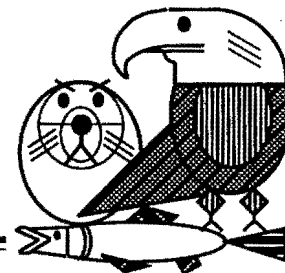


Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



MEMORANDUM

RECEIVED
AUG 19 1994

TO: Public Advisory Group

FROM: Molly McCammon
Director of Operations

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

DATE: August 12, 1994

RE: Update on activities

Attached are a number of items for your review:

- August 2-3 PAG Meeting Summary prepared by Doug Mutter
- Draft July 11 and 18 Trustee Council Meeting Summaries (not yet adopted)
- Draft agenda for August 23 Trustee Council meeting

PAG COMMENTS. At the August 2-3 meeting, the PAG agreed that members would compile a list of restoration and related issues they believe are important, along with alternative solutions, and submit them to me by **September 1, 1994**. I will compile those and send them out to you for your review and discussion.

NEXT MEETING. The next scheduled meeting of the PAG is **October 12-13, 1994**.

You will be receiving a copy of the FY95 Draft Work Plan at the end of August. I will also be putting together another packet of briefing materials and an update on activities in early September.

If you have any questions about these or any other issues, don't hesitate to contact me at 278-8012.

Trustee Agencies

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

Meeting Summary

A. GROUP: Exxon Valdez Oil Spill Public Advisory Group (PAG)

B. DATE/TIME: August 2-3, 1994

C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE:

Name

Rupert Andrews
Pamela Brodie
Kim Benton (for Sturgeon)
Jim Cloud
Jim Diehl
Donna Fischer, Vice-Chair
John French
James King
Vern McCorkle
Gerald McCune
Brad Phillips, Chair (8-3)
Chuck Totemoff
Lew Williams
(McCorkle alt. for Eliason)
(McCune alt. for McMullen)

Principal Interest

Sport Hunting and Fishing
Environmental
Forest Products
Public-at-Large
Recreation Users
Local Government
Science/Academic
Conservation
Public-at-Large
Commercial Fishing
Commercial Tourism
Native Landowners
Public-at-Large
Public-at-Large
Aquaculture

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E. NOT REPRESENTED:

Name

Cliff Davidson (ex officio)
Richard Knecht
Don McCumby (alternate)
Drue Pearce (ex officio)

Principal Interest

Alaska State House
Subsistence
Public-at-Large
Alaska State Senate

F. OTHER PARTICIPANTS:

Name

Jim Ayers (via telecon 8-2)
Mark Broderson
David Bruce
Dan Hull
Bob Loeffler
Mary McBurney
Molly McCammon

Charles McKee
Jerome Montague
Doug Mutter

Eric Myers
Joan Ostercamp
Sandy Rabinowitch

Organization

Executive Director, EVOS
Restoration Office
AK Dept. Envir. Conservation
AK Dept. Envir. Conservation
Cordova Dist. Fishermen United
AK Dept. Envir. Conservation
Alternate for McCune
Director of Operations, EVOS
Restoration Office
Self
AK Dept. Fish and Game
Designated Federal Officer
Dept. of the Interior
Project Coordinator
Univ. of Alaska Fairbanks
National Park Service

Walt Sheridan
Bob Spies
Kim Sundberg
Craig Tillery
Ray Thompson

U.S. Forest Service
Chief Scientist
AK Dept. of Fish and Game
AK Dept. of Law
U.S. Forest Service

Federal Interagency Ecosystem Management Task Force (8-3):

Jim Pipkin	DOI Office of Secretary
Diane Gelburd	Soil Conserv. Service
Roger Griffis	Nat. Oceanic Atmos. Admin
Sean Furniss	Fish & Wildlife Service
Louise Milkman	Dept. of Justice
Andrea Ray	Nat. Oceanic Atmos. Admin
Susan Hute	Soil Conserv. Service

G. SUMMARY:

The meeting was opened August 2 at 9:45 a.m. by Vice-Chairperson Donna Fischer. The June 28, 1994 meeting summary was accepted.

Vern McCorkle and Mary McBurney presented recommendations for changing the structure of PAG meetings and for the FY 1995 PAG budget (see attachment #1). **The recommendations were discussed, amended, and unanimously passed (motion by Jim Cloud, second by John French).** Molly McCammon noted that the budget assumes full attendance at meetings, which does not usually occur leaving additional funds to support incidental PAG travel. Rupert Andrews suggested scheduling all meetings for the year in advance, but since the PAG meetings revolve around Trustee Council meetings and they are not set, this would be difficult at this time. Chuck Totemoff invited the PAG to meet in Chenega.

Jim Ayers gave the Executive Director's report. He noted that the Trustee Council was supportive in general of the recommendations to improve PAG meetings. He stated that the Trustee Council wished the PAG to be a deliberative body, and not just tally votes. He explained the FY 1995 work plan materials and the aims for the budget reserve. An ecosystem approach to restoration is what the Trustee Council desires, which means combining projects and grouping them in logical ways.

Public comment was accepted at 11:30 a.m. Dan Hull spoke in support of the Prince William Sound Aquaculture Corporation's revised FY 1995 project proposal for salmon restoration. Charles McKee offered his comments.

Craig Tillery briefed the PAG on the issue of endowments/restoration reserve (see attachment #2). Tillery explained that since the Trustee Council must maintain its discretion for the use of funds and cannot turn them over to an independent body, as might be required with an endowment, a reserve was preferred to an endowment. The Trustee Council is trying to obtain a better interest rate on money

held in the Federal Court, and wants to keep interest income within the restoration fund. A \$12 million per year deposit is anticipated for the reserve (totaling \$120 to \$150 million by 2001). PAG comments are solicited regarding what level of long-term support should be provided by the reserve funds (e.g., a declining balance, inflation proofing, a permanent reserve, etc.) as well as what the reserve should be used for. McCorkle recommended on page 5, second line of the draft resolution, changing the term "showing" to "finding". Jim King stated that the Trustee Council should listen to the public comment in support of creating an endowment and explore ways to get this accomplished. Lew Williams called for additional funds to be put aside each year and a method to protect the reserve against "raids". Pam Brodie stated that the reserve should be available for all types of authorized restoration work. French moved (second by McCorkle) to endorse the draft Resolution of the Exxon Valdez Trustee Council on the budget reserve, with modifications to strengthen the reserve against raids and to make a minimum of \$12 million in deposits per year (passed by 9 to 5, Brodie, Diehl, McCune, McMullen (proxy with McCune), and Benton opposed).

Walt Sheridan discussed the "less than fee" and "public access" draft policies (see attachment #3). Kim Benton, Chuck Totemoff, Jim Cloud, and Pam Brodie participated in work sessions on the policies. Benton suggested this be called an advisory statement or guideline, not a hard and fast policy, so that the Trustee Council can be flexible in dealing with individual situations. In addition, the PAG wanted to make it clear that the issue of public access not be "make or break" for negotiations. Brodie moved (second by Andrews) that the discussion draft be adopted as "guidelines" not as "policy" and that the comments of the PAG be passed on to the Trustee Council (passed unanimously).

McCammon provided a status report on the Restoration Plan and Draft Environmental Impact Statement (EIS). Public comments were due August 1. The Trustee Council will choose a final alternative at their August 23, 1994 meeting. The Record of Decision will be issued around the end of October.

King suggested that PAG members each compile a list of issues of concern to them and their constituents, along with alternatives to resolve them, and submit the list to McCammon by September 1, 1994 who will compile the issues for PAG discussion at their October meeting. This could serve as a "final" report for this term of the PAG. Williams made the motion to adopt this suggestion (second by French) (passed unanimously).

McCammon opened discussions of the FY 1995 Work Plan (see attachment #8). She mentioned the "Five-year Status Report" and the "Invitation for Proposals" as the places to begin Work Plan review. 178 proposals totalling \$68 million were

received. Recommendations from the PAG, Executive Director and Chief Scientist are expected in mid October--after which the Trustee Council will make their decisions. She explained the categories under which the proposed projects were classified. French noted that the ecosystem approach was a major shift in the direction for approving restoration projects. It was suggested that the PAG focus on category one projects and any other projects of member interest for consideration and action at the October meeting. McCammon recommended considering sustainability and the need for continued funding as well as what makes sense to do when deliberating on projects. Special workshops will be held in September-October to discuss projects and directions for sockeye salmon, herring, public outreach, and the Prince William Sound System Investigation.

