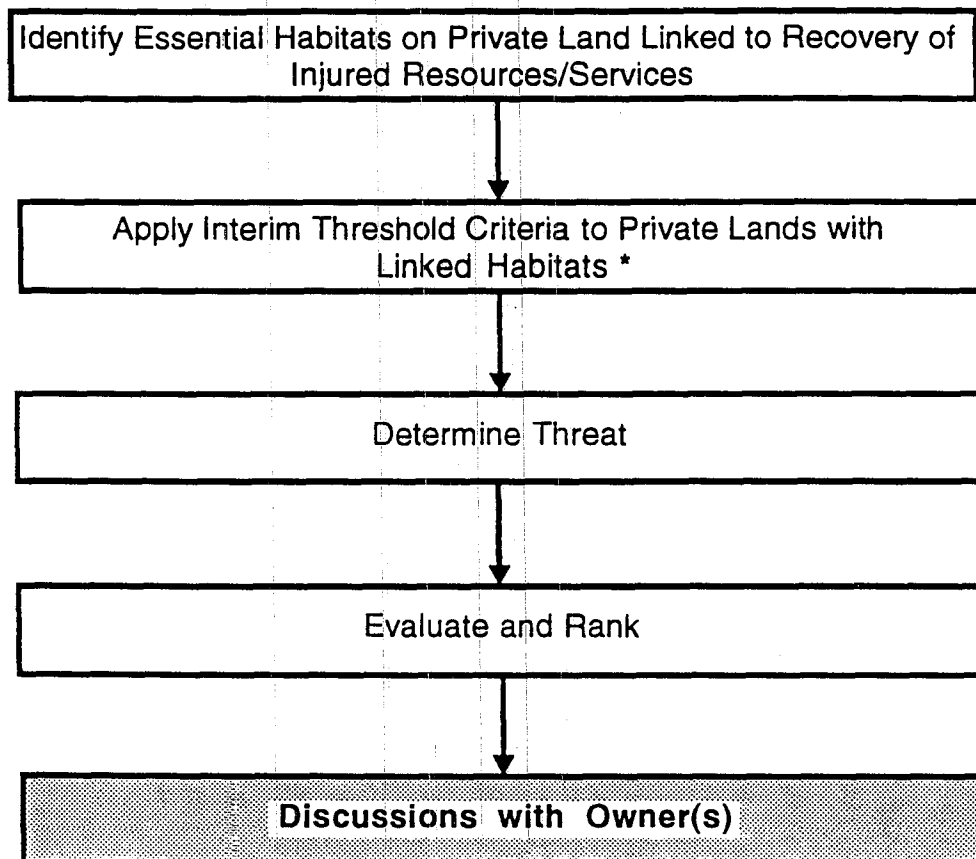
	Alternative 1 Natural Recovery	Alternative 2 Protection	Alternative 3 Limited Restoration	Alternative 4 Moderate Restoration	Alternative 5 Comprehensive Restoration
THEME	No action other than monitoring and normal agency management.	Protect injured resources and services from further degradation or disturbance.	Take the most effective actions to protect and restore injured services and resources whose population has declined. Maintain the existing character of the affected area.	Take the most effective actions to protect and restore all injured resources and services. Increase, to a limited extent, opportunities for human use in the affected area.	Take all reasonable actions to protect, restore, and enhance all injured resources and services. Increase opportunities for human use in the affected area.
VARIABLES					
Injury	N/A	All injured resources.	Injured resources whose populations declined.	All injured resources.	All injured resources.
Status of Recovery	N/A	All stages of recovery.	Resources not yet recovered.	Resources not yet recovered.	All stages of recovery.
Effectiveness of Restoration Actions	N/A	All beneficial actions.	Most effective actions.	Most effective actions.	All beneficial actions.
Opportunities for Human Use	N/A	N/A	Protect existing uses.	Protect or increase existing uses.	Protect or increase existing uses; or encourage appropriate new uses.

Monitoring and information programs are included in all alternatives.
Restoration actions may be undertaken for injured resources, services, or their equivalents.

Table 2. Summary of Draft Restoration Plan Alternatives

DRAFT - 01/26/93

SUMMARY OF INTERIM PROTECTION PROCESS



Abstracted from Figures 1 & 2 of the Framework Supplement.

- * Criteria #1 and #3 cannot be applied until approval is received from the Trustee Council to obtain this information from landowners.

SECTION 2

Interim Evaluation/Ranking Criteria *

1. The parcel contains essential habitat(s)/sites for injured species or services. Essential habitats include feeding, reproductive, molting, roosting, and migration concentrations; essential sites include known or presumed high public use areas. Key factors for determining essential habitat/sites are:
 - a. population or number of animals or number of public users.
 - b. number of essential habitats/sites on parcel, and
 - c. quality of essential habitats/sites.
2. The parcel can function as an intact ecological unit or essential habitats on the parcel are linked to other elements/habitats in the greater ecosystem.
3. Adjacent land uses will not significantly degrade the ecological function of the essential habitat(s) intended for protection.
4. Protection of the habitats on parcel would benefit more than one injured species/service (unless protection of a single species/service would provide a high recovery benefit).
5. The parcel contains critical habitat for a depleted, rare, threatened, or endangered species.
6. Essential habitat/sites on parcel are vulnerable or potentially threatened by human activity.
7. Management of adjacent lands is, or could easily be made compatible with protection of essential habitats on parcel.
8. The parcel is located within the oil spill affected area.

*Approved by the Trustee Council at their January 19, 1993 meeting.

CRITERIA FOR RATING BENEFIT OF PARCEL TO INJURED RESOURCES / SERVICES

INJURED RESOURCE / SERVICE	HIGH	MODERATE	LOW
Anadromous Fish	High density of anadromous streams per parcel; multiple injured species; and/or system known to have exceptional productivity.	Average density of anadromous streams for area; two or more injured species present.	Few or no streams on parcel; one or less injured species.
Bald Eagle	High density of nests on parcel; and/or known critical feeding area.	Average density of nests on or immediately adjacent to parcel (at least one); important feeding area.	Few or no nests on parcel; may be used for perching and/or feeding.
Black Oystercatcher	Area known to support nesting or concentration area for feeding.	Possible nesting; known feeding area.	Probable feeding.
Common Murre	Known nesting on or immediately adjacent to parcel.	Nesting in vicinity of parcel; known feeding concentration adjacent to parcel.	Possible feeding in area adjacent to parcel.
Harbor Seal	Known haul out on or immediately adjacent to parcel.	Probable haul outs in vicinity of parcel; probable feeding in nearshore waters adjacent to parcel.	Probable feeding in nearshore waters.
Harlequin Duck	Known nesting or molting on parcel; feeding concentration area.	Probable nesting on or adjacent to parcel; probable feeding in stream, estuary, or intertidal adjacent to parcel.	Probable feeding and loafing in area adjacent to parcel.

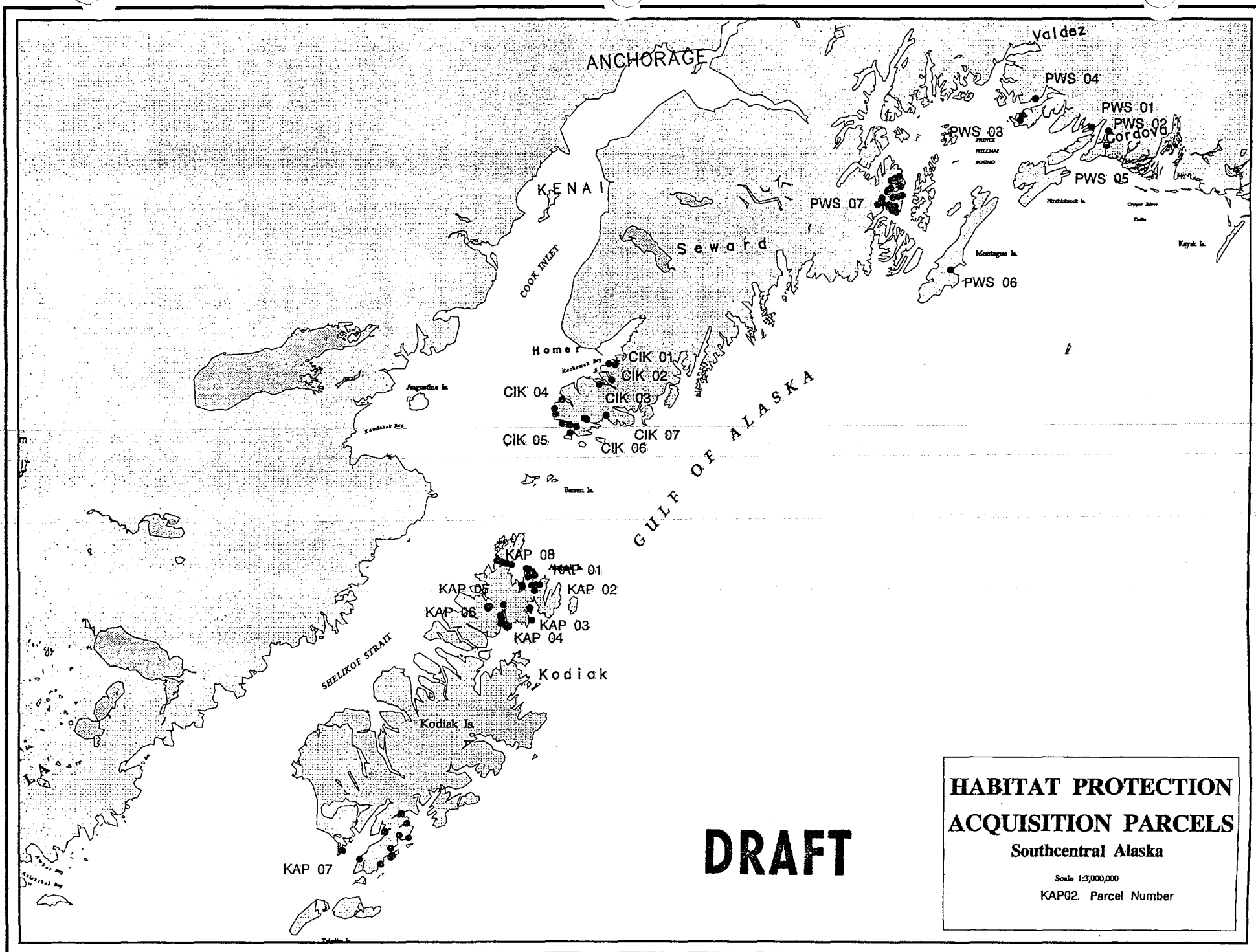
CRITERIA FOR RATING BENEFIT OF PARCEL TO INJURED RESOURCES / SERVICES

INJURED RESOURCE / SERVICE	HIGH	MODERATE	LOW
Intertidal/subtidal Biota	Known high productivity/species richness. Oiled or adjacent to oiled area where recruitment may be important.	High productivity/species richness; not oiled or near oiled area.	Average productivity/species richness; no documented shoreline oiling.
Marbled Murrelet	Known nesting or high confidence that nesting occurs; concentrated feeding in nearshore waters.	Good nesting habitat characteristics; known feeding in nearshore waters adjacent to parcel.	Low likelihood of nesting; possible feeding in nearshore waters.
Pigeon Guillemot	Known nesting on or immediately adjacent to parcel; feeding concentrations in nearshore waters.	Good nesting habitat characteristic; known feeding in nearshore waters adjacent to parcel.	Low likelihood of nesting; possible feeding in nearshore waters.
River Otter	Known high use of parcel for denning/latrine sites.	Known or probable latrine and/or denning sites; known feeding in adjacent intertidal/streams/nearshore area.	Probable feeding in adjacent intertidal/streams.
Sea Otter	Known haulout or pupping concentrations.	Concentration area for feeding and/or shelter; potential pupping.	Feeding in adjacent waters.

CRITERIA FOR RATING BENEFIT OF PARCEL TO INJURED RESOURCES / SERVICES

INJURED RESOURCE / SERVICE	HIGH	MODERATE	LOW
Recreation/Tourism	Receives high public use; highly visible to a large number of recreationists/tourists; area nominated for special recreational designation.	Accessible by road, boat, or plane; adjacent area used for recreational boating; adjacent area receives high public use.	Occasional recreational use; access may be difficult.
Wilderness	Area remote; little or no evidence of human development.	Area remote; evidence of human development.	Area accessible; high/moderate evidence of human development (roads, clearcuts, cabins).
Cultural Resources	Documented concentration or significant cultural resources/sites on parcel.	Evidence of cultural resources/sites on or adjacent to parcel.	Possible cultural resources/sites on parcel.
Subsistence	Known resource harvest area; multiple resource use.	Known harvest area for at least one resource.	Possible harvest area.

SECTION 3



PARCEL RANKING ANALYSIS

PARCEL		RANKING CRITERIA								SCORE ²
#	NAME	1	2	3	4	5	6	7	8	
PWS 01	Orca Narrows	0-H, 6-M	Y	N	Y	N	Y	N	Y	12
PWS 02	Power Creek	4-H, 0-M	Y	Y	Y	N	Y	Y	Y	24
PWS 03	Two Moon Bay	1-H, 5-M	Y	N	Y	N	Y	N	Y	14
PWS 04	Fish Bay	1-H, 7-M	Y	Y	Y	N	Y	Y	Y	27
PWS 05	Eyak River	1-H, 3-M	N	N	N	N	Y	N	Y	5
PWS 06	Patton Bay	1-H, 4-M	Y	Y	Y	N	Y	Y	Y	18
PWS 07*	Chenega	6-H, 8-M	Y	Y	Y	N	Y	Y	Y	60
CIK 01	China Poot	4-H, 7-M	Y	Y	Y	N	Y	Y	Y	45
CIK 02	Sadie Cove	0-H, 3-M	Y	N	Y	N	Y	Y	Y	7.5
CIK 03	Jakalof Bay	0-H, 3-M	Y	N	Y	N	Y	N	Y	6
CIK 04	Port Graham	1-H, 2-M	Y	N	Y	N	Y	N	Y	8
CIK 05	Lower Kenai Peninsula	0-H, 9-M	Y	Y	Y	N	Y	N	Y	22.5
CIK 06	Windy Bay	0-H, 0-M	N	N	N	N	Y	N	Y	0
CIK 07	Rocky Bay	0-H, 2-M	N	N	Y	N	Y	N	Y	3
KAP 01	Seal Bay	2-H, 11-M	Y	N	Y	N	Y	N	Y	30
KAP 02	Pauls Lake	0-H, 4-M	N	N	Y	N	Y	N	Y	6

PARCEL RANKING ANALYSIS

PARCEL		RANKING CRITERIA								SCORE ²
#	NAME	1	2	3	4	5	6	7	8	
KAP 03	Izhut Bay	1-H, 3-M	Y	N	Y	N	Y	N	Y	10
KAP 04	Kazakof Bay	0-H, 5-M	Y	N	Y	N	Y	N	Y	10
KAP 05	Danger Creek	0-H, 1-M	N	N	N	N	Y	N	Y	1
KAP 06	Paramanof Creek	0-H, 1-M	N	N	N	N	Y	N	Y	1
KAP 07*	Alitak Bay	3-H, 4-M	Y	Y	Y	N	Y	Y	Y	30
KAP 08*	Shuyak Strait	3-H, 10-M	Y	Y	Y	N	Y	Y	Y	48

* = Opportunity Parcel

1. Refer to Interim Evaluation and Ranking Criteria.

Criteria 2 - 8

N = No (does not meet criteria)

Y = Yes (does meet criteria)

Criteria 1 from table: "Criteria for Rating Benefit of Parcel to Injured Resources/Services"

H = High Benefit

M = Moderate Benefit

L = Low Benefit (not included in this analysis)

2. Scoring Formula: Parcel Score = (Sum of H + (0.5 x Sum of M)) x Sum of Y

Example: KAP 08 Score = (3 + (0.5 x 10)) x 6 = (3 + 5) x 6 = 48

Note: Formula emphasizes degree of linkage to injured resource/service.

PARCEL RANKING AND ACREAGE SUMMARY

RANK	PARCEL #	NAME	ACREAGE	SCORE
<i>Imminent Threat Parcels</i>				
1	CIK 01	China Poot, Kachemak Bay	7,500	45
2	KAP 01	Seal Bay, Afognak I.	15,000	30
3	PWS 04	Fish Bay, Port Fidalgo	1,700	27
4	PWS 02	Power Creek, Cordova	1,300	24
5	CIK 05	Lower Kenai Peninsula	3,000	22.5
6	PWS 06	Patton Bay, Montague I.	3,300	18
7	PWS 03	Two Moon Bay, Port Fidalgo	2,100	14
8	PWS 01	Orca Narrows / Nelson Bay	3,500	12
9	KAP 03	Izhut Bay, Afognak I.	1,000	10
9	KAP 04	Kazakof Bay, Afognak I.	1,500	10
10	CIK 04	Port Graham Allotments	200	8
11	CIK 02	Sadie Cove, Kachemak Bay	400	7.5
12	CIK 03	Jakalof Bay, Kachemak Bay	600	6
12	KAP 02	Pauls Lake, Afognak I.	500	6
13	PWS 05	Eyak River, Cordova	100	5
14	CIK 07	Rocky Bay	100	3
15	KAP 05	Danger Creek, Afognak I.	120	1
15	KAP 06	Paramanof Cr., Afognak I.	500	1
16	CIK 06	Windy Bay	400	0
TOTAL IMMINENT THREAT ACRES			42,320	
<i>Opportunity Parcels</i>				
1	PWS 07	Chenega I./Eshamy/Jackpot	57,000	60
2	KAP 08	Shuyak Strait, Afognak I.	51,000	48
3	KAP 07	Alitak Bay, Kodiak I.	230,000	30
TOTAL OPPORTUNITY ACRES			338,000	
TOTAL ACRES ANALYZED			380,320	

Prince William Sound (PWS)

PWS 01, 02, 05

HABITAT PROTECTION ACQUISITION PARCELS

Cordova Vicinity, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

- | | | | |
|--|-------------------------------------|--------------------------------|--------------------|
| | Public (State or Federal) | | Streams |
| | Private | | Anadromous Streams |
| | Timber Harvest Areas | | Eagle Nests |
| | 1993 Projected Timber Harvest Areas | | Seabird Colonies |
| | Native Selected | PWS02 Parcel Number | |
| | Forest Cover | Date printed: January 26, 1993 | |

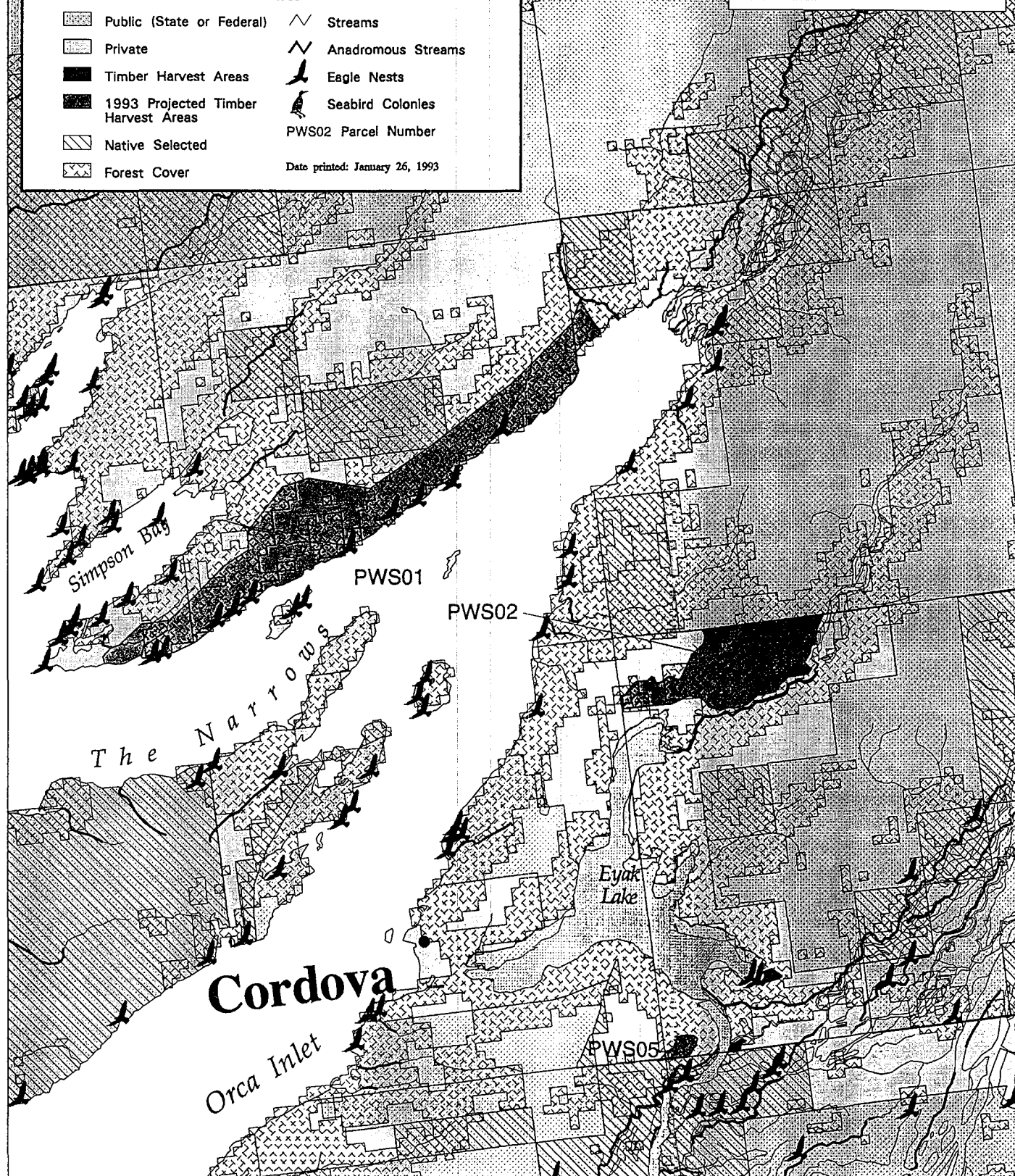
SOURCES:
Current and planned timber harvest information provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources, Division of Forestry, 1992.

Land status provided by the US Forest Service, 1992, and the ADNR, Land Records Information Section (LRIS), 1991.

Forest Cover data provided by US Geological Survey (USGS/EROS Alaska Field Office, using LANDSAT MSS imagery resampled to a 200 meter grid.

Streams were automated by ADNR-LRIS from the USGS topographic maps (1:63,360). Anadromous streams classification was determined by the ADF&G, 1991.

Eagle and Seabird information collected and provided by US Fish and Wildlife.



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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 01		PARCEL NAME: Orca Narrows / Nelson Bay	
¹ LANDOWNER: Eyak Corporation		² PARCEL ACREAGE: 3,500	³ TOTAL ACREAGE: 66,000
			⁴ AFFECTED ACREAGE: 3,500
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Two documented anadromous streams; pink, coho, cutthroat.	
Bald Eagle	Moderate	Ten documented nest sites.	
Black Oystercatcher	Low	Probable feeding in intertidal.	
Common Murre	None		
Harbor Seal	Low	Probable feeding in nearshore waters.	
Harlequin Duck	Unknown	Possible nesting on anadromous streams, feeding and loafing in intertidal area.	
Intertidal/subtidal biota	Low	Shoreline not oiled; potential for impact from log transfer, storage and sedimentation.	
Marbled Murrelet	Moderate	Habitat characteristics appear favorable for nesting. Feeding in adjacent marine waters.	
Pigeon Guillemot	Low	Possible nesting along shoreline. Feeding in adjacent marine waters.	
River Otter	Moderate	Probable feeding and latrine sites along shoreline; possible denning.	
Sea Otter	Low	Feeding along shoreline.	
Recreation/Tourism	Moderate	Milton Lake corridor and Hole-in-Wall nominated public recreation sites. Most recreation use out of Cordova. Highly visible along main ferry and boat route to Cordova.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 01	PARCEL NAME: Orca Narrows / Nelson Bay	
Wilderness	Moderate	Little visible evidence of human use.
Cultural Resources	Low	One archeological site documented on parcel.
Subsistence	Low	Use appears low.
ECOLOGICAL SIGNIFICANCE: The Milton Lake corridor and the Hole-in-the-Wall area have been nominated for acquisition as public recreation sites. This parcel is highly visible along the main ferry and boat route.		
ADJACENT LAND MANAGEMENT: Eyak Corporation.		
IMMINENT THREAT/OPPORTUNITY: Forest practices notifications to initiate timber harvest on 700 acres have been filed by Sherstone. Additional timber harvest is proposed on Eyak lands adjacent to this area in subsequent years.		
PROTECTION OBJECTIVE: 1) Maintain water quality and riparian habitats for anadromous fish; 2) maintain nesting habitat for marbled murrelet; 3) maintain nesting and perching opportunities for bald eagle; 4) minimize visual impacts of timber harvest to marine corridor; 5) enhance recreational opportunities for the Milton Lake corridor.		
USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.		
RECOMMENDED ACTION: Request Eyak Corporation to provide interim protection; discuss options for long term protection.		

1. Parties other than landowner may own partial rights (e.g., timber, minerals)
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 02		PARCEL NAME: Power Creek	
LANDOWNER: Eyak Corporation		PARCEL ACREAGE: 1,300	TOTAL ACREAGE: 66,400 AFFECTED ACREAGE: 1,300
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	High	Power Creek is designated anadromous stream; coho, sockeye, pink, cutthroat, Dolly Varden; supports significant recreational and commercial fishery.	
Bald Eagle	High	No documented nest sites. Highly important fall feeding for eagles along Power Creek and Eyak Lake shore (estimated up to one-third of PWS eagle population).	
Black Oystercatcher	None		
Common Murre	None		
Harbor Seal	None		
Harlequin Duck	Unknown	Potential nesting in upper Power Creek riparian zone.	
Intertidal/subtidal biota	None		
Marbled Murrelet	High	Habitat characteristics appear favorable; high confidence that nesting occurs on parcel.	
Pigeon Guillemot	None		
River Otter	Unknown	Probable feeding, possible denning in upper Power Creek.	
Sea Otter	None		

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 02	PARCEL NAME: Power Creek	
Recreation/Tourism	High	Receives high recreational use (hiking, fishing, berry picking); established trail easement through parcel; road accessible.
Wilderness	Low	High evidence of human use (road, houses) in lower area.
Cultural Resources	Low	One archeological site documented on parcel.
Subsistence	Unknown	Probable hunting, fishing, plant gathering, berry picking.
<p>ECOLOGICAL SIGNIFICANCE: Power Creek supports a large, late run of sockeye and coho salmon and is a fall and winter feeding area for bald eagles. Eyak Lake is the northernmost winter concentration area for trumpeter swan. Area receives high recreational and visitor use.</p>		
<p>ADJACENT LAND MANAGEMENT: Eyak Corporation; U.S. Forest Service.</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Forest Practices Notifications have been filed for timber harvest on this parcel.</p>		
<p>PROTECTION OBJECTIVE: 1) Maintain water quality and riparian habitat for anadromous fish; minimize disturbance to bald eagles; and 3) maintain and enhance recreational opportunities.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; fee title; conservation easement; cooperative management agreement.</p>		
<p>RECOMMENDED ACTION: Request Eyak Corporation to provide interim protection; discuss options for long term protection.</p>		

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 05		PARCEL NAME: Eyak River	
¹ LANDOWNER: Eyak Corporation		² PARCEL ACREAGE: 100	³ TOTAL ACREAGE: 66,400
			⁴ AFFECTED ACREAGE: 100
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Adjacent to Eyak River which is a highly productive anadromous stream; coho, sockeye, pinks, cutthroat, Dolly Varden.	
Bald Eagle	Moderate	No documented nesting sites on parcel. Eight nest sites adjacent. High use area for eagles; feeding and roosting.	
Black Oystercatcher	None		
Common Murre	None		
Harbor Seal	Low	Harbor seals may use Eyak River for feeding.	
Harlequin Duck	None		
Intertidal/subtidal biota	None		
Marbled Murrelet	Moderate	High confidence that nesting occurs on parcel; good nesting habitat characteristics.	
Pigeon Guillemot	None		
River Otter	Low	Probable feeding, possible den sites.	
Sea Otter	None		
Recreation/Tourism	High	Eyak River trail receives high recreational use. Site highly visible from Copper River Highway.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 05	PARCEL NAME: Eyak River	
Wilderness	None	High evidence of human use in area; road, houses.
Cultural Resources	Low	No evidence of archeological sites on parcel; two sites adjacent.
Subsistence	Low	Salmon, bears, plants, berry picking.
<p>ECOLOGICAL SIGNIFICANCE: The Eyak River is a highly productive anadromous fish stream; area receives intensive use by bald eagles for feeding and perching; Eyak River trail receives high recreational use; site is visible from the Copper River Highway.</p>		
<p>ADJACENT LAND MANAGEMENT: Eyak Corporation; Chugach National Forest;</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Forest Practices Notification filed for timber harvest in 1993.</p>		
<p>PROTECTION OBJECTIVE: 1) Minimize visual impacts to high use recreation/tourist areas; 2) maintain nesting opportunities for marbled murrelets; 3) maintain water quality and riparian habitat in Eyak River.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.</p>		
<p>RECOMMENDED ACTION: Request Eyak Corporation to provide interim protection; discuss options for long term protection.</p>		

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION ACQUISITION PARCELS

Port Fidalgo, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

- | | | | |
|--|-------------------------------------|--------------------------------|--------------------|
| | Public (State or Federal) | | Streams |
| | Private | | Anadromous Streams |
| | Timber Harvest Areas | | Eagle Nests |
| | 1993 Projected Timber Harvest Areas | | Seabird Colonies |
| | Native Selected | PWS03 Parcel Number | |
| | Forest Cover | Date printed: January 26, 1993 | |

SOURCES:

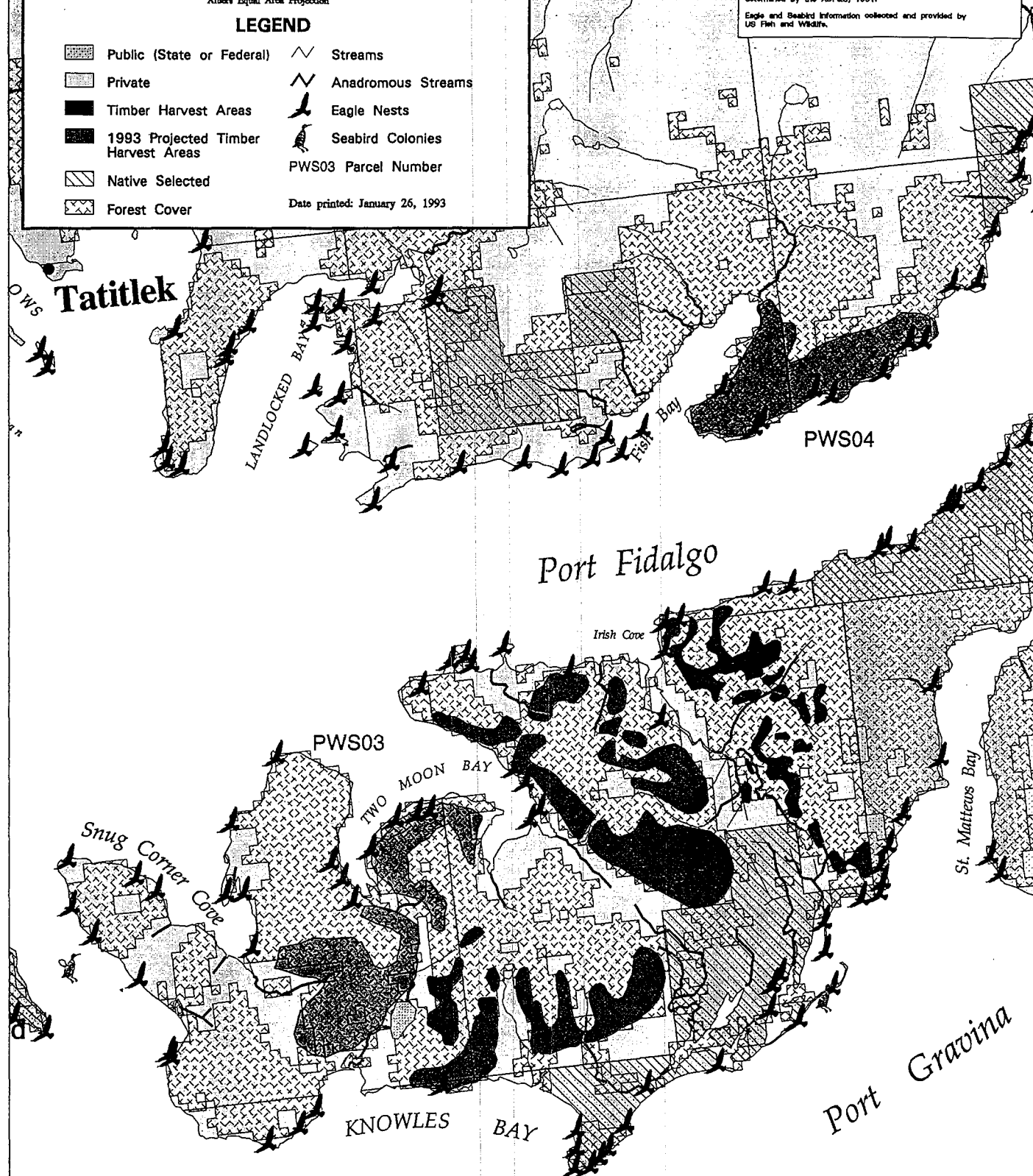
Current and planned timber harvest information provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources, Division of Forestry, 1992.

Land status provided by the US Forest Service, 1992, and the ADNR, Land Records Information Section (LRIS), 1991.

Forest Cover data provided by US Geological Survey (USGS)/EROS Alaska Field Office, using LANDSAT MSS imagery resampled to a 200 meter grid.

Streams were automated by ADNR-LRS from the USGS topographic maps (1:63,360). Anadromous stream classification was determined by the ADF&G, 1991.

Eagle and Seabird information collected and provided by US Fish and Wildlife.



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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 03		PARCEL NAME: Two Moon Bay	
LANDOWNER: Tatitlek Corporation		PARCEL ACREAGE: 2,100	TOTAL ACREAGE: 72,800
			AFFECTED ACREAGE: 2,100
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Eight documented anadromous streams; pink, coho, cutthroat, Dolly Varden.	
Bald Eagle	Moderate	Five documented nest sites on parcel and two nest sites immediately adjacent. Area important for feeding.	
Black Oystercatcher	Unknown	Probable feeding in intertidal.	
Common Murre	None		
Harbor Seal	Low	Feeding in nearshore waters, probable hauling out on nearshore rocks.	
Harlequin Duck	Unknown	Possible nesting in upper riparian zones or anadromous streams; feeding and loafing in intertidal.	
Intertidal/subtidal biota	Moderate	Herring spawning on algae, productive intertidal zone, shoreline not oiled.	
Marbled Murrelet	High	High confidence that nesting occurs on parcel; good nesting habitat characteristics; high use of adjacent marine waters for feeding.	
Pigeon Guillemot	Low	Possible nesting along shoreline, feeding in nearshore marine waters.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 03	PARCEL NAME: Two Moon Bay	
River Otter	Moderate	River otter latrine and denning sites documented. Feeding along shoreline.
Sea Otter	Low	Sea otter concentrations in area.
Recreation/Tourism	Moderate	Snug Corner Cove and Two Moon Bay are important recreational boating anchorages; Hell's Hole is important recreational fishing site; visible from tour boat and ferry routes.
Wilderness	None	Extensive recent clearcuts in area; roads and logging camp in Two Moon Bay.
Cultural Resources	Low	One archeological site documented on parcel; one site adjacent.
Subsistence	Low	Herring, waterfowl, marine mammals, black bears.
<p>ECOLOGICAL SIGNIFICANCE: Snug Corner Cove has been nominated as a state recreation area; the surrounding waters provide important feeding habitat for marbled murrelet, high probability of marbled murrelet nesting on the parcel; sea otters concentrate in the surrounding waters; herring spawn in Two Moon Bay; important coho salmon sport fishery in adjacent Hell's Hole; river otter latrine and denning sites documented on parcel; high density of black bears.</p>		
<p>ADJACENT LAND MANAGEMENT: Tatitlek Corporation, Chugach National Forest</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Forest Practices Notifications have been filed for timber harvest on the is parcel; extension of ongoing timber harvest operations in this area.</p>		
<p>PROTECTION OBJECTIVE: 1) Maintain marbled murrelet nesting habitat; 2) maintain water quality and riparian habitat for anadromous fish; 3) minimize disturbance to bald eagles nesting and feeding; 4) maintain recreational values; 5) minimize disturbance to river otters; 6) minimize visual impacts to ferry route and other high use recreational/tourist areas.</p>		

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 03	PARCEL NAME: Two Moon Bay
USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.	
RECOMMENDED ACTION: Request Tatitlek Corporation to provide interim protection; discuss options for long term protection.	

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 04		PARCEL NAME: Fish Bay	
¹ LANDOWNER: Chugach Alaska Corporation		² PARCEL ACREAGE: 1,700	³ TOTAL ACREAGE: 51,200
			⁴ AFFECTED ACREAGE: 1,700
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Low	No documented anadromous on parcel, adjacent to important anadromous stream at head of Fish Bay.	
Bald Eagle	Moderate	Eight documented nest sites.	
Black Oystercatcher	Low	Probable feeding along intertidal.	
Common Murre	None		
Harbor Seal	Moderate	Historic harbor seal haul out concentration area.	
Harlequin Duck	Moderate	Probable feeding, loafing, and molting in intertidal.	
Intertidal/subtidal biota	Moderate	Highly productive rocky intertidal. Herring spawning on algae.	
Marbled Murrelet	High	High confidence that nesting occurs on parcel; good nesting habitat characteristics; high use of adjacent marine waters for feeding.	
Pigeon Guillemot	Low	Possible nesting along shoreline; probable feeding in nearshore marine waters.	
River Otter	Low	Probable feeding and latrine sites along shoreline.	
Sea Otter	Low	Feeding along shoreline.	
Recreation/Tourism	Low	Occasional recreational boating, hunting for bear and goats, visible from Port Fidalgo.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 04	PARCEL NAME: Fish Bay	
Wilderness	Moderate	Remote, minimal evidence of human use.
Cultural Resources	Moderate	Two archeological sites documented on parcel.
Subsistence	Moderate	Herring, marine mammals, salmon, bears, goats, invertebrates.
ECOLOGICAL SIGNIFICANCE: The parcel is a relatively steep, south facing timbered slope on Port Fidalgo; high potential use for marbled murrelet nesting; timber stands support overwintering mountain goats; highly visible to adjacent marine waters.		
ADJACENT LAND MANAGEMENT: Tatitlek Corporation; Chugach Alaska Corporation; Chugach National Forest		
IMMINENT THREAT/OPPORTUNITY: Forest Practices Notifications have been filed for timber harvest; timber volume pledged to operate Seward lumber mill.		
PROTECTION OBJECTIVE: 1) Minimize visual impacts to high use recreation/tourist areas; 2) maintain nesting opportunities for marbled murrelets; 3) maintain water quality and riparian habitat for anadromous fish; and 4) minimize disturbance to nesting bald eagles.		
USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.		
RECOMMENDED ACTION: Request Chugach Alaska Corporation to provide interim protection; discuss options for long term protection.		