Bob Spies reviewed Table 1--Research Projects. Kim Sundberg summarized and responded to questions about the Seward Institute of Marine Sciences project. Jerome Montague provided an overview of the fisheries situation in the spill area. Spies reviewed Table 3--Monitoring Projects. McCammon reviewed Table 2--General Restoration Projects, Table 4--Habitat Protection and Acquisition Projects, and Table 5--Administration and Public Information Projects. Mark Broderson discussed the status of oiled beaches. Some of the points raised were: the validity of Kenai sockeye salmon studies, the relationship of the University and the Seward Center, why resources are not recovering, the study of the many bird species in the area that could be injured but have not been studied, do not overextend money on projects at this time, why no recreation/tourism projects are in category 1, ask lawyers "how to do it" not "whether it can be done", and reducing administrative costs.

Jim Pipkin provided an overview of the Federal Interagency Ecosystem Management Task Force (see attachment #9) and had each member introduce themselves. They are looking at Prince William Sound as an ecosystem study area. The Task Force asked several questions of the PAG.

The meeting adjourned at 11:50 a.m. on August 3, 1994.

H. FOLLOW-UP:

1. Brad Phillips will present a summary of PAG actions at the August 23, 1994 Trustee Council meeting.
2. McCammon will determine the number of requests and Trustee Council desire for transcripts of PAG meetings.
3. Ayers will distribute to the PAG a spreadsheet on the status of habitat protection activities.
4. McCammon will attach the section of the PAG meeting transcript with comments on the restoration reserve resolution to be presented to the Trustee Council.

McCammon will also attach the section of the PAG meeting transcript on the "less than fee" and "public access" guidelines to be presented to the Trustee Council.

5. PAG members will compile a list of restoration and related issues they believe are important, along with alternative solutions, and submit them to McCammon by September 1, 1994. She will compile the list for discussion at the October PAG meeting.
6. McCammon will provide the PAG with a report on the information requests received at the Oil Spill Public Information Center.

I. NEXT MEETING: October 12-13, 1994 in Anchorage.

J. ATTACHMENTS:

1. Recommendations for improving PAG meetings and for the FY 1995 budget

Reference to previously distributed PAG packet:

2. Draft Resolution of the Trustee Council on the Restoration Reserve
3. Draft policies for "Less than fee" and "public access"
4. PAG comments on the Environmental Impact Statement
5. Update on Draft FY 1995 Work Plan
6. Tables of Proposed FY 1995 Projects
7. Third Supplement: FY 1995 Brief Project Descriptions

For those not in attendance:

8. FY 1995 Work Plan Agenda
9. Federal Interagency Ecosystem Management Task Force

K. CERTIFICATION:

PAG Chairperson

Date

Recommendations: Improving PAG Meetings and FY 1995 Budget

I. Meetings

A. Change meeting format to provide more meeting time

1. Start meetings at 8:30 a.m.
2. Provide refreshments and sack lunches to allow PAG to work through the lunch hour and reduce time spent on breaks
3. Streamline public input
 - a. encourage the public to submit written comments ahead of time for incorporation into the PAG agenda
 - b. holding the public comment period as the last agenda item of day one of the meeting
 - c. limiting the time allowed for public presentations
 - d. limiting comments to agenda topics or subjects requested by PAG members
 - e. informing the public of rules and time for comments ahead of time
 - f. allowing PAG members to request a specific topic or persons be placed on the agenda

B. Schedule six regular PAG meetings per year

1. Four quarterly two-day duration meetings in Anchorage
 - a. first day to review agenda items, hear reports from staff, ask questions, take public comment
 - b. second day to conduct formal deliberation and decision-making
2. Two one or two-day duration meetings in spill-affected communities
 - a. send PAG chair and/or staff person to set up meeting and make local contacts
 - b. conduct public meeting including updates on research of local interest or take a field trip to project site(s)

II. Staff

A. Prepare materials for PAG members

1. Provide a synopsis of Trustee Council meetings
2. Deliver copies of PAG minutes not less than ten days before the next scheduled meeting
3. Prepare a weekly or bi-weekly calendar of other meetings which PAG members may attend on a drop-in basis

B. PA ublic relations

1. Include a section in the *Restoration Update* newsletter to report on PAG meetings and activities

III. Budget

A. Currently proposed PAG budget for FY 1995:

Per meeting:	travel/per diem	\$ 10,000
	printing/copying	800
	postage/courier	250
	transcription services	2,500
	advertising	1,500
	ADA compliance	200
	total:	<hr/> \$ 15,250
Four PAG meetings:		\$ 61,000
Staff support:	ADF&G (1.0 FTE)	46,100
	DOI (0.1 FTE)	6,000
General & administrative:		9,300
Total current:		<hr/> \$ 122,400

B. Proposed budget additions for FY 1995:

Four two-day PAG meetings in Anchorage additional

Drinks/snacks and working lunch on day one(@
\$400/mtg x 4 mtgs): \$ 1,600

Two one or two-day PAG community-based
meetings/field visits: 37,300

@ \$18,650 each: (e.g., \$9,200 added
for 20 people Anchorage to Cordova:
travel @ \$4,500, two nights per
diem @ \$ 4,600, room cost @ \$100;
plus travel for 9 people to
Anchorage @ \$4,200; plus other per
meeting costs from above)

Travel for PAG members to attend working groups
and other EVOS-related meetings 12,000

Staff support/supplies for synopses/regular
communication: no additional

Total additional:

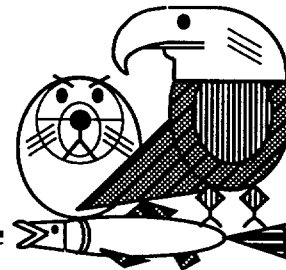
\$ 50,900

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MEMORANDUM

RECEIVED
AUG 19 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

TO: Public Advisory Group

FROM: Molly McCammon, Director of Operations

DATE: August 1, 1994

SUBJ: Research Topics Addressed in FY 95 Project Proposals

As indicated by the attached tables, after preliminary review, the forty six research project proposals received in response to the *Invitation to Submit Restoration Projects for Fiscal Year 1995* that were categorized as either a category 1 or 2 project can be organized around a number of topics.

These include:

- PWS System Investigation
- Forage Fish
- Stable Isotopes
- Nearshore Ecosystem
- Ecotoxicology
- Other Projects

A summary of the number and cost of these projects is attached.

Trustee Agencies

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

DRAFT

RESEARCH TOPIC				(\$000's)
PWS System Investigation				\$4,789.4
	Category 1	(12 projects)	\$4,789.4	
	Category 2	(0 projects)	\$0.0	
Forage Fish				\$2,676.7
	Category 1	(7 projects)	\$2,676.7	
	Category 2	(0 projects)	\$0.0	
Stable Isotopes				\$383.5
	Category 1	(2 projects)	\$173.5	
	Category 2	(2 projects)	\$210.0	
Nearshore Ecosystem				\$940.9
	Category 1	(4 projects)	\$526.1	
	Category 2	(2 projects)	\$414.8	
Ecotoxicity				\$1,380.3
	Category 1	(5 projects)	\$1,380.3	
	Category 2	(0 projects)	\$0.0	
Other Research				\$2,972.2
	Category 1	(6 projects)	\$1,778.7	
	Category 2	(6 projects)	\$1,193.5	
TOTAL				\$13,143.0

Research Category: PWS System Investigation

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
Category 1						\$4,789.4	
1 95320A	Salmon Growth and Mortality	ADFG	ADFG	PWS	Cont'd	\$267.8	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October. Note: This sub-project depends on Project 95320B (CWT), a project with policy/legal concerns.
1 95320E	Juvenile Salmon and Herring Integration	ADFG	ADFG	PWS	Cont'd	\$1,032.1	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October. Expansion of predator study to include herring should go forward in cost-effective manner.
1 95320G	Phytoplankton and Nutrients	McRoy, UAF	ADFG	PWS	Cont'd	\$227.3	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October.
1 95320H	Role of Zooplankton in the PWS Ecosystem	Cooney, UAF	ADFG	PWS	Cont'd	\$235.1	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October.
1 95320J	Information Systems and Model Development	Patrick, PWS Science Center	ADFG	PWS	Cont'd	\$789.6	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October. Important to ensure successful accomplishment of sub-project objectives prior to expansion.

Research Category: PWS System Investigation

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
1 95320M	Observational Physical Oceanography in PWS and the Gulf of Alaska	Salmon, PWS Science Center	ADFG	PWS	Cont'd	\$545.2	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October. Need to ensure that this sub-project is more closely coordinated with other bird, forage fish projects.
1 95320N	Nearshore Fish	Thomas, PWS Science Center	ADFG	PWS	Cont'd	\$600.6	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October. Coordination of hydroacoustics work in Project 95163 is essential.
1 95320Q	Avian Predation on Herring Spawn	USFS	ADFG	PWS	Cont'd	\$124.8	This sub-project, as part of the PWS System Investigation, was extensively peer reviewed in FY 94. FY 95 proposal continues first year effort. A peer review of first year progress will take place in the fall of 1994 with information presented to Trustee Council in late October.
1 95320S	Disease Impacts on PWS Herring Populations (competitive project solicitation under ADF&G two-step, RFQ-RFP process)	ADFG	ADFG	PWS	Cont'd	\$375.0	Five responses have been received as a result of the herring disease project solicitation. Under state law, these responses must be evaluated confidentially. Needs to be assessed as part of a comprehensive herring restoration effort. A recommendation regarding whether to proceed with funding for a herring disease project will be made to the Trustee Council in late October. FY 95 budget for this project is only an estimate.
1 95320T	Juvenile Herring Growth and Habitat Partitioning	ADFG	ADFG	PWS	NEW	\$378.6	Addresses an injured resource of critical concern to commercial fisheries. Proposal concept is strong, although more complete evaluation of technical merit would require additional information. Needs to be assessed as part of a comprehensive herring restoration effort.

Research Category: PWS System Investigation

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
1 95320U	Somatic and Spawning Energetics of Herring and Pollock	Paul, UAF	ADFG	ALL	NEW	\$94.4	Clarification of specific restoration objectives needed. Project needs to be evaluated in the context of, and possibly integrated with, other herring projects 95074 (herring reproductive impairment); 95163 (forage fish), 95320E (salmon herring integration), 95320N (nearshore fish); 95320T (juvenile herring growth), 95120 (energetic composition of selected forage fish), 95166 (herring natal habitats) and 95121 (isotope and fatty acid signatures of selected forage fish).
1 95320Y	Variation in Local Predation Rates on Hatchery-Released Fry	Scheel, PWS Science Center	ADFG	PWS	NEW	\$118.9	Potentially valuable information on avian predation on hatchery stocks. Could complement fish predation study information. Should review this project proposal in relation to Project 95033 (kittiwakes as indicators of forage fish). Apparently depends on large-scale hatchery production. Budget needs scrutiny.

Total FY 95 Request:	\$4,789.4
Number of Projects:	12

Research Category: Forage Fish

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
Category 1						\$2,676.7	
1 95019	Distribution of Forage Fish as Indicated by Puffin Diet Sampling	DOI	DOI	PWS KEN	NEW	\$284.4	Potentially an extremely valuable project although puffins have limited distribution in PWS. This project needs to be further evaluated under the direction of the Chief Scientist in the context of the many other proposals being advanced to study trophic interactions of forage fish.
1 95033	Kittiwakes as Indicators of Forage Fish Availability	DOI	DOI	PWS KEN	NEW	\$198.5	This project needs to be further evaluated under the direction of the Chief Scientist in the context of the many other proposals being advanced to study trophic interactions of forage fish. Should review this project proposal in relation to Project 95320Y (variation in local predation on hatchery fry).
1 95117-BAA	Harbor Seals and EVOS: Blubber and Lipids as Indices of Food Limitation	Castellini, UAF	NOAA	ALL	NEW	\$184.3	Potential opportunities for collaborative effort and cost efficiencies between this project and Projects 95001 (condition and health of harbor seals) and 95064 (monitoring, habitat use and trophic interactions of seals) must be addressed.
1 95118-BAA	Diet Composition, Reproductive Energetics and Productivity of Seabirds Damaged by the Exxon Valdez Oil Spill	Roby, UAF	NOAA	PWS	NEW	\$413.7	This project needs to be further evaluated under the direction of the Chief Scientist in the context of the many other proposals being advanced to study trophic interactions of forage fish. Peer reviewers thought very highly of this project; strong technical merit.
1 95120-BAA	Proximate Composition and Energetic Content of Selected Forage Fish Species in PWS	Worthy, Texas A&M University	NOAA	PWS	NEW	\$38.4	This project needs to be further evaluated under the direction of the Chief Scientist in the context of the many other proposals being advanced to study trophic interactions of forage fish. Also, objectives of this project need to be integrated into other projects involving stable isotopes. Project needs to demonstrate a close relationship with other projects including 95163 (forage fish) and 95320U (somatic and spawning energetics of herring and pollock). Strong qualifications of proposer.

Research Category: Forage Fish

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
1 95163	Abundance and Distribution of Forage Fish and their Influence on Recovery of Injured Species	NOAA	NOAA	PWS KEN	Cont'd	\$1,203.7	This project needs to be further evaluated under the direction of the Chief Scientist in the context of the many other proposals being advanced to study trophic interactions of forage fish. Project scope may need to be reduced in light of slow start up of 1994 pilot study. Coordination of hydroacoustics work in 95320N is essential.
1 95173	Factors Affecting Recovery of PWS Pigeon Guillemot Populations	DOI	DOI	PWS	Cont'd	\$353.7	This project needs to be further evaluated under the direction of the Chief Scientist in the context of the many other proposals being advanced to study trophic interactions of forage fish.

Total FY 95 Request:	\$2,676.7
Number of Projects:	7

Research Category: Stable Isotopes

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
Category 1						\$ 173.5	
1 95320I(1)	Isotope Tracers - Food Webs of Marine Mammals and Birds	Schell, Institute of Marine Science	ADFG	PWS	Cont'd	\$100.1	Strong technical merit and demonstrated understanding of technical issues involved. Objectives of this project need to be integrated with other projects involving stable isotopes under the direction of the Chief Scientist.
1 95320I(2)	Isotope Tracers - Food Webs of Fish	Kline, UAF	ADFG	PWS	Cont'd	\$73.4	Objectives of this project need to be integrated with other projects involving stable isotopes under the direction of the Chief Scientist.
Category 2						\$ 210.0	
2 95023	Food Web Relationships of Pelagic Species Exhibiting Long-term Decline	Duffy, Alaska Natural Heritage Program	DOI	PWS	NEW	\$168.0	Needs further evaluation under direction of the Chief Scientist in the context of other proposals to address forage fish. Needs evaluation in context of projects using stable isotope analysis. Revised scope for this project may be needed. Concern regarding collection of carcasses under MBTA.
2 95121	Stable Isotope Ratios and Fatty Acid Signatures of Selected Forage Fish Species in PWS	Worthy, Texas A&M University	NOAA	PWS	NEW	\$42.0	This project needs to be further evaluated under the direction of the Chief Scientist in the context of the many other proposals being advanced to study trophic interactions of forage fish. Also, objectives of this project need to be integrated into other projects involving stable isotopes under the direction of the Chief Scientist. Utility of fatty acid studies needs careful assessment.