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

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Patton
Bay

PWS06

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Is

MacLeod Harbor

Jeanie Cove

MONTAGUE ISLAND

HABITAT PROTECTION ACQUISITION PARCELS

Southern Montague Island
Prince William Sound, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

- | | | | |
|--|-------------------------------------|--|--------------------|
| | Public (State or Federal) | | Streams |
| | Private | | Anadromous Streams |
| | Timber Harvest Areas | | Eagle Nests |
| | 1993 Projected Timber Harvest Areas | | Seabird Colonies |
| | Native Selected | | |
| | Forest Cover | | |

PWS06 Parcel Number

Date printed: January 26, 1993

SOURCES:
Current and planned timber harvest information provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR), Division of Forestry, 1992.

Land status provided by the US Forest Service, 1992.

Forest Cover data provided by US Geological Survey (USGS/EROS) Alaska Field Office, using LANDSAT MSS imagery resampled to a 200 meter grid.

Streams were automated by ADNR, Land Record Information Section from the USGS topographic maps (1:63,360). Anadromous streams classification was determined by the ADF&G, 1991.

Eagle and Seabird information collected and provided by US Fish and Wildlife Service.

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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 06		PARCEL NAME: Patton Bay	
¹ LANDOWNER: Chugach Alaska Corporation		² PARCEL ACREAGE: 3,300	³ TOTAL ACREAGE: 51,200
		⁴ AFFECTED ACREAGE: 3,300	
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	High	Approximately 45 documented anadromous streams; pink, coho, Dolly Varden	
Bald Eagle	Moderate	Two documented nest sites. High use for feeding on salmon and scavenging along beaches.	
Black Oystercatcher	Low	Feeding in intertidal.	
Common Murre	None		
Harbor Seal	Low	Feeding in Patton Bay and mouth of Nellie Martin River.	
Harlequin Duck	Unknown	Possible nesting in upper riparian zone on anadromous streams. Feeding and loafing in intertidal and along beaches.	
Intertidal/subtidal biota	Low	Sand beach, no documented oiling.	
Marbled Murrelet	Unknown	High energy coast probably limits feeding; characteristics appear suitable for nesting.	
Pigeon Guillemot	Low	High energy coast probably limits feeding; shoreline area adjacent to parcel does not appear to be suitable for nesting.	
River Otter	Moderate	Feeding and latrine sites throughout area; possible denning.	
Sea Otter	Low	Low use area.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 06	PARCEL NAME: Patton Bay	
Recreation/Tourism	Moderate	Popular recreational public use cabin on Nellie Martin River. Recreational hunting (deer, bear) and fishing (coho, Dolly Varden). One of the few remote recreational areas in PWS accessible to wheel planes.
Wilderness	Moderate	Three public use cabins; evidence of previous timber harvest; road access from MacLeod Harbor imminent.
Cultural Resources	Low	One archeological site documented on parcel.
Subsistence	Low	Access difficult.
<p>ECOLOGICAL SIGNIFICANCE: This parcel contains some of the most productive timber stands in Prince William Sound. Anadromous fish values are high, however remoteness of area limits recreational and commercial uses. Arctic tern colony (approx 200 birds) in Patton Bay adjacent to parcel.</p>		
<p>ADJACENT LAND MANAGEMENT: Chugach Alaska Corporation; Chugach National Forest; timber owned and managed by Koncor Forest Products.</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Forest Practices Notifications have been filed for timber harvest on this parcel; Koncor plans to harvest all merchantable timber in this area over the next decade; timber haul road currently under construction from MacLeod Harbor to Patton Bay.</p>		
<p>PROTECTION OBJECTIVE: Maintain anadromous fish habitat including water quality and riparian values; maintain bald eagle nesting and perching habitat adjacent to streams and shore; maintain opportunities for marbled murrelet and harlequin duck nesting if found to be important; enhance recreational opportunities.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.</p>		
<p>RECOMMENDED ACTION: Request Chugach Alaska Corporation and Koncor to provide interim protection; evaluate parcel for marbled murrelet and harlequin duck habitat; discuss options for long term protection.</p>		

HABITAT PROTECTION PARCEL ANALYSIS

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

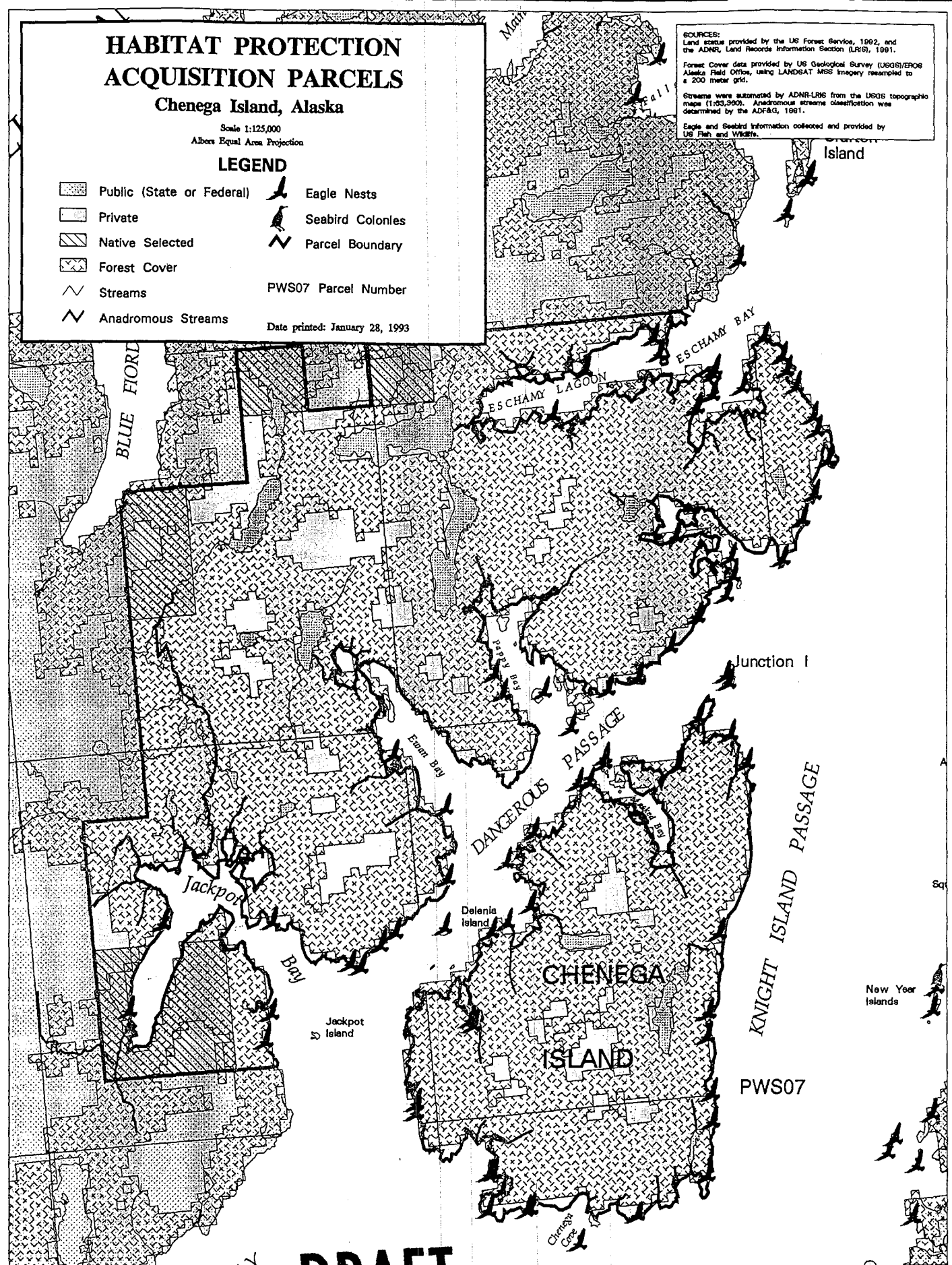
HABITAT PROTECTION ACQUISITION PARCELS Chenega Island, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

- | | | | |
|--|---------------------------|--------------------------------|------------------|
| | Public (State or Federal) | | Eagle Nests |
| | Private | | Seabird Colonies |
| | Native Selected | | Parcel Boundary |
| | Forest Cover | | |
| | Streams | PWS07 Parcel Number | |
| | Anadromous Streams | Date printed: January 28, 1993 | |

SOURCES:
Land status provided by the US Forest Service, 1992, and the ADNR, Land Records Information Section (LRIS), 1991.
Forest Cover data provided by US Geological Survey (USGS/EROS Alaska Field Office, using LANDSAT MSS imagery resampled to a 200 meter grid.
Streams were automated by ADNR-LRIS from the USGS topographic maps (1:63,360). Anadromous streams classification was determined by the ADF&G, 1991.
Eagle and Seabird information collected and provided by US Fish and Wildlife.



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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 07		PARCEL NAME: Chenega I./Eshamy/Jackpot	
¹ LANDOWNER: Chenega Corporation		² PARCEL ACREAGE: 57,000	³ TOTAL ACREAGE: 77,800
			⁴ AFFECTED ACREAGE: Unknown
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	High	Fifty eight documented anadromous streams; sockeye, pink, chum, coho, Dolly Varden, cutthroat. Eshamy and Jackpot lake systems have historically supported important commercial and recreational fisheries.	
Bald Eagle	High	Seventy three documented nest sites. Feeding concentrations in Ewan and Paddy bays.	
Black Oystercatcher	Moderate	Probable nesting and feeding concentrations along shoreline and nearshore rocks in Dangerous Passage.	
Common Murre	None		
Harbor Seal	Moderate	Probable feeding in nearshore waters, probable haul outs on rocks in Dangerous Passage.	
Harlequin Duck	Moderate	Probable nesting in upper riparian zone on anadromous streams; feeding, molting, and loafing in intertidal.	
Intertidal/subtidal biota	Moderate	Productive sheltered rocky intertidal, particularly on Chenega Island and along Dangerous Passage; portions of Eshamy and Chenega Island were oiled.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 07	PARCEL NAME: Chenega I./Eshamy/Jackpot	
Marbled Murrelet	Moderate	Feeding concentrations in adjacent marine waters, habitat characteristics appear favorable for nesting.
Pigeon Guillemot	Moderate	Feeding in adjacent marine waters; habitat characteristics appear favorable for nesting.
River Otter	High	Feeding along intertidal and adjacent nearshore waters; probable latrine and denning sites.
Sea Otter	Moderate	Concentration areas in Dangerous Passage, Granite, Ewan, and Paddy bays for feeding and shelter; probable pupping.
Recreation/Tourism	High	High value wilderness-based recreation area for sailing, kayaking, boating, fly-in fishing, hunting; Dangerous Passage and Knight Island Passage along ferry route; visible from tour boat routes along Knight Island passage.
Wilderness	High	Area mostly remote with minimal evidence of human disturbance.
Cultural Resources	Moderate	Twenty sites documented on parcel.
Subsistence	High	Known resource harvest area; salmon, black bear, harbor seals, waterfowl, other marine mammals, deer, marine invertebrates, plants.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 07	PARCEL NAME: Chenega I./Eshamy/Jackpot
ECOLOGICAL SIGNIFICANCE: This parcel encompasses a relatively sheltered rocky shore containing numerous bays, coves, islets, and estuaries. Numerous anadromous streams occur throughout the area: high use by sea otters and bald eagles; Eshamy and Jackpot lakes systems are the focus of recreational fishing; Eshamy, Jackpot, Ewan, Paddy bays have been nominated as potential state recreation areas.	
ADJACENT LAND MANAGEMENT: Chugach National Forest, several private recreational cabin sites in Eshamy Bay	
IMMINENT THREAT/OPPORTUNITY: No known imminent threats; Chenega Corporation has expressed interest in habitat protection/acquisition.	
PROTECTION OBJECTIVE: Maintain anadromous fish habitat including water quality and riparian values; maintain bald eagle nesting and perching habitat; maintain opportunities for marbled murrelet and harlequin duck nesting; maintain or enhance wilderness-based recreational opportunities.	
USEFUL PROTECTION TOOL(S): Timber acquisition; fee title acquisition; cooperative management agreement; conservation easement.	
RECOMMENDED ACTION: Request Chenega Corporation to provide interim protection; discuss options for long term protection.	

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

summaries. Technical paper no. 150. 690 p. Alaska Department of Fish and Game, Division of Subsistence, Juneau, Alaska.

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Stanek, Ronald T. 1982. Natural resource harvests at Port Graham and English Bay, 1982: an interim report. Technical paper no. 32. 35 p. Alaska Department of Fish and Game, Division of Subsistence, Anchorage, Alaska.

Stanek, Ronald T. 1985. Patterns of wild resource use in English Bay and Port Graham, Alaska. Technical paper no. 104. 226 p. Alaska Department of Fish and Game, Division of Subsistence, Anchorage, Alaska.

Stratton, Lee. 1990. Resource harvest and use in Tatitlek, Alaska. Technical paper no. 181. 163 p. Alaska Department of Fish and Game, Division of Subsistence, Anchorage, Alaska.

Stratton, Lee; Chisum, Evelyn B. 1986. Resource use patterns in Chenega, western Prince William Sound : Chenega in the 1960's and Chenega Bay 1984-1986. Technical paper no. 139. 161 p. Alaska Department of Fish and Game, Division of Subsistence, Juneau, Alaska.

U.S. Fish & Wildlife Service, Region 7. 1989-1992. Bald eagle surveys. Unpublished ARC/INFO data files. U.S. Fish and Wildlife Service, Anchorage, Alaska.

Cook Inlet, Kenai (CIK)

CIK 01, 02, 03

HABITAT PROTECTION ACQUISITION PARCELS

Kachemak Bay, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

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|--|-------------------------------------|-------|--------------------|
| | Public (State or Federal) | | Streams |
| | Private | | Anadromous Streams |
| | Timber Harvest Areas | | Eagle Nests |
| | 1993 Projected Timber Harvest Areas | | Seabird Colonies |
| | Native Selected | CIK02 | Parcel Number |
| | Forest Cover | | |

Date printed: January 27, 1993

SOURCES:

Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources, Division of Forestry, 1992.

Land status was provided by ADNIR, Land Records Information Section (LRIS), 1992.

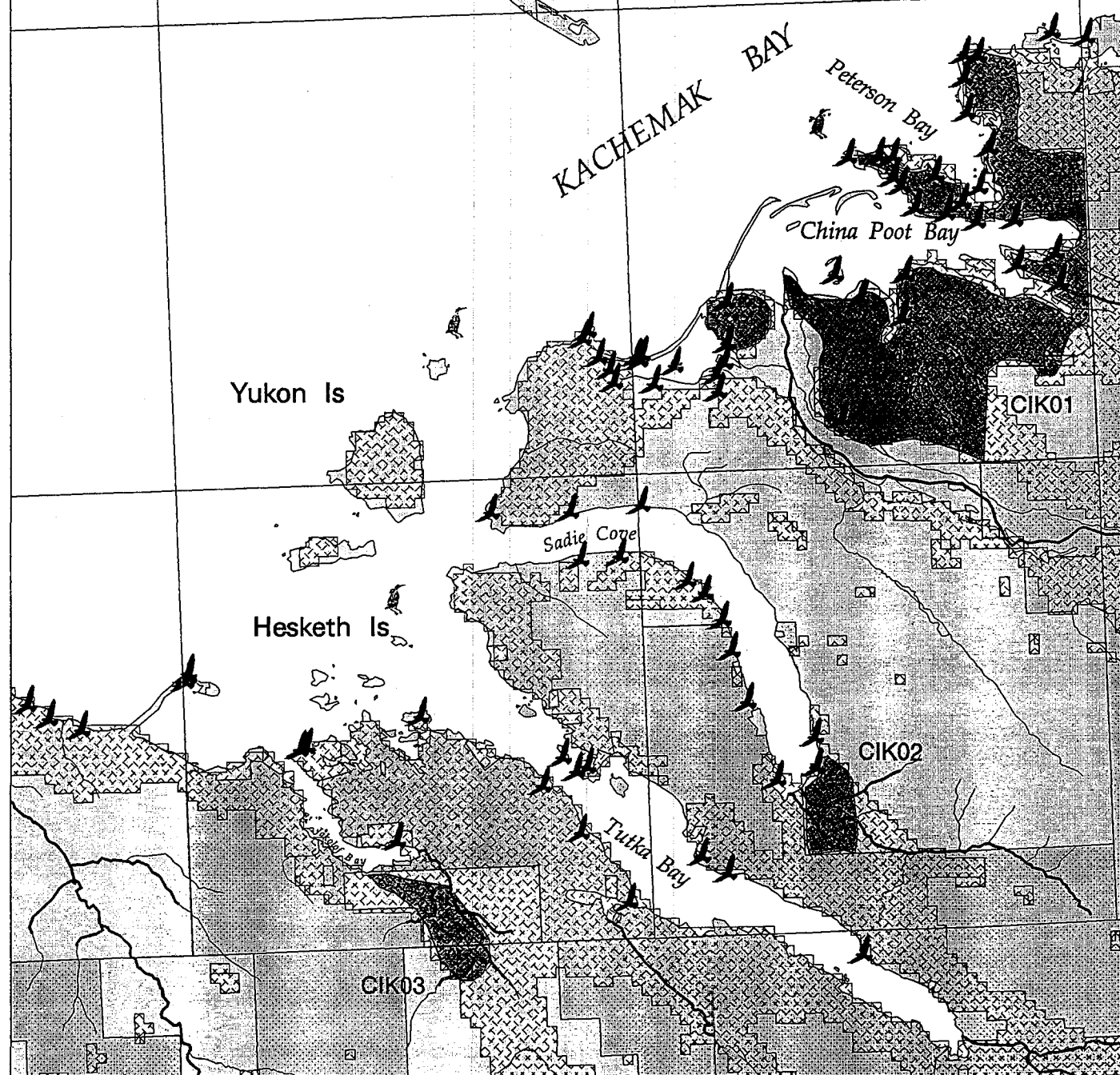
Forest Cover data provided by US Geological Survey (USGS)/EROS Alaska Field Office, using LANDSAT MSS imagery resampled to a 200 meter grid.

Eagle and Seabird information collected and provided by US Fish and Wildlife.

Streams were automated by ADNIR-LRIS from the USGS topographic maps (1:63,360). Anadromous stream classification was determined by the ADF&G, 1990.

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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 01		PARCEL NAME: China Poot, Kachemak Bay	
¹ LANDOWNER: Seldovia Native Association		² PARCEL ACREAGE: 7,500	³ TOTAL ACREAGE: 106,000
		⁴ AFFECTED ACREAGE: 5,300	
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Five cataloged anadromous streams on parcel. Coho, chum, sockeye, and pink salmon and Dolly Varden spawning and rearing habitat; enhanced sockeye salmon runs in Leisure Lake and Hazel Lake.	
Bald Eagle	High	Intertidal foraging and feeding on anadromous fish. Thirty seven documented nest sites on parcel.	
Black Oystercatcher	Low	Likely that oystercatchers use gravel spits and intertidal for feeding and nesting.	
Common Murre	Moderate	Murre colony (est. 5,075 birds) on Gull Rock may benefit from adjacent habitat protection.	
Harbor Seal	Moderate	Harbor seals feed in area and frequently haul-out on nearshore rocks and bars.	
Harlequin Duck	Moderate	Probable nesting in upper riparian areas; probable feeding in streams and estuaries.	
Intertidal/subtidal biota	High	China Poot Bay is documented as one of the most productive shallow benthic habitats in Kachemak Bay.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 01	PARCEL NAME: China Poot, Kachemak Bay	
Marbled Murrelet	High	High confidence that nesting occurs on parcel. Large numbers of murrelets forage on Kachemak Bay.
Pigeon Guillemot	Low	Foraging occurs in adjacent marine waters.
River Otter	Moderate	High use area for feeding and latrine sites; possible denning inland.
Sea Otter	Low	Established population in area; feeding and possible pupping in adjacent marine waters.
Recreation/Tourism	High	Neptune, Peterson, and China Poot bays and Gull Rock receive high use. Highly visible from Homer and Kachemak Bay. Adjacent to Kachemak Bay State Park.
Wilderness	Low	Area is moderately developed, primarily recreational homesites. High human use area.
Cultural Resources	Moderate	Twenty eight documented archeological sites on parcel.
Subsistence	Moderate	Within resource use area of Port Graham and English Bay.
<p>ECOLOGICAL SIGNIFICANCE: China Poot, Neptune, and Peterson bays are highly productive estuaries that provide habitat for birds, anadromous fish, mammals, and intertidal marine life. This area receives very high recreational use. has significant archeological sites, and is highly visible from Homer and adjacent marine waters. The timbered lands are probably important to marbled murrelets. This area also provides access to a recreational dip-net fishery at the outlet of Leisure Lake.</p>		

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 01	PARCEL NAME: China Poot, Kachemak Bay
ADJACENT LAND MANAGEMENT: This parcel is adjacent to Kachemak Bay State Park; the park receives a significant amount of recreational use by residents of Anchorage and the Kenai Peninsula and is also an important tourist attraction. The parcel is also adjacent to other Seldovia Native Association lands.	
IMMINENT THREAT/OPPORTUNITY: This parcel is proposed for logging in 1993. Permit approvals are pending additional information, Corps of Engineers Public Notice, and ACMP review.	
PROTECTION OBJECTIVE: 1) Maintain water quality of the estuary and associated riparian habitats for anadromous fish; 2) maintain bald eagle, marbled murrelet, and harlequin nesting habitat; 3) maintain and enhance recreational opportunities and scenic values; and 4) maintain public access to Leisure Lake stream.	
USEFUL PROTECTION TOOL(S): Timber acquisition; fee simple purchase; conservation easement; cooperative management; public access acquisition.	
RECOMMENDED ACTION: The Trustee Council has approved a resolution to acquire fee title for Kachemak Park inholdings. Habitat and service values are among the highest for imminent threat lands evaluated. Request SNA to provide interim protection; begin negotiations to acquire long term protection; December 31, 1993 deadline.	

1. Parties other than landowner may own partial rights (eg. timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 02		PARCEL NAME: Sadie Cove	
¹ LANDOWNER: Seldovia Native Association		² PARCEL ACREAGE: 400	³ TOTAL ACREAGE: 106,000
			⁴ AFFECTED ACREAGE: 400
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Two cataloged anadromous streams. Pink and chum spawning.	
Bald Eagle	Moderate	Three documented nest sites on parcel.	
Black Oystercatcher	None		
Common Murre	None		
Harbor Seal	Low	Foraging in Sadie Cove estuary.	
Harlequin Duck	Low	Possible nesting in upper reaches of riparian habitat (adjacent to parcel). Potential feeding in lower stream and estuary.	
Intertidal/subtidal biota	Low	Species diversity and richness relatively low at head of Sadie Cove.	
Marbled Murrelet	Low	No evidence of use of this parcel.	
Pigeon Guillemot	None		
River Otter	Low	Probable feeding in adjacent marine habitat and stream.	
Sea Otter	Low	Occasional use of Sadie Cove for feeding and shelter.	
Recreation/Tourism	Moderate	Recreational cabins and boating. High scenic values.	
Wilderness	Low	Area is moderately developed, primarily recreational homesites. Moderate evidence of human use.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 02	PARCEL NAME: Sadie Cove	
Cultural Resources	None	No evidence that archeological sites exist on parcel.
Subsistence	Low	Waterfowl, marine mammals
ECOLOGICAL SIGNIFICANCE: Sadie Cove is a deep fjord estuary that provides habitat for anadromous fish and overwintering waterfowl. It is a moderately used recreational area accessible by boat from Homer.		
ADJACENT LAND MANAGEMENT: Kachemak Bay State Park; Seldovia Native Association.		
IMMINENT THREAT/OPPORTUNITY: This parcel is proposed for logging in 1993.		
PROTECTION OBJECTIVE: 1) Maintain water quality of the estuary and associated riparian anadromous fish habitat; 2) protect bald eagle nesting and roosting habitat.		
USEFUL PROTECTION TOOL(S): Timber acquisition; fee simple purchase; conservation easement; cooperative management.		
RECOMMENDED ACTION: Request interim protection from SNA, partial interests (timber rights, easement) and/or cooperative management may provide adequate long-term protection.		

1. Rights other than title may be held by other parties.
2. Area evaluated.
3. Total acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 03		PARCEL NAME: Jakolof Bay	
¹ LANDOWNER: Seldovia Native Association		² PARCEL ACREAGE: 600	³ TOTAL ACREAGE: 106,000
			⁴ AFFECTED ACREAGE: 500
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	One mainstem and four tributaries cataloged as anadromous. Pink, chum, sockeye, and coho salmon spawning and rearing, Dolly Varden.	
Bald Eagle	Low	One nest site adjacent to parcel. Probable feeding in stream and estuary.	
Black Oystercatcher	None		
Common Murre	None		
Harbor Seal	Low	Feeding in Jakolof Bay and estuary.	
Harlequin Duck	Low	Possible nesting in upper reaches of riparian habitat. Potential feeding in lower stream and estuary.	
Intertidal/subtidal biota	Moderate	Jakolof Bay known to be highly productive for shellfish and other marine invertebrates	
Marbled Murrelet	Low	Possible feeding in Jakolof Bay.	
Pigeon Guillemot	None		
River Otter	Low	Probable feeding in adjacent marine habitat and stream.	
Sea Otter	Low	Use Jakolof Bay for feeding and shelter.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 03	PARCEL NAME: Jakolof Bay	
Recreation/Tourism	Moderate	Road accessible from Seldovia. Recreational use of Rocky Bay road. Public boat harbor in Jakolof Bay. Recreational boating and fishing.
Wilderness	None	High evidence of human use (road, sawmill, boat harbor, mariculture)
Cultural Resources	Low	One archeological site documented adjacent to parcel.
Subsistence	Low	Shellfish, waterfowl
<p>ECOLOGICAL SIGNIFICANCE: Jakolof Bay is a productive shallow estuary providing habitat for anadromous fish, shellfish, waterfowl, and mammals. It is a moderately used recreational area easily accessible by road from Seldovia.</p>		
<p>ADJACENT LAND MANAGEMENT: Kachemak Bay State Park; Seldovia Native Association.</p>		
<p>IMMINENT THREAT/OPPORTUNITY: This area is proposed for logging in 1993. It has an existing road access, and an abandoned sawmill and log transfer facility.</p>		
<p>PROTECTION OBJECTIVE: 1) Maintain water quality of the estuary and associated riparian habitats for anadromous fish; 2) maintain recreational values and recreational access.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; fee simple purchase; conservation easement; cooperative management.</p>		
<p>RECOMMENDED ACTION: Request SNA to provide interim protection; long-term protection may be achieved through acquisition of partial interests (timber, easements) and cooperative management agreement.</p>		

1. Rights other than title may be held by other parties.
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION ACQUISITION PARCELS

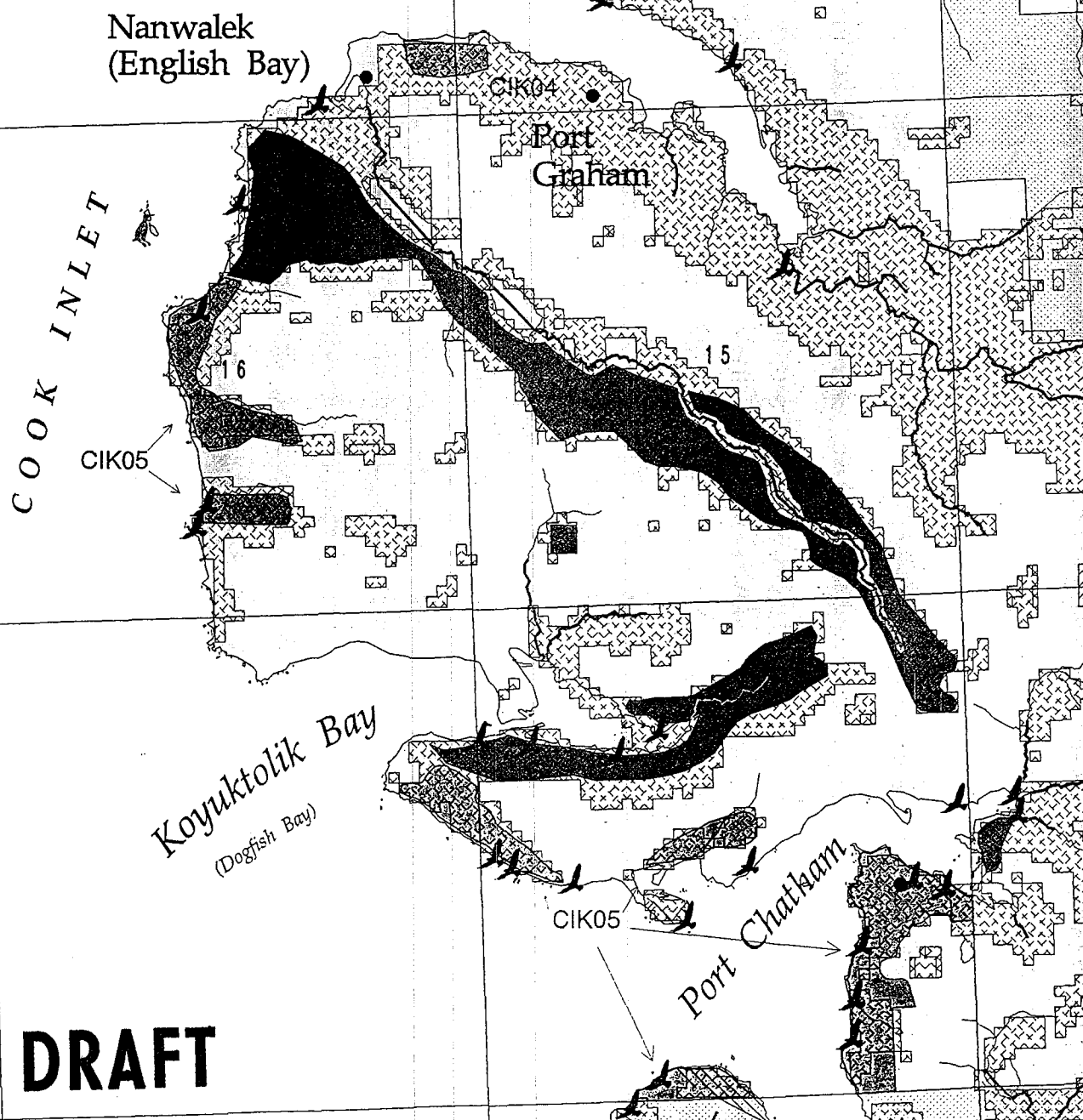
Nanwalek, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

- | | | | |
|--|-------------------------------------|--------------------------------|--------------------|
| | Public (State or Federal) | | Streams |
| | Private | | Anadromous Streams |
| | Timber Harvest Areas | | Eagle Nests |
| | 1993 Projected Timber Harvest Areas | | Seabird Colonies |
| | Native Selected | CIK02 Parcel Number | |
| | Forest Cover | Date printed: January 27, 1993 | |

SOURCES:
Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources, Division of Forestry, 1992.
Land status was provided by ADNIR, Land Records Information Section (LRIS), 1992.
Forest Cover data provided by US Geological Survey (USGS)/EROS Alaska Field Office, using LANDSAT MSS Imagery resampled to a 200 meter grid.
Eagle and Seabird information collected and provided by US Fish and Wildlife.
Streams were automated by ADNIR-LRIS from the USGS topographic maps (1:63,360). Anadromous streams classification was determined by the ADF&G, 1990.



HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 04		PARCEL NAME: Port Graham BIA Parcels	
LANDOWNER: Various Native Allotees		² PARCEL ACREAGE: 200	³ TOTAL ACREAGE: 200
		⁴ AFFECTED ACREAGE: 200	
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	None	No documented anadromous streams.	
Bald Eagle	Low	One documented nest site; probable feeding and roosting.	
Black Oystercatcher	Low	Feeding along intertidal zone.	
Common Murre	None		
Harbor Seal	Low	Feeding in adjacent marine waters.	
Harlequin Duck	Low	Probable feeding and loafing in nearshore zone.	
Intertidal/subtidal biota	Moderate	Rocky intertidal zone.	
Marbled Murrelet	Unknown	No available information.	
Pigeon Guillemot	Unknown	No available information.	
River Otter	Unknown	No available information.	
Sea Otter	Low	Feeding in adjacent marine waters.	
Recreation/Tourism	Moderate	Marine waters used for recreational halibut fishing. Visible from ferry route, recreational boaters and tour boats.	
Wilderness	Low	High evidence of human use. Adjacent to Port Graham and English Bay.	
Cultural Resources	Low	One archeological site documented adjacent to parcel.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 04	PARCEL NAME: Port Graham BIA Parcels	
Subsistence	High	Extensive subsistence use of adjacent marine and intertidal areas; salmon, marine mammals, invertebrates, plants, berries.
ECOLOGICAL SIGNIFICANCE: This is a relatively steep, north-facing timbered slope adjacent to Port Graham. Habitat and service value characteristics on parcel appear to be relatively low; however, detailed habitat information for some species is lacking.		
ADJACENT LAND MANAGEMENT: Port Graham; Nanwalek village corporations.		
IMMINENT THREAT/OPPORTUNITY: Logging (under BIA management) is planned for 1993.		
PROTECTION OBJECTIVE: Maintain water quality in Port Graham.		
USEFUL PROTECTION TOOL(S): Cooperative management agreement.		
RECOMMENDED ACTION: Request interim protection from BIA and landowners; obtain additional information on habitat and service values.		

1. Parties other than landowner may own partial rights (e.g., timber, minerals), BIA serves as trust manager.
2. Area evaluated.
3. Estimated acreage held by the owner(s) in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 05		PARCEL NAME: Lower Kenai Peninsula	
¹ LANDOWNER: Nanwalek Corporation		² PARCEL ACREAGE: 3,000	³ TOTAL ACREAGE: 46,000
			⁴ AFFECTED ACREAGE: 1,800
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Low	Two cataloged anadromous streams; pink salmon spawning.	
Bald Eagle	Moderate	Ten documented nest sites.	
Black Oystercatcher	Moderate	Feeding along shoreline. Potential nesting habitat in Port Chatham.	
Common Murre	Low	Potential feeding in adjacent marine waters.	
Harbor Seal	Low	Hauling out on nearshore rocks; feeding in adjacent marine waters.	
Harlequin Duck	Low	Feeding and loafing along shoreline.	
Intertidal/subtidal biota	Moderate	Highly productive rocky intertidal and shallow subtidal habitat in Port Chatham area. Abundant Fucus and other seaweeds.	
Marbled Murrelet	Moderate	Habitat characteristics appear favorable for nesting; feeding in adjacent marine waters.	
Pigeon Guillemot	Low	Probable nesting; feeding nearshore.	
River Otter	Moderate	Probable feeding along shoreline, possible latrine and denning sites.	
Sea Otter	Moderate	Concentration area for feeding, shelter. potential pupping in Port Chatham.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 05		PARCEL NAME: Lower Kenai Peninsula	
LANDOWNER: Nanwalek Corporation		PARCEL ACREAGE: 3,000	TOTAL ACREAGE: 46,000
			AFFECTED ACREAGE: 1,800
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Low	Two cataloged anadromous streams; pink salmon spawning.	
Bald Eagle	Moderate	Ten documented nest sites.	
Black Oystercatcher	Moderate	Feeding along shoreline. Potential nesting habitat in Port Chatham.	
Common Murre	Low	Potential feeding in adjacent marine waters.	
Harbor Seal	Low	Hauling out on nearshore rocks; feeding in adjacent marine waters.	
Harlequin Duck	Low	Feeding and loafing along shoreline.	
Intertidal/subtidal biota	Moderate	Highly productive rocky intertidal and shallow subtidal habitat in Port Chatham area. Abundant Fucus and other seaweeds.	
Marbled Murrelet	Moderate	Habitat characteristics appear favorable for nesting; feeding in adjacent marine waters.	
Pigeon Guillemot	Low	Probable nesting; feeding nearshore.	
River Otter	Moderate	Probable feeding along shoreline, possible latrine and denning sites.	
Sea Otter	Moderate	Concentration area for feeding, shelter, potential pupping in Port Chatham.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 05	PARCEL NAME: Lower Kenai Peninsula	
Recreation/Tourism	Moderate	Marine waters used for recreational halibut fishing. Visible from ferry route, recreational boaters and tour boats.
Wilderness	Low	Abandoned sawmill and cannery; adjacent timber harvest and log transfer facility; frequent boat activity.
Cultural Resources	Moderate	Two archeological sites documented on parcel; three adjacent.
Subsistence	Moderate	Waterfowl, marine mammals
<p>ECOLOGICAL SIGNIFICANCE: These parcels are adjacent to productive rocky intertidal and subtidal areas. The offshore waters are highly productive marine bird and marine mammal feeding areas. Forest habitats near this area have recently been disturbed by logging activities.</p>		
<p>ADJACENT LAND MANAGEMENT: Nanwalek; Port Graham village corporations.</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Forest Practices Notices have been filed to harvest timber in 1993.</p>		
<p>PROTECTION OBJECTIVE: 1) Maintain water quality in the nearshore area; 2) maintain bald eagle and marbled murrelet nesting habitat; and 3) minimize visual impacts to recreational users in adjacent marine waters.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; cooperative management; conservation easement.</p>		
<p>RECOMMENDED ACTION: Request Nanwalek Corporation to provide interim protection; discuss options with land owner to provide long-term protection.</p>		

1. Parties other than landowner may own partial rights (e.g. timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.

HABITAT PROTECTION PARCEL ANALYSIS

4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION ACQUISITION PARCELS

Windy Bay, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

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| | CIK02 Parcel Number |
| | Date printed: January 27, 1993 |

SOURCES:

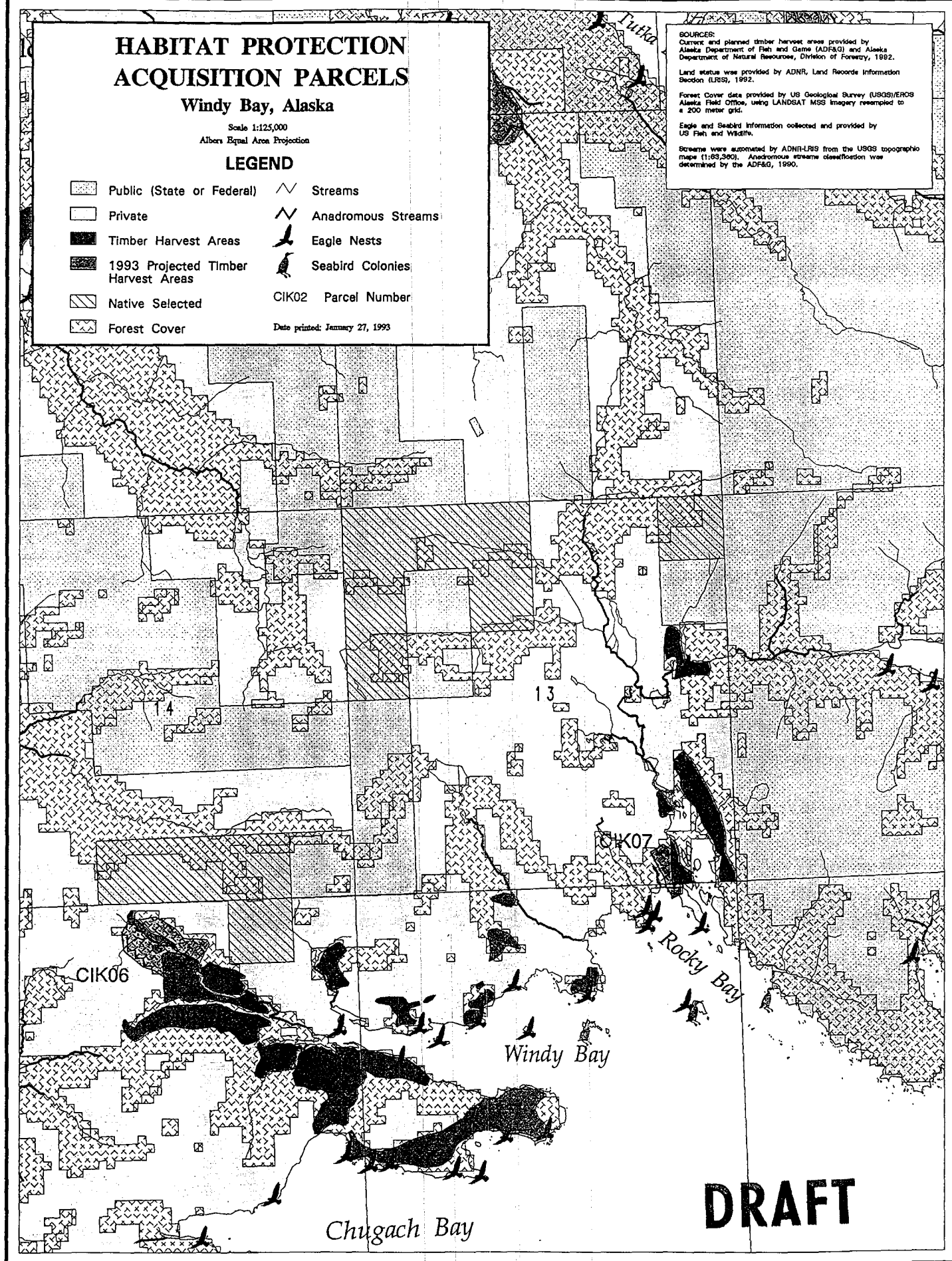
Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources, Division of Forestry, 1992.