Total FY 95 Request: \$383.5

Number of Projects: 4

Research Category: Nearshore Ecosystem

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
Category 1						\$ 5 2 6 . 1	
1 95025B	Sea Otter Abundance and Distribution, Food Habits and Population Assessment	DOI	DOI	PWS	NEW	\$162.7	Clear objectives consistent with the <i>Invitation</i> although project description needs some further detail. Well qualified proposers. Should possibly be integrated with Projects 95025H (effects of predatory invertebrates on clams), 95009C (trophic dynamics: herring spawn and sea otters), 95087 (sea urchins as sea otter prey) and coordinated with Projects 95244 (seal/sea otter harvest assistance), 95075 (blue mussels), 95090 (mussel bed restoration) and 95159 (marine bird/sea otter survey).
1 95025C	Pigeon Guillemots and River Otters as Bioindicators of Nearshore Ecosystem Health	Roby, UAF	DOI	PWS	NEW	\$179.6	Clearly stated objectives pertaining to injured resources consistent with the <i>Invitation</i> . Reviewers impressed with linkage of two foragers using the same habitat/prey. Effort to define bioindicator is valuable but may not be successful; proposal is responsible in its cautious approach. Should be coordinated with Project 95173 (recovery of pigeon guillemots) to realize possible cost efficiencies.
1 95025H	Effects of Predatory Invertebrates on Nearshore Clam Populations in Prince William Sound	Van Blaricom, UAF	DOI	PWS	NEW	\$118.4	Affords opportunity to investigate two injured resources (clams and sea otters) and their interrelationship as predator and prey. Important that investigators on projects addressing higher trophic level predators (sea otters) help define issues of importance to be addressed by project. Should possibly be integrated with 95025B (sea otter abundance, food habits).
1 95087	Sea Urchin Population Dynamics: Changes in Population Density and Availability as Prey of Sea Otters	Jewett, UAF	ADFG	PWS	NEW	\$65.4	Project should possibly be integrated with Projects 95025B (sea otter abundance, food habits), 95009C (trophic dynamics: herring spawn and sea otters), 95025H (predatory invertebrates on clams) under direction of Chief Scientist in consultation with investigators working on sea otters. Needs clarification relative to other predator projects. Potentially important if redesigned.

Research Category: Nearshore Ecosystem

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
Category 2						\$ 414.8	
2 95009C	Trophic Dynamics and Energy Flow: Impacts of Herring Spawn and Sea Otter Predation on Nearshore Benthic Community Structure	Highsmith, UAF	USFS	PWS	NEW	\$217.3	The sea otter elements of this proposal could possibly be combined with Project 95025B (sea otter abundance and distribution, food habits and population). Portions relating to herring spawn could be addressed as part of other herring project efforts.
2 95075	Population Structure of Blue Mussels in Relation to Levels of Oiling and Densities of Vertebrate Predators	NOAA	NOAA	PWS	NEW	\$197.5	Project unfocused. Significant questions concerning methodologies. More focused project of reduced scope might have value in coordination with 95025B (sea otter abundance, food habits). Possible that elements of this proposal could be redefined and/or integrated with a revised nearshore/shelfish project.

Total FY 95 Request: \$940.9

Number of Projects: 6

Research Category: Ecotoxicity

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
Category 1						\$1,380.3	
1 95044	In Situ Formation and Ecotoxicity of Hydrocarbon Degradation Products Produced by Ultramicrobacteria	Button, UAF	NOAA	PWS	NEW	\$118.5	Novel issue to be addressed. Need for further review of budget. Potential for collaboration with other projects needs further examination.
1 95074	Herring Reproductive Impairment	NOAA	NOAA	PWS	Cont'd	\$234.8	Important attempt to determine if there are persistent, heritable reproductive impacts to herring in view of recent run failures. Responsive to <i>Invitation</i> . Strong technical merit. Needs further assessment in the context of other projects proposed to address herring
1 95076	Effects of Oiled Incubation Substrate on Survival and Straying of Wild Pink Salmon	NOAA	NOAA	ALL	NEW	\$179.9	Proposal responsive to restoration needs, addresses important ecotoxicological issue. Proposer should provide more background on similar work.
1 95191A	Investigating and Monitoring Oil Related Egg and Alevin Mortalities	ADFG	ADFG	ALL	Cont'd	\$681.5	A critical, on-going study effort (together with 95191B) to evaluate the possibility of long-term, heritable damage to salmon. Already extensively peer reviewed in prior years.
1 95191B	Injury to Salmon Eggs and Pre-emergent Fry Incubated in Oiled Gravel (Laboratory Study)	NOAA	NOAA	ALL	Cont'd	\$165.6	A critical, on-going study effort (together with 95191A) to evaluate the possibility of long-term, heritable damage to salmon. Already extensively peer reviewed in prior years.

Total FY 95 Request:	\$1,380.3
Number of Projects:	5

Research Category: Other

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
Category 1						\$1,778.7	
1 95009D	Survey and Experimental Enhancement of Octopuses in Intertidal Habitats	Scheel, PWS Science Center	USFS	PWS	NEW	\$159.5	Addresses resources (octopus and chiton) important to subsistence communities. Proposal can stand independent of nearshore ecosystem/community structure package. Geographical scope and scale of effort deserve further consideration. Need to coordinate with subsistence community outreach projects.
1 95014	Predation by Killer Whales in PWS: Feeding Behavior and Distribution of Predators and Prey	Matkin, North Gulf Oceanic Society	NOAA	PWS	NEW	\$156.9	Good conceptual development and justification articulated in proposal. Results could enhance interpretation of PWS ecosystem work on trophic interactions. Less important than monitoring of killer whales (killer whales thought to be recovering) but still could provide valuable data on resource. Clarification of cost in relation to related Project 95013 (monitor killer whales) needed.
1 95025A	Factors Affecting Recovery of Sea Ducks and Their Prey	DOI	DOI	PWS	NEW	\$393.7	Proposal to address winter ecology of seabirds is important aspect not previously addressed. Possibly should focus effort on harlequins although inclusion of scoters would address valuable issues. Need to coordinate or combine with Project 95427 (harlequin duck recovery monitoring). Questions concerning feasibility of proposed capture techniques.
1 95031	Reproductive Success as a Factor Affecting Recovery of Murrelets in PWS	DOI	DOI	PWS	NEW	\$398.0	Highly responsive to <i>Invitation</i> . Clearly articulated relationship to restoration objective for marbled murrelets. Well qualified proposer.
1 95064	Monitoring, Habitat Use, and Trophic Interactions of Harbor Seals in PWS	ADFG	ADFG	PWS	Cont'd	\$309.4	Project targets an injured resource important to subsistence communities. Good potential to collaborate with other harbor seal projects (Projects 95001 and 95117-BAA). Strong technical merit and excellent qualifications of proposer. Need to coordinate with subsistence community outreach efforts.

Research Category: Other

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
1 95105	Kenai River Ecosystem Restoration Pilot Enclosure Study	ADFG	ADFG	KEN	NEW	\$361.2	Further clarification needed on interrelationship of this project to other major Kenai River sockeye projects 95255 (Kenai sockeye restoration) and 95258 (sockeye salmon overescapement). A comprehensive review of the Kenai River sockeye restoration effort is needed.
Category 2						\$1,193.5	
2 95018	Partitioning of Primary Production Between Pelagic and Benthic Communities	Naidu, UAF	ADFG	PWS	NEW	\$197.1	Link to restoration not clear but potentially valuable part of future ecosystem studies.
2 95021	Seasonal Movement and Pelagic Habitat Use by Common Murres from the Barren Islands	DOI	DOI	KEN	NEW	\$251.1	Questions concerning whether useful results could be obtained in a short time period. Feasibility study should be completed before funding this project. Could be deferred for consideration in FY 96.
2 95025E	Algal Competition Limiting Recovery in the Intertidal	Stekoll, UAF	DOI	KEN	NEW	\$222.5	A good proposal but very narrowly focused. Species to be addressed by project not regarded as a high priority for restoration. Proposed study area/habitat type is unique.
2 95025F	Availability and Utilization of Musculus spp. as Food for Sea Ducks and Sea Otters	Dean, Coastal Resources Associates, Inc.	DOI	PWS	NEW	\$4.6	Although potential cost-effectiveness is high, the methodology is unclear. Cost should be absorbed by another sea duck or sea otter project or possibly as part of a combined clam/mussel/oyster project.
2 95057	Movement of Larval and Juvenile Fishes within PWS	Norcross, UAF	NOAA	PWS	NEW	\$300.0	Further clarification of the specific restoration objectives of this project needed. Further consideration needed in the context of other forage fish projects as well as relationship to 95320T (juvenile herring growth). Appears to be dependent upon certain oceanography portions of Project 95320 (PWS System Investigation). Clarification of sampling scale and design needed.

Research Category: Other

DRAFT

Project No.	Title	Proposer	Lead Agency	Loc.	Proj. Type	Cost FY 95	Notes
2 95320D	PWS Pink Salmon Genetics	ADFG	ADFG	PWS	Cont'd	\$218.2	Peer reviewer felt more information is needed to fully evaluate the study design. Technical aspects needs further examination.

Total FY 95 Request:	\$2,972.2
Number of Projects:	12



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

July 26, 1994

RECEIVED

AUG 19 1994

Ms. Deborah Williams
Special Assistant to the Secretary for Alaska
U.S. Department of the Interior
1689 C Street Suite 100
Anchorage, AK 99501-5151

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Ms. Williams:

The White House has established a Federal Interagency Ecosystem Management Task Force to implement the ecosystem management recommendation in the Report of the Vice President's National Performance Review. As a part of its initiative, the Task Force has identified seven ecosystems where mature interagency ecosystem-based activities are ongoing and may provide valuable lessons for broader application. These ecosystems are referred to as "Survey and Assist" case studies because they allow the Task Force to learn more about how such efforts can best be initiated and implemented by the federal government. Prince William Sound will serve as one of these case studies.

The Task Force has established a small survey team to visit Alaska and Prince William Sound the week of August 1 - 5, and talk with both federal and non-federal parties involved in this effort about their work. The survey team will seek answers to two basic questions:

- what can we learn from the experience of the parties, and
- what can the Task Force do to support efforts in the field and facilitate more effective performance by the federal agencies in the future?

The Survey Team is not looking at the merits of specific proposals but is focusing on structural and process issues, such as how to achieve more effective collaboration among federal and state agencies and how to facilitate public participation in ecosystem management initiatives. The survey team will make recommendations to the Task Force on how to remove or lessen barriers to effective regional action and how to otherwise assist and encourage their work.

The National Oceanic and Atmospheric Administration, U.S. Department of Commerce, as a member of the Interagency Ecosystem Management Task Force, is serving as the coordinator of the Task Force's contacts and work within Prince William Sound.



The Survey Team would like to meet with you and/or other appropriate representatives of your office in Anchorage, at 10 am on Wednesday, the 3rd of August. The location of the meeting is the EVOS Trustee Council 4th Floor Conference Room Rm. For your information, the Survey Team consists of the following individuals:

Jim Pipkin	Counselor to the Secretary of the Interior Office of the Secretary, Department of the Interior
Diane Gelburd	Associate Deputy Chief for Programs Dept. of Agriculture, Soil Conservation Service
Roger Griffis	Assistant to the Director Ecology and Conservation Office Dept. of Commerce, National Oceanic and Atmospheric Administration
Sean Furniss	Refuge Program Specialist Dept. of the Interior/Fish & Wildlife Service
Louise Milkman	Environment and Natural Resources Division Department of Justice
Andrea Ray	Oceanographer Office of Policy and Strategic Planning Dept. of Commerce, National Oceanic and Atmospheric Administration
Susan Hute	Special Assistant to the Associate Deputy USDA/ Soil Conservation Service

The itinerary for the Survey Team's trip is attached. Please confirm that you or your representative can attend the meeting at the suggested time by notifying Dr. Byron Morris or his Secretary, Karen Sager, at (907)-789-6600 by Friday, July 29.

Sincerely,

Byron Morris Jr.

Steven Pannoyer,
Director, Alaska Region

cc. S. Rabinowitch

**DRAFT TRAVEL SCHEDULE AND ITINERARY
AUGUST 1- 6, 1994**

**PRINCE WILLIAM SOUND
ECOSYSTEM MANAGEMENT INITIATIVE
SURVEY AND ASSIST TEAM**

MONDAY, AUGUST 1

Arrive Juneau in evening

TUESDAY, AUGUST 2 - Juneau

Meetings with Federal and State Agencies

Location: National Marine Fisheries Service Conference
Rm. 424, U.S. Federal Building & Courthouse
Phone (907)-586-7221
Fax (907)-586-7249

Local Contact - Steve Penneyer, NMFS

9AM - NOON Meetings with Federal Agencies

National Marine Fisheries Service
U.S. Forest Service
Auke Bay Laboratory, NMFS

1PM - 5PM Meetings with State Agencies

Alaska Dept. Fish & Game
Alaska Department of Environmental Conservation
Alaska Department of Natural Resources
Alaska Department of Community & Regional Affairs
Alaska Dept. Commerce & Economic Development

WEDNESDAY, AUGUST 3 - Anchorage

Meetings with Agencies and Interest Groups

Location - EVOS Trustee Council Restoration Office
645 G St., Suite 401
Anchorage, AK 99501
Phone (907)-278-8012
Fax (907)-276-7178

830AM - 10AM Meeting with EVOS Public Advisory Group (1st Floor)

10AM - NOON Meeting with Federal Agencies

U.S. Dept. Interior
U.S. Forest Service
U.S. Army Corp of Engineers
U.S. Environmental Protection Agency

1PM - 5PM Meetings with other Groups

Alaska Department of Natural Resources
Environmental Groups

Native Groups

THURSDAY, AUGUST 4 - Anchorage, Valdez

Same meeting location - 4th Floor Conference Room

800AM - Meeting with EVOS Trustee Council Executive Director

1100 Travel to Valdez

1PM - 3PM Tour Alyeska Pipeline Terminal and SERVS
Tour Solomon Gulch Hatchery (FWSAC)

Meetings with Local Groups - Location, Valdez City Council
Chambers, Franklin St.

3PM - 6PM Meeting with Local Groups
U.S. Coast Guard
FWSRCAC
Prince William Sound Environmental Coalition
Others to be determined

650PM Depart Valdez

FRIDAY, AUGUST 5 - Cordova

700AM Depart Anchorage to Cordova
Local Contact - Dorne Hawkhurst, CDFU
Meeting location Cordova City Library Conference Room

10AM - 12NOON Tour of Cordova Area

1PM - 6PM Meetings with Local Groups
Prince William Sound Science Center/Oil Spill Recovery
Institute
Alaska Sea Grant Marine Advisory Program
PWS Aquaculture Corporation
Cordova District Fishermen United
Alaska Dept. Fish & Game
Copper River Delta Institute (U.S. Forest Service)
Other interested parties to be determined from
Local Government
Eyak Corporation
Tatitlek Native Village (?)
Environmental Groups

SATURDAY, AUGUST 6

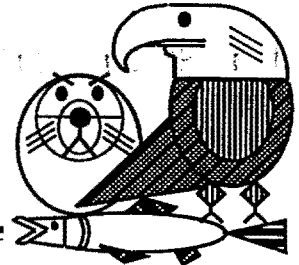
1245AM Depart Cordova M/V Bartlett via Valdez to Whittier

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



RECEIVED
AUG 19 1994

TRUSTEE COUNCIL MEETING ACTIONS

July 11, 1994 @ 1:00 p.m.

Reconvened from May 31, 1994 Meeting

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE

DRAFT

By James R. Ayers
Executive Director

Trustee Council Members Present:

Phil Janik, USFS
• Deborah Williams, USDOJ
• Don Collinsworth, NMFS

Carl Rosier, ADF&G
* John Sandor, ADEC
• Craig Tillery, ADOL

- * Chair
- Alternates:

Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire meeting.

Craig Tillery served as an alternate for Bruce Botelho for the entire meeting.

Don Collinsworth served as an alternate for Steve Pennoyer for the entire meeting.

1. Approval of the Agenda

APPROVED MOTION: Approved the Agenda. (Attachment A)

APPROVED MOTION: Approved May 31, 1994 Meeting Notes. (Attachment B)

2. Publication Policy

APPROVED MOTION: Adopted Publication Policy as recommended. (Attachment C)
Motion by Deborah Williams, seconded by Phil Janik.
Deborah Williams clarified that in lieu of the disclaimer language, in some cases it would be possible to seek Trustee Council and/or Chief Scientist endorsement of an article for publication. No action on other issue.