Land status was provided by ADNIR, Land Records Information Section (LRIS), 1992.

Forest Cover data provided by US Geological Survey (USGS)/EROS Alaska Field Office, using LANDSAT MSS imagery resampled to a 200 meter grid.

Eagle and Seabird information collected and provided by US Fish and Wildlife.

Streams were automated by ADNIR-LRIS from the USGS topographic maps (1:63,360). Anadromous stream classification was determined by the ADF&G, 1990.



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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 06		PARCEL NAME: Windy Bay	
LANDOWNER: Port Graham	PARCEL ACREAGE: 400	TOTAL ACREAGE: 63,500	AFFECTED ACREAGE: 400
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Low	One documented anadromous stream; pink, chum, coho.	
Bald Eagle	Low	No documented nesting; possible feeding and perching.	
Black Oystercatcher	None		
Common Murre	None		
Harbor Seal	None		
Harlequin Duck	Low	Possible nesting.	
Intertidal/subtidal biota	None		
Marbled Murrelet	Unknown	Habitat characteristics appear favorable for nesting.	
Pigeon Guillemot	None		
River Otter	Low	Possible denning.	
Sea Otter	None		
Recreation/Tourism	Low	Limited access, low use for bear and goat hunting.	
Wilderness	Low	Extensive recent clear cuts in area.	
Cultural Resources	None	No evidence of archeological sites on parcel.	
Subsistence	Low	Most use confined to marine area.	
ECOLOGICAL SIGNIFICANCE: The associated streams within this parcel support anadromous fish spawning and rearing habitat. This is one of the few remaining unharvested forest stands within the Windy Bay watershed.			

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 06	PARCEL NAME: Windy Bay
ADJACENT LAND MANAGEMENT: Nanwalek Corporation; Kachemak Bay State Wilderness Park.	
IMMINENT THREAT/OPPORTUNITY: Forest Practices Notice has been filed for clear-cutting this parcel in 1993.	
PROTECTION OBJECTIVE: 1) Maintain water quality and riparian habitat for anadromous fish; 2) maintain nesting opportunities for marbled murrelets and bald eagles.	
USEFUL PROTECTION TOOL(S): Cooperative management agreement.	
RECOMMENDED ACTION: Habitats on this parcel have relatively low value for recovery of injured species/services; request Nanwalek Corporation to provide interim protection; discuss options for long term protection.	

1. Parties other than landowner may own partial rights (e.g. timber, minerals).
2. Area evaluated.
3. Estimate acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 07		PARCEL NAME: Rocky Bay	
'LANDOWNER: Port Graham Corporation		'PARCEL ACREAGE: 100	'TOTAL ACREAGE: 63,500
		'AFFECTED ACREAGE: 100	
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Low	One documented anadromous stream; pink.	
Bald Eagle	Low	No documented nest sites on parcel, three sites in Rocky Bay.	
Black Oystercatcher	Low	Probable feeding in intertidal.	
Common Murre	None		
Harbor Seal	Low	Probable feeding, hauling out in adjacent marine area; documented harbor seal haul out concentration area approx. one mile to the south.	
Harlequin Duck	Low	Probable feeding and loafing in intertidal.	
Intertidal/subtidal biota	Low	Shore was very lightly oiled.	
Marbled Murrelet	Low	Habitat characteristics appear favorable for nesting, probable feeding in nearshore waters.	
Pigeon Guillemot	Low	Possible nesting, probable feeding in nearshore waters.	
River Otter	Low	Possible feeding and latrine sites.	
Sea Otter	Moderate	Documented sea otter concentration area.	
Recreation/Tourism	Moderate	Road accessible from Seldovia, occasional boat use, recreational fishing for cohos.	
Wilderness	Low	Extensive recent clearcuts in area.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: CIK 07	PARCEL NAME: Rocky Bay	
Cultural Resources	None	No evidence of archeological sites on parcel.
Subsistence	Low	Waterfowl, marine mammals.
ECOLOGICAL SIGNIFICANCE: Coho and pink salmon support recreational and commercial fisheries; accessible via old logging road (trail) from Seldovia; area has been extensively harvested for timber during the past twenty years.		
ADJACENT LAND MANAGEMENT: Port Graham Corporation; near Kachemak Bay State Wilderness Park.		
IMMINENT THREAT/OPPORTUNITY: This parcel is proposed for timber harvest in 1993.		
PROTECTION OBJECTIVE: 1) Maintain water quality and riparian habitats for anadromous fish; maintain recreational fishing opportunities; 3) maintain recreational access.		
USEFUL PROTECTION TOOL(S): Cooperative management agreement; acquire and enhance recreational access.		
RECOMMENDED ACTION: Request Port Graham Corporation to provide interim protection; discuss options for cooperative management and recreational access improvements.		

1. Parties other than landowner may own partial rights (e.g. timber minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

Kodiak, AK Peninsula (KAP)

HABITAT PROTECTION ACQUISITION PARCELS

Seal Bay, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

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| | | Streams |
| | | Anadromous Streams |
| | | Eagle Nests |
| | | Seabird Colonies |
| | | Parcel Boundary |
| | | KAP02 Parcel Number |

Date printed: January 29, 1993

SOURCES:
Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR), Division of Forestry, 1992.

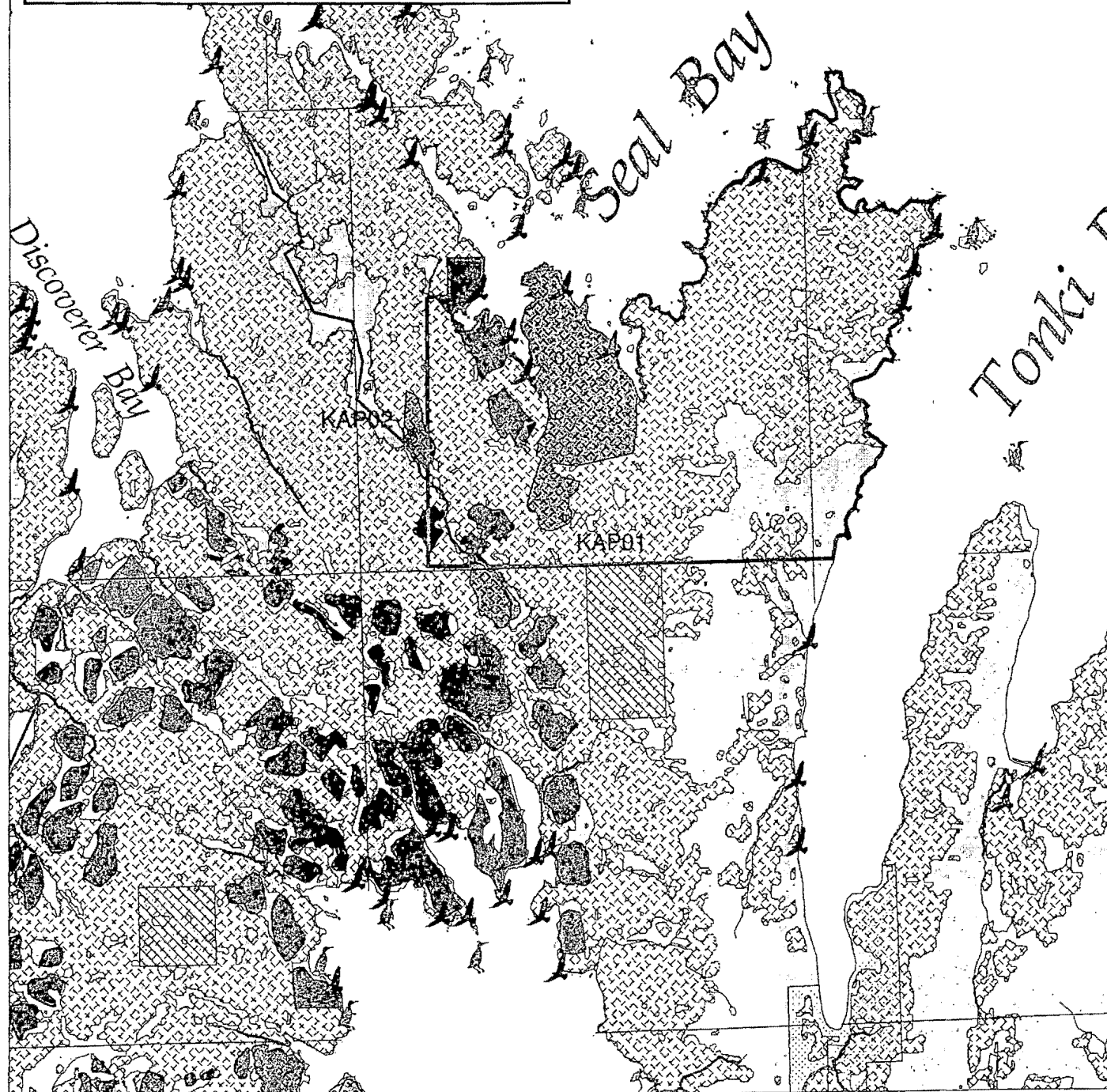
Land status provided by ADNR, Land Records Information Section, 1989.

Forest cover was determined from GPO 1991 Imagery by Pedology, 1993.

Eagle and Seabird information collected and provided by US Fish and Wildlife.

Streams were automated by ADNR-LRS from the USGS topographic maps (1:50,000). Anadromous stream classification was determined by the ADF&G, 1991.

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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 01		PARCEL NAME: Seal Bay	
¹ LANDOWNER: Akhiok Kaguyak/ Old Harbor		² PARCEL ACREAGE: 15,000	³ TOTAL ACREAGE: 253,000
		⁴ AFFECTED ACREAGE: 1,600	
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Six documented anadromous streams; pink, sockeye, coho, Dolly Varden, steelhead.	
Bald Eagle	High	Fourty two documented nest sites; feeding and roosting along shoreline.	
Black Oystercatcher	Moderate	Feeding in intertidal; probable nesting along shoreline and nearshore islets.	
Common Murre	None		
Harbor Seal	Moderate	Area historically supported large numbers of seals. Feeding in nearshore waters and haul-outs on nearshore rocks.	
Harlequin Duck	Moderate	Up to 64 birds observed in Seal Bay. Nearshore habitat appears good for feeding and molting. Potential for nesting appears low.	
Intertidal/subtidal biota	Moderate	Productive sheltered rocky intertidal and shallow subtidal habitat. Steep slopes adjacent to intertidal may become source of erosion sedimentation. No documented oiling of shoreline.	
Marbled Murrelet	High	High confidence that nesting occurs on parcel; good nesting habitat characteristics; high use of adjacent marine waters for feeding.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 01	PARCEL NAME: Seal Bay	
Pigeon Guillemot	Moderate	Documented nesting of up to 36 birds on or immediately adjacent to parcel; feeding in nearshore waters.
River Otter	Moderate	Probable feeding and latrine sites along shoreline. Possible denning. Habitat characteristics appear very favorable for river otters.
Sea Otter	Moderate	Known concentration area off Tolstoi Point. Feeding in nearshore waters.
Recreation/Tourism	Moderate	Area has historically supported high value wilderness-based recreation for boats and lodge. Access was previously difficult but is now road accessible.
Wilderness	Moderate	Wilderness characteristics are declining. Recent clearcuts and road are visible.
Cultural Resources	Moderate	Six archeological sites documented on parcel.
Subsistence	Low	Marine invertebrates, deer, elk, possibly marine mammals.
<p>ECOLOGICAL SIGNIFICANCE: This parcel contains old growth forest habitat adjacent to highly productive marine waters. Streams within the parcel support a diversity of anadromous fish. Forests on this parcel are suspected of providing high value marbled murrelet nesting habitat. Wilderness recreation values, particularly for fishing and hunting are high. Parcel supports non-injured species including deer, elk, and brown bear.</p>		
<p>ADJACENT LAND MANAGEMENT: Afognak Joint Venture; primarily for timber harvest and tree farming.</p>		

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 01	PARCEL NAME: Seal Bay
IMMINENT THREAT/OPPORTUNITY: A portion of this parcel is proposed for logging in 1993 as an extension of an ongoing timber management operation by Koncor Forest Products. Akhiok-Kaguyak has expressed an interest in discussing habitat protection for remainder of parcel.	
PROTECTION OBJECTIVE: 1) Maintain water quality and riparian habitat for anadromous fish; 2) maintain marbled murrelet and bald eagle nesting habitat; 3) maintain and enhance wilderness-based recreational opportunities.	
USEFUL PROTECTION TOOL(S): Timber acquisition; fee title acquisition; cooperative management agreement; conservation easement.	
RECOMMENDED ACTION: This is one of highest priority imminent threat parcels; request Akhiok/Kaguyak/Old Harbor joint venture to provide interim protection; discuss options for long-term protection.	

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION ACQUISITION PARCELS

Seal Bay, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

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| | Public (State or Federal) | | Streams |
| | Private | | Anadromous Streams |
| | Timber Harvest Areas | | Eagle Nests |
| | 1993 Projected Timber Harvest Areas | | Seabird Colonies |
| | Native Selected | | |
| | Forest Cover | | |

KAP02 Parcel Number

Date printed: January 29, 1993

SOURCES:
Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR, Division of Forestry, 1992).

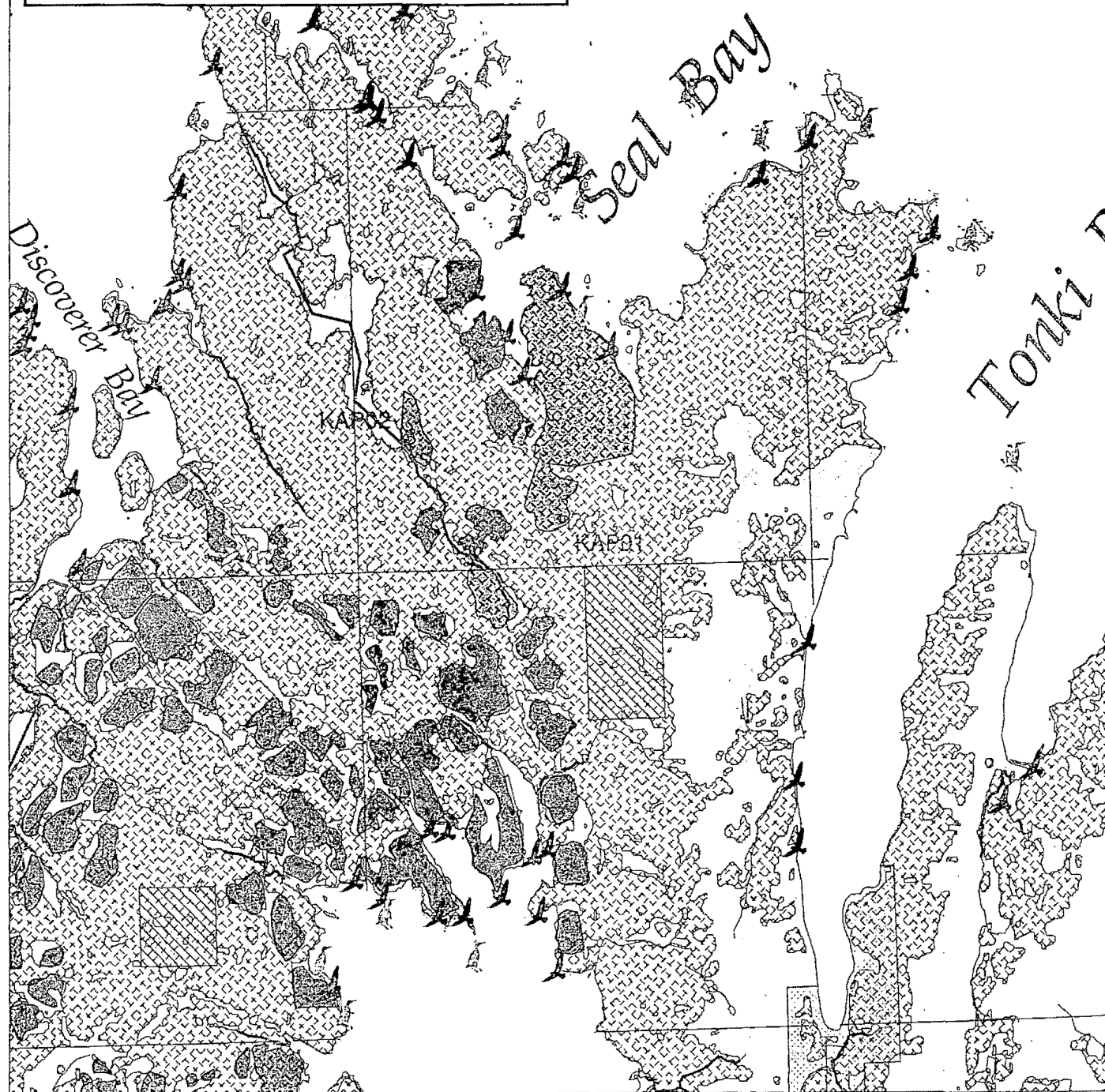
Land status provided by ADNR, Land Records Information Section, 1989.

Forest cover was determined from SPOT 1981 imagery by Podolsky, 1983.

Eagle and Seabird information collected and provided by US Fish and Wildlife.

Streams were automated by ADNR-LRS from the USGS topographic maps (1:63,360). Anadromous stream classification was determined by the ADF&G, 1991.

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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 02		PARCEL NAME: Pauls / Laura / Gretchen lakes	
¹ LANDOWNER: Afognak Joint Venture		² PARCEL ACREAGE: 500	³ TOTAL ACREAGE: 150,000
			⁴ AFFECTED ACREAGE: 370
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	One documented anadromous stream/lake system; coho, sockeye, steelhead, Dolly Varden.	
Bald Eagle	Low	No documented nest sites. Probable feeding on anadromous stream/lakes.	
Black Oystercatcher	None		
Common Murre	None		
Harbor Seal	None		
Harlequin Duck	Unknown	Possible nesting in riparian zone.	
Intertidal/subtidal biota	None		
Marbled Murrelet	Moderate	High confidence that nesting occurs on parcel; good nesting habitat characteristics	
Pigeon Guillemot	None		
River Otter	Moderate	Probable feeding, latrine sites; possible denning.	
Sea Otter	None		
Recreation/Tourism	Moderate	Pauls Lake used for recreational fishing; recently made road accessible.	
Wilderness	Low	Recent clearcuts and roads in area.	
Cultural Resources	None	No evidence of archeological sites on parcel.	

HABITAT PROTECTION ACQUISITION PARCELS

Izhut Bay, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

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| | KAP02 Parcel Number |
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Date printed: January 28, 1993

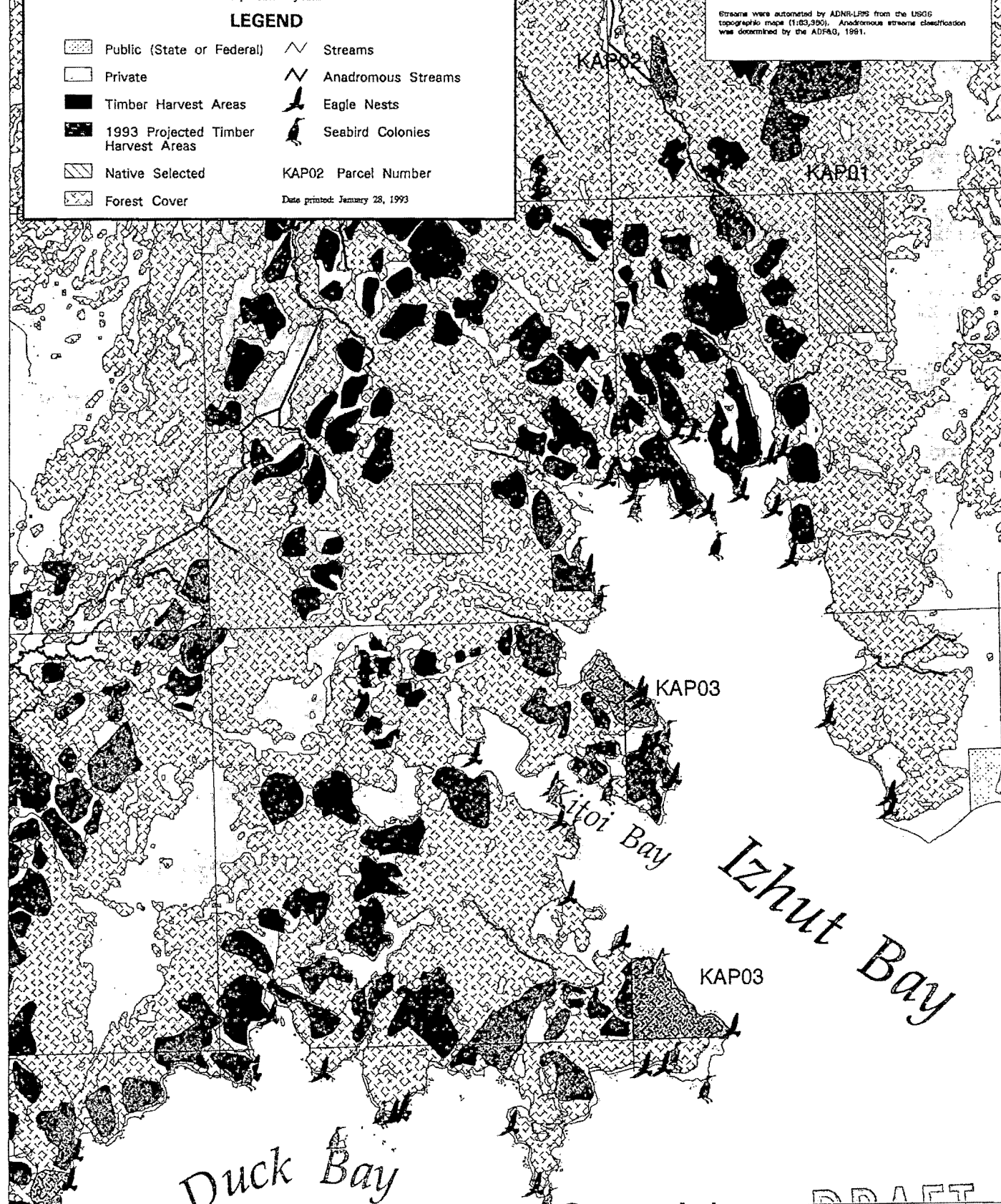
SOURCES:
Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR, Division of Forestry, 1992).

Land status provided by ADNR, Land Records Information Section, 1989.

Forest cover was determined from SPOT 1991 imagery by Podolsky, 1993.

Eagle and Seabird information collected and provided by US Fish and Wildlife.

Streams were automated by ADNR-LRS from the USGS topographic maps (1:63,360). Anadromous stream classification was determined by the ADF&G, 1991.



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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 03		PARCEL NAME: Izhut Bay	
¹ LANDOWNER: Afognak Joint Venture		² PARCEL ACREAGE: 1,000	³ TOTAL ACREAGE: 150,000
			⁴ AFFECTED ACREAGE: 960
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	None	No documented anadromous fish streams. Terrain appears to have low potential for supporting anadromous streams.	
Bald Eagle	Moderate	Four documented nest sites.	
Black Oystercatcher	Low	Fourteen birds documented in area. Probable feeding, possible nesting in intertidal adjacent to parcel.	
Common Murre	None		
Harbor Seal	Moderate	Known haul-out concentration area; probable feeding in nearshore waters.	
Harlequin Duck	Low	Possible feeding and loafing on intertidal adjacent to parcel.	
Intertidal/subtidal biota	Low	Steep rocky shoreline; lightly oiled in places.	
Marbled Murrelet	High	Documented nesting in vicinity of parcel; good nesting habitat characteristics; high use of adjacent marine waters for feeding.	
Pigeon Guillemot	Moderate	Twenty six birds documented in area; probable nesting and feeding along shoreline.	
River Otter	Low	Steep shoreline probably indicates low use by river otter.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 03	PARCEL NAME: Izhut Bay	
Sea Otter	Low	Feeding in nearshore waters. Habitat appears to have low capacity to support sea otters.
Recreation/Tourism	Low	Recreational fishing and hunting in area.
Wilderness	Low	Fish hatchery in vicinity, recent clearcuts and roads.
Cultural Resources	Low	One archeological site documented on parcel; four adjacent.
Subsistence	Low	Use of parcel appears low; uses adjacent to parcel include: crabs, marine fish, invertebrates, marine mammals, salmon, elk.
<p>ECOLOGICAL SIGNIFICANCE: This parcel contains relatively steeply sloping timbered lands bordering a protected rocky shore and productive marine area in Izhut Bay. The Izhut Bay area has been extensively modified by timber harvest during the past several years. A marbled murrelet nest was found in a felled tree in the vicinity of this parcel in 1992.</p>		
<p>ADJACENT LAND MANAGEMENT: Afognak Joint Venture; timber harvest and forest management are under direction of Koncor Forest Products.</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Timber harvest is currently occurring on and adjacent to this parcel; timber harvest likely to be completed on this parcel in 1993.</p>		
<p>PROTECTION OBJECTIVE: 1) Maintain marbled murrelet nesting opportunities; 2) maintain forested shoreline fringe for bald eagles and protection of nearshore habitat.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.</p>		
<p>RECOMMENDED ACTION: Request AJV to provide interim protection; develop options for long term protection.</p>		

1. Parties other than landowner may own partial rights (e.g, timber, minerals).

HABITAT PROTECTION PARCEL ANALYSIS

2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

KAP 04, 05, 06

HABITAT PROTECTION ACQUISITION PARCELS

Kazakof Bay, Alaska

Scale 1:125,000
Albers Equal Area Projection

LEGEND

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|--|-------------------------------------|--------------------------------|--------------------|
| | Public (State or Federal) | | Streams |
| | Private | | Anadromous Streams |
| | Timber Harvest Areas | | Eagle Nests |
| | 1993 Projected Timber Harvest Areas | | Seabird Colonies |
| | Native Selected | KAP02 Parcel Number | |
| | Forest Cover | Date printed: January 28, 1993 | |

SOURCES:
Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR), Division of Forestry, 1992.
Land status provided by ADNR, Land Records Information Section, 1989.
Forest cover was determined from SPOT 1991 imagery by Podolsky, 1993.
Eagle and Seabird information collected and provided by US Fish and Wildlife.
Streams were automated by ADNR-LRS from the USGS topographic maps (1:63,360). Anadromous stream classification was determined by the ADF&G, 1991.

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ISLAND

Kazakof Bay

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HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 04		PARCEL NAME: Kazakof Bay	
¹ LANDOWNER: Afognak Joint Venture; Afognak Native Corporation		² PARCEL ACREAGE: 1,500	³ TOTAL ACREAGE: 150,000
			⁴ AFFECTED ACREAGE: 1,400
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Low	No documented anadromous streams on parcels; potential for additional streams being found.	
Bald Eagle	Low	One documented nest site. Feeding and perching along shoreline.	
Black Oystercatcher	Low	Possible feeding in intertidal.	
Common Murre	None		
Harbor Seal	Moderate	Known haul-out concentration near parcel. Feeding in nearshore waters.	
Harlequin Duck	Low	Thirteen birds documented in eastern Kazakof Bay. Potential for nesting on parcels appears low; probable feeding and loafing in intertidal.	
Intertidal/subtidal biota	Moderate	Sheltered rocky intertidal areas, productive shallows, kelp beds.	
Marbled Murrelet	Unknown	Habitat characteristics appear suitable for nesting; feeding in adjacent marine waters.	
Pigeon Guillemot	Low	Thirty four birds documented on nearby Parrot Island. Possible nesting on or near parcels, probable feeding in nearshore area.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 04	PARCEL NAME: Kazakof Bay	
River Otter	Low	Possible feeding and latrine sites on or near parcels.
Sea Otter	Low	Established sea otter population in area; probable feeding in nearshore waters.
Recreation/Tourism	Moderate	Area receives local recreational use from logging camps, Afognak I. lodges/residences, Port Lions and Ouzinkie. Hunting and fishing from Kodiak-based guide operations.
Wilderness	Low	Established logging camps, transfer and storage facilities, roads, recent clearcuts.
Cultural Resources	Moderate	Two archeological sites documented on parcel.
Subsistence	Moderate	Uses include: crabs, marine fish, invertebrates, marine mammals, salmon, elk, trapping, deer.
<p>ECOLOGICAL SIGNIFICANCE: These parcels contain relatively steeply sloping timbered lands bordering a protected rocky shore and productive marine area in Kazakof Bay. The Kazakof Bay area has been extensively disturbed by timber harvest during the past decade.</p>		
<p>ADJACENT LAND MANAGEMENT: Afognak Native Corporation; Afognak Joint Venture; managed primarily for timber harvest and production.</p>		
<p>IMMINENT THREAT/OPPORTUNITY: This parcel is proposed for timber harvest in 1993 as an extension of ongoing timber harvest operations in area.</p>		
<p>PROTECTION OBJECTIVE: 1) Maintain marbled murrelet nesting opportunities; 2) maintain forested shoreline fringe for bald eagles and protection of nearshore habitat.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.</p>		

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 04	PARCEL NAME: Kazakof Bay
RECOMMENDED ACTION: Request ANC and AJV to provide interim protection; develop options for long term protection.	

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 05		PARCEL NAME: Big Danger Creek	
¹ LANDOWNER: Afognak Native Corporation		² PARCEL ACREAGE: 120	³ TOTAL ACREAGE: 112,000
		⁴ AFFECTED ACREAGE: 120	
INJURED RESOURCE / SERVICE		POTENTIAL FOR BENEFIT	COMMENT
Anadromous Fish		Low	One documented pink salmon stream.
Bald Eagle		Low	No documented nest sites; probable feeding and perching.
Black Oystercatcher		None	
Common Murre		None	
Harbor Seal		None	
Harlequin Duck		Low	Habitat characteristics appear to have low suitability.
Intertidal/subtidal biota		None	
Marbled Murrelet		Moderate	Habitat characteristics appear suitable for nesting; feeding in Kazakof Bay.
Pigeon Guillemot		None	
River Otter		Unknown	Possible feeding and latrine sites.
Sea Otter		None	
Recreation/Tourism		Low	Known elk winter concentration area.
Wilderness		Low	Roads, recent clearcuts.
Cultural Resources		Low	No evidence of archeological sites on parcel.
Subsistence		Low	Deer, elk, trapping.

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 05	PARCEL NAME: Big Danger Creek
ECOLOGICAL SIGNIFICANCE: This parcel contains a remanent forest surrounded by an extensively harvested areas. It is a known elk winter concentration area.	
ADJACENT LAND MANAGEMENT: Afognak Native Corporation; Afognak Joint Venture; area primarily managed for timber harvest and production.	
IMMINENT THREAT/OPPORTUNITY: This area may be harvested in 1993; a Forest Practices Notification has been filed.	
PROTECTION OBJECTIVE: Maintain riparian area and opportunities for marbled murrelet nesting.	
USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.	
RECOMMENDED ACTION: Discuss interim protection with ANC; discuss long term protection options; this parcel appears to have a low potential to benefit restoration.	

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

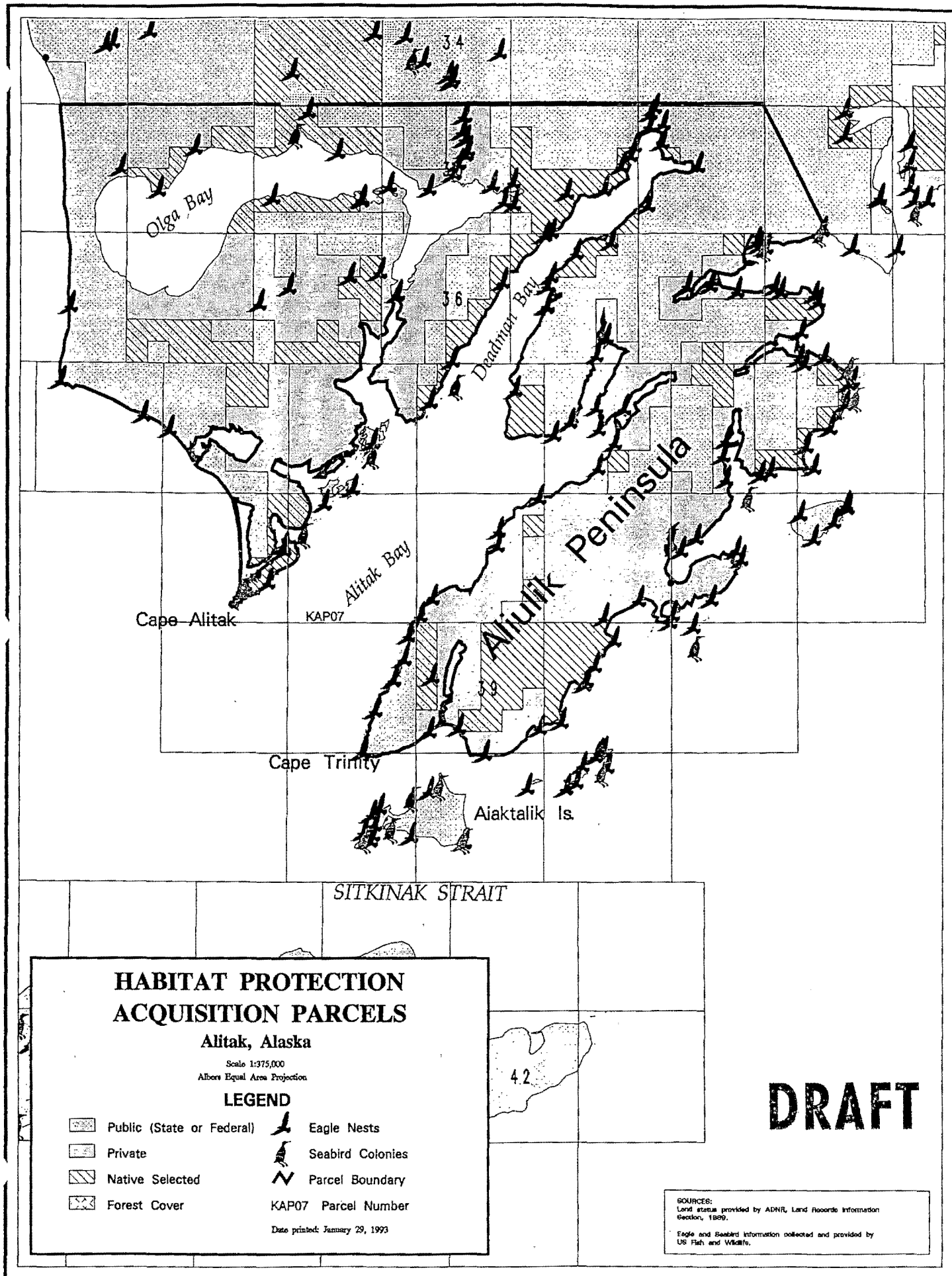
HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 06		PARCEL NAME: Paramanof Creek	
¹ LANDOWNER: Afognak Joint Venture		² PARCEL ACREAGE: 500	³ TOTAL ACREAGE: 150,000
			⁴ AFFECTED ACREAGE: 330
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Two documented anadromous streams; coho, sockeye, pink, Dolly Varden, steelhead.	
Bald Eagle	Low	No documented nest sites; possible nesting, probable feeding and perching.	
Black Oystercatcher	None		
Common Murre	None		
Harbor Seal	None		
Harlequin Duck	Unknown	Possible nesting in riparian zone.	
Intertidal/subtidal biota	None		
Marbled Murrelet	Unknown	Habitat characteristics appear suitable for nesting; feeding in nearby marine waters.	
Pigeon Guillemot	None		
River Otter	Low	Probable feeding and latrine sites; possible denning.	
Sea Otter	None		
Recreation/Tourism	Low	Recreational hunting and fishing; recent road access in vicinity of parcel.	
Wilderness	Low	Roads and recent clearcuts in vicinity.	
Cultural Resources	Low	No evidence of archeological sites on parcel; two sites adjacent.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 06	PARCEL NAME: Paramanof Creek	
Subsistence	Low	Recent road access may increase use.
ECOLOGICAL SIGNIFICANCE: Parcel supports important anadromous fish stream.		
ADJACENT LAND MANAGEMENT: Afognak Native Corporation; extensive recent timber harvest on adjacent lands.		
IMMINENT THREAT/OPPORTUNITY: Parcel is proposed for timber harvest in 1993; extension of current timber harvest operations.		
PROTECTION OBJECTIVE: Maintain anadromous fish habitat and water quality.		
USEFUL PROTECTION TOOL(S): Conservation easement; timber acquisition; cooperative management agreement.		
RECOMMENDED ACTION: Discuss interim protection with ANC; develop long term protection options; parcel appears to have a low potential to benefit restoration.		

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.



HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 07		PARCEL NAME: Alitak Bay	
¹ LANDOWNER: Akhiok-Kaguyak, Inc.		² PARCEL ACREAGE: 230,000	³ TOTAL ACREAGE: 139,000
			⁴ AFFECTED ACREAGE: Unknown
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	High	In excess of 100 documented anadromous streams; sockeye, coho, pink, chum, king, Dolly Varden. Olga Lakes ranked among top four sockeye salmon systems in Kodiak Archipelago.	
Bald Eagle	High	Ninety two documented nest sites; concentrated feeding in Upper Station Lakes area.	
Black Oystercatcher	Low	Probable feeding, possible nesting along shoreline; most nearshore rocks and islets in Refuge.	
Common Murre	Low	Probable feeding in adjacent marine waters.	
Harbor Seal	Moderate	Known haul-out concentration area that historically supported large numbers of seals. Feeding in nearshore waters and haul-outs on nearshore rocks.	
Harlequin Duck	Unknown	Probable feeding and loafing along shoreline.	
Intertidal/subtidal biota	Low	Rich intertidal and subtidal biota; recruitment value appears to be low because of distance to oiled shorelines.	
Marbled Murrelet	Low	Possible feeding.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 07	PARCEL NAME: Alitak Bay	
Pigeon Guillemot	Moderate	One-hundred four birds documented in area; nesting and feeding along shoreline.
River Otter	Unknown	Probable feeding, possible latrine sites and denning.
Sea Otter	Low	Probable feeding.
Recreation/Tourism	Moderate	Recreational fishing and hunting; moderately difficult access.
Wilderness	Low	Moderate evidence of human development; village, shore fishery cabins, lodges, recreational cabins.
Cultural Resources	Moderate	Seventeen archeological sites documented in the Alitak Bay area.
Subsistence	High	Resource harvest area; crab, marine fish, marine invertebrates, plants, marine mammals, salmon, waterfowl.
<p>ECOLOGICAL SIGNIFICANCE: This parcel contains high value anadromous fish, bald eagle and brown bear habitat adjacent to a highly productive estuary and marine ecosystem; very high brown bear densities around Olga Bay; shoreline was not significantly oiled.</p>		
<p>ADJACENT LAND MANAGEMENT: Kodiak National Wildlife Refuge</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Recreational development (lodges, cabins), fisheries development (year-round residences); Akhiok-Kaguyak has expressed interest in participating in habitat protection/acquisition.</p>		
<p>PROTECTION OBJECTIVE: Maintain anadromous fish habitat, bald eagle nesting opportunities, subsistence resources.</p>		
<p>USEFUL PROTECTION TOOL(S): Fee title acquisition; conservation easement; cooperative management agreement.</p>		

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 07	PARCEL NAME: Alitak Bay
RECOMMENDED ACTION: Request Akhiok Kaguyak to provide interim protection; discuss long term protection options; appears to have relatively low potential to directly benefit restoration; higher potential for equivalent protection.	










1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated (contains Akhiok-Kaguyak overselections).
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

HABITAT PROTECTION ACQUISITION PARCELS

Perenosa Bay, Alaska

Scale 1:175,000
Albers Equal Area Projection

LEGEND

- | | | | |
|---|---------------------------|---|------------------|
|  | Public (State or Federal) |  | Eagle Nests |
|  | Private |  | Seabird Colonies |
|  | Native Selected |  | Parcel Boundary |
|  | Forest Cover | KAP02 | Parcel Number |
|  | Streams | | |
|  | Anadromous Streams | | |

Date printed: January 29, 1993

SOURCES:
Current and planned timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR), Division of Forestry, 1992.
Land status provided by ADNR, Land Records Information Section, 1989.
Forest cover was determined from SPOT 1991 imagery by Podolsky, 1993.
Eagle and Seabird information collected and provided by US Fish and Wildlife.
Streams were automated by ADNR-LRS from the USGS topographic maps (1:63,360). Anadromous streams classification was determined by the ADF&G, 1991.

DRAFT

**SHUYAK
ISLAND**

Big Waterfall Bay

KAP08

Perenosa Bay

Delphin Bay

Discover Bay

Seal Bay

AFOGNAK

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: KAP 08		PARCEL NAME: Shuyak Strait / Perenosa Bay	
¹ LANDOWNER: Afognak Joint Venture		² PARCEL ACREAGE: 51,000	³ TOTAL ACREAGE: 150,000
			⁴ AFFECTED ACREAGE: Unknown
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Moderate	Twenty three documented anadromous streams; pink, coho, Dolly Varden, steelhead, sockeye.	
Bald Eagle	High	Fifty eight documented nest sites; feeding and roosting along shoreline.	
Black Oystercatcher	Moderate	Feeding in intertidal; probable nesting along shoreline and nearshore islets.	
Common Murre	None		
Harbor Seal	Moderate	Historic seal concentration area; feeding in nearshore waters; hauling out on nearshore rocks.	
Harlequin Duck	Moderate	Nearshore rocks and shoreline used for feeding, loafing, and molting; 143 birds documented in area; potential nesting in riparian habitat along anadromous streams.	
Intertidal/subtidal biota	Moderate	Productive rocky intertidal and shallow subtidal habitat; important herring spawning area; some beaches were lightly oiled.	
Marbled Murrelet	High	High confidence that nesting occurs on parcel; good nesting habitat characteristics; high use of adjacent marine waters for feeding.	

HABITAT PROTECTION PARCEL ANALYSIS

Pigeon Guillemot	Moderate	Documented nesting of 214 birds on or immediately adjacent to parcel; feeding in nearshore waters.
River Otter	Moderate	Probable feeding and latrine sites along shoreline; possible denning; habitat characteristics appear highly favorable for river otter.
Sea Otter	Moderate	Documented concentration area; feeding along shoreline.
Recreation/Tourism	Moderate	Area supports high value wilderness-based recreation for boats and lodge; current use relatively low because of difficult access.
Wilderness	High	High wilderness characteristics for most of parcel; log transfer facility in southern Discoverer Bay near parcel; little other evidence of human use or disturbance.
Cultural Resources	Moderate	Twenty six documented sites.
Subsistence	Low	Salmon, deer, elk, marine invertebrates, trapping; difficult access.
<p>ECOLOGICAL SIGNIFICANCE: The parcel is primarily forested with sitka spruce with scattered small ponds, grass meadows, shrub thickets, and muskegs. Adjacent marine waters are highly productive. Shoreline is convoluted and semi-protected with numerous islets, rocks, reefs and kelp beds. In addition to injured species, elk, deer, and brown bear utilize area.</p>		
<p>ADJACENT LAND MANAGEMENT: Kodiak National Wildlife Refuge; Akhiok/Kaguyak/Old Harbor Joint Venture.</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Afognak Native Corporation, a partner in Afognak Joint Venture has expressed interest in participating in habitat protection/acquisition; these lands were selected, in part, for their merchantable timber resources</p>		

HABITAT PROTECTION PARCEL ANALYSIS

PROTECTION OBJECTIVE: 1) Maintain water quality and riparian habitat for anadromous fish; 2) maintain marbled murrelet and bald eagle nesting habitat; 3) maintain and enhance wilderness-based recreational opportunities.

USEFUL PROTECTION TOOL(S): Timber acquisition; fee title acquisition; cooperative management agreement; conservation easement.

RECOMMENDED ACTION: Request AJV to provide interim protection; discuss options for long term protection.

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

SECTION 4

Table 3-1
Summary of Strengths, Limitations, and Requirements of Protection Tools

PROTECTION TOOL	STRENGTHS	LIMITATIONS	REQUIREMENTS
Landowner Contact and Education	<ul style="list-style-type: none"> • Low cost • Covers large area quickly • Prevents destruction through inadvertence • Builds relationship to negotiate stronger levels of protection in the future • Opportunity to gain information about site and owner • Encourages informed management 	<ul style="list-style-type: none"> • Very low level of protection, if any • Interim protection only, if any. 	<ul style="list-style-type: none"> • Identification of strategic sites • Trained fieldworkers with expertise in habitat and recreation and excellent people skills • Stylish brochures, attractive information package • Newsletters • File or database system for reporting information from contacts
Voluntary Agreements: Registration and Cooperative Management Agreements	<ul style="list-style-type: none"> • All advantages of landowner contact and education, above • Flexible • Higher level of protection than landowner contact alone • Can function as holding action while funds for stronger protection level obtained 	<ul style="list-style-type: none"> • Low level of protection, depends entirely on voluntary commitment • Interim protection only • Ill suited for core areas 	<ul style="list-style-type: none"> • Same as above, plus: • Plaque, certificate, or other memorial • Well-drafted sets of voluntary landowner agreement forms • Word processing equipment • Trained negotiators with skills needed to customize forms and create specialized agreements
Rights of First Refusal	<ul style="list-style-type: none"> • Protects against changes in use if current owner decides to sell • Can buy time 	<ul style="list-style-type: none"> • Little warning or time to arrange financing for purchase price • Contingent entirely on owner deciding to sell and terms of actual offer 	<ul style="list-style-type: none"> • Same as fee acquisitions, below
Leases, Licenses, and Management Agreements	<ul style="list-style-type: none"> • Flexible • Allows for active management or restoration short of paying full purchase price • Does not require acquisition • Works well in buffer areas 	<ul style="list-style-type: none"> • Interim protection only • May be ill-suited for core areas 	<ul style="list-style-type: none"> • Experienced negotiators with knowledge and skills in finance, land use, real estate, and law • Experienced land managers with expertise in habitat and recreation • Detailed management plan developed by experts • Experienced attorneys with expertise in real estate law, tax law, estate and family planning law, and environmental/natural resources law • Well-drafted sets of form legal documents • Word processing equipment and other administrative capabilities (telecopying, photocopying, etc.) • Skilled administrative staff • Reliable information about market rents and fees • May need hazardous materials evaluation • Clear policies and procedures for decision making and management

Table 3-1 (Cont'd)
Summary of Strengths, Limitations, and Requirements of Protection Tools

PROTECTION TOOL	STRENGTHS	LIMITATIONS	REQUIREMENTS
Conservation Easements	<ul style="list-style-type: none"> • Flexible • Usually restricts land use permanently • Keeps property in private hands and on the tax rolls • Can be low cost because of tax incentives to donate • Works well in buffer areas, especially if historic uses are compatible 	<ul style="list-style-type: none"> • May be ill suited for active management or restoration of core areas, unless restrictions on landowner's use are very tight, and rights granted very broad • Possible management difficulties when there is a change in ownership • Requires high level of monitoring 	<ul style="list-style-type: none"> • Experienced negotiators with knowledge and skills in finance, land use, real estate and law • Experienced land stewards with expertise in habitat and recreation • Experienced attorneys with expertise in real estate law, tax law, estate and family planning law, and environmental and natural resources law • Well-drafted sets of form legal agreements • Word processing equipment and other administrative capabilities (telecopying, photocopying, etc.) • Skilled administrative staff • Appraisal • Title report and underlying documents • Survey, where needed • Thorough hazardous materials evaluation • Easement documentation report prepared by experts • Clear policies and procedures for decision making and management
Deed Restrictions and Reverters	<ul style="list-style-type: none"> • Permanent restrictions • Keeps property in private hands and on the tax rolls • May be able to recover costs on re-sale 	<ul style="list-style-type: none"> • May be difficult to resell to a buyer willing to take subject to the restrictions • May be difficult to enforce 	<ul style="list-style-type: none"> • Same as above
Acquisition of Undivided Interests	<ul style="list-style-type: none"> • Buys "seat at the table" in management decisions • Potential step to full fee ownership • Way to divide ownership among conservation partners making contributions of different value toward purchase 	<ul style="list-style-type: none"> • Can present serious management problems, especially in the absence of a well drafted co-tenancy agreement • Undesirable legal remedies in the event of deadlock 	<ul style="list-style-type: none"> • Same as fee acquisitions, below
Acquisition of Remainder Interests Subject to Restricted Life Estates	<ul style="list-style-type: none"> • Low cost way to gain possession and control in the future 	<ul style="list-style-type: none"> • Uncertain date of transfer of possession (depends on death of last tenant) • Management problems during occupancy of life tenant 	<ul style="list-style-type: none"> • Same as fee acquisitions, below

Table 3-1 (Cont'd)
Summary of Strengths, Limitations, and Requirements of Protection Tools

PROTECTION TOOL	STRENGTHS	LIMITATIONS	REQUIREMENTS
Acquisitions of Partial Interests: Water, Timber, Mineral, Grazing Rights and Access Rights	<ul style="list-style-type: none"> • Lower cost way to control resource than full fee acquisition • Keeps title to land in private hands and on the tax rolls 	<ul style="list-style-type: none"> • May not be permanent (e.g., other owners may be able to reapply for rights or rights acquired may be term rights only) • May not completely control use of the resource • Difficult to establish good title in seller 	<ul style="list-style-type: none"> • Same as fee acquisitions, below, plus: • Technical experts, (such as hydrologists and water rights attorneys in the case of water rights acquisitions)
Fee Acquisitions	<ul style="list-style-type: none"> • High level of protection, gives full ownership and control 	<ul style="list-style-type: none"> • Can be expensive if property is not donated • If government owned, public may perceive that property is withdrawn from the private domain and may reduce local tax revenues 	<ul style="list-style-type: none"> • Experienced negotiators with knowledge and skills in finance, land use, real estate and law • Experienced land stewards with expertise in habitat and recreation • Experienced attorneys with expertise in real estate law, tax law, estate and family planning law, and environmental and natural resources law • Well-drafted sets of form legal agreements • Word processing equipment and other administrative capabilities (telecopying, photocopying, etc.) • Skilled administrative staff • Professional specialists (land surveyors, geologists, water quality engineers, appraisers, hazardous waste inspectors, structural engineers, etc.) • Appraisal • Title report and underlying documents • Survey, where needed • Thorough hazardous materials evaluation • Clear policies and procedures for decision making and management
Dedications	<ul style="list-style-type: none"> • High level of protection, privately owned land, especially if title will be retained by a private conservation organization (protects against condemnation or conversion) • Can be flexible by allowing only specific interests to be dedicated 	<ul style="list-style-type: none"> • Uncertain incentives for private owners 	Same as fee acquisitions, above

The Nature Conservancy of Alaska. 1991. Options for identifying and protecting strategic fish and wildlife habitats and recreation sites. p. 3-10 - 3-12.

SAMPLE

AGREEMENT
STATE OF ALASKA

THIS AGREEMENT OF RIGHT OF FIRST REFUSAL, is made this _____ day of _____, 1993, by and between _____, Grantor, and the United States of America (or State of Alaska), Grantee. In consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, the mutual covenants and assents of the parties hereto, and other good valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following agreements are made:

1. GRANT OF RIGHT OF FIRST REFUSAL. The Grantor hereby grants to the Grantee the privilege or Right of First Refusal to purchase the Property (as described in Exhibit A hereto), or any portion thereof, or interests therein, according to the following conditions. If and when the Grantor shall receive an offer of purchase for said property, or any portion thereof, or interests therein, from a third party, which said offer the Grantor wishes to accept, Grantor shall notify the Grantee in writing of the terms of said offer. If the Grantee notifies the Grantor, in writing, within ninety (90) days of the receipt of said offer, that the Grantee agrees to purchase said Property upon the same terms and conditions as contained in said offer, the Grantee shall have the right to purchase said property for such terms and conditions. If the Grantor receives no reply to the notice given to the Grantee within ninety (90) days of the receipt thereof by the Grantee, the Grantor shall be free to sell said Property to the original offeror. If the Grantee elects to exercise such right of first refusal, the Grantor and the Grantee shall execute a sales contract within thirty (30) days for said property on the terms and conditions set forth in said written offer, or as otherwise mutually agreed.

2. STUDIES. The Grantee shall have the right to access and conduct non-destructive research on said property during the term of this grant of right of first refusal, in order to better determine the desirability of exercising this right of first refusal. The Grantee will notify the Grantor in writing at least thirty (30) days before conducting any such research on said property. The Grantee will provide Grantor with at least one copy of any final research report that results from such research.

3. RUNNING OF BENEFITS OF THIS AGREEMENT. The Benefits of this grant of right of first refusal are limited to the Grantee, and are not assignable or transferable.

4. CONSTRUCTION. The rule of strict construction does not apply to this grant. The interpretation of this grant shall be

EXHIBIT A--LEGAL DESCRIPTION
ACKNOWLEDGEMENT & NOTARY
RECORDING

SECTION 5

Challenge Cost-Share Agreement
between
The Nature Conservancy
and
USDA, Forest Service, Alaska Region
September 25, 1992

Task II Report
December 8, 1992

Cost-Share Agreement

A cost-share agreement provides an effective framework for cooperative efforts between organizations which have certain goals and objectives in common. The Nature Conservancy and the U.S. Forest Service (USFS) have a long history of working cooperatively on projects throughout the United States.

The purpose of the September 25, 1992 agreement was for the Conservancy to provide specific short-term information gathering assistance to the State/Federal Exxon Valdez Habitat Work Group, on which the USFS is represented. It was intended that information gathered about privately owned lands would be used to initiate interim protection discussions with willing land owners.

Task II Objectives

The purpose of Task II was to develop and conduct a workshop "designed to assess the rate of recovery of injured resources and services; identify specific tracts of privately-owned upland habitats that should be subjected to threshold criteria and threat/opportunity assessments; describe habitat characteristics associated with injured resources and services; and identify information needs that should be addressed" by Task 1(b) of the agreement.

The workshop was to be completed and information transferred to the Habitat Work Group by November 16, 1992, about eight weeks from the effective date of agreement. Due to the limited time available, it was necessary for the Conservancy to limit the scope of Task II information gathering activities.

Project Summary

A. Questionnaires

The Conservancy and Habitat Work Group developed a questionnaire designed to gather information necessary to accomplish Task II objectives. The questionnaire was sent to individuals identified as having significant knowledge about the injured resources and services. The Habitat Work Group identified most of the respondents. Of the 45 questionnaires sent out, 27 responses were received.

B. Interviews

Individuals identified as having significant site-specific knowledge about injured resources and services were invited to Anchorage to be interviewed. Twenty three interviews were conducted. Fourteen of the interview participants had also responded to the questionnaire.

Three teams interviewed the individuals. Each team was led by a senior Conservancy employee and supported by two technical assistants. A modified questionnaire was developed for the interviews. Interview information was recorded in the following manner:

1. A team transcriber took rough notes during the interview.
2. Each interview was taped.
3. All sites discussed during the interviews were mapped on mylar overlays using USGS base maps at a scale of 1:250,000.
4. Significant site information was entered into a Conservancy data base.

C. Site Identification

The interviews took three days to complete. Based upon an accelerated analysis of the interview information (two days), eleven areas were identified as areas meriting special attention during the interim protection phase of the restoration process. The analysis took numerous factors into consideration, such as the existence of multiple benefits to injured resources and services, existing threats, and confidence levels of the respondents.

The project succeeded in using existing information and expertise to identify areas meriting special attention. The process used to delineate the sites should be considered a "course filter" approach since it is primarily based upon the best professional judgement of project participants. In many cases more "fine filter" work is necessary to determine the site's specific relationship to injured services and resources.

Additionally, the eleven identified areas should not be

considered an exclusive list of important areas. The acquisition of additional information will undoubtedly result in the delineation of additional areas meriting special attention. Given information acquired as a result of Task II activities, additional efforts should be focused on the Kodiak, Montegue and Shuyak Island areas.

D. Cordova Workshop

In addition to information obtained from questionnaire responses and interviews, the project benefitted from information-sharing activities associated with workshops conducted by The Prince William Sound Science Center and the Copper River Delta Institute in Cordova during the week of November 1, 1992. Cordova workshop discussions included a specific focus on critical habitat areas within the Prince William Sound area. The Conservancy sent representatives to the workshop and contracted with Ecotrust, an Oregon based non-profit conservation organization and workshop participant, to assist in efforts to transfer Cordova mapped information to Task II maps.

More information can be obtained about the Cordova workshop by contacting the Science Center or Institute directly.

E. Considerations

When reviewing and using the report the following should be considered:

1. The information contained in this report represents a reporting of information obtained from the questionnaires and interviews, and should not be considered as an expression of the Conservancy's knowledge of or opinion about a particular site and activities associated with it.
2. Project participation was limited because of severe time constraints. Project participants and others identified additional sources of information that should be reviewed or contacted. Some of the additional sources are identified in this report.
3. Text contained in this report has not been reviewed by questionnaire respondents or interview participants.
4. Some project participants were concerned about inappropriate use of information. If there is

doubt about whether or not a specific use is appropriate, the information source should be contacted.

5. Many project participants were concerned about inappropriate use of the mylar overlays. A specific concern was that the mapped information should not be made to look more precise than originally intended.
6. Questionnaire and interview participants were not asked to limit their information to private lands. Accordingly, the results provide an indication of the relative importance of both private and public lands to injured resources and services.

Report Summary

A. Volume 1

1. *Summary Map.* The map provides the identification and approximate location of the eleven sites referenced above.
2. *Data Base Information.* Information is provided in the form of "Site Basic Records" and "Summary Element Occurrence Records." An "element occurrence" (as that term is used in this report) is an area that appears to benefit an injured resource or service. A "site" encompasses several element occurrences.
 - (a) *Site Basic Records.* All eleven sites have several associated element occurrences. The site basic records summarize the element occurrence information associated with the site, as well as other information from interview notes and questionnaire responses.
 - (b) *Summary Element Occurrence Records.* After an element occurrence was mapped, the respondent was asked specific questions about the mapped area. Some of the information was recorded in the element occurrence record. For reporting purposes, a summary of the element occurrence record was developed. One hundred thirty nine summary records are provided in this report for those occurrences that are associated with the eleven sites.

Ninety two element occurrences are not encompassed

within the eleven sites. A minimal amount of information was recorded in the element occurrence record for those areas. Summary tables about these element occurrences are found behind the "Additional EOR" tabs at the end of Volume 1. The term "survey site" on those tables refers to the geographic area where the element occurrence is located.

(c) Maps. This report contains minimal map information. The original mylar overlays upon which this report is based have been delivered to the Habitat Work Group. The Work Group should be contacted with specific requests for map information.

(d) Computer Disks. The WordPerfect tables are contained on a computer disk in the pocket of Volume 1 of the Task II report. The transfer of electronic data base information to the Habitat Working Group will occur once agreement is reached on appropriate software.

(E) Information Gaps. The level of detail associated with the summary element occurrence records and site basic records varies. Accordingly, the records can be effectively used to identify data gaps associated with the element occurrences and larger sites.

3. *Recovery/Habitat Characteristics.* This section contains a summary of responses to questions regarding rate of recovery and habitat characteristics associated with injured species.

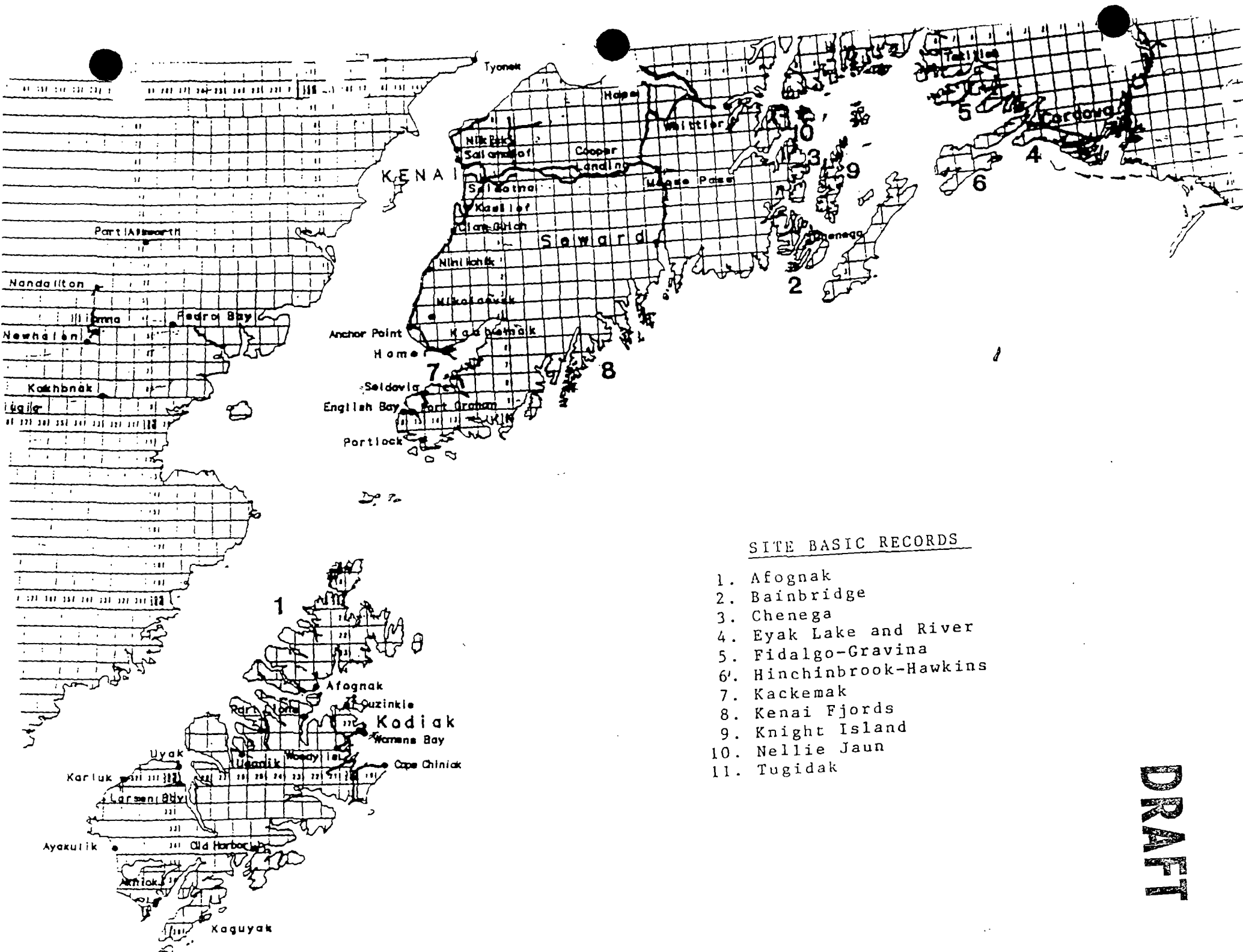
B. Volume 2

1. *Respondent Matrix.* Identifies questionnaire and interview participants as well as their species, service and geographic expertise.
2. *Additional Contacts Table.* Identifies other individuals who questionnaire and interview participants recommended contacting.
4. *Literature Sources Table.* Identifies reports recommended by questionnaire and interview participants for review.

5. *Original Questionnaire, A-K.*
6. *Interview Questionnaire, A-K.*
7. *Cost-Share Agreement/Project 93059 Summary.*
8. *Questionnaire Responses/Interview Notes.*

C. Volume 3

Questionnaire Responses/Interview Notes, continued - L-Z.



SITE BASIC RECORDS

1. Afognak
2. Bainbridge
3. Chenega
4. Eyak Lake and River
5. Fidalgo-Gravina
6. Hinchinbrook-Hawkins
7. Kackemak
8. Kenai Fjords
9. Knight Island
10. Nellie Jaun
11. Tugidak

DRAFT

APPLICABLE QUESTIONNAIRE/INTERVIEW RESPONSES

RESPONDENT NAME	SPECIES/ SERVICE	Q or I	EXPERTISE TYPE		
			General	EVOS Area	Site Specific
Albert, Steve ADF&G, Anchorage	Species - General	I	xx		Eyak Fidalgo/Gravina Afognak
Andres, Brad USFWS, Anchorage	Black Oystercatcher	Q and I			Montegue Island
Ballachey, Brenda USFWS, Anchorage	Sea otter	Q and I			Prince William Sound
Burger, Alan British Colombian Biologist	Marbled murrelet	Q	xx		
Bowman, Tim USFWS, Juneau	Bald eagle	I			Prince William Sound
Braund, Steve Anchorage Consultant	Subsistence	Q	xx		
Cody, Mary USFWS	Marbled murrelet	Q			Afognak
Dorhoff, Angie USFWS	Sea otter	I		xx	
Erikson, David Consultant, Homer	Common murre Harlequin duck	Q			Kachemak Bay
Faro, Jim ADF&G, Soldotna	River otter	Q and I			
Don Ford/Paul/Twardock National Outdoor Leadership School	Wilderness/Recreation	Q and I			Prince William Sound
Frost, Kathy ADF&G, Fairbanks	Pacific harbor seal	Q and I		xx	

RESPONDENT NAME	SPECIES/ SERVICE	Q or I	EXPERTISE TYPE		
			General	EVOS Area	Site Specific
Fry, Mike University of California, Davis	Marbled murrelet Harlequin duck Pigeon guillemot Bald eagle Common murre Black oystercatcher	Q and I			Kachemak Bay Kenai Fjords
Hamer, Thomas Consultant, Washington State	Marbled murrelet	Q	xx		
Hennig, Steve USFS, Anchorage	Wilderness/Recreation	Q and I			Prince William Sound
Hensel, Dick Consultant, Anchorage		I	xx		Afognak/Kodiak
Holbrook, Ken USFS, Anchorage	Black oystercatcher Cutthroat trout Marbled murrelet Sea otter	Q			Prince William Sound
Johannsen, Neil Division of Parks	Wilderness/Recreation	I		xx	
Juday, Glenn WOFA Fairbanks	Old growth	I			Prince William Sound
Knecht, Rick Kodiak Native Association	Subsistence	I			Afognak/Kodiak
Lemon, Moira British Colombian Biologist	Pigeon guillemot	Q	xx		
Lensik, Cal Consultant	Seabirds - general	I		xx	
Lethcoe, Nancy AWR & TA	Wilderness/Recreation	Q and I			Prince William Sound

RESPONDENT NAME	SPECIES/ SERVICE	Q or I	EXPERTISE TYPE		
			General	EVOS Area	Site Specific
McAllister, Mike Naturalist	Marbled murrelet	Q and I		xx	
McBride, Mike Naturalist		Q and I			Kachemak Bay
McCarron, Susan ADF&G, Anchorage	Cutthroat trout	Q			Prince William Sound
Meiners, Al Division of Parks	Wilderness/Recreation	I		xx	
Million, Marsha Naturalist, Homer	Sea otter	Q			Kachemak Bay
Miraglia, Rita ABF&G, Anchorage	Subsistence	Q and I		xx	
Muehlenhardt, Gary USFWS	U.S.F.W.S. Acquisition Priorities	I	xx		Kodiak
Oakley, Karen USFWS, Anchorage	Pigeon guillemot	Q			Naked Island
Olesiuk, Peter Department of Ocean Fisheries, British Columbia	Pacific harbor seals	Q			N/A
Podolsky, Richard Island Institute, New York	Harlequin duck Marbled murrelet	Q		xx	
Rice, Bud NPS, Anchorage	Wilderness/Recreation	Q and I			Kenai Fjords
Sharr, Sam ADF&G, Cordova	Pink salmon	Q and I			Prince William Sound
Sundberg, Kim ADF&G	Marbled murrelet	I			Prince William Sound

ADDITION RESOURCES

TITLE/DATE	AUTHOR	AREA/SITE
<i>Recreation, Scenic and Heritage Areas of Particular Concern: Kodiak Archipelago/August 1980</i>	Division of Parks, AKDNR Contact: Kathryn A. Troll	Afognak
<i>Recreation, Scenic, and Heritage Areas of Particular Concerns: Cape Pugent to Cape Suckling, Alaska/August 1977</i>	Division of Parks, AKDNR Contact: Al Meiners	Bainbridge Chenega Eyak Lake and River Fidalgo/Gravina Hinchinbrook/Hawkins Island Knight Island Nellie Juan
<i>Prince William Sound Diary</i>	Kelley Weaverling	
<i>Sea Otters of Prince William Sound, Alaska</i>	Ancel M. Johnson	
<i>Prince William Sound Sea Otter Distribution/April 1988</i>	USF&WS	
<i>Subsistence Harvests and Uses in Seven Gulf of Alaska Communities in the Second Year Following the Exxon Valdez Oil Spill/March 1992</i>	James A. Fall	
<i>Resource Use Pattern in Chenega, Western Prince William Sound: Chenega in the 1960's and Chenega Bay 1984-86/December 1986</i>	Lee Stratton and Evelyn B. Chisom	
<i>Cordova: A 1988 Update on Resource Harvests and Uses/June 1992</i>	Lee Stratton	Eyak Lake and River Fidalgo/Gravina Hinchinbrook/Hawkins Island
<i>Resource Use in Cordova, A Coastal Community of Southcentral Alaska/December 1989</i>	Lee Stratton	
<i>Resource Harvest and Use in Tatitlek, Alaska/1990</i>	Lee Stratton	Fidalgo/Gravina, Hinchinbrook/Hawkins Island and Knight Island
<i>Recreation, Scenic and Wilderness Areas of Particular Concern, Cook Inlet, Alaska/July 1978</i>	Division of Parks, AKDNR Contact: Al Meiners	Kachemak Bay
<i>The Role of Wild Resource Use in Communities of the Central Kenai Peninsula and Kachemak Bay/October 1985</i>	Division of Subsistence, ADF&G Contact: Al Meiners	
<i>Patterns of Wild Resource Use in English Bay and Port Graham, AK/1985</i>	Ronald T. Stanek	
<i>Breeding Seabirds at Gull Island and Sixty Foot Rock During 1990</i>	USF&WS, unpublished administrative report, Homer, AK	

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PARCEL EVALUATION REFERENCES

- Alaska Department of Fish & Game, Division of Habitat. 1985. Alaska habitat management guide. Southcentral Region. vol. 1. Life histories and habitat requirements of fish and wildlife -- vol. 2. Distribution, abundance, and human use of fish and wildlife. Alaska Department of Fish & Game, Juneau, Alaska.
- Alaska Department of Fish & Game, Division of Habitat. 1985. Alaska habitat management guide. Southwest Region. vol. 1. Fish and wildlife life histories, habitat requirements, distribution, and abundance -- vol. 2. Human use of fish and wildlife. Alaska Department of Fish & Game, Juneau, Alaska.
- Alaska Department of Fish & Game, Division of Habitat. 1984- (revised annually). An atlas to the catalog of waters important for spawning, rearing or migration of anadromous fishes. Southcentral region, resource management region II. Alaska Department of Fish & Game, Anchorage, Alaska.
- Alaska Department of Fish & Game, Division of Habitat. 1984- (revised annually). An atlas to the catalog of waters important for spawning, rearing or migration of anadromous fishes. Southwestern region, resource management region II. Alaska Department of Fish & Game, Anchorage, Alaska.
- Alaska Department of Natural Resources. Division of Parks. Office of History and Archaeology. 1973- (updated annually). Alaska heritage resource survey index. Alaska Department of Natural Resources, Anchorage, Alaska.
- Alaska Department of Natural Resources. Exxon Valdez Oil Spill Damage Assessment Geoprocessing Group. April, 1990. Shoreline types and oil impacts [map atlas]. Contact: Richard McMahon, Phone: 907-762-2377.
- The Nature Conservancy of Alaska. 1991. Options for identifying and protecting strategic fish and wildlife habitats and recreation sites : a general handbook / prepared for the Alaska Region, U.S. Department of Agriculture, Forest Service ; on behalf of The Exxon Valdez Oil Spill Restoration Planning Work Group. The Nature Conservancy of Alaska, Anchorage, Alaska.
- The Nature Conservancy of Alaska. 1992. Task II Report/ prepared for the USDA, Forest Service, Alaska Region on behalf of the Exxon Valdez Oil Spill Habitat Work Group. 3 vols. The Nature Conservancy of Alaska, Anchorage, Alaska.
- Schroeder, R.F.; Andersen, D.B.; Bosworth, R.; Morris, J.M.; Wright, J.M. 1987. Subsistence in Alaska : arctic, interior, southcentral, southwest, and western regional

summaries. Technical paper no. 150. 690 p. Alaska Department of Fish and Game, Division of Subsistence, Juneau, Alaska.

Sowls, A.L.; Hatch, S.A.; Lensing, C.J. 1978. Catalog of Alaskan seabird colonies. FWS/OBS-78/78. U.S. Fish and Wildlife Service, Office of Biological Services, Coastal Ecosystems Project, Anchorage, Alaska.

Stanek, Ronald T. 1982. Natural resource harvests at Port Graham and English Bay, 1982: an interim report. Technical paper no. 32. 35 p. Alaska Department of Fish and Game, Division of Subsistence, Anchorage, Alaska.

Stanek, Ronald T. 1985. Patterns of wild resource use in English Bay and Port Graham, Alaska. Technical paper no. 104. 226 p. Alaska Department of Fish and Game, Division of Subsistence, Anchorage, Alaska.

Stratton, Lee. 1990. Resource harvest and use in Tatitlek, Alaska. Technical paper no. 181. 163 p. Alaska Department of Fish and Game, Division of Subsistence, Anchorage, Alaska.

Stratton, Lee; Chisum, Evelyn B. 1986. Resource use patterns in Chenega, western Prince William Sound : Chenega in the 1960's and Chenega Bay 1984-1986. Technical paper no. 139. 161 p. Alaska Department of Fish and Game, Division of Subsistence, Juneau, Alaska.

U.S. Fish & Wildlife Service, Region 7. 1989-1992. Bald eagle surveys. Unpublished ARC/INFO data files. U.S. Fish and Wildlife Service, Anchorage, Alaska.

14.2.3 I

Rusher's Services

Rusher's Environmental 75
Oil Spill Clean-up

HC 33 BOX 2866
WASILLA, ALASKA 99687

Fax (907)373-6001
Office (907)376-9275

Feb. 10/1993

PUBLIC ADVISORY GROUP MEMBERS

I hope the PUBLIC ADVISORY GROUP will take the lead position on restoring the shorelines from twenty years of sub-surface oil.

A lead position could be the attention and consideration of this "PRIORITY PROJECT". Scientific data from 1989 and 1990 placement of Environmental-75 surface and sub-surface has shown beach worms are attracted to the controlled test sites in greater numbers and greater health than any other site on the shoreline. The beach worms are very important to the bird migration in the Prince William Sound. The worms a part of the food chain.

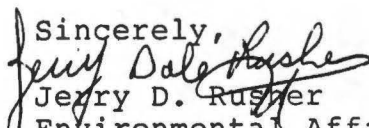
With strip application of Environmental-75, a natural restoration can occur by attracting worm movement to speed the rates of natural degradation of surface and subsurface contamination. In layman terms, worm movement would aerate the soil of the shorelines.

THE FUTURE IS WHAT WE DO NOW The opportunity to help a natural "AEMY" of workers to restore the shorelines of Alaska is at our disposal.

ENDORSEMENTS Largest corporation land owner CHUGACH ALASKA and the largest individual land owner ELLAMAR PROPERTIES both in the Prince William Sound.

TABLE OF CONTENTS: page 1 Introduction
page 2 Brief project proposal
page 3 Letter to Dave Gibbons Ref: to more information available if needed.
page 4 Funding project with duplication dollars.
page 5 Map Horseshoe Bay STATE MARINE PARK

Alaska has a State Marine Park at Horseshoe Bay that needs our help.

Sincerely,

Jerry D. Rusher
Environmental Affairs

Rusher's Services

Rusher's Environmental 75
Oil Spill Clean-up

HC 33 BOX 2866
WASILLA, ALASKA 99687

Fax (907) 373-6001
Office (907) 376-9275

SHORELINE RESTORATION

TO: EXXON VALDEZ TRUSTEE COUNCIL
January 10/1992 meeting

Charles E. Cole
Alaska Attorney General

PRIORITY PROJECT: NATURAL PRODUCT NATURAL LIFE RESTORATION

In 1989 & 1990 scientific data has shown positive results in the application of Environmental 75 on the shorelines PRINCE WILLIAM SOUND EXXON VALDEZ OIL SPILL.

Environmental 75 is a natural non-toxic product.
(diatomaceous earth)

Scientific data has shown beach worms are attracted to the controlled test site in greater numbers and greater health than any other site on the shoreline.

Beach worms natural life in place on our shorelines right now are beneficial to the food chain of the PRINCE WILLIAM SOUND bird migration.

Test data shows that beach worms are natural life working to put oxygen into the subsurface and surface of our shorelines.

With strip application of Environmental 75 a natural clean-up can occur by attracting beach worm movement to speed the rates of natural degradation of subsurface and surface contamination.

RESULTS A CLEAN AND RESTORED ENVIRONMENT FOR ALL LIFE

This *NATURAL PRODUCT NATURAL LIFE RESTORATION* will help Mother Nature by 3 to 5 years and with the least amount of environmental damage to the biological and ecological system of the PRINCE WILLIAM SOUND AND THE GULF OF ALASKA.