Trustee Agencies

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

3. Peterson Resolution

APPROVED MOTION: Adopted resolution honoring Dr. Charles Peterson. Motion by Carl Rosier, seconded by Deborah Williams. (Attachment D)

4. Outline of Draft FY95 Work Plan

APPROVED MOTION: Adopted, with changes, a general outline for structure of the Draft FY95 Work Plan. Motion by Deborah Williams, seconded by Carl Rosier. (Attachment E)

Meeting recessed until July 18, 1994 @ 3:00 p.m.

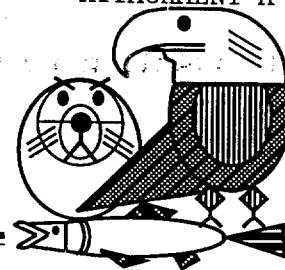
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Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



AGENDA
 EXXON VALDEZ OIL SPILL SETTLEMENT
 TRUSTEE COUNCIL
 CONTINUATION OF MAY 31, 1994 MEETING
 ANCHORAGE
 JULY 11, 1994 @ 1:00 P.M.

Trustee Council Members:

PHIL JANIK
 Regional Forester, Alaska Region
 U.S. Department of Agriculture-Forest Service

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

GEORGE T. FRAMPTON, JR./DEBORAH WILLIAMS
 Assistant Secretary/Trustee Representative
 U.S. Department of the Interior

STEVE PENNOYER/DON
 Director/COLLINSWORTH
 Alaska Region/Trustee Representative
 National Marine Fisheries Service

CARL L. ROSIER
 Commissioner
 Alaska Department of Fish & Game

JOHN A. SANDOR
 Commissioner
 Alaska Department of Environmental
 Conservation

Steven Pennoyer, Chair
 Juneau - LIO 130 Seward Street -- Anchorage - 645 G Street First Floor

1. Call to Order 1:00 p.m.
 - Approval of Agenda
 - Order of the Day
 - Approval of May 31, 1994 Trustee Council Meeting Notes
2. Public Comment - 1:15 - 2:00 p.m.
3. Public Advisory Group Report (Brad Phillips) 2:00 p.m.
4. Executive Director's Report (Jim Ayers) 2:30 p.m.
 - Restoration Plan Update
 - Implementation - Management Structure
 - Organizational Structure
 - EIS Proposed Action

Trustee Agencies

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

- Science Review Board Policy Review
- Chief Scientist Contract
- Institute of Marine Science Improvements Update
- Habitat Protection & Acquisition Update
- Financial Report

5. Action Items

- Publications Policy
- Peterson Resolution
- Outline of Draft FY95 Work Plan

6. Future Meeting Schedule

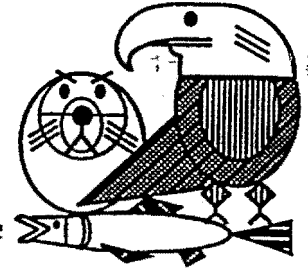
5:00 p.m. Adjourn

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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



TRUSTEE COUNCIL MEETING ACTIONS

May 31, 1994 @ 1:00 p.m. Juneau, Alaska
Reconvened from May 3, 1994 meeting

By James R. Ayers
Executive Director

Trustee Council Members Present:

- | | |
|------------------------|---------------------------|
| * Steve Pennoyer, NMFS | Carl Rosier, ADF&G |
| John Sandor, ADEC | • Jim Wolfe, USFS |
| • Craig Tillery, DOL | • Deborah Williams, USDOJ |

- * Chair
- Note:

- Craig Tillery served as an alternate for Attorney General Bruce Botelho for the entire meeting.
- Jim Wolfe served as a representative for the USFS for the entire meeting.
- Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire meeting.

Teleconference sites included the Anchorage Restoration Office and the Fairbanks LIO.

1. Approval of the Agenda

APPROVED MOTION: Approved the Agenda. (Attachment A)

2. Resolution Honoring Michael Barton

APPROVED MOTION: Approved a resolution honoring the work of Michael Barton as a Trustee Council member (Attachment B).

3. Analysis of Options Available to Maximize Earnings on Settlement Funds

APPROVED MOTION: Directed the Executive Director to prepare an analysis of options available to the Trustee Council to maximize the interest earned on EVOS civil settlement funds.

4. Tatitlek and Chugach Habitat Evaluation and Ranking

APPROVED MOTION: Authorized the Executive Director, subject to a formal determination of a willing seller, to

proceed with the habitat evaluation and ranking of large parcels that have not been evaluated and ranked in the past.

5. Transfer of Funds from Herring Project to Harlequin Duck Project

APPROVED MOTION: Approved the transfer of \$20.0 thousand from Project #94165/Herring Genetic Stock Identification to Project #94427/Harlequin Duck Boat Survey to provide funds to conduct additional harlequin brood surveys.

6. Trustee Council Policy on Less Than Fee Simple Habitat Acquisitions

APPROVED MOTION: Directed the Executive Director to, first, develop a draft process and policy statement on less than fee simple habitat acquisition which will examine public access and canopy protection, among other issues and, second, bring the policy statement and process to the Trustee Council by resolution at the next Trustee Council meeting.

The meeting was recessed. The next meeting of the Trustee Council was tentatively scheduled for some time in late June.

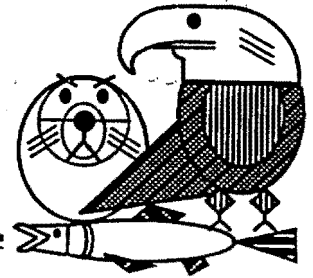
Attachment A Agenda
Attachment B Resolution Honoring Michael Barton

Exxon valdez Oil Spill Trustee Council

Restoration Office

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

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



AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL
CONTINUATION OF APRIL 28, 1994 MEETING
TELECONFERENCE
MAY 31, 1994 @ 1:00 P.M.

5/27/94
11:12 am
DRAFT

Trustee Council Members:

JAMES A. WOLFE/Trustee Representative
Director, Engineering & Aviation Management
U.S. Department of Agriculture-Forest Service

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

GEORGE T. FRAMPTON, JR./DEBORAH WILLIAMS
Assistant Secretary/Trustee Representative
U.S. Department of the Interior

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

Steven Pennoyer, Chair
Juneau location - U.S. Forest Service Conference Room 541A
Anchorage location - 645 G Street Fourth Floor

1. Approval of Agenda
 - Order of the Day
 - Approval of Meeting Notes from April 11 & 28, May 2 & 3
2. Executive Director's Report (Jim Ayers)
 - Financial Report (June Sinclair)
 - Project Status (Eric Myers)
 - Restoration Plan EIS (Rod Kuhn)
 - Institute of Marine Science (Kim Sundberg)
 - Public Information and Communication (Molly McCammon)
 - FY95 Work Plan Process (Molly McCammon)
 - Habitat Protection and Acquisition Status (Dave Gibbons)

Trustee Agencies

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

3. New Business

* Authorization for Ranking and Negotiations:

- 1) Tatitlek
- 2) Chugach
- 3) Other

* Transfer of \$20,000 from Project 94165 (Prince William Sound Herring Genetic Stock Identification) to Project 94427 (Harlequin Duck Boat Surveys & Methodology Testing)¹.

4. 2:30 p.m. Executive Session on Habitat Protection and Acquisition Strategies
Trustee Council and Appropriate Staff Only.

Tentative Meeting Schedule:

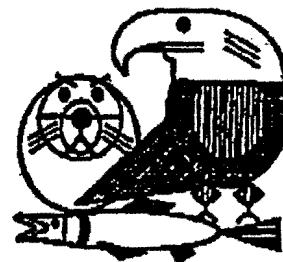
- 1) Between August 24 & 31 (May require 2 days)
- 2) Last week of September
- 3) October 31

Adjourn

* Action Items

¹ The \$20K in Project 94165 is available because poor herring returns this spring did not allow for a full-scale testing of the hypothesis of several spawning stocks in Prince William Sound. A full-scale project will be considered again for FY95.