****THE FUTURE IS WHAT WE DO NOW****

Jerry D. Rusher
Jerry D. Rusher
ENVIRONMENTAL AFFAIRS

Rusher's Services

Rusher's Environmental 75
Oil Spill Clean-up

HC 33 BOX 2866
WASILLA, ALASKA 99687

Fax (907)373-6001
Office (907)376-9275

February 12, 1992

EXXON VALDEZ TRUSTEE COUNCIL

Dave R. Gibbons, Ph. D.
Interm Administrative Director

Dear Mr. Gibbons

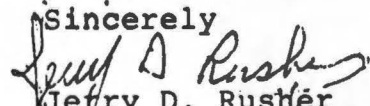
This letter is in response to your February 4 letter reference to proposals and that Rusher's Services could present proposals on the 5th or 6th of February. The proposal PRIORITY PROJECT was in the hands of the Trustee Council and hand delivered to you by John A. Sandor, Commissioner of the Alaska Department of Environmental Conservation on January 10, 1992.

The proposal PRIORITY PROJECT ** NATURAL PRODUCT NATURAL LIFE RESTORATION ** was presented at the February 6th meeting and the Trustee Council asked for a copy to see if this proposal could be incorporated in the 1992 restoration plan.

Mr. Gibbons I have followed the request from you and the Trustee Council at this time I would like to know the present status of the proposal.

If additional information is needed for Chief Scientist review that information is available.

CC: Charles Cole EVTC
John Sandor EVTC
Carl Rosier EVTC
Mike Barton EVTC
Steve Pennoyer EVTC
Curt McVee EVTC

Sincerely

Jerry D. Rusher
Environmental Affairs

Rusher's Services

Rusher's Environmental 76
Oil Spill Clean-up

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WASILLA, ALASKA 99687

Fax (907)373-6001
Office (907)376-9275

TO EXXON VALDEZ TRUSTEE COUNCIL

FEBRUARY 10, 1992

PRIORITY PROJECT

** NATURAL PRODUCT NATURAL LIFE RESTORATION **

The most cost effective and budgetwise solution to the placement of this PRIORITY PROJECT on the 1992 budget is to use duplication dollars in the amount of \$1,071,850.00 that the council has in 13 projects at this time.

20 percent duplication:	CO ST1A	\$100,000.00		
	CO ST8	16,000.00		
	CO ST3B	49,000.00		
	PROJECT TOTAL	\$165,700.00	-20%	\$33,140.00

22 percent duplication:	103	\$500,000.00		
	103	200,000.00		
	PROJECT TOTAL	\$750,000.00	-22%	\$165,000.00

23 percent duplication:	ST1	\$950,000.00		
	ST8	175,000.00		
	ST4	160,000.00		
	TS1	150,000.00		
	ST1	800,000.00		
	PROJECT TOTAL	\$2,235,000.00	-23%	\$514,050.00

28 percent duplication:	R101	\$ 44,500.00		
	R101	540,000.00		
	R102	700,000.00		
	PROJECT TOTAL	\$1,284,500.00	-28%	\$359,660.00

THE TOTAL OF 13 PROJECTS \$4,435,200.00

THE TOTAL OF DUPLICATION OF 13 PROJECTS \$1,071,850.00

THE OPPORTUNITY TO HELP A NATURAL ARMY OF WORKERS TO RESTORE THE SHORELINES OF ALASKA IS AT OUR DISPOSAL.

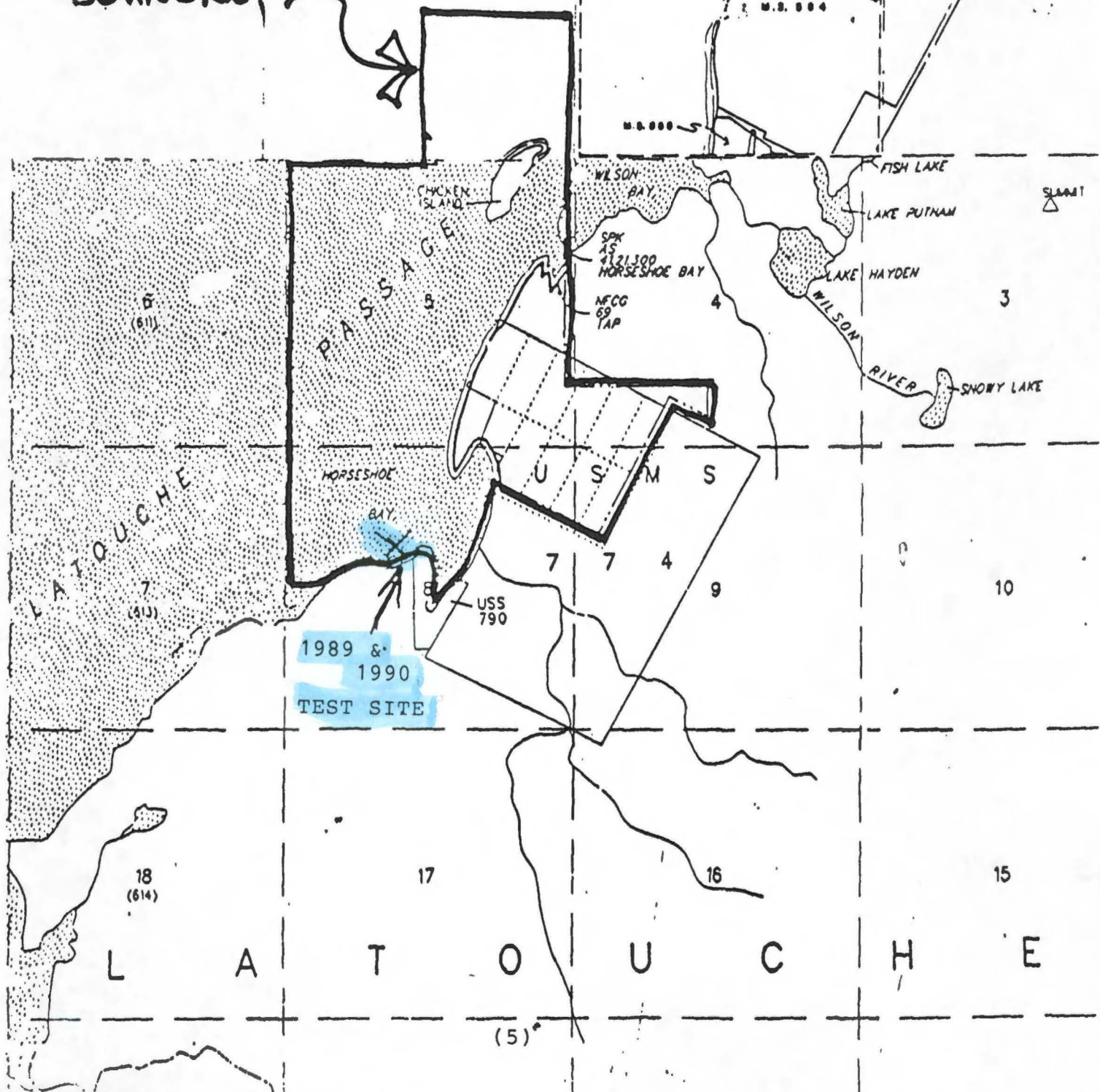
SINCERELY

JERRY DALE RUSHER
ENVIRONMENTAL AFFAIRS

additional funds for Project

Dollars used on obsolete samples

HORSESHOE BAY
STATE MARINE PARK
BOUNDARY



Resources: Summary of Results of Injury Assessment Studies

The next few pages summarize the results of the injury assessment studies for resources completed after the *Exxon Valdez* oil spill. The table has been reviewed by the Restoration Team and the Chief Scientist.

The "Description of Injury," columns focus on injury that took place during 1989. The table shows whether there was initial mortality caused by the spill, whether the spill caused a population-level injury, and whether there is evidence of sublethal or chronic effects on the resource. For some resources, an estimate is available for the total number of animals initially killed by the spill. When available, that estimate is shown in parentheses under the initial mortality column. For many resources, the total number killed will never be known.

The "Status of Recovery" columns show the best estimate of recovery using information current through 1992. These columns show resources' progress toward recovery to the population levels that scientists estimate would have occurred in the absence of the spill. The "Current Population Status" column shows a resource's progress from any "Decline in Population after the Spill." Similarly, the column labeled "Evidence of Continuing Sublethal or Chronic Effects" shows whether a initial chronic or sublethal injury is continuing.

The "Geographic Extent of Injury" column shows whether the injury occurred in the geographic areas shown in Figure X. (Injury may have been more extensive in some regions than others.)

TABLE X Natural Resources: Summary of Results of Injury Assessment Studies Done After the *Exxon Valdez* Oil Spill

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
MARINE MAMMALS										
Harbor Seals (d)	YES (345)	YES	YES	POSSIBLY STABLE, BUT NOT RECOVERING	NO	YES	YES (e)	UNKNOWN	UNKNOWN	Many seals were directly oiled . There was a measurable difference in populations between oiled and unoiled areas in PWS in 1989 and 1990. Population was declining prior to the spill and recovery evident in 1992. Oil residues found in seal bile were 5 to 6 times higher in oiled areas than unoiled areas in 1990.
Humpback Whales	NO	NO	NO	(f)	(f)	(f)	(f)	(f)	(f)	Other than fewer animals being observed in Knight Island Passage in summer 1989, which did not persist in 1990, the oil spill did not have a measurable impact on humpback whales.
Orca Whales	POSSIBLY (g)	POSSIBLY (g)	POSSIBLY (g)	RECOVERING	UNKNOWN	YES	UNKNOWN	UNKNOWN	UNKNOWN	13 whales of the 36 in AB pod are missing and presumed dead. Circumstantial evidence links whale disappearance to oiling. Several adult males have collapsed dorsal fins. Social disruption of family units has been observed. In AB pod, no new births were recorded in 1989 or 1990; one birth was recorded in 1991; and two births were recorded in 1992.

(a) There may have been an unequal distribution of injury within each region, see map for location of regions;

(b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;

(c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;

(d) Population was declining prior to the spill;

(e) Based on recovery of dead animals from this region of the spill zone;

(f) If no injury was detected or known, no assessment of recovery could be made.

(g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Sea Lions (d)	UNKNOWN	UNKNOWN	NO	CONTINUING DECLINE	(f)	(f)	(f)	(f)	(f)	Several sea lions were observed with oiled pelts and oil residues were found in some tissues in 1989. It was not possible to determine population effects or cause of death of carcasses recovered in 1989. Sea lion populations were declining prior to the oil spill.
Sea Otters	YES (3,500 TO 5,000)	YES	YES	STABLE, BUT NOT RECOVERING	YES	YES	YES	YES (e)	YES (e)	Post-spill surveys showed measurable difference in populations and survival between oiled and unoiled areas in 1989, 1990 and 1991. Survey data have not established a significant recovery. Carcasses of prime-age animals were found on beaches in 1989, 1990 and 1991. Proportions of prime-age carcasses found on beaches in 1992 is not significantly different from pre- or post-spill data. Sea otters feed in the lower intertidal and subtidal areas and may still be exposed to hydrocarbons in the environment.

(a) There may have been an unequal distribution of injury within each region, see map for location of regions;

(b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;

(c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;

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TERRESTRIAL MAMMALS										
Black Bear	NO	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	No field studies were completed.
Brown Bear	NO	NO	NO	(f)	(f)	(f)	(f)	(f)	(f)	Hydrocarbon exposure was documented on Alaska Peninsula in 1989 including high hydrocarbon levels in the bile of one dead yearling, although it is unknown if this was the cause of death. Brown bears feed in the intertidal zone and may still be exposed to hydrocarbons in the environment.
River Otters	YES (NUMBER UNKNOWN)	UNKNOWN	YES	UNKNOWN	YES	YES	UNKNOWN	UNKNOWN	UNKNOWN	Exposure to hydrocarbons and sub-lethal effects were determined, but no effects were established in the population. Sub-lethal indicators of possible oil exposure remained in 1991. River otters feed in the intertidal and shallow subtidal areas and may be still be exposed to hydrocarbons in the environment.
Sitka Black-tailed Deer	NO	NO	NO	(f)	(f)	(f)	(f)	(f)	(f)	Elevated hydrocarbons were found in tissues in so deer in 1989 in PWS.

- (a) There may have been an unequal distribution of injury within each region, see map for location of regions;
 (b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;
 (c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;
 (d) Population was declining prior to the spill;
 (e) Based on recovery of dead animals from this region of the spill zone;
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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
BIRDS										
Bald Eagles	YES (more than 200 to 300)	POSSIBLY	YES	RECOVERED OR RECOVERING	UNKNOWN	YES	YES	YES (e)	YES(e)	Productivity in PWS was disrupted in 1989, but returned to normal in 1990. Exposure to hydrocarbons and some sub-lethal effects were found in 1989 and 1990, but no continuing effects were observed on populations. In 1989, 151 carcasses were recovered from beaches.
Black-legged Kittiwakes	YES (ESTIMATE UNKNOWN)	NO	NO	NO CHANGE	NO	YES	YES (e)	YES (e)	YES (e)	Total reproductive success in oiled and unoiled areas of PWS has declined since 1989. Hydrocarbon contaminated tissues were detected in 1989. Hydrocarbon contaminated stomach contents were detected in 1989 and 1990. This species is known for great natural variation and reproductive failure may be unrelated to the oil spill. In 1989, 1225 carcasses were recovered from beaches.
Black Oystercatchers	YES (ESTIMATE UNKNOWN)	YES	YES	RECOVERING	YES	YES	YES (e)	YES (e)	YES (e)	Differences in egg size between oiled and unoiled areas were found in 1989. Exposure to hydrocarbons and some sublethal effects were determined. Populations declined more in oiled areas than unoiled areas in post-spill surveys in 1989, 1990 and 1991. Black oystercatchers feed in the intertidal areas and may be still be exposed to hydrocarbons in the environment. In 1989, nine carcasses were recovered from beaches.

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(d) Population was declining prior to the spill;

(e) Based on recovery of dead animals from this region of the spill zone;

(f) If no injury was detected or known, no assessment of recovery could be made.

(g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Common Murres	YES (175,000 to 300,000)	YES	YES	DEGREE OF RECOVERY VARIES BY COLONY	YES	NO	YES	YES	YES	Measurable impacts on populations were recorded 1989, 1990 and 1991. Breeding was still inhibit in some colonies in the Gulf of Alaska in 1992. 1989, 10,428 carcasses were recovered from beach
Glaucous-winged gulls	YES (ESTIMATE UNKNOWN)	NOT DETECTED	NO	NO CHANGE	NO	YES (e)	YES (e)	YES (e)	YES (e)	While 555 dead birds were recovered in 1989, there is no evidence of a population level impact when compared to historic (1972, 1973) population levels.
Harlequin Ducks	YES (423)	YES	YES	STABLE OR CONTINUING DECLINE	YES	YES	YES (e)	YES (e)	YES (e)	Post-spill samples showed hydrocarbon contamination and poor body conditions in 1989 and 1990. Surv in 1990-1992 indicated population declines and a total reproductive failure. Harlequin ducks feed in the intertidal and shallow subtidal areas and may still be exposed to hydrocarbons in the environment. In 1989, 213 carcasses were recovered from beaches.
Marbled Murrelets (d)	YES (8,000 to 12,000)	YES	UNKNOWN	STABLE OR CONTINUING DECLINE	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Measurable population effects were recorded in 1989, 1990 and 1991. Marbled murrelet populations were declining prior to the spill. In 1989, hydrocarbon contamination was found in livers of adult birds. In 1989, 612 carcasses were recovered from beaches.

- (a) There may have been an unequal distribution of injury within each region, see map for location of regions;
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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Peale's Peregrine Falcons	UNKNOWN	UNKNOWN	NO	(f)	(f)	(f)	(f)	(f)	(f)	When compared to 1985 surveys a reduction in population and lower than expected productivity was measured in 1989 in the PWS. Cause of these changes are unknown. In 1989, two carcasses were recovered from beaches.
Pigeon Guillemots (d)	YES (1,500 TO 3,000)	YES	NO	STABLE OR CONTINUING DECLINE	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Pigeon guillemot populations were declining prior to the spill. In 1989, hydrocarbon contamination was found in birds and, externally, on eggs. In 1989, 614 carcasses were recovered from beaches.
Storm Petrels	YES (ESTIMATE UNKNOWN)	NO	UNKNOWN	NO CHANGE	UNKNOWN	YES (e)	YES (e)	YES (e)	YES (e)	Although 363 carcasses were recovered in 1989 and petrels ingested oil and transferred oil to their eggs, reproduction was normal in 1989.
Other Seabirds	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES (e)	YES (e)	YES (e)	YES (e)	Seabird recovery has not been studied. Species collected dead in 1989 include 216 common, 87 yellow-billed, 18 pacific, 5 red-throated loon; red-necked and 277 horned grebe; 426 northern fulmar; 360 sooty and 2,460 short-tailed shearwater; 38 double-crested, 418 pelagic, and red-faced cormorant; 8 herring and 33 mew gull; arctic and 1 Aleutian tern; 67 Kittlitz's and 31 ancient murrelet; 48 Cassin's, 5 least, 31 parakeet, and 141 rhinoceros auklet; and 139 horned and 361 tufted puffin.

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(b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;

(c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;

(d) Population was declining prior to the spill;

(e) Based on recovery of dead animals from this region of the spill zone;

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(g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Other Sea Birds	YES (ESTIMATE UNKNOWN)	NO	UNKNOWN	UNKNOWN	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Species collected dead in 1989 include 4 Steller's jays, 9 king and 17 common eider; 342 white-winged, 17 surf and 132 black scoter; 185 oldsquaw; 21 bufflehead; 6 common and 33 Barrow's goldeneye; 2 common and 33 red-breasted merganser. Sea ducks tend to feed in the intertidal and shallow subtidal areas which were most heavily impacted by oil.
Other Shorebirds	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Species collected dead in 1989 include 1 golden plover; 2 lesser yellowlegs; 1 semipalmated, 5 western, 4 least and 1 Baird's sandpiper; 3 surfbird; 1 short-billed dowitcher; 1 common snipe; 2 red and 7 red-necked phalarope.
Other Birds	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES (e)	YES (e)	YES (e)	YES (e)	Species collected dead in 1989 include 2 emperor and 1 Canada goose; 3 brant; 11 mallard; 4 northern pintail; 5 green-winged teal; 27 greater and 2 lesser scaup; 1 ruddy duck; 1 great blue heron; 1 long-tailed jaeger; 1 willow ptarmigan; 3 great-horned owl; 1 Steller's jay; 7 magpie; 18 common raven; 34 northwestern crow; 2 robin; 1 varied air hermit thrush; 3 yellow warbler; 1 pine grosbeak; 1 savannah and 4 golden-crowned sparrow; 8 white-winged crossbill.

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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
FISH										
Cutthroat Trout	YES	POSSIBLY (g)	YES	UNKNOWN	UNKNOWN	YES	UNKNOWN	UNKNOWN	UNKNOWN	Differences in survival and growth between anadromous adult populations in the oiled and unoiled areas persisted from 1989 to 1991 despite decrease in exposure indicators. This could be due to continuing injury to the food base.
Dolly Varden	YES	POSSIBLY (g)	YES	UNKNOWN	UNKNOWN	YES	UNKNOWN	UNKNOWN	UNKNOWN	Differences in survival between anadromous adult populations in the oiled and unoiled areas persisted from 1989 to 1991 despite a decrease in exposure indicators. This could be due to continuing injury to the food base.
Pacific Herring	YES, TO EGGS AND LARVAE	UNKNOWN	YES	UNKNOWN	NO	YES	UNKNOWN	UNKNOWN	UNKNOWN	Measurable difference in egg counts between oiled and unoiled areas were found in 1989 and 1990. Lethal and sublethal effects on eggs and larvae were evident in 1989 and to a lesser extent in 1990; in 1991 there were no differences between oiled and unoiled areas. It is possible that the 1989 year class was injured and could result in reduced recruitment to the adult population.

- (a) There may have been an unequal distribution of injury within each region, see map for location of regions;
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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Pink Salmon (Wild) (d)	YES, TO EGGS	POSSIBLY (g)	YES	UNKNOWN	YES	YES	UNKNOWN	UNKNOWN	UNKNOWN	There was initial egg mortality in 1989. Egg mortality continued to be high in 1990 and 1991. Abnormal fry were observed in 1989. Reduced growth of juveniles was found in the marine environment 1989 and 1991, which correlates with reduced survival.
Rockfish	YES (ESTIMATE UNKNOWN)	UNKNOWN	YES	UNKNOWN	UNKNOWN	YES	YES	UNKNOWN	UNKNOWN	Twenty dead fish were found in 1989, but only a few were in condition to be analyzed. Exposure to hydrocarbons with some sub-lethal effects was determined in those fish, but the effects on the population was unknown. Closures to salmon fisheries increased fishing pressures on rockfish which may be impacting population.
Sockeye Salmon	UNKNOWN	YES	YES	SEE COMMENTS	YES	UNKNOWN	YES	YES	NO	Smolt survival continues to be poor in the Red L and Kenai River systems due to overescapements in Red Lake in 1989, and in the Kenai River in 1987, 1988, 1989. As a result, adult returns are expected to be low in 1994 and successive years. Trophic structures of Kenai and Skilak Lakes have been altered by overescapement.

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SHELLFISH										
Clam	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES	YES	YES	YES	Native littleneck and butter clams were impacted both oiling and clean-up, particularly high pressure, hot water washing. Additional data are still being evaluated.
Crab (Dungeness)	UNKNOWN	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	Insufficient data to determine injury.
Oyster	UNKNOWN	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	Although studies were initiated in 1989, they were not completed because they were determined to be limited value.
Sea Urchin	UNKNOWN	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	Studies limited to laboratory toxicity studies.
Shrimp	UNKNOWN	UNKNOWN	NO	(f)	(f)	(f)	(f)	(f)	(f)	No conclusive evidence presented for injury link to oil spill.

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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
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INTERTIDAL/SUBTIDAL COMMUNITIES										
Intertidal Organisms/Communities	YES	YES	YES	VARIABLE BY SPECIES	YES	YES	YES	YES	YES	Measurable impacts on populations of plants and animals were determined 1989 to 1992. The lower intertidal and, to some extent, the mid intertidal is recovering. Some species (e.g. Fucus) in the upper intertidal zone have not recovered, and oil persists in and under mussel beds. Intertidal organisms were impacted by both oiling and cleanup, particularly high pressure, hot water washing
Subtidal Communities	YES	YES	YES	VARIABLE BY SPECIES	YES	YES	UNKNOWN	UNKNOWN	UNKNOWN	Measurable impacts on population of plants and animals were determined in 1989. Eel grass and some species of algae appear to be recovering. Amphipods in eel grass beds recovered to pre-spill densities in 1991. Leather stars and helmet crabs show little sign of recovery through 1991.

- (a) There may have been an unequal distribution of injury within each region, see map for location of regions;
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 (g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

TABLE XXX Other Natural Resources and Archaeology: Summary of Results of Injury Assessment Studies Done After the Exxon Valdez Oil Spill (b)

RPWG draft 2/8/93

Resource	Description of Injury	Status of Recovery in December, 1992	Geographic Extent of Injury (a)				Comments/Discussion
			PWS	Kennai	Kodiak	Alaska Penin.	
h/ Air	Air quality standards for aromatic hydrocarbons were exceeded at the spill site. Health and safety standards for permissible exposure levels were exceeded up to 400 times.	Recovered	YES	UNKNOWN	UNKNOWN	UNKNOWN	Impacts diminished as oil weathered and lighter fractions evaporated.
Sediments	Oil coated beaches and became buried in beach sediments. Oil laden sediments were transported off beaches and deposited on subtidal marine sediments.	Oil remains intertidally on rocks and beaches and buried beneath the surface at other beach locations. Oil concentrations have increased in subtidal marine sediments and have spread to greater depths (to 720 meters) over time.	YES	YES	YES	YES	Unweathered buried oil will persist for many years in protected low-energy sites in Prince William Sound.
Water	State of Alaska water quality standards were not exceeded in open sea conditions. In small bays and near shore, hydrocarbon concentrations may have exceeded the 10 micrograms per liter standard immediately after the spill. Federal oil discharge standards of no visible sheen were exceeded.	Recovered	YES	UNKNOWN	UNKNOWN	UNKNOWN	Impacts were patchy and transient during the early stages of the spill. Impacts diminished as oil weathered and lighter fractions evaporated.
Archaeologic sites/artifacts	Currently, 24 sites are known to have been adversely affected by oiling, clean-up activities, or looting and vandalism linked to the oil spill. 113 sites are estimated to have been similarly affected. Injuries attributed to looting and vandalism (linked to the oil spill) are still occurring.	Archaeological sites and artifacts cannot recover, they are finite non-renewable resources.	YES	YES	YES	YES	* Injury studies are not yet complete (January 1993).

(a) There may have been an unequal distribution of injury within each region, see map for location of regions;

(b) This page has not yet been reviewed by the Chief Scientist;

	Alternative 1 Natural Recovery	Alternative 2 Habitat Protection	Alternative 3 Limited Restoration	Alternative 4 Moderate Restoration	Alternative 5 Comprehensive Restoration
THEME	No action other than monitoring and normal agency management.	Protect injured resources and services from further degradation or disturbance.	Take highly effective actions to protect and restore injured services and resources whose population has declined. Maintain the existing character of the affected area.	Take highly effective actions to protect and restore all injured resources and services. Increase, to a limited extent, opportunities for human use in the affected area.	Take all effective actions to protect, restore, and enhance all injured resources and services. Increase opportunities for human use in the affected area.
VARIABLES					
Injuries Addressed	N/A	All injured resources and services.	Injured services and resources whose populations declined.	All injured resources and services.	All injured resources and services.
Status of Resource Recovery	N/A	Resources not recovered and resources recovered.	Resources not recovered.	Resources not recovered.	Resources not recovered and resources recovered.
Effectiveness of Restoration Actions	N/A	All effective habitat protection actions.	Only highly effective actions.	Only highly effective actions.	All effective actions.
Regulates for Public Use	N/A	Protect or increase existing use through habitat protection.	Protect existing use.	Protect or increase existing use.	Protect or increase existing use or encourage appropriate new use.

Monitoring and information programs are included in all alternatives.

Restoration actions may be undertaken for injured resources, services, or their equivalents in all alternatives.

Table _____. Summary of Draft Restoration Plan Alternatives

COMPARISON OF ALTERNATIVES

Alternatives:	1	2	3	4	5
Administration	1%	4%	6%	7%	7%
Monitoring	5%	5%	7%	8%	10%
Other Restoration	--	--	7%	10%	22%
Other Restoration Reserve	--	--	7%	12%	14%
Habitat Protection	--	91%	73%	63%	47%
Uncommitted Balance	91%	--	--	--	--

Table _____. Comparison of Alternatives by Allocation of Cost

1423

Table V-__ shows which resources showed a population decline, and which showed chronic or sublethal injury without a detectable change in population. The table shows the injuries that occurred as of 1989, the spill year and does not take into account recovery.

Table V-__ . Degree of Injury

<u>Resources whose populations declined because of the spill.</u>	<u>Sublethal or Chronic Effects. No Detectable spill-related population decline</u>
Harbor seals	River otters
Sea otters	Bald eagles*
Common murre	Killer Whales*
Marbled murrelet	Pink salmon*
Pigeon Guillemots	Pacific herring
Harlequin ducks	Rockfish
Black oystercatchers	Dolly Varden*
Sockeye salmon smolts	Cutthroat Trout*
Intertidal organisms	
Subtidal organisms	

* For these species, the Trustees' scientists have considerable disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Alaska Wilderness Recreation and Tourism Association

Board of Directors

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St. Elias Alpine Guides

Karla Hart
Alaska Reinforced Tours

Marck Baker
Alaska Mountaineering &
Hiking

February 3, 1993

Dave Gibbons
Exxon Valdez Oil Spill
645 "G" Street
Anchorage, AK 99501

Post-It™ brand fax transmittal memo 7871		# of pages *
To	Greg Petrick	From
Co.	Leg. Affairs	Co.
Dept.		Phone
Fax	486-0264	Fax

Dear Mr. Gibbons:

The Alaska Wilderness Recreation and Tourism Association, a professional trade organization (501c(6)), supports the use of Exxon Valdez Restoration Funds to purchase imminently threatened lands in the Seal Bay area on the northeastern section of Afognak Island (all lands in T21S-R19W and R18).

*These areas are threatened with imminent logging by Afognak Joint Venture. It is our understanding that both the timber (Afognak Joint Venture, Seal Bay Timber Company, and Tonki Cape Land Company) and land owners (Old Harbor and Akhlok Kaguyak Native Associations) are willing sellers interested in discussing habitat acquisition with the EVOS Trustees (Tim Richardson, Letter to Trustees, November 15, 1992; Wilkens and Ebell, Letter to Barbara Mahoney, EVOS Trustee Council, January 8, 1993).

* Seal Bay was oiled by the spill (photographic documentation provided to Trustees by Afognak Wilderness Lodge). Services provided by the unspoiled scenic quality of the shoreline were damaged as well as services provided by wildlife and fisheries resources injured by the spill. Habitat acquisition of the uplands would help to restore and replace lost services.

* These lands are of commercial value to the recreation and tourism industries for the habitat they provide to fisheries and wildlife resources. Their wildlife watching, hunting, and sportsfishing opportunities form the economic basis for tour operators, hunting guides, lodge owners, sports fishermen, bush flying services, outdoor outfitters, urban hotels, restaurants, gift shops, grocery stores, and recreational equipment stores to name a few of the businesses that benefit from the visits of our member's clients to the area.

AWRTA, P.O. Box 1353, Valdez, AK 99686

p. 2


* The threatened lands contain important resources including 167 recently documented anadromous fish streams totaling approximately 35 miles which support the sportsfishing industry; brown bear habitat important to hunters and watchable wildlife visitors; and USFWS/ADF&G inventoried seabird colonies (3 located next to Seal Bay lands and 11 located adjacent to the Afognak Joint Venture lands) which are important destinations for bird watchers (Alaska Dept. of Fish and Game, *Habitat Areas*, Volume II, Sea Bird Colonies).

* According to the most recent information available from the Alaska Division of Tourism, Southwest Alaska including Kodiak visitors are 1) primarily independent and independent/package travellers, 2) they engage in more outdoor activities (canoeing/kayaking, hiking, wildlife viewing, bird watching, fishing) than visitors to other areas; 3) they are more satisfied with their experience, especially opportunities for watching wildlife than visitors to other areas; 4) they spend more time in the State than visitors to other areas, 5) they are three times more likely to return to Alaska for another vacation, and 6) are more likely to recommend an Alaskan vacation to others. (Division of Tourism, Alaska Visitor Statistics Program. *Patterns, Opinions, and Planning: Summer 1989*, pp. 118, 136, 158, 159). Clearly, the acquisition of privately owned wildlands for habitat protection will economically benefit the recreation and tourism industry as well as related industries. Since most tourism companies are small, Alaskan owned businesses who employ Alaskans living year-round in the State, there will be related benefits of economic diversity and community stability.

We would appreciate the acknowledgement of the receipt of this letter and an update of the restoration team's recommendations on lands proposed for acquisition. Please copy this letter to Trustee Council Members.

Thank you for all the work you have put into this project.

Sincerely,



Nancy R. Lethcoe

Insert Vol. I
Tab VII C
FILED

VICKI A. O'MEARA
Acting Assistant Attorney General
WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
Washington, D.C. 20530

JAN 19 1993

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
Deputy

REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
645 G Street
Anchorage, Alaska 99501
(907) 278-8012

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. A91-082 Civil
EXXON CORPORATION, EXXON SHIPPING)	
COMPANY, and EXXON PIPELINE COMPANY,)	
<u>et al., in personam</u> , and the T/V)	NOTICE OF SECOND
EXXON VALDEZ, <u>in rem</u> ,)	WITHDRAWAL FROM
)	<u>SETTLEMENT ACCOUNT</u>
Defendants.)	

Pursuant to this Court's Order of December 6, 1991, the State of Alaska and the United States hereby give notice of a proposed withdrawal in the amount of \$6,567,253.77 from the EXXON VALDEZ Oil Spill Settlement Account established in the Court Registry Investment System administered through the United States District Court for the Southern District of Texas. Of this \$6,567,253.77, the United States seeks payment in the amount of \$3,074,028.46.

RESPECTFULLY SUBMITTED this 19th day of January, 1993 at
Anchorage, Alaska.

VICKI A. O'MEARA
Acting Assistant Attorney General
Environment & Natural Resources Division
WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section
United States Department of Justice
Washington, D.C. 20530

Regina R. Belt
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ATTORNEYS FOR THE UNITED STATES OF AMERICA

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 United States Department of Justice
 Washington, D.C. 20530

FILED

JAN 19 1993

UNITED STATES DISTRICT COURT
 DISTRICT OF ALASKA

Deputy

REGINA R. BELT
 Environmental Enforcement Section
 Environment & Natural Resources Division
 United States Department of Justice
 645 G Street
 Anchorage, Alaska 99501
 (907) 278-8012

UNITED STATES DISTRICT COURT
 DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
 COMPANY, and EXXON PIPELINE COMPANY,
et al., in personam, and the T/V
 EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil

JOINT APPLICATION FOR
 SECOND DISBURSEMENT FROM
SETTLEMENT ACCOUNT

The State of Alaska and the United States (the "governments") jointly apply for disbursement of \$6,567,253.77 from the "EXXON VALDEZ Oil Spill Settlement Account" (the "Account"). The governments' natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this Court in United States v. State of Alaska, No. A91-081 Civ. (D. Alaska) on August 28, 1991 ("MOA"), over the five month period from October 1, 1992 through February

28, 1993.

On August 28, 1991 the State of Alaska and the United States settled their claims against the Exxon Corporation, Exxon Shipping Company, Exxon Pipeline Company, and the T/V EXXON VALDEZ arising from the EXXON VALDEZ oil spill. All funds resulting from these settlements were subsequently ordered by this Court to be placed in an interest-bearing account in the Court Registry Investment System ("Registry") administered through the United States District Court for the Southern District of Texas. In addition, by order of this Court, an account entitled "EXXON VALDEZ Oil Spill Settlement Account" ("the Account") was established in the Registry specifically for the Exxon settlement proceeds. The Court further ordered that disbursements from the Registry of this Court be made upon joint application of counsel for the United States and the State of Alaska, consistent with the provisions of the MOA.

In April, 1992, the Trustee Council, established by virtue of the MOA, issued for public comment a proposed work plan and budget for the twelve month period from March 1, 1992 through February 28, 1993. On June 15, 1992, because the public comments had not been completely reviewed and evaluated for the entire twelve month period, the governments divided the budget into two portions, and sought disbursement only for the period from March 1, 1992 through September 30, 1992. On June 18, 1992, this Court issued an order releasing funds for expenditures incurred during that period. The Trustee Council has now concluded that an additional disbursement of funds from the joint trust fund is necessary in order to

continue the ongoing damage assessment studies and restoration planning program.

Accordingly, the Governments now seek a disbursement from the Account to fund work through February 28, 1993. Prompt disbursement of these settlement funds will enable existing projects to be completed and will ensure that key personnel employed by the Trustee agencies will continue their restoration work. Completion of the 1992 work is imperative so that 1993 activities can progress with a solid informational base.

Appended to this application as Attachment A is the Trustee Council's resolution certifying its unanimous agreement to expend these funds, as well as a list specifying the amounts sought for disbursement to each of the trustee agencies and the proposed use for those monies.¹

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¹ For the Court's information, the Governments have appended a summary of the Trustee Council's activities since approval of the settlement as Attachment B. Attachment C contains proposed distribution instructions.

RESPECTFULLY SUBMITTED this 19th day of January, 1993 at
Anchorage, Alaska.

VICKI A. O'MEARA
Acting Assistant Attorney General
Environment & Natural Resources Division
WILLIAM D. BRIGHTON
Assistant Chief
Environmental Enforcement Section
United States Department of Justice
Washington, D.C. 20530

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ATTORNEYS FOR THE UNITED STATES OF AMERICA

CHARLES E. COLE
ATTORNEY GENERAL

Craig J. Tillery
CRAIG J. TILLERY
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue Suite 200
Anchorage, Alaska 99501-1994
(907) 269-5274

ATTORNEYS FOR THE STATE OF ALASKA

RESOLUTION OF THE
EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings and the opportunity for, and consideration of, any written comments from the public, unanimous agreement has been reached to expend funds received in settlement of United States of America v. Exxon Corporation, et al., No. A91-082 Civil, U.S. District Court for the District of Alaska, and State of Alaska v. Exxon Corporation, et al., No. A91-083 Civil, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment, restoration activities and administration to carry out the 1992 Work Plan from October 1, 1992 to February 28, 1993, and for partial funding of five 1993 Work Plan restoration projects from January 1, 1993 to September 30, 1993. The total approved budget, appended hereto, is \$6,687,900.00.

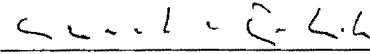
The moneys are to be distributed to the Trustee agencies according to the following schedule:

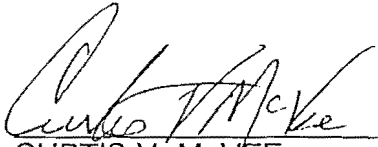
Alaska Department of Fish & Game	\$2,684,800.00
Alaska Department of Natural Resources	419,100.00
Alaska Department of Environmental Conservation	<u>470,100.00</u>
SUBTOTAL TO STATE OF ALASKA	\$3,574,000.00
U.S. Department of Agriculture, Forest Service	\$1,597,000.00
U.S. Department of the Interior	697,400.00
National Oceanic & Atmospheric Administration	<u>819,500.00</u>
SUBTOTAL UNITED STATES OF AMERICA	\$3,113,900.00
 TOTAL APPROVED BUDGET	 \$6,687,900.00

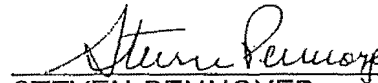
In accordance with the Financial Operating Procedures adopted by the Trustee Council, the funds requested from the Joint Trust Fund are to be reduced by the amount of interest previously earned from settlement funds held by the Federal and State governments. For the period ending September 30, 1992, the United States and the State of Alaska earned interest in the amounts of \$39,871.54 and \$80,774.69, respectively. Accordingly, the amount to be withdrawn from the fund should be reduced by \$120,646.23.

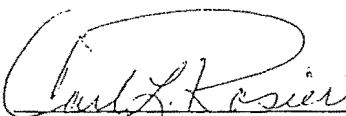
By unanimous consent, we hereby request the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$6,567,253.77 from the Court Registry account established as a result of the governments' settlement with the Exxon companies. The amount to be paid to the United States of America is \$3,074,028.46. The amount to be paid to the State of Alaska is \$3,493,225.31.

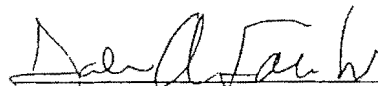
 Dated 12/29/92
MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service

 Dated 1.4.93
CHARLES E. COLE
Attorney General
State of Alaska

 Dated 12/29/92
CURTIS V. McVEE
Special Assistant
U.S. Department of the Interior

 Dated 12/21/92
STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries
Service

 Dated 12/28/92
CARL L. ROSIER
Commissioner
Alaska Department of Fish &
Game

 Dated 12/24/92
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

EXXON VALDEZ TRUSTEE COUNCIL

APPROVED FIVE MONTH PROJECT BUDGETS
OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title	Five Month Budget
ADEC	AD	Administrative Director's Office	\$99.5
ADEC	RT	Restoration Team	351.6
ADEC	AW1	Surface Oil Maps	14.0
ADEC	ST1B	Subtidal Microbial	0.0
ADEC	ST3B	Sediment Traps Damage Assessment	5.0
		Subtotal	\$470.1
ADF&G	AD	Administrative Director's Office	\$0.0
ADF&G	RT	Restoration Team	218.2
ADF&G	B11	Harlequin Ducks Damage Assessment Closeout	0.0
ADF&G	FS1	Spawning Area Injury	8.9
ADF&G	FS2	Pre-emergent Fry	3.7
ADF&G	FS3	Coded-Wire Tags Damage Assessment	44.6
ADF&G	FS4A	Early Marine Salmon Damage Assessment	51.1
ADF&G	FS5	Dolly Varden Damage Assessment	0.6
ADF&G	FS11	Herring Injury	84.5
ADF&G	FS13	Clam Injury	11.8
ADF&G	FS27	Sockeye Salmon Overescapement	244.3
ADF&G	FS28	Run Reconstruction	81.2
ADF&G	FS30	Database Management	75.8
ADF&G	R47	Stream Habitat Assessment	148.3
ADF&G	R53	Kenai River Sockeye Salmon Restoration	303.1
ADF&G	R59	Genetic Stock ID	105.6
ADF&G	R60AB	Prince William Sound Pink Salmon	607.8
ADF&G/(NOAA)	R60C	Pink Salmon Egg/Fry	210.2
ADF&G	R71	Harlequin Ducks Restoration and Monitoring	143.0
ADF&G	R73	Harbor Seals	12.5
ADF&G	R90	Dolly Varden Char Monitoring	0.0
ADF&G	R102	Coastal Habitat Restoration	109.9
ADF&G/(NOAA/ DOI-NPS&FWS)	R103	Oiled Mussels	27.5

1992

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FORM 1B
AGENCY SUMMARY

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EXXON VALDEZ TRUSTEE COUNCIL
APPROVED FIVE MONTH PROJECT BUDGETS
OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title			Five Month Budget
ADF&G/(USFS)	R105	Instream Survey Restoration Implementation Planning			103.0
ADF&G	R106	Dolly Varden Restoration			0.0
ADF&G	R113	Red Lake Sockeye Salmon Restoration			27.9
ADF&G	ST2A	Shallow Benthic			42.
ADF&G	ST2B	Deep Water Benthos			0.
ADF&G	ST5	Shrimp			0.0
ADF&G	ST6	Rockfish Damage Assessment			8.3
ADF&G	TM3	River Otter & Mink Damage Assessment in Pr. Wm. Sound			2.9
		Subtotal			\$2,676.8
ADNR	AD	Administrative Director's Office			\$0.0
ADNR	RT	Restoration Team			179.4
ADNR	ARC1	Archaeological Survey			88.8
ADNR/(DOI-FWS)	R92	GIS Mapping and Analysis; Restoration			25.1
ADNR/(DOI-FWS USFS)	R104A	Site Stewardship			19.5
ADNR/(DOI-FWS)	TS3	GIS Mapping and Analysis; Damage Assessment			106.3
		Subtotal			\$419.1
NOAA	AD	Administrative Director's Office			\$0.0
NOAA	RT	Restoration Team			137.2
NOAA	CH1B	Hydrocarbons in Mussels			20.2
NOAA	FS4B	Juvenile Pinks			52.5
NOAA	MM1	Humpback Whales Damage Assessment			12.3
NOAA	MM2	Killer Whales Damage Assessment			28.8
NOAA/(ADF&G)	R60C	Pink Salmon Egg/Fry			54.2
NOAA/(DOI-NPS& FWS/ADF&G)	R103	Oiled Mussels			263.6
NOAA	ST1A	Subtidal Sediments			31.3

1992

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FORM 1B
AGENCY SUMMARY

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EXXON VALDEZ TRUSTEE COUNCIL
APPROVED FIVE MONTH PROJECT BUDGETS
OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title			Five Month Budget
NOAA	ST3A	Caged Mussels Damage Assessment			15.8
NOAA	ST4	Fate and Toxicity Damage Assessment			24.4
NOAA	ST7	Demersal Fishes Damage Assessment			21.2
NOAA	ST8	Sediment Data Synthesis			92.7
NOAA/(DOI-FWS)	TS1	Hydrocarbon Analysis			65.
		Subtotal			\$819.5
USFS	AD	Administrative Director's Office			\$513.6
USFS	RT	Restoration Team			20.4
USFS	CH1A	Coastal Habitat Damage Assessment			943.5
USFS/(DOI-FWS)	R15	Marbled Murrelet Restoration			15.3
USFS/(DOI-FWS/ ADNR)	R104A	Site Stewardship			0.0
USFS	R105	Instream Survey			18.0
		Subtotal			\$1,510.8
DOI	AD	Administrative Director's Office			\$76.9
DOI	RT	Restoration Team			106.9
DOI-NPS/(ADF&G/ NOAA/DOI-FWS)	R103	Oiled Mussels			0.0
DOI-FWS	B2	Boat Surveys			0.0
DOI-FWS	B3	Murres Damage Assessment Closeout			0.0
DOI-FWS	B4	Eagles Damage Assessment Closeout			0.0
DOI-FWS	B6	Marbled Murrelets Damage Assessment Closeout			0.0
DOI-FWS	B7	Storm Petrels Damage Assessment Closeout			0.0
DOI-FWS	B8	Kittiwakes Damage Assessment Closeout			0.0
DOI-FWS	B9	Pigeon Guillemots Damage Assessment Closeout			0.0
DOI-FWS	B12	Shorebirds Damage Assessment Closeout			0.0
DOI-FWS	MM6	Sea Otters Damage Assessment			53.9
DOI-FWS	R11	Murre Restoration Recovery Monitoring			56.5

1992

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FORM 1B
AGENCY SUMI Y

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EXXON VALDEZ TRUSTEE COUNCIL
APPROVED FIVE MONTH PROJECT BUDGETS
OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title	Five Month Budget
DOI-FWS/(USFS)	R15	Marbled Murrelet Restoration	66.1
DOI-FWS/(ADNR)	R92	GIS Mapping and Analysis Restoration Technical Support	29.2
DOI-FWS/(NOAA/ DOI-NPS/ADF&G)	R103	Oiled Mussels	12.7
DOI-FWS/(USFS/ ADNR)	R104A	Site Stewardship	32.
DOI-FWS/(NOAA)	TS1	Hydrocarbon Analysis	0.0
DOI-FWS/(ADNR)	TS3	GIS Mapping and Analysis Damage Assessment	0.0
		Subtotal	\$435.0
		Approved Five Month Project Budget Total	\$6,331.3
1993 WORK PLAN PROJECTS			Jan 1, 1993 to Sept 30, 1993
ADF&G	93032	Cold Creek Pink Salmon Restoration (NEPA Compliance Only)	\$5.0
ADF&G	93046	Habitat Use, Behavior, & Monitoring of Harbor Seals in PWS (NEPA Compliance Only)	3.0
		Subtotal	\$8.0
USFS	93059	Habitat Identification Workshop	\$42.3
USFS	93060	Accelerated Data Acquisition	43.9
		Subtotal	\$86.2
DOI-FWS	93045	Marine Bird/Sea Otter Surveys	\$262.4
		Approved Five Month Project Budget and 1993 Work Plan Total	\$6,687.9

1992

SUMMARY OF POST-SETTLEMENT TRUSTEE ACTIVITIES

On June 15, 1992 the United States and the State of Alaska filed their Joint Application for First Disbursement from Settlement Account, accompanied by a report on the Trustee Council's post-settlement activities. Since that time, the Trustees¹ have created and are implementing (1) a post-settlement organizational structure for decision making; (2) procedures for meaningful public participation; and (3) procedures and standards for using and administering the natural resource damage recoveries received pursuant to the Agreement and Consent Decree ("Exxon Consent Decree"). In addition, the Trustees adopted a final work plan for 1992 for the period March 1, 1992 through February 28, 1993, and, on October 20, issued a proposed 1993 work plan for the period March 1, 1993 through September 30, 1993 for a thirty day public comment period. Further, the Trustees have established procedures for identifying and acquiring habitat, including those for "imminent threat" analysis and interim protection pending completion of a restoration plan.

This status report describes those activities and expands upon the June 15, 1992 report.

¹ The Trustees include the Secretary of the Interior, the Secretary of Agriculture, the Administrator of the National Oceanic and Atmospheric Administration, the Attorney General of the State of Alaska, the Commissioner of the Alaska Department of Fish and Game, and the Commissioner of the Alaska Department of Environmental Conservation.

FUNDS RECEIVED BY THE TRUSTEES

On December 13, 1991, \$36,837,110.96 was deposited in the Court Registry from the initial payment received from Exxon under the Exxon Consent Decree. The remaining \$53,994,121.54 from the initial Exxon payment was allocated to the Governments for reimbursement of costs associated with the oil spill as provided by Section VI.B.1 of the August 28, 1991 Memorandum of Agreement and Consent Decree ("MOA"), and therefore was not deposited in the Court Registry.

On June 18, 1992, this Court ordered that \$6,320,500 be disbursed to the United States, and \$6,559,200 be disbursed to the State of Alaska. The funds disbursed to the United States were deposited in the Natural Resource Damage Assessment and Restoration Fund, and appropriate amounts were transferred to the federal trustee agencies to cover each agency's costs of implementing 1992 activities through September 30, 1992. The funds disbursed to the State of Alaska were deposited in a special interest-bearing account in the state treasury, and are being expended by the state trustee agencies to cover the cost of implementing 1992 activities through September 30, 1992.

On December 1, 1992, Exxon made its second settlement payment of \$110,086,311.82. This amount was derived from the formula set forth in paragraph 8(b) of the Exxon Consent Decree; that is, \$150,000,000 minus an amount equal to Exxon's expenditures for work done after December 31, 1990 in preparation for and conduct of clean-up of the oil spill in accordance with directions

of the Federal On-Scene Coordinator or for clean-up work done after the effective date of that agreement at the direction of the State On-Scene Coordinator. The Federal On-Scene Coordinator determined that these expenditures totaled \$39,913,688.18, leaving \$110,086,311.82 due to the Governments. Of that payment, \$56,586,311.82 was paid into the Court Registry, \$29,000,000 was paid to the State of Alaska, and \$24,500,000 was paid to the United States for reimbursements in accordance with Section 10 of the Exxon Consent Decree.

ORGANIZATIONAL STRUCTURE

The MOA requires that all decisions relating to the use of trust funds be made by unanimous agreement of all Trustees. Although the MOA required the organizational structure for decision making to be in place within 90 days, it did not provide the specific means for implementing that requirement. The Trustees, through the Trustee Council,² accomplished the major portion of

² On October 5, 1992, the Trustees entered into a Memorandum of Understanding ("MOU") through which the Trustee Council was formally designated. This agreement confirmed the establishment of the Trustee Council by the Trustees and described its membership. The Trustee Council was specifically authorized to "take any action, consistent with applicable law, the MOA, the Consent Decree and this MOU, necessary to restore the natural resources injured, lost, or destroyed as a result of the oil spill." The MOU provides a clear description of the procedures that the Trustee Council must utilize to obtain approval of the budgets required to implement annual work plans, including specific protection from undue delay in the approval process engendered by either government. Through these procedures, the MOU ensures that the critical decisions affecting the use of the trust fund will be made expeditiously by persons who are most

(continued...)

this task on January 10, 1992 when they adopted a set of operating procedures, created a Restoration Team, and provided the team with guidelines for its work.

The Trustee Council further refined its organizational structure at its May 20, 1992 meeting, when it approved the formation of work groups composed of agency staff members and defined the following tasks for each group:

1) Restoration Planning Work Group. Develop the comprehensive Restoration Plan, and coordinate public comments received on documents related to the drafting and release of the final Restoration Plan.

2) Public Participation Work Group. Develop a strategy for involving the public, including identification of a process for nominating members to a Public Advisory Group, review and analyze public comments on the establishment of such a Group, assurance that the Group's structure and membership are consistent with the Federal Advisory Committee Act and other relevant law, and draft guidelines for the Group's operations.

3) 1992 Work Plan Work Group. Develop procedures for distribution of restoration studies and projects to the public

²(...continued)
familiar with the issues and problems surrounding the restoration effort and public comment. A copy of the MOU is attached as Appendix A.

for review, coordinate public comments, prepare the draft and final 1992 Work Plans with detailed study and project descriptions, prepare associated budgets, and coordinate public comments on the draft and final 1992 Work Plans.

4) 1993 Work Plan Work Group. Identify studies and projects for inclusion in the 1993 Restoration Framework Document, prepare requests for restoration proposals from the public, evaluate project proposals, prepare the draft and final 1993 Work Plans with detailed study and project descriptions, prepare associated budgets, and coordinate public comments on the draft and final 1993 Work Plans.

5) Habitat Protection Work Group. Develop objectives for habitat protection, develop criteria for selecting and evaluating lands nominated for protection, draft Requests for Proposals for lands nominated for acquisition, review proposals and nominations, analyze public comments on the criteria and nomination list, apply the criteria to lands nominated for protection, and manage the negotiations and acquisition process.

6) Environmental Compliance Work Group. Review the proposed studies and projects to ensure compliance with the National Environmental Policy Act ("NEPA"), the Alaska Coastal Zone Management Act, and other applicable environmental laws and

regulations, and manage the NEPA analysis for the draft and final Restoration Plans.

7) Process Work Group. Establish a procedure for maintaining an administrative record of the damage assessment and restoration process, and develop and implement tracking procedures for incoming public correspondence.

8) Cultural Resources Work Group. Review and screen proposed studies and projects to ensure compliance with applicable laws for the protection of cultural and historic properties, and provide proposed studies or projects to the 1993 Work Plan Work Group for cultural resources restoration.

9) Geographic Information System ("GIS") Work Group. Review and approve requests for data sets and GIS products and provide oversight of GIS projects and products.

10) Financial Committee. Develop standards and procedures governing the use and administration of the joint trust fund, develop consistent state and federal budget accounting and reporting procedures, and develop auditing procedures.³

³ The Financial Committee reports directly to the Trustee Council.

APPROVAL OF THE 1992 WORK PLAN AND BUDGET

On June 29, 1992, the Trustee Council approved a work plan and budget for the period March 1, 1992 through February 28 1993. A chronology of the decision-making and approval process follows:

December, 1991 to May, 1992: The Restoration Team, working with the 1992 Work Plan Work Group, solicited and reviewed proposals for restoration and assessment activities for the 1992 field season from the public as well as from state and federal agencies. Those proposals, totaling in excess of \$30 million, were analyzed, evaluated and presented to the Trustee Council on January 10, 1992. After five public Trustee Council meetings during which the various proposals were discussed, the Trustee Council ultimately decided that 58 project proposals, at a total cost of \$13,890,800, would be issued for public review.

March 26, 1992: The Trustee Council published the 1992 Draft Work Plan and requested public comment. This Draft Work Plan contained a budget for proposed damage assessment and restoration projects (other than administrative costs) for the twelve month period from March 1, 1992 through February 28, 1993. The Draft Work Plan was distributed to over 1900 persons and entities

known to be interested in the oil spill and the restoration effort.

May 20, 1992: The Trustee Council approved the 1992 Work Plan and administrative budget, subject to public comment.

June 4, 1992: The public comment period for the draft Work Plan ended. The 98 comments were summarized and responses were prepared in a document available in the Oil Spill Public Information Center.

June 12, 1992: The Trustee Council members unanimously agreed to petition the Court for disbursement of Joint Trust Fund monies for the seven month period from March 1, 1992 through September 30, 1992.

June 18, 1992: The Court approved the joint petitions for disbursement. The proposed administrative budget was sent to the eleven community teleconference sites to which the Council meetings are routinely made available, to the Oil Spill Public Information Center, and to fourteen public libraries within and outside the State. The Council established July 20, 1992 as the deadline for comments on this proposed administrative budget.

June 29, 1992: Following analysis by the Restoration Team and the 1992 Work Plan Work Group of public comments, the Trustee Council adopted the Final 1992 Work Plan.

July 20, 1992: The public comment period for the proposed administrative budget ended; no public comments were submitted, and the administrative budget was approved in the same form as had been presented to the Trustee Council on May 20.

THE 1992 WORK PLAN

Because essential information for restoration planning was still being analyzed and, in some cases, collected, the Trustee Council recognized that it would be unable to have a complete restoration plan in effect before the 1992 field season began. Therefore, 1992 work needed to be limited to projects that would contribute to the efficient performance of restoration in the long term, or that were needed to prevent or abate continuing damage or imminent threat to natural resources. For that reason, the Trustee Council focused on projects involving: first, the timely close-out of damage assessment activities for which no further field work was needed; second, the continuation of damage assessment activities required to support the close-out activities or to ascertain the level of injuries; and third, restoration activities that were

considered essential because any delay could be harmful to the environment.

A. Damage assessment close-out

Damage assessment information provides the basis for identifying restoration activities that are linked to injured resources and services. For this reason, the Trustee Council's first priority was to bring the damage assessment work conducted in 1989, 1990 and 1991 to an orderly completion. The Council funded the preparation of final reports for thirty-five studies.⁴ The vast majority of this work was completed in 1992, with e remaining final reports scheduled for release in 1993.

B. Damage assessment continuation

In addition, the Trustee Council sought to define more precisely the extent of certain natural resource injuries. Six damage assessment studies either required additional work because they supported the close-out efforts or required further analysis to complete the documentation of injuries. Projects supporting the close-out efforts included hydrocarbon analysis, geographic information system (GIS) mapping and analysis, mussel tissue and sediment hydrocarbon data synthesis, and database management. Other projects are continuing because the impacts to population

⁴ Forty-two damage assessment studies were conducted in 1991.

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3 levels and life histories of some species, such as sockeye salmon,
4 will not become apparent for several years.
5

6 C. Restoration projects

7 Because the restoration plan remained incomplete,
8 restoration projects conducted in 1992 will provide information
9 necessary to support future decisions about restoration options.
10 The Trustee Council's intent was to limit funding to those
11 activities that (1) were time-critical, because a delay would lead
12 to further injury to a resource or service, (2) required no long-
13 term commitment of funds, and (3) linked injury to species with
14 population level effects.

15 Restoration projects funded in 1992 included, among other
16 activities, (1) monitoring the natural recovery of murrelets (the most
17 heavily impacted marine bird); (2) monitoring pink salmon egg and
18 fry survival in the heavily impacted intertidal area; (3)
19 collecting additional upland habitat information about marbled
20 murrelets, harlequin ducks and anadromous fish streams on private
21 lands where that information was needed to support future habitat
22 protection decisions; and (4) conducting restoration activities
23 necessary for managing injured resources and preventing possible
24 further impacts on such resources as pink and sockeye salmon,
25 mussel beds, archaeological resources, and harbor seals.
26

HABITAT ACQUISITION ACTIVITIES

Significant public comment was received concerning the acquisition of land and timber rights and other habitat protection measures. Because of those expressions, as well as the Trustee Council's own belief that habitat acquisition is an important component of restoration, the Council has devoted considerable effort to evaluating existing habitat information and devising procedures for evaluating the proposed options to ensure that funds available for habitat acquisition are used most effectively and prudently.

The cumulative value of private land in the oil spill area is extraordinarily high. Members of the public have proposed that virtually all privately owned land within the spill area, with an estimated value of nearly one billion dollars, be acquired. The Trustee Council staff estimates that, within the next two years, 14,000 acres of privately held land, with a total estimated value between \$128,000,000 and \$588,000,000, may be subject to logging and other activities.

The Trustee Council can not, of course, acquire all of these lands. While virtually all of this land undeniably is of ecological value, much of it has no direct relationship with the resources injured by the oil spill. Responding wholesale to the imminent threats could use between 50% and 90% of the funds available over the next ten years. Moreover, a program that blindly acquires all potentially threatened land may provide landowners with incentives to accelerate threatening activities.

Therefore, the Trustee Council has undertaken a process to determine which of these threatened lands will contribute most to the restoration of resources and services injured or lost as a result of the oil spill and should be proposed for acquisition.⁵ Thus far, the Trustee Council has been unable to complete this process because it has lacked certain critical information. First, the extent of injuries to some species and the prospects for their natural recovery are not fully known. Second, little historical data exists concerning the habitat requirements of several of the injured species, such as marbled murrelets and harlequin ducks. This information is being compiled from damage assessment and restoration studies that are now being completed. With this information, the Trustee Council has begun the complex process of identifying specific parcels for acquisition.

Although these studies are not yet complete, the Trustee Council has moved to develop a workable strategy to protect habitat through acquisition when the necessary information is available. In July 1992, in direct response to the public's comments regarding habitat protection and acquisition, the Trustee Council released for public review a Restoration Framework Supplement which specifically addressed the issue of habitat acquisition. This Supplement set forth a proposed habitat protection and acquisition process which identified and sought to protect strategic lands and

⁵ The Trustee Council may also ultimately consider land acquisition as "acquisition of the equivalent" of injured resources, but believes that the initial focus should be on restoration or replacement.

1
2
3 habitats in order to benefit the long term recovery of resources
4 and services injured by the oil spill. Significantly, the
5 Supplement also set forth a procedure to evaluate habitat
6 identified as potentially subject to an "imminent threat" for which
7 some form of "emergency" action by the Council may be necessary.
8 Public comments on the Supplement were due on August 31, 1992, and
9 sixteen comments were received. Those comments are now being
10 analyzed by the Land/Habitat Protection Work Group in conjunction
11 with the Restoration Team, and they will be incorporated into the
12 Draft Restoration Plan.

13 Habitat protection proposals received during the su
14 of 1992 in response to the Trustee Council's request for 1993
15 restoration proposals are also being analyzed. To facilitate this
16 analysis, two projects relating to habitat protection were approved
17 at the September 14, 1992 Trustee Council meeting. These projects
18 include a contract with The Nature Conservancy to conduct a series
19 of workshops to further refine and document current information
20 concerning habitat requirements and the degree of recovery for
21 resources and services injured by the oil spill. In addition, the
22 Nature Conservancy will assist the Restoration Team in collecting
23 and organizing data that will be needed for both an imminent threat
24 analysis and a long term evaluation process. The first phase of
25 these projects has been completed. The Trustee Council anticipates
26 that recommendations for specific short-term protection measu
for specific parcels will be provided by this month. Accordingly,
at its September 21, 1992 meeting, the Trustee Council approved a

project for inclusion in the 1993 Draft Work Plan that may utilize up to \$20 million for protection of habitat imminently threatened.

Finally, at its December 11, 1992 meeting, the Trustee Council unanimously passed a resolution stating that expenditure of \$7,500,000 for the purchase of inholdings in Kachemak Bay State Park met the criteria for the expenditure of restoration funds. The Restoration Team is currently addressing the requirements of the National Environmental Policy Act prior to final action on this expenditure. Further action on this proposed acquisition is expected at the January 19, 1993 Trustee Council meeting.

DEVELOPMENT OF THE 1993 WORK PLAN AND BUDGET

Previously, the Trustee Council's fiscal year was from March through February (the so-called "oil year"), and therefore conflicted with the federal fiscal year, which runs from October 1 through September 30. The Trustee Council has now adjusted its fiscal year to coincide with the federal government's.

To facilitate this shift, the proposed budget for federal fiscal year 1993 has been divided into two components. The first component, for which the Trustee Council has already sought and obtained public comment in the Draft 1992 Work Plan, includes the five month period from October 1, 1992 through February 28, 1993.⁶ The remaining component of the budget, which runs through

⁶ The Governments are now applying to this Court for funds for this component of the budget.

September 30, 1993, is contained in the Draft 1993 Work Plan and has been released for public comment.⁷

Development of the 1993 Work Plan began on May 1, 1992, when the Trustee Council formally solicited ideas from the public for projects to be included in the 1993 Draft Work Plan. The Restoration Team, in conjunction with the 1993 Work Plan Work Group, analyzed and evaluated over 450 proposed projects. One hundred and three of these were then combined into 49 project proposals which the Trustee Council considered at a public meeting on September 14, 1992. On September 21, 1992, the Council authorized release of most of the proposals to the Public Advisory Group and to the general public in draft form for comment.

The 1993 Draft Work Plan was compiled and distributed for a thirty day public review period on October 20, 1992. In response, the Trustee Council received 216 public comments. On December 11, 1992, the Trustee Council deferred action on all but three time-critical projects pending review by the Public Advisory Group on January 6-7, 1993.

PUBLIC PARTICIPATION

The MOA requires the Trustees to establish procedures to provide for meaningful public participation in the injury assessment and restoration process. MOA § V.A.4. Accordingly, the Trustee Council has consistently encouraged broad public

⁷ Funds for this period will be requested later.

participation in all phases of the restoration planning process. The term "public participation" includes all forms of exchange of information and ideas between the public and the Trustee Council or their staff. The primary means which have been used or are currently planned are:

- A. Open meetings of the Trustee Council, which include public comment sessions;
- B. Public access to information through public libraries, formal planning documents requiring public review, and specially planned community meetings, symposia and workshops;
- C. Public Advisory Group;
- D. Oil Spill Symposium.

Public participation in restoration planning has evolved quickly in the year since the settlement was signed. The Draft Restoration Plan, which the public will review, will further define long-range approaches which will be used in the coming years.

A. Meetings of the Trustee Council

The Trustee Council has held fourteen public meetings, including the initial December 5, 1991 meeting which established an organizational and operating structure for the post-settlement implementation phase of the oil spill activities. The Council's practice of open meetings is now codified under Alaska law. 1992 SLA Ch. 1 (1st SS), June 18, 1992. With certain limited exceptions, the time and place of all of the Council's meetings has been publicized, and each meeting has included a public audience.

Most of these sessions have included a public comment session and have used the State's teleconferencing facilities that permit citizens located at Chenega Bay, Cordova, Fairbanks, Homer, Juneau, Kenai, Kodiak, Seward, Tatitlek, Valdez and Whittier to participate.

In addition, the Trustee Council staff conducted two series of public meetings during 1992. The purpose of the first series, which was held in January and February, was to solicit comments regarding public participation in the injury assessment and restoration process with special emphasis on the operations of the Public Advisory Group. Public meetings were held in Anchorage, Chenega Bay, Cordova, Homer, Juneau, Kenai, Kodiak, Seward, Tatitlek and Valdez. Comments from these meetings were summarized by staff and recommendations concerning the role, structure, and operating procedures for the Public Advisory Group were subsequently made available to the Trustee Council.

The second series of meetings was held between May 4 and 19, 1992, and provided the public with an opportunity to comment on the Restoration Framework, the 1992 Draft Work Plan, and the composition of the Public Advisory Group. These meetings were held in Anchorage, Chenega Bay, Cordova, Fairbanks, Homer, Juneau, Kenai, Kodiak, Seward, Tatitlek, Valdez, and Whittier. Comments from these meetings were also summarized and provided to the Trustee Council.

B. Public Access to Oil Spill Information

Similarly, the Trustee Council has shown its commitment to broad public access to oil spill information since its initial meetings. For example, virtually all documents discussed during the Trustee Council's public meetings are provided to the public at the meetings, at teleconference sites, or through the Oil Spill Public Information Center (OSPIC) in Anchorage. A transcript of the proceedings at each meeting is prepared and, along with the complete administrative record of the Trustee Council, is available at the OSPIC.

In addition, on June 1, 1992, the Trustee Council made available to the public at OSPIC the Natural Resources Damages Assessment scientific studies, including interim and final reports and detailed study plans. Copies of the studies have been provided to fifteen libraries around the state and nation. New information is continually added to the materials available at OSPIC and the participating libraries. Annual work plans and budgets, the Restoration Framework Document, and the Restoration Framework Supplement on habitat protection have been made available at the OSPIC, other libraries, and to the public generally through large mailings. On January 11, 1993, a copy of the State of Alaska's economic studies, including a contingent valuation of the loss of intrinsic value of natural resources, was also placed at the OSPIC.

Finally, the Trustee Council has consistently invited the public to comment on various processes and critical decisions, such

as the organizational structure and nomination process for the Public Advisory Group.

C. Establishment of the Public Advisory Group

Consistent with its commitment to meaningful public participation and the terms of the MOA, the Trustee Council has established a public advisory group. This group advises the Trustees with respect to, among other things, all decisions relating to injury assessment, restoration activities, or other use of the natural resource damage recoveries obtained by the Governments. The group also provides advice concerning all fund decisions. MOA Sec. V.A.1 and V.A.4.

At its February 28, 1992 meeting, the Council determined that the Public Advisory Group would include twelve members representing specific interests, three members representing the public at large, and two ex officio members, one from the Alaska State Senate and one from the Alaska House of Representatives. Nominations for the Public Advisory Group, including a conflict of interest statement for each nominee, were solicited and reviewed. During a public meeting on August 31, 1992, the Trustee Council filled ten of the fifteen appointed positions on the Public Advisory Group. A new solicitation for nominees to the remaining positions (recreational users (1), sport hunting and fishing (1) and public at large (3)) was published on September 1, 1992, and, at a public meeting on September 14, 1992, those positions were filled. At that meeting, the Council decided to expand the number

of public at large members to five, bringing the total membership in the Group to nineteen, and these additional positions were also filled. The Council selected the following persons to serve on the Public Advisory Group:

PUBLIC ADVISORY GROUP MEMBER	INTEREST REPRESENTED
John McMullen	Aquaculture
Gerald McCune	Commercial Fishing
Brad Phillips	Commercial Tourism
James King	Conservation
Pamela Brodie	Environmental
John Sturgeon	Forest Products
Donna Fisher	Local Government
Charles Totemoff	Native Landowners
James Diehl	Recreation Users
Rupert Andrews	Sport Fishing/Hunting
John French	Science/Academic
Richard Knecht	Subsistence
James Cloud	Public At Large
Richard Eliason	Public At Large

PUBLIC ADVISORY GROUP MEMBER	INTEREST REPRESENTED
Llewellyn Williams	Public At Large
Paul Gavora	Public At Large
Vern McCorkle	Public At Large

The two ex officio members have not yet been appointed by the 1993 legislature. The Public Advisory Group has elected Brad Phillips and Donna Fisher to serve as Chair and Vice Chair, respectively, and has met three times, on October 29, 1992, December 2, 1992, and January 7 - 8, 1993.

D. Oil Spill Symposium

The Trustees will hold a symposium on February 2 - 5, 1993, in Anchorage, to present results of the scientific studies conducted following the oil spill. The first day will be free of charge and will be devoted to overview presentations for the general public. Attendance during the remaining days, which will be designed for in-depth discussion of results, will require a registration fee. The Trustee Council has allocated \$25,000 towards the costs of the symposium. Its proceedings will be published.

PREPARATION OF THE RESTORATION PLAN

In April, 1992, the Trustee Council released the Restoration Framework document for public comment. The Framework outlines overall restoration options and serves as a scoping document for the environmental impact statement to be prepared in connection with the draft and final restoration plans. The public comments received in response to this document, as well as comments submitted at numerous public meetings held by Council staff in the area impacted by the spill, will be considered for incorporation into the draft restoration plan that is expected to be released to the public for comment in June, 1993.

ADOPTION OF FINANCIAL OPERATING PROCEDURES

On September 21, 1992, the Trustee Council adopted written financial operating procedures. The objective of these procedures is to ensure public trust and accountability while maximizing the Trustees' ability to use settlement funds for approved restoration activities. The procedures specify a method for preparing an annual budget, provide guidelines for calculating administrative costs for projects by the trustee agencies, provide procedures for the transfer of settlement funds from the court registry, provide for accounting and audits in accordance with

established state and federal procedures, and provide procedures for managing equipment.

To facilitate public review and comment, the Council provided a draft of the procedures to the OSPIC, to public libraries, and to the teleconference sites prior to the July 20, 1992 Trustee Council meeting. The procedures were further reviewed and revised by the Trustee Council and adopted on September 21, 1992. A copy of the procedures as adopted is attached as Appendix B.

EXPENDITURE OF THE CRIMINAL RESTITUTION FUNDS

As a result of the judgments entered on October 8, 1991 in United States v. Exxon Shipping Company and Exxon Corporation, No. A90-015 CR, Exxon paid the State of Alaska and the United States fifty million dollars each in restitution for damages caused by the EXXON VALDEZ oil spill. To date, neither of the governments has expended any of the restitution funds.

In its judgments, the Court limited the use of the funds as follows:

The monies paid in restitution are to be used by the State of Alaska and the United States of America exclusively for restoration projects, within the State of Alaska, relating to the "Exxon Valdez" oil spill. Restoration includes: restoration, replacement, and enhancement of affected natural resources; acquisition of equivalent resources and services; and long-term environmental

monitoring and research programs directed to the prevention, containment, cleanup, and amelioration of oil spills.

Use of these funds was also limited by the terms of the MOA which provides for the joint use of natural resource damage recoveries from the EXXON VALDEZ oil spill for purposes substantially similar to those permitted by the Court's judgment. In accordance with the MOA, the State and the United States agreed, prior to the receipt of these funds from Exxon, to manage them separately.

A. Expenditure of the Federal Portion of the Restitution Funds

In accordance with Section 207 of the fiscal year 1992 Dire Emergency Supplement Appropriations Act, P.L. 102-229 (December 12, 1991), the fifty million dollars in criminal restitution received by the United States has been deposited in the Natural Resource Damage Assessment and Restoration Fund managed by the Department of Interior. Section 207 of the Act authorized interest to be earned on this payment,⁸ and appropriated the principal and interest to the Federal Trustees for necessary expenses in accordance with the Criminal Plea Agreement.

No federal restitution funds have yet been expended. The federal Trustees, however, have assigned the federal Trustee

⁸ As of September 30, 1992, these funds had earned approximately \$1,200,000 in interest.

Council members the task of establishing appropriate procedures for the development of annual or emergency budgets for restoration project expenditures from the federal restitution funds. Currently, the federal Trustee Council members are exploring the use of these funds within the context of the overall restoration plan being developed by the Trustee Council. The United States intends to coordinate decisions regarding expenditure of the restitution funds through the Trustee Council. The federal Trustees will, however, seek public comment regarding expenditure of the federal portion of the restitution funds, including those for restoration projects of an emergency nature.

B. Expenditure of the State Portion of the Restitution Funds

The fifty million dollars in criminal restitution were paid to the State on November 7, 1991 and deposited in a segregated account within the State's General Fund. The funds have been earning interest which will be credited to the separate account. To date, the funds have earned in excess of \$2.8 million in interest; thus, approximately \$52.8 million are now available in that account.

Under State law, use of the restitution funds requires an appropriation by the legislature and approval by the Governor. During the 1992 legislative session, two bills were introduced

which were directed at expenditure of the restitution funds. House Bills No. 579 and 580 were introduced at the request of the Governor and provided for the creation of an endowment to finance restoration projects, including "restoration, replacement, and enhancement of affected resources, acquisition of equivalent resources and services, and long-term environmental monitoring and research programs directed to the prevention, containment, cleanup, and amelioration of oil spills." The administration proposed that one half of the earnings of the endowment over the next ten or more years be used for purchase of inholdings in Kachemak Bay State Park, and that other earnings this fiscal year be used to restore red salmon stocks damaged as a result of the oil spill. The legislature did not act on these bills.

A separate bill, HB 411, was introduced in the House by several legislators. That bill, as subsequently amended, did not pass during the regular session of the legislature, but was enacted as part of the capital budget (SB 483) during the special session. The provisions of SB 483 relating to the EXXON VALDEZ criminal restitution funds provided for over thirty-five separate projects to be funded. These projects, in many cases, did not comply with the restrictions placed on the expenditure of the funds by this Court.

Many projects proposed in HB 411 were viewed by the Attorney General as not being within the limitations contained in

the criminal judgments. Some projects were remote, in location and concept, from the restoration plan. These include, for example, an appropriation to build fish hatcheries on the Noatak River and at Clear, Alaska; the installation of oil and grease separators in storm drains in Valdez; a grant to the Bristol Bay Buy-Back Coalition; and the purchase of lands at Cape Suckling, some 125 miles east of the nearest point reached by the oil. Others, upon investigation, were either ill-conceived or were largely duplicative of existing services. Examples range from an appropriation to the Alaska Department of Natural Resources for archaeological work to a grant to Prince William Sound Science Center for a geographical information system.

A number of the projects, particularly those relating to the acquisition of habitat, initially appeared to have merit, but insufficient information was available to permit their approval. These included the acquisition of land in Southwestern Prince William Sound and on Afognak Island. In each of these cases, the Attorney General determined that there was not an imminent threat that justified acting without a better understanding of the relationship of the land to the restoration efforts.

The Attorney General was concerned about a potential imminent threat in the Cordova area. In that case, a legal determination was made that, even though substantial doubt existed regarding the ultimate legality of such an acquisition,

exigency of the situation justified the use of some funds to purchase a moratorium on the property if one could reasonably be obtained. To that end, Attorney General Charles Cole and Commissioner of the Department of Environmental Conservation John Sandor visited the site and talked to the principals to determine the practicality of such a moratorium. In addition, the habitat subgroup of the Restoration Team was asked to research the problem. What was learned is instructive. The total appropriation for the purchase of lands near Cordova was \$4,350,000, yet the asking price for a three month moratorium was \$500,000. At that rate, simply delaying the project for a year to gather more information would have required the expenditure of half of the appropriation. This was not viewed as an appropriate use of the funds.

A look at other land acquisition provisions in SB 483 reveals that the under-funding of the Cordova acquisition was not isolated. For example, section 161 of SB 483 would have appropriated approximately \$11,500,000 for the purchase of inholdings in Kachemak Bay State Park, although the asking price was double that figure. The appropriation for the purchase of lands near Cape Suckling in section 160 was \$8,000,000, and the asking price was more than four times that amount. In neither of these cases did the legislature appropriate additional funds from another source, and in neither case was any other source identified. In essence, the legislature simply spread the largess

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3 around thinly to a number of different political interests. While
4 this approach may have been politically expedient, it did not make
5 good sense for restoration of the injured environment.

6 Although some projects included in the appropriation
7 passed legal scrutiny, the Attorney General felt that fairness to
8 the legislature and to the people who participated in the
9 legislative process suggested that the entire appropriation should
10 be re-examined. Accordingly, the appropriation of restitution
11 funds was vetoed by Governor Hickel in its entirety. New
12 legislation concerning use of the criminal restitution funds is
13 expected to be introduced in the 1993 legislature.
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MEMORANDUM OF UNDERSTANDING
AMONG THE STATE AND FEDERAL
NATURAL RESOURCE TRUSTEES FOR THE
EXXON VALDEZ OIL SPILL

I. INTRODUCTION

This Memorandum of Understanding ("MOU") among the State and Federal natural resource trustees for the Exxon Valdez Oil Spill ("Oil Spill") is entered into to ensure the coordination and cooperation among the Trustees in the restoration of the natural resources injured, lost or destroyed as a result of the Oil Spill.

II. PARTIES

The following officials ("Trustees") are parties to this MOU and act on behalf of the public as trustees for the natural resources injured, lost or destroyed as a result of the Oil Spill:

- Attorney General of the State of Alaska;
- Commissioner, Alaska Department of Environmental Conservation;
- Commissioner, Alaska Department of Fish and Game;
- Secretary of Agriculture;
- Secretary of the Interior; and
- Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.

III. PURPOSE

The purpose of this MOU is to confirm the establishment by the Trustees of, and the authorities granted to, the Exxon Valdez Oil Spill Trustee Council ("Trustee Council" or "Council") located in Alaska.

IV. AUTHORITIES

The Trustees enter into this MOU in accordance with the authorities provided to each Trustee by Section 311(f) of the Federal Water Pollution Control Act, 33 U.S.C. 1321(f); the Memorandum of Agreement and Consent Decree ("MOA") approved and entered on August 28, 1991, in United States v. State of Alaska, No. A91-081 CV, and the Agreement and Consent Decree ("Consent Decree") approved and entered on October 8, 1991, in United States v. Exxon Corporation, et al., No. A91-082 CV and State of Alaska v. Exxon Corporation, et al., No. A91-083 CV; and Section 207 of the Dire Emergency Supplemental Appropriations Act and Transfer for Relief from the Effect of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of 'Operation Desert Shield/Desert Storm' Act of

1992, P.L. 102-229 (12/12/91).