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



Resolution of Appreciation for Michael A. Barton
Recognizing His Outstanding Leadership and Dedication
as
Trustee Council Member for the
U.S. Department of Agriculture on the
Exxon Valdez Oil Spill Trustee Council

The *Exxon Valdez* Oil Spill Trustee Council expresses its profound appreciation to **Michael A. Barton** for his extraordinary leadership and stewardship as the Trustee Council Member for the U.S. Department of Agriculture on the *Exxon Valdez* Oil Spill Trustee Council. From the time of the spill, during response and damage assessment, as well as subsequent planning and implementation of restoration activities, **Michael Barton** always brought exceptional judgment and insight to the process of formulating policy for the restoration of the injured natural resources and the services they provide. **Michael Barton's** dedication to service and his composure under pressure contributed significantly to the Trustee Council's design of a balanced approach to restoration of the spill affected area. The Trustee Council unanimously commends **Michael Barton** for his professionalism and friendship and wish **Michael Barton** well in future endeavors.

James Wolfe
Regional Forester
USDA Forest Service

Bruce Botelho
Attorney General
State of Alaska

George T. Frampton, Jr.
Assistant Secretary
U.S. Department of Interior

John A. Sandor
Commissioner
Department of Environmental Conservation

Steve Pennoyer
Director
National Marine Fisheries Service

Carl L. Rosier
Commissioner
Department of Fish and Game

Trustee Agencies

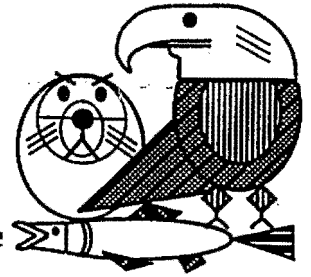
State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation
United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

**MEMORANDUM**

TO: Trustee Council

FROM: James R. Ayers, Executive Director

DATE: July 9, 1994

SUBJ: Policies Regarding Publications and Reference to
Trustee Council Funded Research

The purpose of this memorandum is to recommend that the Trustee Council adopt a policy that addresses the need for a "disclaimer" when Trustee Council funded research is published in articles or other submissions for publication.

Additionally, as discussed below, a separate question has emerged regarding whether the Trustee Council should reserve the opportunity to participate in the peer review process of materials submitted for publication (in books, journals, etc.) that are supported with civil settlement funds.

Reference to Trustee Council Funded Research in Articles or Other Literature

Researchers who have worked on various damage assessment or restoration projects funded by the Trustee Council sometimes seek to have their work published as articles in scientific journals or other professional literature. While this is appropriate and even to be encouraged, it is also important to ensure that the views and positions of the Trustee Council are not inadvertently misconstrued as a result of these publication efforts. The conclusions of individual investigators using data or information from Trustee Council funded projects should be clearly identified as their own unless and until the Trustee Council takes specific action to endorse a particular interpretation or conclusion. It is my understanding from the Chief Scientist, that the Environmental Protection Agency (EPA) maintains a policy along these lines as indicated by the attached excerpt from an article

published in the *Marine Ecology Progress Series* by Dr. Spies, et. al. (see attachment, last page).

Recommendation: Investigators working on projects sponsored by the Trustee Council that are the subject of a journal article or other submission for publication should be directed to include a statement with all such submissions stating:

"The research described in this paper was supported by the *Exxon Valdez* Oil Spill Trustee Council. However, the findings and conclusions presented by the author(s) are their own and do not necessarily reflect the views or position of the Trustee Council."

Peer Review of Materials Included in Trustee Council Supported Publications

A related policy issue has also emerged regarding what opportunity, if any, the Trustee Council should have to participate in the peer review of materials published as a result of direct funding support from the civil settlement (e.g., a book of papers or journal articles for which civil settlement funds are used to pay page charges). This question was brought to light by the difference of scientific interpretation that has arisen regarding a paper to be included in the marine mammal book that will be published with funding support from the Trustee Council (*Effects of the Exxon Valdez on Marine Mammals*).

One possible means of addressing this issue would be for the Trustee Council to adopt a policy providing that if civil settlement funds are used to support the cost of printing a book or other publication, the Trustee Council would expressly reserve the opportunity to participate in the peer review process for the materials to be published as a result of that Trustee Council funding support.

At this point, there is a spectrum of opinion on the need for a policy that addresses this issue. Some agency liaisons are supportive of the concept while others object. There is no consensus of opinion and this is an issue that warrants further discussion. I do not have a recommendation at this time. I did, however, want to bring the issue to your attention.

attachment

Stable isotope ratios and contaminant concentrations in a sewage-distorted food web

Robert B. Spies¹, Harold Kruger², Robert Ireland¹, David W. Rice, Jr¹

¹ Environmental Sciences Division, Lawrence Livermore National Laboratory, University of California, Box 5507, Livermore, California 94550, USA

² Kruger Laboratories, 24 Blackstone Street, Cambridge, Massachusetts 02139, USA

ABSTRACT: Concentrations of selected neutral organic contaminants and stable isotope ratios of carbon, nitrogen and deuterium/hydrogen in invertebrates and fish were compared from near a large, 60m deep municipal waste outfall near Los Angeles, California, where waste has a measurable influence on the structure of the marine food web, and from a reference area off Santa Barbara, California. Objectives were to investigate (1) the degree of utilization of sewage organic matter in the food web, especially by 3 species of fish, (2) differences in contaminant accumulation between these benthophagous fish and (3) the behavior of organic contaminants relative to each other and to organic matter through several trophic levels. Isotopically lighter carbon and nitrogen and higher concentrations of most chlorinated hydrocarbons were found in tissues of organisms from near the outfall. On the basis of the $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$ of the fishes, the estimated contribution of nitrogen and carbon from sewage was about 15 to 20% of their requirements for these elements. The $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$ values increased in the fishes in the order of *Microstomus pacificus*, *Citharichthys sordidus* and *Zaniolepis latipinnis*. The Cs/K ratio of the latter species was also significantly higher than the former 2 species, also indicating its higher trophic position. *C. sordidus* had the highest wet-weight concentrations of chlorinated hydrocarbons and phthalic acid esters; intermediate concentrations of these compounds were found in *Z. latipinnis* and the lowest concentrations were found in *M. pacificus*. Concentrations of chlorinated hydrocarbons on a lipid-weight basis changed this order so that it more closely resembled the trophic structure revealed by the stable isotope ratio and Cs/K ratio data. Increases of both EDDT and Aroclor 1254, from deposit-feeding invertebrates through fish, were evident in foodwebs of the outfall and reference areas as positive correlations with $\delta^{13}\text{C}$. A large degree of correlation was evident between contaminants in *Z. latipinnis* but not in the other 2 fish species. These correlations were apparently not a function of liver lipid concentration, but the strengths of the correlations were dependent on the similarities of log K_{ow} values of the correlated compounds.

INTRODUCTION

Over 2×10^5 metric tons of sewage particulate matter are discharged into the Southern California Bight each year (Schafer 1984). Associated with these particles are a variety of xenobiotic contaminants, such as chlorinated hydrocarbons, aromatic hydrocarbons, phthalic acid esters, heterocycles and chlorophenols (Young & Gossett 1980, Eganhouse & Kaplan 1982, Gossett et al. 1982, Schafer 1984). The sewage particles are about 60% organic matter, compared to ca 2% in endogenous marine particulate matter (Sweeney & Kaplan 1980).

As a result of particulate matter settling, sediments have accumulated at the rate of 0.6 to $1.7 \text{ g cm}^{-2} \text{ yr}^{-1}$ (dry) during the 1970's near the Los Angeles County

Joint Water Pollution Control Plant (JWPCP) outfall (Stull et al. 1986a). This deposition of particles with a high organic content has had a marked effect on the food web, changing microbial and invertebrate populations in accordance with effects expected from organic enrichment (Pearson & Rosenberg 1978, Stanley et al. 1978, Stull et al. 1986b). The general effect evident in the invertebrate populations was a stimulation of selected species of deposit-feeding infauna, especially polychaetes, while crustaceans, particularly amphipods, became less numerous (Smith & Green 1976, Word & Striplin 1980).