V. TRUSTEE COUNCIL

The Trustees hereby confirm in writing the establishment by the Trustees of the Trustee Council located in Alaska, whose membership is comprised of either a designee of each Trustee or the Trustee himself. The Trustee Council may take any action, consistent with applicable law, the MOA, the Consent Decree and this MOU, necessary to restore the natural resources injured, lost, or destroyed as a result of the Oil Spill. To carry out its responsibilities, the Council shall establish appropriate policies and procedures, including standards and procedures (a) governing the joint use and expenditure of moneys from the Joint Trust Fund in the Registry of the District Court, as it determines are necessary; and (b) for meaningful public participation, including the receipt of advice by the Council of advice from the public advisory group on behalf of the Trustees.

Upon completion of public review and comment on the proposed annual work plan, the Federal members of the Trustee Council shall submit to their Departments, through normal channels, the Federal portion of the budget then agreed upon by the Trustee Council for appropriate review and approval. It is expected that such review, including that of the Office of Management and Budget, will be completed within 30 days of receipt in Washington. Similarly, with respect to the State portion of the budget, State members of the Trustee Council will take appropriate action to comply with State requirements. Upon notification of Federal Executive Branch approval of the Federal portion of the budget and similar notification from the State Executive Branch, the Trustee Council will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the Court for release of settlement funds and the transfer of these funds, respectively, to the U.S. Department of the Interior Natural Resource Damage Assessment and Restoration (NRDA&R) Fund and to an account designated by the State of Alaska.

If the review process of either government results, in the opinion of one government, in an undue delay in filing a petition with the Court which would adversely impact it, the Trustee Council will, upon written request of the concerned government, provide appropriate consent for a joint petition to the Court for funds to be used for the activities identified in the budget approved by the Trustee Council for that concerned government.

VI. MISCELLANEOUS

This MOU supersedes and replaces all previous interagency agreements regarding the organization and coordination of Oil Spill activities of the Federal Trustees, including the Memorandum Agreement dated April 28, 1989.

Nothing herein is intended to void any actions taken by the Trustee Council prior to the execution of this MOU, and such actions are hereby ratified to the extent they are consistent with this MOU, the MOA and the Consent Decree.

Nothing in this MOU shall be construed as obligating the United States or the State of Alaska to expend any funds in excess of appropriations authorized by law.

The designation of a substitute or successor Trustee by either Government shall not affect the rights and responsibilities under this MOU.

The rights and responsibilities contained in this MOU shall not be the basis of any third party challenges or appeals.

VII. AMENDMENTS AND TERMINATION

Amendments, modifications or termination of the MOU may be proposed by any Trustee and shall become effective upon unanimous written approval of the Trustees. This MOU shall otherwise terminate upon the earlier of the completion of the restoration program resulting from the Oil Spill, or the expenditure of all Joint Trust Fund monies.

VIII. EXECUTION

This MOU may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute the original MOU. The date of execution shall be the date of the final Trustee's signature.

Edward Madigan
Secretary of Agriculture

Date: September 21 1992

Manuel Lujan Jr.
Secretary of the Interior

Date: SEP 10 1992

John A. Krause
Administrator, National Oceanic
Atmospheric Administration,
Department of Commerce

Date: SEP 25 1992

L. L. C. C.
Attorney General of Alaska

Date: 10.1.92

Don W. Suter
Commissioner, Alaska
Department of Conservation

Date: 10/1/92

John W. Suter
Commissioner, Alaska
Department of Fish and
Game

Date: 10.1.92

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL FINANCIAL OPERATING PROCEDURES

Attached are the Exxon Valdez Oil Spill Trustee Council Financial Operating Procedures. The affixed pages shall constitute the initial procedures for financial management to ensure coordination and cooperation among the Trustee Council members. Approved by the members of the Trustee Council.

Charles E. Cole Date 9-21-92 Michael Barton Date 9/21/92

CHARLES E. COLE
Attorney General
State of Alaska

MICHAEL A. BARTON
Regional Forester
Alaska Region - USDA Forest Service

Carl L. Rosier Date 9/21/92

Curtis V. McVee Date 9-21-92

CARL L. ROSIER
Commissioner
Alaska Department of Fish and Game

CURTIS V. MCVEE
Special Assistant to the Secretary
U.S. Department of the Interior

John A. Sandor Date 9-21-92

Steven Pennoyer Date 9-21-92

JOHN A. SANDOR
Commissioner
Alaska Department of Environment
Conservation

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

EXXON VALDEZ OIL SPILL RESTORATION PROGRAM

FINANCIAL OPERATING PROCEDURES

September 14, 1992

PREFACE

The objective of the Financial Operating Procedures is to ensure public trust and accountability while maximizing the Trustees' ability to use Exxon settlement funds for approved restoration activities. A flow chart of the Financial Operating Procedures is included as Appendix A. The principles and processes stated herein are based on the authorities conveyed by the Exxon Valdez Consent Decrees and all memoranda of agreement between the State and Federal governments. Financial management of Exxon settlement funds will be accomplished based on the following principles:

Maximum use will be made of existing agency administrative structures. Each of the Trustee agencies has established administrative personnel and financial management systems that will be used to the maximum extent possible. In addition to these procedures, activities carried out by a State or Federal agency will be conducted in accordance with existing agency operating procedures. Detailed Federal procedures are contained in Appendix F.

Federal and State agencies will use their administrative structures and process in support of the Administrative Director's office. These administrative services include such functions as contracting for office space, personnel services, payment of utilities, purchasing, and so on. Memoranda of agreement will be established, as necessary, between State and Federal agencies to ensure support is provided without interruption to the office of the Administrative Director. Additional memoranda for other purposes will be negotiated when necessary.

General administration expenses will be kept to a minimum and applied in a consistent manner by the Trustee agencies.

ANNUAL BUDGET

The Trustee Council will annually prepare and approve a current-year budget based on the Federal fiscal year (October 1-September 30). It is recognized that the 1992 expenditure work plan is a transition to the federal fiscal year; it is intended that budget decisions will conform to the federal fiscal year beginning October 1, 1992.

The following constitutes the annual Trustee Council expenditure work plan:

- a) A budget for the office of the Administrative Director that includes salaries, benefits, travel, office space, supplies and materials, contractual services, utilities, general administration expenses, and such other items as may be necessary for the efficient operation of the Trustee Council, and the Restoration Team and its working groups. The proposed budget will be presented on the same budget forms as those used by any other project (for example, Forms 2A and 2B, shown in Appendix B).
- b) A budget for the Restoration Team and all working groups will be presented as one project. Under that project, the Restoration Team and each standing working group will be budgeted as sub-projects. Each sub-project will show the cost of personnel, travel, contractual services, commodities, equipment,

and general administration expenses. Authorized personnel will be identified by position title, the number of months budgeted, and the total salary and benefit costs for those months budgeted. In addition, a budget for the Finance Committee will be prepared separate from the Restoration Team and its working groups. The proposed budgets will be presented on the same budget forms as those used by any other project (shown in Appendix B).

c) A budget for each field project will be summarized on budget forms shown in Appendix B.

While some projects may be completed in one year, others require funding over multiple years. Information must be provided on budget forms showing total estimated costs for completing the project. Expenditures are authorized by the Trustee Council annually. Funding a project for one year does not obligate the Trustee Council to provide funding for the same project in future years.

Instructions will be prepared by the Finance Committee for distribution to State and Federal agencies involved in developing project budgets explaining how to complete the budget forms. These forms are intended to collect information necessary for the Trustee Council and staff members to evaluate all funding proposals, and to meet standards of accountability customary to the State and Federal governments during and after implementation of the proposed project.

CALCULATION OF PROJECT COSTS

Proposals for expenditure made to the Trustee Council will be presented on the budget forms established by the Finance Committee, including budgets for the Administrative Director, the Restoration Team and its working groups, and all other projects.

General administration costs may be included for all separate budgets funded through the Trustee Council. There are two types of general administration costs that may be incorporated into project budgets:

1. 15 percent of each project's direct personnel cost, and
2. Up to 7 percent of the first \$250,000 of each project's contract costs, plus 2 percent of project contract costs in excess of \$250,000.

These general administration funds are intended to pay indirect costs, such as office space, office utilities, fixed telephone charges, and all normal agency services for administering procurement, personnel, payroll, accounting, auditing and so on. A rate is used because measuring specific use of these services is expensive. For Trustee agencies which are actively involved in the restoration activities but do not have projects, the Trustee Council may approve a budget to cover agency services necessary to fund their involvement.

The rates for contracts relate to the costs for monitoring and supervising contractors, a cost that does not increase proportionally with the size of the contract. These rates are somewhat less than normal for Federal agencies.

In addition, project budgets may include proposed expenditures in specific line items: personnel, travel, contractual, commodities/supplies, equipment and capital outlay. All budgets, including those for the Restoration Team and its working groups, may have such costs. The Restoration Team will evaluate each budget proposal to determine if the expenditures listed in the specific line items are acceptable in nature and amount.

ANNUAL BUDGET FORMULATION PROCESS

Formal proposals for funding must be made in the following manner. Forms 2A and 2B must be used to describe the costs associated with a proposed project. If more than one agency is involved, or if there are distinct sub-projects (such as working groups associated with the Restoration Team), then a 2A form must be used (excluding the detailed position information) to summarize the project costs, and the 3A and 3B form must be used to describe the portion of the project assigned to each agency or to each sub-project. Such detail is essential for financial accountability.

The standards and format for justifying a project are the responsibility of the Restoration Team, working in conjunction with the Finance Committee. Such information must be attached behind the budget forms. Project plans supporting project budgets should include appropriate measures of performance to ensure intended results are achieved.

Each agency shall prepare budget documents for all spending for which it will be responsible. This includes projects or sub-projects related to field projects; the Administrative Director and associated staff, and any means for providing support for the Administrative Director or the Trustee Council; the Restoration Team and its working groups; and the Finance Committee. These rules also apply when a project is proposed by a member of the public.

Prior to the presentation of the proposed projects to the Trustee Council, the Financial Committee will review them. This review will include an evaluation of compliance with these Financial Operating Procedures, and will be limited to the budget and fiscal management aspects of the proposed projects. The Finance Committee may submit its written comments and recommendations to both the Restoration Team and the Trustee Council.

In a public meeting, annually, the Trustee Council will consider projects proposed for funding and issue a proposed work plan for public review and comment. After the expiration of the period for public review and comment, the Trustee Council, in open session and with opportunity for comment, will review the proposed work plan and may make such changes in it as the Trustee Council deems appropriate. The Trustee Council will annually approve a final work plan.

Upon final approval of the budget by the Trustee Council, approved budget documents will be available to the public through the offices of the Administrative Director. Approved budget information will also be available through review and notification procedures adopted by the State and Federal governments.

BUDGET IMPLEMENTATION

Both the State and Federal governments allow for certain adjustments in funding amounts during the budget period. The Trustee Council agrees that a certain amount of funding flexibility is necessary when projects are being carried out, and that limited amount of funding transfers between projects may be appropriate. The rules governing transfers are as follows:

- a) The Trustee Council authorizes agencies to transfer funds between projects up to the cumulative amount of \$25,000 or up to 10% of the annual spending level for each affected project, whichever is less. Calculation of these limits is based on the amounts authorized by the Trustee Council. The limits on funding transfers are set with the understanding that such transfers will not alter the underlying scope or objectives of the project, and

apply to both increasing and decreasing project funding. In addition, it is the responsibility of each agency, for future verification and audit, to record authorization to make such transfers and the purpose of each funding change.

For multi-agency projects, the concurrence of the lead agency must be obtained before moving funding into or out of a sub-project. Funding may be moved among the three State agencies and the three Federal agencies, and between State and Federal agencies, according to the limits shown above, if agencies responsible for projects gaining and losing funds agree to the transfer. Changes in authorized funding for each project must be reported on the next quarterly expenditure report, using Form 4, shown in Appendix B.

b) The Trustee Council may approve transfers in amounts greater than that authorized in a) above, without public notification other than a general agenda item in its public meetings, so long as such transfers do not change the scope or objectives of the projects. Transfers are subject to current State or Federal financial operating procedures and laws. Agencies must send requests for such transfers, using Form 5, shown in Appendix B, to the Administrative Director for submission to the next Trustee Council meeting. Approval must be obtained before the transfer is made.

c) The Trustee Council may increase or decrease the funding for an approved project that changes the scope or objective of the project, create a new project, or terminate an approved project during the budget year only after public notification of the proposed changes prior to the meeting. Such decisions by the Trustee Council will be made in a public meeting after giving the public an opportunity to comment on proposed changes, both at the meeting and through written comments submitted prior to the meeting. Public notification of the meeting will include a brief description of the project and the proposed change.

d) Project managers may transfer, within a single project, budgeted funds between object classes (such as personnel, travel, and contractual costs), and may change detailed items of expenditure, including specific personnel, to accommodate circumstances encountered during budget implementation. Such transfers are reported by agencies in the quarterly expenditure reports, simply by recording expenditures in the object classes where each expenditure was actually made. However, agencies may be subject to normal budget and administrative procedures regarding transfers established by the State or Federal government.

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Upon completion of public review and comment on the proposed annual work plan, the Federal members of the Trustee Council shall submit to their Departments, through normal channels, the Federal portion of the budget then agreed upon by the Trustee Council for appropriate review and approval. It is expected that such review, including that of the Office of Management and Budget, will be completed within 30 days of receipt in Washington. Similarly, with respect to the State portion of the budget, State members of the Trustee Council will take appropriate action to comply with State requirements. Upon notification of Federal Executive Branch approval of the Federal portion of the budget and similar notification from the State Executive Branch, the Trustee Council will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the Court for release of settlement funds (See

Appendix E) and the transfer of these funds, respectively, to the U.S. Department of the Interior Natural Resource Damage Assessment and Restoration (NRDA&R) Fund and to an account designated by the State of Alaska.

If the review process of either government results, in the opinion of one government, in an undue delay in filing a petition with the Court which would adversely impact it, the Trustee Council will, upon written request of the concerned government, provide appropriate consent for a joint petition to the Court for funds to be used for the activities identified in the budget approved by the Trustee Council for that concerned government.

When calculating the amount of funds requested from the Court, interest previously earned from settlement funds held by the Federal and State governments and unobligated balances will be subtracted from the spending plans approved by the Trustee Council.

ACCOUNTING AND REPORTING

Trustee agencies will maintain accountability for the expenditure of Exxon settlement funds using generally accepted accounting principles and Federal and State accounting procedures. As a minimum, these procedures will identify expenditures as approved in the annual work plan with supporting documentation. State and Federal agencies shall account separately for their respective portion of each project.

Within thirty days following the end of each calendar quarter, State and Federal agencies will report expenditures and obligations recorded at the end of the quarter to the Administrative Director. Agencies will submit expenditure/obligation reports (Form 4, shown in Appendix B) to the Administrative Director's office (where multi-agency or multi-sub projects will be consolidated) for review by the Finance Committee. Following review and approval by the Finance Committee, the Administrative Director will submit this information to the Trustee Council at its next meeting. The first report should be for the quarter ending September 30, 1992.

By November 30 of each year, agencies will report to the Administrative Director expenditures/obligations for the twelve month period ending September 30. The expenditure report should be generated from normal computerized accounting reports and must include at least the same level of detail as provided on the budget forms 2A and 2B. This requirement is in addition to the audit requirements described below. If an agency is responsible for a portion of a project, it will report on the sub-project assigned to it.

The Administrative Director, with assistance of the Restoration Team and the Finance Committee, will submit to the Trustee Council, by December 31, an annual accomplishment and expenditure report; reports of cash balances as of September 30 of the NRDA&R Fund, Federal agency and equivalent State accounts; and interest earned for the Federal fiscal year from funds contained within those accounts. In addition, the Finance Committee will report the September 30 balance of the Federal/State of Alaska Joint Fund held by the Registry of the Court.

The Federal government will adopt internal rules governing the information required to transfer cash received from the Court Registry, through the NRDA&R Fund, to Federal agencies incurring expenditures. The estimated expenditures will provide the basis for transfer of Exxon settlement funds from the NRDA&R Fund to the appropriate agency accounts. Money held in the NRDA&R Fund will earn, and retain, interest.

State agencies, operating under a unified accounting system, will draw from the account containing funds transferred from the Court Registry. Quarterly disbursements will not be necessary, and all unexpended funds received from the court will earn interest and be retained in the fund established to account for the settlement funds.

AUDITS

Accountability for the expenditure of settlement funds is of critical importance to maintaining public trust and confidence. Each Federal agency and the State of Alaska have Federally and State-approved audit functions, respectively. Periodic audits of Exxon settlement expenditures and financial controls will be conducted in accordance with established policy. The Finance Committee will report to the Trustee Council an annual schedule of audits, and any complaints by auditors of lack of cooperation from agencies being audited. The Finance Committee will recommend audits be performed by private accounting firms, when necessary. Further, the Finance Committee will review completed audits to bring significant issues, or the absence of such issues, to the attention of the Trustee Council. The Finance Committee will deliver at least one copy of all completed audits to the Administrative Director's office, which will be available to the public. Additional Federal procedures are contained in Appendix F.

MANAGEMENT OF EQUIPMENT

Generally, all equipment purchased with Exxon Valdez settlement funds, at a cost of \$500 or more, and other sensitive items as defined by State and Federal procedures, will be monitored by the Trustee Council.

Agencies shall use normal agency procedures for identifying equipment. By December 31 of each year, agencies must report to the Administrative Director all such equipment which is still functioning or has value. Agencies must also report all such equipment which during the previous fiscal year ceased to function or have value. These pieces of equipment need not be reported in future years.

Pending legal consultation, additional detailed provisions governing the use and disposal of such equipment will be forthcoming.

FINANCE COMMITTEE CHARTER

Membership is composed of three State representatives, three Federal representatives, and the Administrative Director (ex officio). A representative is appointed by each Trustee Council member.

The Finance Committee reports to the Trustee Council. The Finance Committee is to develop necessary financial procedures, enforce adherence to those procedures adopted by the Trustee Council, and ensure that specific actions of the Administrative Director, Restoration Team and its working groups, and State and Federal agencies conducting activities funded through the Trustee Council, meet or exceed financial management standards for accountability, efficiency and effectiveness. Such standards may be customary or specifically established by the Trustee Council, but must be sufficient to maintain public trust.

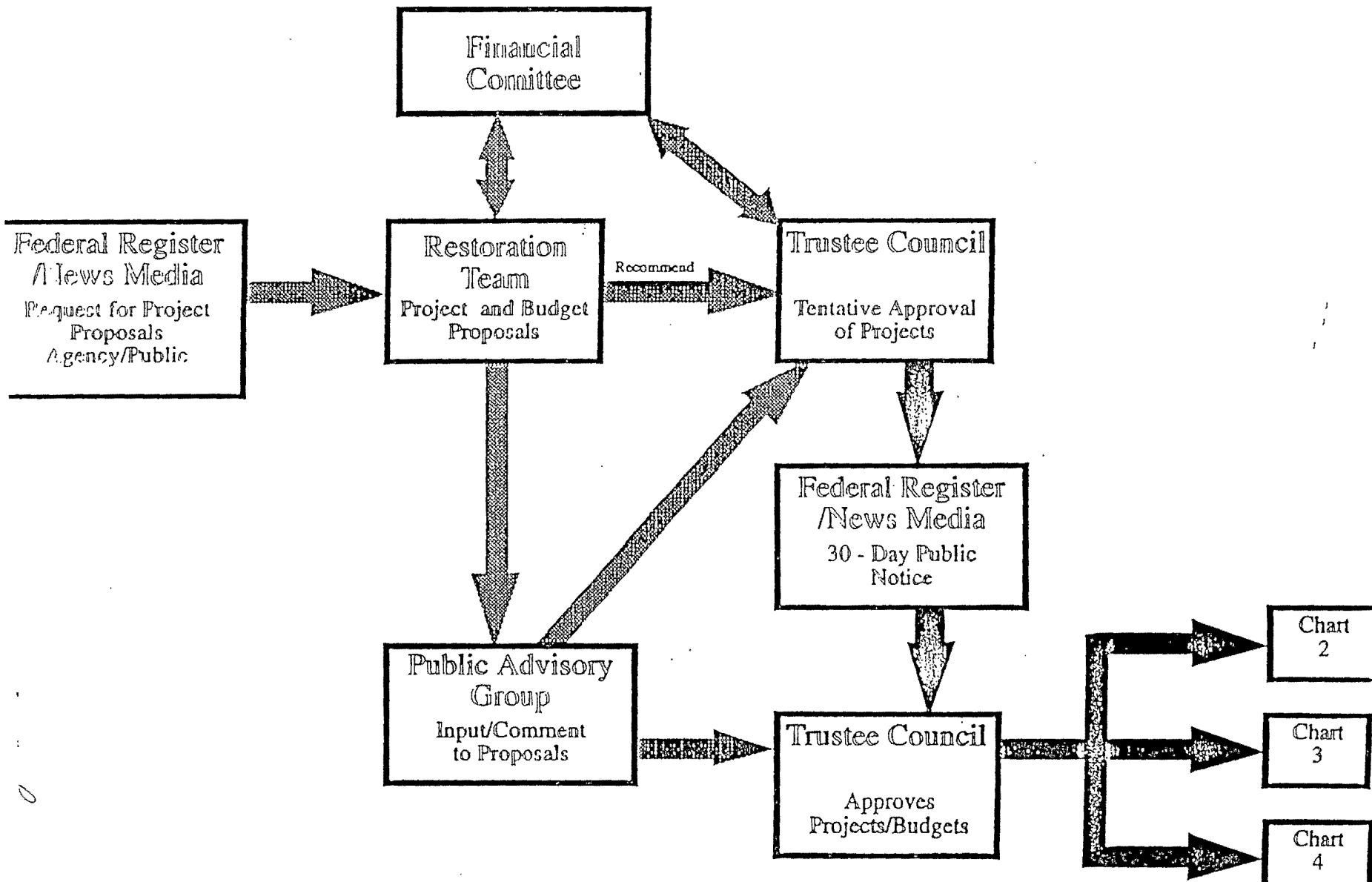
It is in the best interest of the Trustee Council that the Finance Committee, though independent of the Restoration Team, work cooperatively with the Restoration Team. The Restoration Team, whenever appropriate, will be informed of Finance Committee concerns and will be involved in remedying conditions giving rise to those concerns.

The Finance Committee is responsible for reporting directly to the Trustee Council on the following issues:

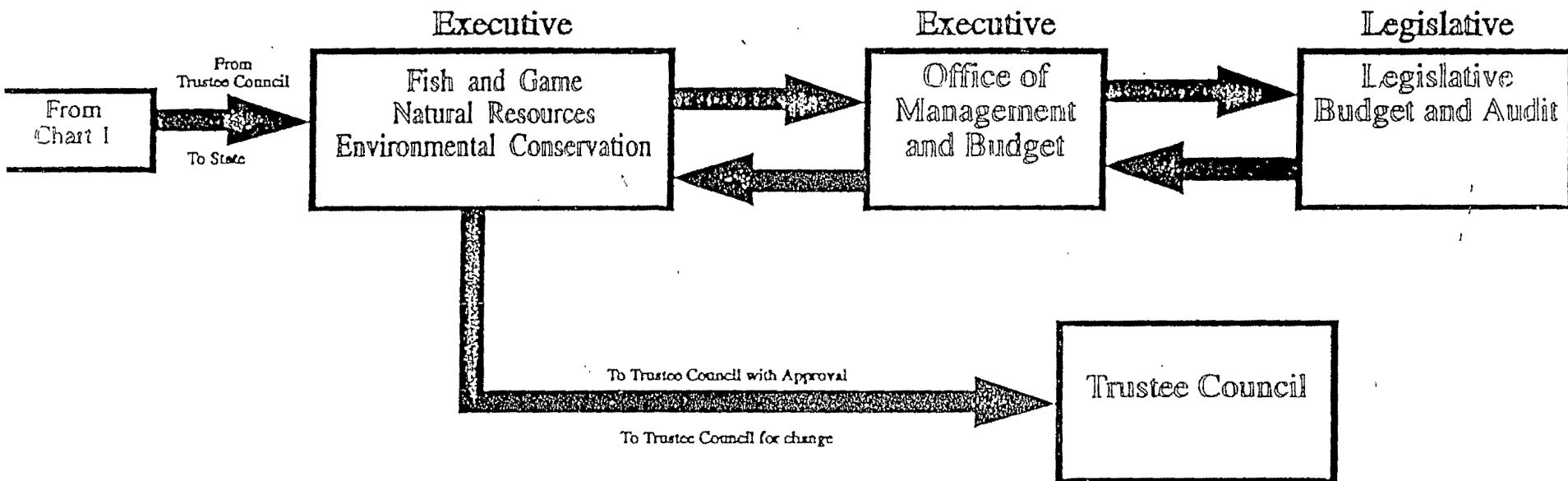
<u>Issue</u>	<u>When</u>
1. Recommend audits for scheduling, present a schedule of audits, report presence or absence of problems warranting Trustee Council attention.	Annually, by December 31
2. Ensure the proposed annual budget, information and documentation are reasonably complete, and agencies can reasonably carry out financial management of the project.	Annually, at the same time as the Restoration Team presents the proposed budget.
3. Ensure expenditure reporting is occurring as required, and there are no obvious discrepancies or difficulties with project implementation.	Quarterly, and annually
4. Report interest earned in NRDA&R Fund and State accounts.	Annually, by Dec. 31, and when funds are requested from the Court.
5. Propose amounts agencies should be reimbursed for past oil spill related costs, and required documentation on those costs.	1992

**APPENDIX A
FINANCIAL OPERATING PROCEDURES
FLOW CHARTS**

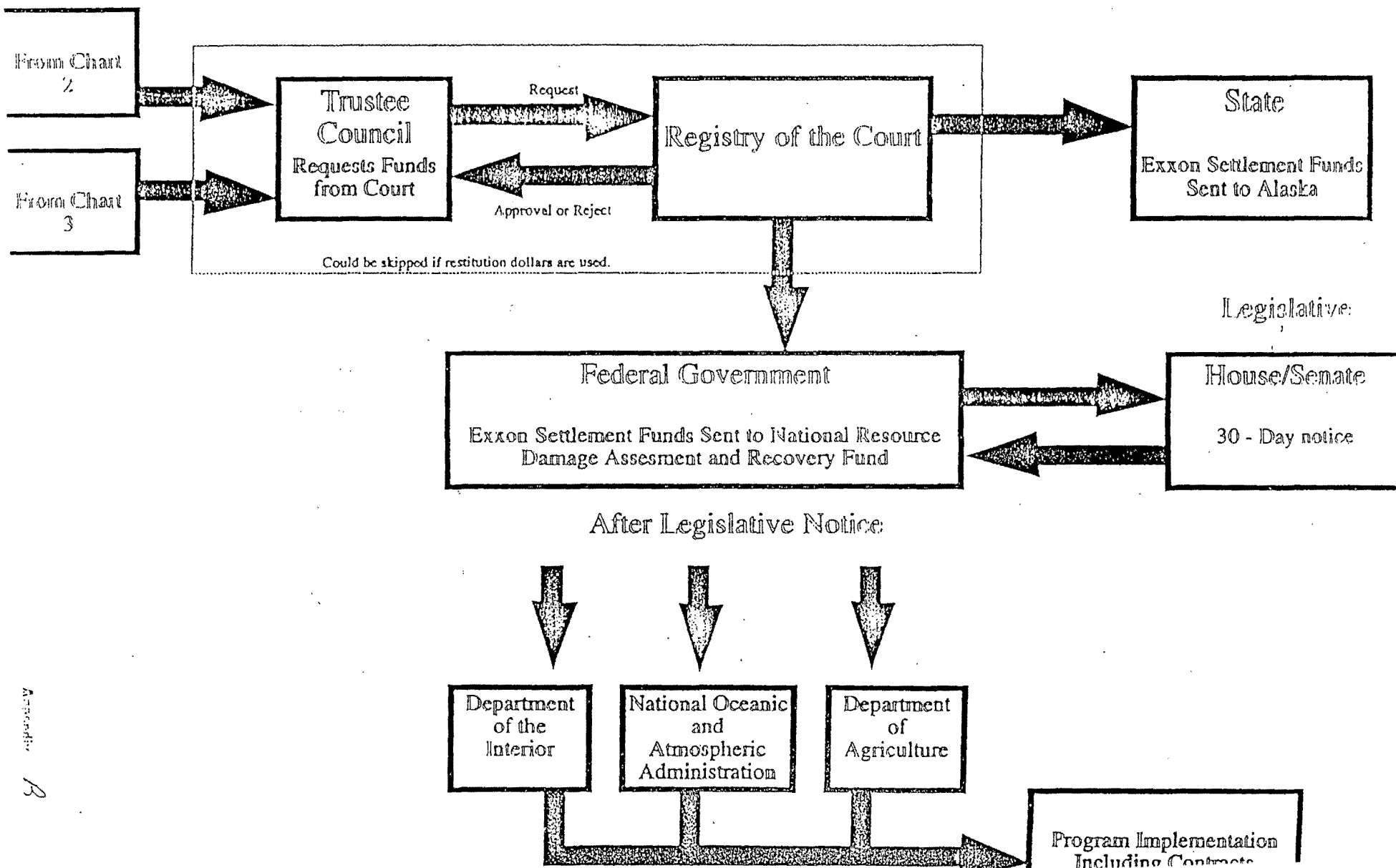
APPENDIX A
FINANCIAL OPERATING PROCEDURES
(CHART 1)



APPENDIX A
FINANCIAL OPERATING PROCEDURES: STATE PROCESS
(CHART 3)

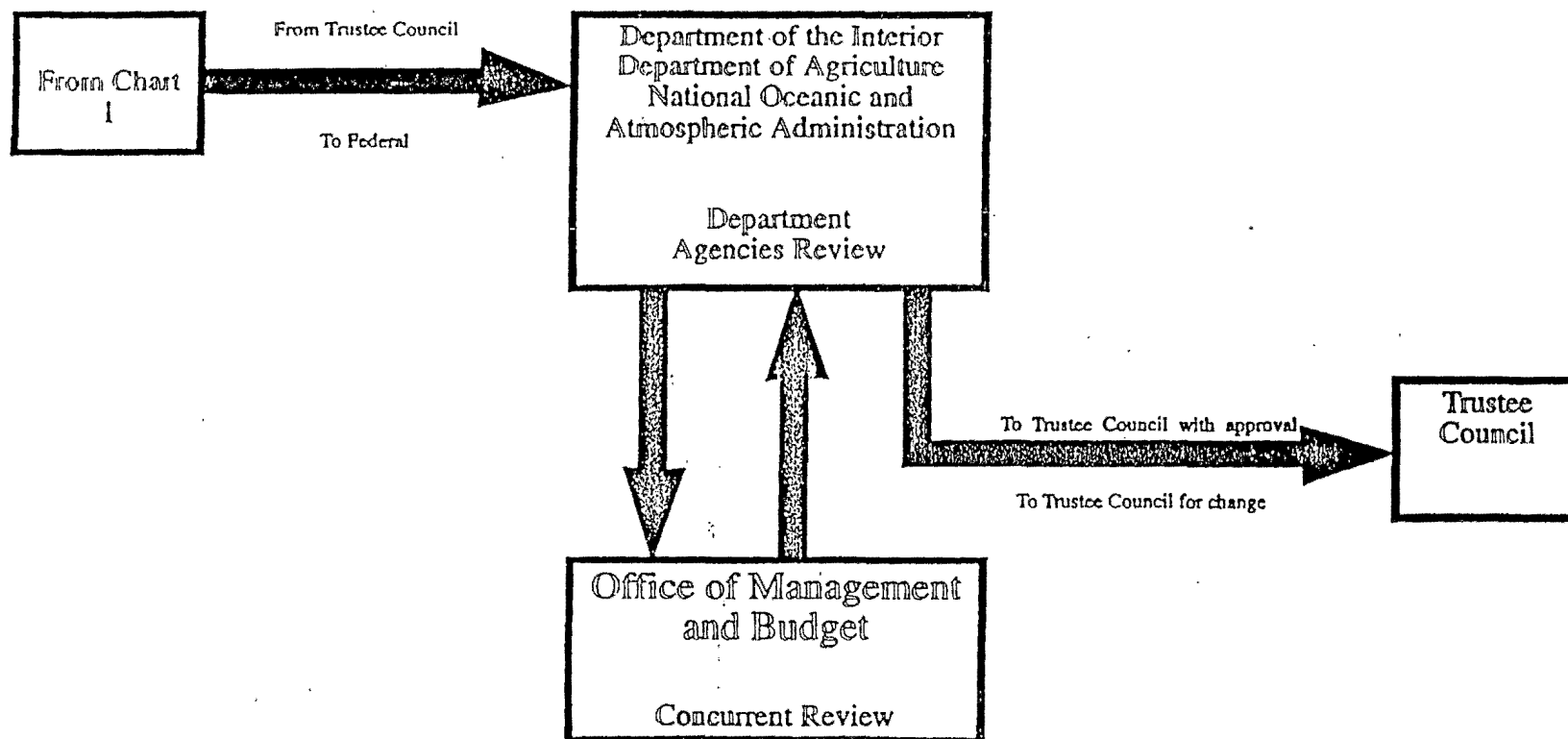


APPENDIX A
FINANCIAL OPERATING PROCEDURES
(CHART 4)



APPENDIX A
FINANCIAL OPERATING PROCEDURES: FEDERAL PROCESS
(CHART 2)

Executive



APPENDIX B

BUDGET FORMS

Budget forms, which will be used to display information for all projects proposed for funding through the Trustee Council, are shown on the following pages. Appropriate technical adjustments will be made every year.

EXXON VALD RUSTEE COUNCIL

Project Number	Project Title	Agency	Approved 1-Oct-92 28-Feb-93	Proposed 1-Mar-93 30-Sep-93	Total FY 93	

17-Jul-92

1993

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FORM 1A
PROJECT SUMMARY

EXXON VALLE TRUSTEE COUNCIL

Agency	Project Number	Project Title	Approved 1-Oct-92 28-Feb-93	Proposed 1-Mar-93 30-Sep-93	Total FY 93	

17-Jul-92

1993

page of

FORM 1B
AGENCY SUMMARY

EXXON VALD. TRUSTEE COUNCIL

Project Description:

Budget Category	Approved 1-Oct-92 28-Feb-93	Proposed* 1-Mar-93 30-Sep-93	Total FY 93	FY 94	FY 95	FY 96	FY 97	Sum FY 98 & Beyond
Personnel			\$0.0					
Travel			\$0.0					
Contractual			\$0.0					
Commodities			\$0.0					
Equipment			\$0.0					
Capital Outlay			\$0.0					
Sub-total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
General Administration			\$0.0					
Project Total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Full-time Equivalents (FTE)								
Amounts are shown in thousands of dollars.								

Budget Year Proposed Personnel:

Position	Months Budgeted	Cost	Comment
----------	--------------------	------	---------

* FY 93 is a transition year from the previously used oil fiscal year to the federal fiscal year. This new project also includes proposed funding for January and February, 1993.

17-Jul-92

1993

page of

Project Number:

Project Title:

Agency:

FORM 2A
PROJECT
DETAIL

EXXON VALD. TRUSTEE COUNCIL

Travel:

Contractual:

Commodities:

Equipment:

17-Jul-92

1993

page

of

Project Number:

Project Title:

Agency:

FORM 2B

PROJECT

DETAIL

EXXON VALD TRUSTEE COUNCIL

Project Description:

Budget Category	Approved 1-Oct-92 28-Feb-93	Proposed* 1-Mar-93 30-Sep-93	Total FY 93	FY 94	FY 95	FY 96	FY 97	Sum FY 98 & Beyond
Personnel			\$0.0					
Travel			\$0.0					
Contractual			\$0.0					
Commodities			\$0.0					
Equipment			\$0.0					
Capital Outlay			\$0.0					
Sub-total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
General Administration			\$0.0					
Project Total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Full-time Equivalents (FTE)								
Amounts are shown in thousands of dollars.								

Budget Year Proposed Personnel:

Position	Months Budgeted	Cost	Comment
----------	--------------------	------	---------

* FY 93 is a transition year from the previously used oil fiscal year to the federal fiscal year. This new project also includes proposed funding for January and February, 1993.

17-Jul-92

1993

page of

Project Number:
Project Title:
Sub-Project:
Agency:

FORM 3A
SUB-
PROJECT
DETAIL

Appendix

EXXON VALLE RUSTEE COUNCIL

Travel:

Contractual:

Commodities:

Equipment:

17-Jul-92

1993

page

of

Project Number:

Project Title:

Sub-Project:

Agency:

FORM 3B
SUB-
PROJECT
DETAIL

Nonprofit
8

APPENDIX C

STATE OF ALASKA PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

The State of Alaska adheres to an annual budget process, with the Governor required to release a draft annual budget plan on December 15 preceding the beginning of the fiscal year on July 1. Since the Trustee Council will approve projects for the period October 1 to September 30, the State will include in its budget process three months of one Federal fiscal year (July 1 to September) and nine months of the second Federal fiscal year (October 1 to June 30).

State of Alaska institutions are involved in the operations of the Trustee Council and the spending of settlement funds in three respects. First, heads of three executive branch agencies serve on the six-member Trustee Council. Second, members of the Alaska State Legislature have an interest in particular projects proposed for funding by the Trustee Council. Third, the Alaska State Legislature, in practice, authorizes all spending made by an executive branch agency, regardless of the source of the funds. The following process relates to the third aspect only.

After the Trustee Council makes its final budget decisions, the Alaska Office of Management and Budget will prepare, assisted if necessary by State agencies, documents reflecting Trustee Council approved spending plans for projects or sub-projects to be carried out by State agencies. These documents will include a project description, line-item proposed expenditures, and information on state employees to be paid from the project. No projects to be carried out by Federal agencies will be subject to the State review and notification process.

The budget documents will be submitted for approval to the Legislative Budget and Audit Committee, as prescribed in Alaska Statute 37.07.080 (h). Authorization to spend will be recorded in the Alaska State Accounting System. Accounting documents establishing authorization to spend will be prepared by the State agency responsible for carrying out the project or sub-project, and approved by the Office of Management and Budget.

Data on expenditures made in the prior budget year, the current year authorization to spend, and spending approved by the Trustee Council for the upcoming budget year will be provided to the Alaska State Legislature, for information, through the normal budget process. Normal budget documents will identify such past and proposed expenditures with a unique funding source code, and State employees to be paid from settlement funds will be identified along with the amount they will be paid from the settlement funds. Budget structure changes, such as new budget request units or budget components, may be created with approval from the Office of Management and Budget to consolidate Trustee Council projects and sub-projects.

APPENDIX D

FEDERAL GOVERNMENT PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

During budget formulation, the President establishes general budget guidelines (OMB annual guidance) and fiscal policy guidelines. Under a multi-year planning system, policy guidance and planning ceilings are given to agencies for both the upcoming budget year and for the four following years. The budget guidelines also provide the initial guidelines for preparation of agency budget requests.

ANNUAL BUDGET FORMULATION PROCESS

As a subset of this procedure, the Restoration Team will provide budget/program recommendations to the Trustee Council for consideration that will reflect the requirements for the upcoming fiscal year. (For the 1994 Federal budget, it is expected that budgetary information will be received from the Trustee Council beginning in June 1992.) These recommendations will include for each agency, a list of projects and their associated project numbers and costs, including multi-year costs. The project list will be used by the Restoration Team in making recommendations to the Trustee Council.

Upon approval of the projects by the Trustee Council, the Financial Committee will ensure that the preparation and submission of all Federal budget estimates are in accordance with OMB Circular A-11.

PRESENTATION

Presentation of the annual budget request should be consistent across Federal Trustee Agencies and in accordance with OMB Circular A-11. A new title and code will be established within the Departments of Agriculture, Commerce, and Interior. These title and code designations (referred to as "Budget Activity") will be solely dedicated to Exxon Valdez oil spill assessment and restoration activities.

The Budget Activity will have three sub-activities that will provide detailed justification required by OMB for inclusion in the Congressional budget submission. Exxon Valdez oil spill budgetary requirements will be displayed by the Federal Trustee Agencies in the budget justification materials as follows:

- * Activity: Exxon Valdez Restoration Program
- * Subactivity: Damage Assessment Program
- * Subactivity: Restoration Program
- * Subactivity: Administration

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Federal funds from the Court Registry will initially be transferred to and deposited in the Department of the Interior's (DOI) Natural Resource Damage Assessment and Restoration (NRDA&R) Fund. Therefore, the DOI annual budget estimate will reflect all Federal budgetary requirements anticipated at the time of submission for continuing activities, new activities, amounts necessary to meet specific financial liabilities imposed by law, and amounts to be transferred to Federal Trustees for Exxon Valdez oil spill-related program activities. The Federal Trustees will reflect in their individual budgets, the amount of the transfer from the NRDA&R Fund account, and will submit all required budget justification materials to OMB for clearance prior to transmittal to Congress.

CONTENT

Required budget materials for the initial and subsequent budget submissions are listed in OMB Circular A-11. These materials will be submitted in accordance with the detailed instructions in the sections indicated and the arrangements made by OMB representatives. OMB guidelines specify requirements that apply only to certain Federal Agencies or under certain circumstances.

FORMAT

As a general rule, approval for changes in budget structure should be requested by October 1, unless OMB specifies an earlier date. Changes in budget structure include establishment of new accounts, changes in account titles, account mergers, changes in the sequence of existing accounts, and new methods of financing. Specific information and format requirements will be determined in consultation with OMB representatives. Advance approval must be obtained before modifications are made to the standard justification material requirements used to present program and financial information.

CONGRESSIONAL NOTIFICATION

According to Public Law 102-229, which is dated December 12, 1991, "Making dire emergency supplemental appropriations...", among other provisions, provided "...That, for fiscal year 1992, the Federal Trustees shall provide written notification of the proposed transfer of such amounts to the Appropriations Committees of the House of Representatives and the Senate thirty days prior to the actual transfer of such amounts..."

"Such amounts" refers to amounts received by the United States for restitution and future restoration in settlement of United States v. Exxon Corporation and Exxon Shipping Company and deposited into the NRDA&R Fund prior to the transfer of funds to the other Federal Trustees and notice to OMB. Congressional notification will be by letter from the Federal Trustees to the Chairpersons of the House and Senate Appropriations Committees.

The notification will include, in summary form, an estimate of the Exxon settlement funds that are to be expended from the NRDA&R Fund by the Federal Trustees and the projects and activities for which the funds are to be used.

PL 102-229 also required "...That, for fiscal 1993 and thereafter, the Federal Trustees shall submit in the President Budget for each fiscal year the proposed use of such amounts."

Because this requirement was not incorporated into the President's 1993 Budget, due to time constraints, it is anticipated that the same requirement that was made for the Federal Trustees in 1992 will also be required by the Congress in 1993.

APPENDIX E

PROCEDURE FOR REQUESTING MONEY FROM THE COURT REGISTRY

The memorandum of agreement between the State and Federal governments requires a joint application to the Court for funds. The U.S. Department of Justice and the Alaska Department of Law will make the application upon authorization to do so by a unanimous vote of the Trustee Council. The Trustee Council will specify, in its vote, the amount to request from the Court for deposit in the Natural Resource Damage Assessment and Recovery (NRDA&R) Fund and the fund established by the State of Alaska. The Court will be asked to deliver monies separately to the two governments.

The Administrative Director shall assist, if necessary, the Department of Justice and the Department of Law prepare documents (primarily those concerning project descriptions) comprising the application for funds.

The Resolution Form (w/blanks) developed by State and Federal Attorneys is as follows:

RESOLUTION OF THE EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after numerous public meetings, unanimous agreement has been reached to expend funds received in settlement of United States of America v. Exxon Corporation, et al., No. A91-082 Civil, U.S. District Court for the District of Alaska, and State of Alaska v. Exxon Corporation, et al., No. A91-083 Civil, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment, restoration activities and administration from _____ to _____, according to the budgets appended hereto and totalling \$ _____. The moneys are to be distributed to the Trustee agencies according to the following schedule:

Alaska Department of Fish and Game \$
Alaska Department of Natural Resources
Alaska Department of Environmental Conservation
SUBTOTAL TO STATE OF ALASKA \$

U.S. Department of Agriculture \$
U.S. Department of the Interior
U.S. National Oceanic and Atmospheric Administration
SUBTOTAL TO UNITED STATES OF AMERICA \$

TOTAL BUDGET _____ to _____

We further certify that, by unanimous consent, we have requested the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$ _____ from the Court Registry account established as a result of the governments' settlement with the Exxon companies.

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

Dated _____
CHARLES E. COLE
Attorney General
State of Alaska

Dated _____
CURTIS V. McVEE
Special Assistant
U.S. Department of the Interior

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

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

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

APPENDIX F

ADDITIONAL FINANCIAL POLICIES AND PROCEDURES PERTAINING TO THE FEDERAL TRUSTEE DEPARTMENTS AND AGENCIES

As a result of differing financial/accounting policies and procedures utilized by the Federal and State governments, these additional policies set forth in this appendix apply solely to the Federal Trustee departments and agencies.

ANNUAL CERTIFICATION

Financial operating procedures and controls will be certified annually, similar to the process required by the Federal manager's Financial Integrity Act, the OMB Circular on Internal Control Systems. All Federal agencies and bureaus utilizing settlement funds will certify as of September 30, that such agency has operated in accordance with the financial operating procedures and that related controls have been implemented, and that based upon testing performed, the agency can provide reasonable assurance that financial operating procedures and controls are being complied with and are functioning as intended. This report will be completed annually, by October 31st. Such certification will take the form of a memorandum or letter, from each agency, to the Administrative Director for presentation to the Trustee Council and is available for public inspection.

BUDGET IMPLEMENTATION

For Federal agencies, the authority to move funds between object classes within a project is limited to a cumulative amount of \$25,000 or up to 10% of the annual spending level for that project. For amounts of greater value, the procedures for approval by the Trustee Council shall apply (see paragraphs b) and c) at page 4).

AUDITS

An important objective of the Federal Chief Financial Officers Act is the identification of performance measures and the systematic measurement and reporting of performance in each project or activity undertaken. Therefore, project plans are periodically assessed. Then, the project managers should self-certify that the results were achieved.

Finally, when audits of projects are conducted specific procedures, to be recommended by the Finance Committee, should be incorporated in the audit program to review and express an opinion on the accuracy of certified performance. All Federal agencies using settlement funds will self-certify projects (for its files only) at the end of each fiscal year.

ATTACHMENT C

Payment to the United States

1. Payment should be in the amount of \$3,074,028.46.
2. The check should be made payable to the Department of the Interior and must contain the reference: "Exxon Valdez Oil Spill Settlement Funds from Federal/State of Alaska Joint Fund".
3. A representative of the United States Department of Justice will obtain the check at the Clerk's office.

Payment to the State of Alaska

1. Payment should be in the amount of \$3,493,225.31.
2. The check should be made payable to the State of Alaska.
3. A representative of the Department of Law for the State of Alaska will obtain the check at the Clerk's office.

Lodged

JAN 19 1993

FILED

JAN 25 1993

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

.....Deputy

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
COMPANY, and EXXON PIPELINE COMPANY,
et al., in personam, and the T/V
EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil

ORDER RE SECOND
DISBURSEMENT FROM
SETTLEMENT ACCOUNT

Pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. § 2401, and Local Rule 27(B), and in accordance with the terms of the Agreement and Consent Decree between the United States, the State of Alaska, and defendants Exxon Corporation and Exxon Shipping Company (collectively referred to, together with the T/V EXXON VALDEZ, as "Exxon"), and Exxon Pipeline Company, entered by this Court on October 8, 1991, and the terms of the Memorandum of Agreement and Consent Decree between the

ORDER RE SECOND DISBURSEMENT
FROM SETTLEMENT ACCOUNT -1

905.15-
A. H. H.

State of Alaska and the United States in Civil Action No. A91-081 CIV, entered by this Court on August 28, 1991,

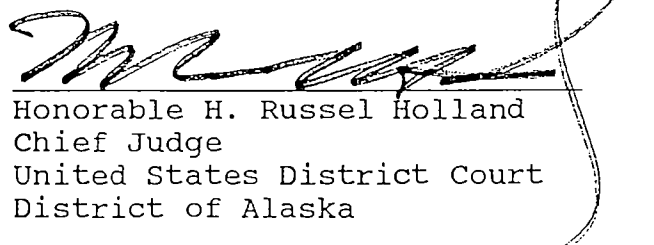
IT IS HEREBY ORDERED that the amount of \$3,074,028.46 shall be disbursed to the United States from the EXXON VALDEZ Oil Spill Settlement Account ("Account") established in the Court Registry Investment System administered through the United States District Court for the Southern District of Texas; and

IT IS ORDERED that the payee, United States Department of the Interior, is different than the depositor of the funds, Exxon; and

IT IS ORDERED that the disbursement shall be paid from the principal deposited into the Account and that no one is entitled to the accumulated interest at this time, which interest shall therefore remain in the Account; and

IT IS ORDERED that the disbursed funds shall be used for the purposes described in the Joint Application For Second Disbursement From Settlement Account and its accompanying attachment.

DATED: Jan 22, 1993


Honorable H. Russel Holland
Chief Judge
United States District Court
District of Alaska

cy: J. Bottini(AUSA)
C. Flynn
Financial Deputy

VICKI A. O'MEARA
Acting Assistant Attorney General
WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
Washington, D.C. 20530

REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
645 G Street
Anchorage, Alaska 99501
(907) 278-8012

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
COMPANY, and EXXON PIPELINE COMPANY,
et al., in personam, and the T/V
EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil

CERTIFICATE OF SERVICE

I, Regina R. Belt, hereby certify that I have served a true copy of the foregoing NOTICE OF SECOND WITHDRAWAL FROM SETTLEMENT ACCOUNT, JOINT APPLICATION FOR SECOND DISBURSEMENT FROM SETTLEMENT ACCOUNT, and proposed ORDER RE SECOND DISBURSEMENT FROM SETTLEMENT ACCOUNT on the following persons this 19th day of January, 1993 by deposit of same in United States first class mail, postage prepaid except as noted below:

Craig Tillery
Assistant Attorney General
State of Alaska
1031 West Fourth Avenue Suite 200
Anchorage, Alaska 99501-1994

James F. Neal, Esq.
Neal & Harwell
2000 One Nashville Place
150 Fourth Avenue North
Nashville, Tennessee 37219

Robert C. Bundy, Esq.
Bogle & Gates
1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501

Patrick Lynch, Esq.
O'Melveny & Meyers
400 South Hope Street
Los Angeles, California 90071

John F. Clough III, Esq.
Clough & Associates
431 North Franklin St., Suite 202
Juneau, Alaska 99801

In addition, I have served by telefax transmission a copy of
the NOTICE OF SECOND WITHDRAWAL FROM SETTLEMENT ACCOUNT on:

Kathleen Riska, Financial Deputy (by telefax transmission)
Office of the Clerk
United States District Court
Southern District of Texas
FAX: (713) 250-5350

and hand-delivered a copy of said NOTICE OF SECOND WITHDRAWAL FROM
SETTLEMENT ACCOUNT on:

Clerk of the Court
United States District Court
District of Alaska
222 West Seventh Avenue
Anchorage, Alaska 99513

Date: 1-19 93

Regina R. Belt
Regina R. Belt
United States Department of Justice
645 G Street
Anchorage, Alaska 99501
(907) 278-8012

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APR 01 1995

RESOLUTION OF THE EXXON VALDEZ OIL SPILL
EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

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

1. The Seldovia Native Association owns lands within Kachemak Bay State Park ("park inholdings"), consisting of approximately 23,802 acres and more particularly described in Attachment A. These inholdings were selected pursuant to the Alaska Native Claims Settlement Act. The timber rights for the inholdings are held by the Timber Trading Company and the subsurface rights by Cook Inlet Region, Inc. ("CIRI"). The subsurface rights held by CIRI are not entirely coextensive with the surface rights due to minor exchanges between the State and CIRI.

2. The park is within the oil spill affected area and the tidelands adjoining the park inholdings were oiled in 1989.

3. A substantial portion of the park inholdings are threatened with imminent clearcut logging. Permit applications are pending for the logging of 5900 acres. Additional acreage is also subject to the threat of logging. The majority of threatened lands are coastal lands surrounding China Poot and Neptune Bays with smaller parcels at the head of Sadie Cove. Logging may commence on these lands during the 1993 season.

4. The park inholdings provide exceptional services to recreational users. Much of the recreational use is concentrated on or adjacent to the park's near shore waters and tidelands including areas which were oiled in 1989. Activities include pleasure boating, sport fishing for silver, pink and sockeye salmon, winter king salmon fishing, recreational dipnetting, clam digging, shrimping, kayaking, crabbing, beachcombing, photography, hiking, mountain bike riding, and wildlife observation. Logging would further impact these services.

5. The park inholdings include important habitat for several species of wildlife for which significant injury has been documented. There is substantial evidence that the park inholdings at Neptune and China Poot Bays are particularly important marbled murrelet nesting areas. The extent to which marbled murrelets are naturally recovering is unknown. Harlequin ducks, a species which continues to suffer injury, nest and forage in the China Poot drainage. Logging would directly effect these activities and hence rehabilitation of these two species. Restoration of black oyster catchers and river otters, which use shore lines adjacent to uplands slated for logging, would be impacted by logging. Harbor seal haul outs, numerous archeological sites, anadromous fish streams and intertidal and subtidal biota are all found in

substantial quantity in the threatened areas and would be impacted. Sea otters in China Poot Bay may be impacted by the increased logging activity. A murre colony on Gull Island which is immediately offshore from the timber harvest area will likely be impacted by the increased disturbance that attends any logging operation. Murres and sea otters were injured by the oil spill and do not yet appear to be recovering.

6. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammals Protection Act, are intended, under normal circumstances, to protect resources from serious adverse affects from logging and other developmental activities. However, restoration, replacement and enhancement of resources injured by the EXXON VALDEZ oil spill present a unique situation. Without passing on the adequacy or inadequacy of existing law and regulation to protect resources, biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill affected area to levels above and beyond that provided by existing law and regulation will likely have a beneficial affect on recovery of injured resources and lost or diminished services.

7. There has been widespread public support for the acquisition of the park inholdings.

8. The purchase of the park inholdings is an appropriate means to restore injured resources and services in the Kachemak Bay region.

9. Approximately 7,500 acres of land, identified by an underlined marking on Attachment A, have been specifically identified as having both high natural resource or service values and as being immediately threatened with logging. This acreage has an estimated value of approximately \$7,500,000 to \$8,400,000.

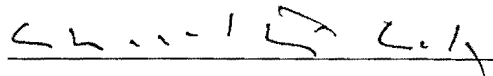
THEREFORE, we request the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$7,500,000 from the EXXON VALDEZ Oil Spill Settlement Account ("Exxon Settlement Account") established in the Court Registry Investment System as a result of the governments' settlement with the Exxon companies. These funds shall be paid into the Alyeska Settlement Fund established by the State of Alaska as required in the Alyeska Settlement Agreement, and, together with the interest thereon, used to purchase fee simple title to the park inholdings. Title to the land shall be granted to the State of Alaska for inclusion of the lands in the Kachemak Bay State Park. The use of these funds is conditioned as follows: (1) the purchase must be completed by December 31, 1993; (2) the total purchase price may not exceed \$22,000,000; and (3)

the park inholdings must be purchased in fee simple title including all timber and all subsurface rights. If any of these conditions is not met the funds shall be returned, together with accrued interest, to the Exxon Settlement Account.

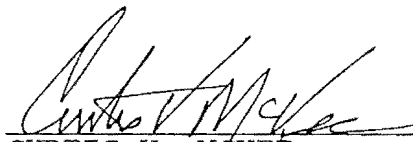
Dated this 11th Day of December, 1992 at Anchorage, Alaska.



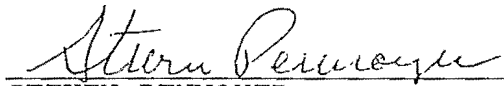
MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service



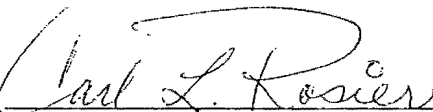
CHARLES E. COLE
Attorney General
State of Alaska



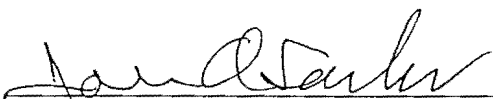
CURTIS V. MCVEE
Special Assistant to the
Secretary
U.S. Department of the Interior



STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service



CARL L. ROSIER
Commissioner
Alaska Department of
Fish and Game



JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

ATTACHMENT A

SNA LANDS TO BE ACQUIRED BY STATE

* All land described below is within Seward Meridian and is identified in BLM Interim Conveyances 139, 304, 372

<u>Parcel</u>	<u>Legal Description</u>	<u>Approximate Acreage</u>
1	Township 7 South, Range 12 West	
A.	Sec. 13 (fractional): W 1/2 NE 1/4 NW 1/4 NE 1/4, SE 1/4 NW 1/4 NE 1/4, W 1/2 NW 1/4 NE 1/4, S 1/2 NE 1/4 NW 1/4, S 1/2	575
B.	<u>Sections 22 (fractional): excluding Lot 1 of USS 3606</u>	370
C.	<u>Section 29: excluding USS 4738, ADL 41084-41085 located in NW 1/4 SW 1/4</u>	410
D.	<u>Section 30: excluding USS 3912, USS 3977 Tracts A, C, D, ASLS 76-114, ADL 41704, located in SW 1/4 SW 1/4</u>	408
E.	<u>Sections 19 (fractional), 20 (fractional), 21 (fractional), 23 (fractional), 24 (fractional), 25 (fractional), 27 (fractional), 28, 31, 32, 33, 34, 35: All</u>	6,049
F.	Section 27 (fractional), 26, 36: All	1,580
2	Township 8 South, Range 12 West	
A.	Sections 1, 2, 3, 4, 7, (fractional), 8 (fractional) 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28: All	12,385
B.	Section 5 (fractional): excluding ADL 49431 located in the W 1/2 W 1/2 SW 1/4	615
C.	Section 6 (fractional): excluding ADL 48787 and ADL 49431 located in the E 1/2 SW 1/4; ADL 46149, ADL 46150, ADL 46151, ADL 46152, ADL 46153, and ADL 46650 located in the N 1/2, SE 1/4; and ADL 41043 located in the SW 1/4 NE 1/4 and NW 1/4 SE 1/4	300
D.	Section 16 (fractional): excluding ADL 46773 located in the SW 1/4 SW 1/4	615
E.	Section 21 (fractional): excluding ADL 47665 located in the SW 1/4 NW 1/4, ADL 41036 located in the N 1/2 SW 1/4, ADL 41300 located in the S 1/2 SW 1/4	495
Cumulative Total		23,802

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EDMON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

1993 WORK PLAN

SUMMARY RECOMMENDATION MATRIX INCLUDING TRUSTEE COUNCIL ACTIONS

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93002 - Sockeye Overescapement	Recommended Y-5 N-1	Recommended	Recommended Y-9 N-5	Approved ¹	\$ 714,600
93003 - Pink Salmon Egg to Pre-emergent Fry Survival in PWS	Unanimously Recommended	Recommended	Unanimously Recommended	Approved	\$ 686,000
93004 - Documentation, Enumeration and Preservation of Genetically Discrete Wild Populations of Pink Salmon Impacted by EVOS in PWS	Recommended Y-5 N-1	Enhancement Project	Recommended Y-8 N-3 A-2	Not Approved	-----

¹ Approved contingent upon review of potential modifications resulting from sockeye synthesis (peer review) meeting in March and a detailed review of the overall budget by ADF&G and discussion at the next Trustee Council meeting. Only essential commitments should be expended until that time.

PROJECT Number and Brief Description	RESTORATION TEAM	CHIEF SCIENTIST	PUBLIC ADVISORY GROUP	TRUSTEE COUNCIL ACTION	APPROVED '93 BUDGET INFORMATION
Recommended/ Not Recommended	Recommended/ Not Recommended	Recommended/ Not Recommended	Recommended/ Not Recommended	Approved/ Not Approved/ Withdrawn	
93005 - Cultural Resources, Information, Education and Interpretation	Unanimously Recommended	No Opinion	Recommended with Qualifications	Not Approved	-----
93006 - Site-Specific Archeological Restoration	Unanimously Recommended	Recommended	Recommended with Qualifications	Approved	\$ 260,100
93007 - Archeological Site Stewardship Program	Unanimously Recommended	No Opinion	Recommended with Qualifications	Not Approved	-----
93008 - Archeological Site Patrol and Monitoring	Unanimously Recommended	No Opinion	Recommended with Qualifications	Not Approved	-----
93009 - Public Information, Education and Interpretation	Recommended Y-5 N-1	No Opinion	Recommended with Qualifications	Not Approved	-----
93010 - Reduce Disturbance Near Murre Colonies Showing Indications of Injury From the EVOS	Not Recommended Tie Vote Y-3 N-3	Recommended	Unanimously Not Recommended	Not Approved	-----

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93011 - Develop Harvest Guidelines to Aid Restoration of River Otters and Harlequin Ducks	Recommended Y-5 N-1	Recommended	Recommended Y-9 N-3 A-1	Deferred until 2/16/93 Meeting ¹	To be Determined
93012 - Genetic Stock Identification of Kenai River Sockeye Salmon	Recommended Y-5 N-1	Recommended	Unanimously Recommended Look at reducing budget combine with 93015	Approved ¹	\$ 300,600
93014 - Quality Assurance for Coded-Wire Tag Application in Fish Restoration Projects	Not Recommended Tie Vote Y-3 N-3	Enhancement Project	Unanimously Not Recommended	Withdrawn	-----
93015 - Kenai River Sockeye Salmon Restoration	Recommended Y-5 N-1	Recommended	Unanimously Recommended Look at reducing budget	Approved ¹	\$ 732,600

¹ Approved contingent upon review of potential modifications resulting from sockeye synthesis (peer review) meeting in March and a detailed review of the overall budget by ADF&G and discussion at the next Trustee Council meeting. Only essential commitments should be expended until that time.

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93016 - Chenega Chinook and Coho Salmon Release Program	Recommended Y-5 N-1	No Opinion	Unanimously Recommended Increase budget to \$50.9K to cover Hatchery costs	Deferred until NEPA Completed Evaluate at next 2/16/93 meeting	To be Determined
93017 - Subsistence Food Safety Survey and Testing Restoration Project	Unanimously Recommended	No Opinion	Unanimously Recommended More local community involvement	Approved with Modifications Remove \$53.5 for Transportation Costs	\$ 307,100
93018 - Enhanced Management for Wild Stocks in PWS, Special Emphasis on Cutthroat Trout and Dolly Varden	Recommended Y-5 N-1	Not Recommended	Unanimously Recommended	Not Approved	-----
93019 - Chugach Region Village Mariculture Project	Unanimously Not Recommended	Not Recommended	Recommended Y-8 N-4 Contingent upon legal approval	Not Approved	-----

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93020 - Bivalve Shellfish Hatchery and Research Center	Not Recommended Tie Vote Y-3 N-3	Recommended Closer Study for Feasibility	Unanimously Recommended Contingent upon legal review	Not Approved	-----
93022 - Evaluating the Feasibility of Enhancing Productivity of Murres by Using Decoys, Dummy Eggs and Recordings of Murre Calls to Simulate Normal Densities at Breeding Colonies Affected by EVOS and Monitoring the Recovery of Murres in the Barren Islands	Unanimously Recommended	Recommended	Unanimously Not Recommended	Approved Monitoring Component only	\$ 177,200
93024 - Restoration of the Coghill Lake Sockeye Salmon Stock	Recommended Y-5 N-1	Enhancement Project	Unanimously Recommended	Deferred until 2/16/93 meeting	To be Determined
93025 - Montague Island Chum Salmon Restoration	Recommended Y-5 N-1	Enhancement Project	Unanimously Recommended	Not Approved	-----
93026 - Fort Richardson Hatchery Water Pipeline	Not Recommended Tie Vote Y-3 N-3	No Opinion	Recommended Y-9 N-4	Not Approved	-----

PROJECT Number and Brief Description	RESTORATION TEAM	CHIEF SCIENTIST	PUBLIC ADVISORY GROUP	TRUSTEE COUNCIL ACTION	APPROVED '93 BUDGET INFORMATION
	Recommended/ Not Recommended	Recommended/ Not Recommended	Recommended/ Not Recommended	Approved/ Not Approved/ Withdrawn	
93028 - Restoration and Mitigation of Wetland Habitats for Injured PWS Fish and Wildlife Species	Recommended Y-5 N-1	Enhancement Project	Not Recommended Y-3 N-8	Not Approved	-----
93029 - PWS Second Growth Management	Recommended Y-5 N-1	Enhancement Project	Tie Vote Y-5 N-5 A-1	Withdrawn	-----
93030 - Red Lake Restoration	Recommended Y-5 N-1	Recommended	Unanimously Recommended	Deferred until 2/16/93 meeting	To be Determined
93031 - Red Lake Mitigation for Red Salmon Fishery	Recommended Y-5 N-1	No Opinion	Recommended Y-10 N-1 A-2	Not Approved	-----
93032 - Pink and Cold Creek Pink Salmon Restoration	Recommended Y-5 N-1	Enhancement Project	Recommended Y-12 N-1 Consult w/ Landowner	Not Approved	-----
93033 - Harlequin Duck Restoration Monitoring Study in PWS, Kenai and Afognak Oil Spill Areas	Unanimously Recommended	Recommended	Unanimously Recommended	Approved at Reduced Level	\$ 300,000
93034 - Pigeon Guillemot Colony Survey	Recommended Y-5 N-1	Recommended	Unanimously Recommended	Approved	\$ 165,800

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93035 - Potential Impacts of Oiled Mussel Beds on Higher Organisms: Contamination of Black Oystercatchers Breeding on Persistently Oiled Sites in PWS	Unanimously Recommended	Recommended	Unanimously Recommended	Approved	\$ 107,900
93036 - Recovery Monitoring and Restoration of Intertidal Oiled Mussel Beds in PWS and the GOA Impacted by EVOS	Unanimously Recommended	Recommended	Unanimously Recommended	Approved	\$ 404,800
93038 - Shoreline Assessment	Unanimously Recommended	Recommended	Unanimously Recommended	Approved	\$ 524,200
93039 - Herring Bay Experimental and Monitoring Studies	Unanimously Recommended	Recommended	Recommended Y-12 N-0 A-1 Look at reducing budget	Approved	\$ 507,500
93041 - Comprehensive Restoration Monitoring Program Phase 2: Monitoring Plan Development	Unanimously Recommended	Recommended	Recommended Y-8 N-4 A-1	Approved	\$ 237,900
93042 - Recovery Monitoring of PWS Killer Whales Injured by EVOS Using Photo Identification Techniques	Recommended Y-4 N-2 At the request of the Trustee Council	Enhancement Project	Unanimously Recommended	Approved	\$ 127,100

PROJECT Number and Brief Description	RESTORATION TEAM	CHIEF SCIENTIST	PUBLIC ADVISORY GROUP	TRUSTEE COUNCIL ACTION	APPROVED '93 BUDGET INFORMATION
	Recommended/ Not Recommended	Recommended/ Not Recommended	Recommended/ Not Recommended	Approved/ Not Approved/ Withdrawn	
93043 - Sea Otter Population Demographics and Habitat Use in Areas Affected by EVOS	Recommended Y-5 N-1	Recommended with reduced budget	Recommended Look at contracting Y-8 N-5	Approved	\$ 291,900
93045 - Surveys to Monitor Marine Bird and Sea Otter Populations in PWS During Summer and Winter	Unanimously Recommended	Recommended	Previously Approved by Trustee Council	Previously Approved 12/11/92	\$ 262,400
93046 - Habitat Use, Behavior and Monitoring of Harbor Seals in PWS, Alaska	Unanimously Recommended	Recommended	Unanimously Recommended Look at more local involvement	Approved	\$ 230,500
93047 - Subtidal Monitoring: Recovery of Sediments, Hydrocarbon-degrading Microorganisms, Eelgrass Communities and Fish in the Shallow Subtidal Environment	Unanimously Recommended	Recommended	Recommended Y-12 N-0 A-1 Look at reducing costs	Approved	\$ 1,000,800
93050 - Update: Restoration Feasibility Study #5 (Identification and Recordation of Information Sources Relevant to Land and Resources Affected by EVOS)	Not Recommended Tie vote Y-3 N-3	Recommended	Agency will do work with existing in-house funding	Withdrawn	-----

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93051 - Habitat Protection Information for Anadromous Streams and Marbled Murrelets	Unanimously Recommended	Recommended with removal of channel typing	Recommended with removal of channel typing portion Y-9 N-4	Approved	\$ 1,222,300
93052 - Identification and Protection of Important Bald Eagle Habitats	Unanimously Not Recommended	Not Recommended	Not Recommended Y-3 N-8	Withdrawn	-----
93053 - Hydrocarbon Data Analysis, Interpretation and Database Maintenance for Restoration and NRDA Environmental Samples Associated with the EVOS	Unanimously Recommended	Recommended	Unanimously Recommended	Approved	\$ 105,500
93057 - Damage Assessment GIS	Unanimously Recommended	Recommended	Unanimously Recommended	Approved	\$ 67,500
93059 - Habitat Identification Workshop	Unanimously Recommended	Recommended	Previously approved by the Trustee Council	Previously Approved 12/11/92	\$ 42,300
93060 - Accelerated Data Acquisition	Unanimously Recommended	Recommended	Previously approved by the Trustee Council	Previously Approved 12/11/92	\$ 43,900

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93061 - New Data Acquisition	Unanimously Recommended	Recommended	Recommended Y-11 N-2	Rolled into 93064	-----
93062 - Restoration GIS	Unanimously Recommended	Recommended	Unanimously Recommended	Approved	\$ 123,300
93063 - Survey and Evaluation of Instream Habitat and Stock Restoration Techniques for Anadromous Fish	Unanimously Recommended	Enhancement Project	Unanimously Recommended	Approved	\$ 59,400
93064 - Habitat Protection Fund	Unanimously Recommended	Recommended	Recommended PAG request review before acquiring parcels Y-10 N-1 A-2	Approved ^{1,2}	\$20,000,000

¹ Now includes 93061.

² Funds for Kachemak Purchase included in the Project.

PROJECT Number and Brief Description	RESTORATION TEAM Recommended/ Not Recommended	CHIEF SCIENTIST Recommended/ Not Recommended	PUBLIC ADVISORY GROUP Recommended/ Not Recommended	TRUSTEE COUNCIL ACTION Approved/ Not Approved/ Withdrawn	APPROVED '93 BUDGET INFORMATION
93 AD - Administrative Director's Office	Unanimously Recommended	-----	Increase Public Advisory Group Budget to \$225,000	Approved Long-Term contracts and 3 months funding for the rest pending further Trustee Council Review	\$ 1,501,000
93 FC - Finance Committee	Unanimously Recommended	-----	-----		\$ 45,000
93 RT - Restoration Team Support	Unanimously Recommended	-----	-----		\$ 1,232,900

1993 Additional Projects
Recommended by the
Public Advisory Group
on 1/7/93

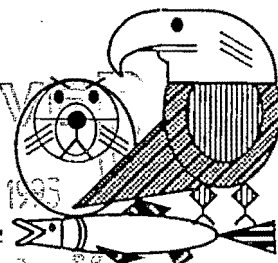
<u>Project</u>	<u>Cost</u>
1 ¹ . Planning for expansion of the Kodiak Industrial Technology Center Public Idea #310 VOTE: Y-7 N-4 A-1	\$ 100,000
2 ¹ . First phase construction of a Kodiak Archeological Museum Public Idea #298-17 VOTE: Unanimously Recommended	800,000
3 ¹ . Prince William Sound Herring Damage Assessment Vote: Unanimously Recommended	237,889
4 ¹ . Prince William Sound Pink Salmon Coded Wire Tag Project Vote: Y-7 N-4	773,600
5 ¹ . Prince William Sound Chum, Sockeye, Coho and Chinook Salmon Coded Wire Tag Project VOTE: Y-9 N-2	<u>249,590</u>
TOTAL	\$ 2,161,079

¹ All of these projects were deferred.

14.2.3 B

Exxon Valdez Oil Spill Trustee Council

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



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APR 01 1993
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

TO: Trustee Council

FROM: Dave R. Gibbons *DRG*
Interim Administrative Director

SUBJECT: Prince William Sound Recreation

At the January 20, 1993 Trustee Council meeting, the Alaska Department of Environmental Conservation and U.S. Forest Service representatives to the Restoration Team were directed to develop, for the February 16 Trustee Council meeting, a proposal for implementing recreation restoration options identified for inclusion in the Draft Restoration Plan.

Enclosed is the Restoration Team's proposal for developing recreation project proposals for inclusion in the Draft 1994 Work Plan and beyond.

PRINCE WILLIAM SOUND RECREATION

INTRODUCTION

Prince William Sound, the site of the Exxon Valdez oil spill, is surrounded by the Chugach National Forest. There are seven Alaska State Marine Parks, six proposed marine parks and large tracks of private land, primarily in native ownership within the sound. Prince William Sound offers numerous recreation opportunities, ranging from ocean touring kayaks to large cruise ships. The western part of Prince William Sound lies within the congressionally designated Nellie Juan and College Fiord Wilderness Study Areas and is administered by the Forest Service for its wilderness values.

Both the Chugach National Forest Land Management Plan and the Prince William Sound Area Plan for State Lands emphasize recreation uses within Prince William Sound. Private landowners are also interested in developing recreation opportunities on their lands.

Immediately after the oil spill use by both commercial and non-commercial recreation use decreased. While there is no studies documenting continued reduced levels of recreation use, public perceptions remain that the area has been changed and some tour operators indicate their business has still not returned to pre-spill levels.

WHAT

A small group of recreation experts will be formed to work with the Restoration Team to provide advice and information to the Trustee Council on:

1. Development of an integrated approach for implementing restoration options for recreation in Prince William Sound.

There is an obvious conflict between user groups on the development of any recreation facilities or opportunities that has become apparent in reviewing public input into the development of recreation options for the Restoration Plan. Reaching consensus amongst user groups on appropriate projects and locations is central to this goal. A similar approach to dealing with recreation restoration options for the rest of the oil spill area may be appropriate at a later date.

2. Evaluate recreation management in the Sound to emphasize the world class recreation opportunities available which may include State and/or Federal special recreation designation.

Task 1 objectives:

1. Assemble and evaluate current information and public comment on the recreation opportunities in Prince William Sound.
2. Coordinate opportunities for recreation development with the various public and private land managers, recreation service providers and users in Prince William Sound and build consensus for implementing restoration options.
3. Develop integrated recreation project proposals for FY 1994 and beyond.

Task 2 objectives:

1. Identify the steps and/or procedures for state and federal special designations for any or all of Prince William Sound.
2. Develop goals and objectives for the long term management of Prince William Sound.

HOW

Recreation specialists and planners with site specific knowledge about Prince William Sound will review information collected on recreation as part of the Draft Restoration Plan and other sources. Working with landowners and commercial and non-commercial recreation user groups they will develop an implementation program for recreation restoration. Specific proposals for implementing the restoration options identified in the Draft Restoration Plan will be developed.

A major part of the work will be in developing a consensus amongst recreation users on the best way to implement restoration options. This will involve working directly with user groups. Some of the work will involve travel to local communities to get participation and agreement from the users.

Task 2 will consist of reviewing agency procedures to outline the steps for carrying out a special area designation for Prince William Sound, should the Trustee Council decide to implement this option.

ENVIRONMENTAL COMPLIANCE

This project is categorically exempt from formal documentation in an Environmental Assessment or Environmental Impact Statement under Forest Service regulations [FSH 1909.15 31.1a(3)].

WHEN

Task 1 will be completed in coordination with the 1994 Work Plan. Task 2 will be completed by September 30, 1993.

BUDGET (\$K)

	USFS	ADNR	TOTAL
Personnel	\$ 27.6	\$ 20.0	\$ 42.6
Travel	6.0	3.0	9.0
Contractual	4.0	2.0	0.0
Commodities	1.0	1.0	2.0
Equipment	0.0	0.0	0.0
Sub Total	\$ 38.6	\$ 26.0	\$ 53.6
General Admin	4.1	3.0	5.7
Project Total	\$ 42.7	\$ 29.3	\$ 71.0

E. Officers

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The Public Advisory Group shall have a chairperson and a vice-chairperson, who shall be elected annually from the voting membership by a majority vote of the membership, and approved by the Trustee Council in consultation with members of the Public Advisory Group. Officers shall serve a one-year term. The chairperson and vice-chairperson are eligible for re-election and reappointment to successive one-year terms.

F. Alternate Members

** Public Advisory Group members may designate one alternate to attend a meeting(s) in place of the official member in case they cannot attend. The official member must inform the Designated Federal Officer ahead of time, if travel funds are requested for the alternate to attend. At the Public Advisory Group meeting, the alternate can participate in discussions, but cannot vote for the official member.

E. Action/Rules of Voting

- ** Matters before the Public Advisory Group requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the voting members present (which must constitute a quorum). The Designated Federal Officer and any *ex officio* members shall not vote on matters before the Public Advisory Group. When recommendations are approved with less than unanimous consent, a minority report(s) indicating the range of opinion on the issue will be submitted, along with the majority recommendation, to the Trustee Council.

F. Subcommittees

The Public Advisory Group may create *ad hoc* subcommittees or work groups to review in depth subject matter brought before the Public Advisory Group. Under Federal law, the Designated Federal Officer must approve the agenda and any travel involved and be present at all subcommittee or work group meetings. Meetings will be publicly announced ahead of time by the issuance of public service announcements to relevant local media, posting of meeting notices at the Oil Spill Information Center and local libraries and teleconference sites, and by distribution of meeting notices to Public Advisory Group members, the Restoration Team and the Trustee Council. A record of the subcommittee or work group meeting will be maintained, noting the time and location of the meeting, who was in attendance/their organizations represented, and the issues raised.

G. Public Information

- ** The official spokesperson for the Public Advisory Group is the chairperson, or in his/her absence, the vice-chairperson. All inquiries regarding the official position of the Public Advisory Group shall be referred to these officers.

H. Records

All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and, subject to the provisions of 5 U.S.C 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.

I. Amendment of Procedures

The Public Advisory Group may adopt appropriate procedures for operating and decision making consistent with applicable Federal and State law and the Public Advisory Group charter--such procedures require the approval of the Trustee Council. The Public Advisory Group may suggest amendments to their charter to the Trustee Council, who must approve such amendments by unanimous consent. Charter amendments must be submitted by the Trustee Council to the Secretary of the Interior for signature.