Changes in populations of benthophagous fish were also noted near the JWPCP outfall during the 1970's (Cross et al. 1985; see Spies 1984 for review). One species in particular, the Dover sole (*American appella-*

ascribe size-related differences in $\delta^{15}\text{N}$ in *M. pacificus* mainly to changing diet with size rather than an isotope effect due to metabolism, the specimens analysed from Santa Barbara were much smaller (ca 8 g each) than those from the JWPCP outfall area (from 42 to 110 g each). Therefore, if there were really a relationship between size and $\delta^{15}\text{N}$ due to an isotope effect, the use of larger fish from the control area would have resulted in an even greater difference in $\delta^{15}\text{N}$ than observed.

The local movement of *Citharichthys sordidus* in and out of the outfall area is a behavior pattern consistent with the ecological data that indicate there is not a strong attraction of this species for the outfall area (Cross et al. 1985). This behavior pattern would be expected to result in both a greater accumulation of those contaminants that were elevated near the outfall and in isotope ratio shifts that were different in the outfall area in some individuals. Therefore, it might be expected that contaminant concentrations and shifts in stable isotope ratios might be correlated. Indeed, Aroclor 1254 and ΣDDT are elevated in these species relative to the SB reference site (Table 7) and their concentrations correlate with $\delta^{15}\text{N}$ (Fig. 4). An alternative explanation is that the switch from partly benthic to wholly pelagic prey in larger specimens (Allen 1982) would result in greater contaminant concentrations along with isotopic shifts toward lighter carbon and nitrogen. However, size did not correlate with either of these measures in this species.

It has now been well established that $\delta^{13}\text{C}$ increases slightly with each trophic transfer (DeNiro & Epstein 1978, Teeri & Schoeller 1979, Stephenson et al. 1986). This phenomenon has been utilized to interpret the structure of complex food webs where it is not entirely clear that the trophic level assignments should be for animals that feed on organisms from various trophic levels (Haines & Montague 1979, McConnaughey & McRoy 1979a, b, Rau et al. 1983). Data presented here indicate that a combination of $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$ predicts trophic level better than Cs/K. However, we used about 20 of each species for the isotope ratio analyses and only 5 of each species for the Cs and K analyses. Perhaps with more Cs/K values clearer separations between species, such as those observed from the isotope ratio data, would be evident.

The data support the following conclusions: (1) the 3 species of fish collected in the outfall area obtained about 15 to 20% of their carbon and nitrogen from sewage and this varied little between species; (2) carbon and nitrogen became isotopically heavier and Cs/K increased in the 3 species in the order of: *Microstomus pacificus*, *Citharichthys sordidus* and *Zaniolepis latipinnis*, which suggests strongly that trophic levels increase in this order; (3) *M. pacificus*, a species that apparently occupies a lower trophic level than the

other 2 species, accumulated the lowest concentrations of ΣDDT and PCBs; (4) Aroclor 1254 and ΣDDT bioaccumulate through the food web, from invertebrate detritus feeders to predatory fish, although for ΣDDT in fish this may relate to lipid content; (5) contaminants tend to correlate positively between individuals of a fish species with increasing trophic level, and the reason for this remains unclear.

Acknowledgements. We are grateful to I. Haydock of the Los Angeles County Sanitation District for making the 'Saa-S-Dee' available for sampling and for the sample of sewage particulate matter. Willard Bascom, director of the Southern California Coastal Water Research Project (SCCWRP) at the time of this study, graciously made laboratory space available for processing field samples. Jeff Cross of SCCWRP was particularly helpful in our field work. Don Baumgartner, Bruce Boese and Henry Lee of EPA's Marine Laboratory, Newport, Oregon have given us support and many helpful suggestions. We thank D. Young, from the same laboratory, for invaluable discussions of the Cs and K data. This work was performed under the auspices of the U.S. Department of Energy by the Lawrence Livermore National Laboratory (LLNL) under Contract No. W-7405-ENG-48. Although the research described in this paper was funded by the U.S. Environmental Protection Agency through Interagency Agreement AD-89-E2A267 to LLNL, it has not been subjected to the Agency's required peer and policy review and therefore does not necessarily reflect the views of the Agency.

LITERATURE CITED

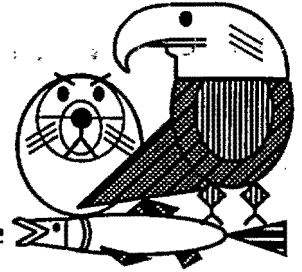
- Allen, M. J. (1977). Pollution related alterations of southern California demersal fish communities. *Cal-Neva Wildlife Trans.* 1977: 103-107
- Allen, M. J. (1982). Functional structure of soft-bottom communities of the Southern California Shelf. Ph. D. dissertation, Univ. of California, San Diego
- Cross, J. N. (1985). Fin erosion among fishes collected near a southern California municipal waste outfall (1971-82). *Fish Bull. U. S.* 83: 195-206
- Cross, J. N., Roney, J., Kleppel, G. S. (1985). Fish food habits along a pollution gradient. *Calif. Fish Game* 71: 28-39
- DeNiro, M. J., Epstein, S. (1977). Mechanism of carbon isotope fractionation associated with lipid synthesis. *Science* 197: 261-263
- DeNiro, M. J., Epstein, S. (1978). Influence of diet on the distribution of carbon isotopes in animals. *Geochim. Cosmochim. Acta* 42: 495-506
- DeNiro, M. J., Epstein, S. (1980). Influence of diet on the distribution of nitrogen isotopes in animals. *Geochim. Cosmochim. Acta* 45: 351-353
- Eganhouse, R. P., Kaplan, I. R. (1982). Extractable organic matter in municipal wastewaters. 1. Petroleum hydrocarbons: temporal variations and mass emission rates to the ocean. *Environ. Sci. Technol.* 16: 180-186
- Estep, M. F., Dabrowski, H. (1980). Tracing food webs with stable hydrogen isotopes. *Science* 209: 1537-1538
- Estep, M. F., Hoering, T. C. (1980). Biogeochemistry of the stable hydrogen isotopes. *Geochim. Cosmochim. Acta* 44: 1197-1206
- Fauchald, K., Jumars, P. A. (1979). The diet of polychaete worms: a study of polychaete feeding guilds. *Oceanogr. mar. Biol. A. Rev.* 17: 193-284

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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

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



RESOLUTION

WHEREAS, Dr. Charles H. Peterson has served as one of the Trustee Council's most highly regarded scientific peer reviewers; and

WHEREAS, Dr. Peterson has been extremely diligent in his efforts to provide the Trustee Council and the public with sound information and advice; and

WHEREAS, Dr. Peterson has made an important contribution to the Trustee Council's efforts to develop an ecosystem approach to the restoration of resources and services injured by the *Exxon Valdez* oil spill; and

WHEREAS, the Pew Scholars Program in Conservation and the Environment recently recognized Dr. Peterson's exceptional professional contribution to the conservation of biological diversity and related environmental issues,

THEREFORE BE IT RESOLVED, that the *Exxon Valdez* Oil Spill Trustee Council commends Dr. Peterson for the receipt of this prestigious award from the Pew Charitable Trusts.

Craig J. Tillery Dated 7/11/94
for BRUCE M. BOTEHO
Attorney General
State of Alaska

George T. Frampton, Jr. Dated 7/11/94
for GEORGE T. FRAMPTON, JR.
Assistant Secretary for Fish,
Wildlife & Parks
U.S. Department of the Interior

Phil Janik Dated 7/11/94
PHIL JANIK
Regional Forester
Alaska Region
USDA Forest Service

Steven Pennoyer Dated 7.11.94
STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

Carl L. Rosier Dated 7/11/94
CARL L. ROSIER
Commissioner
Alaska Department of Fish &
Game

John A. Sandor Dated 7/11/94
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

Trustee Agencies

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

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

Outline of Draft FY 95 Work Plan

Note: The following outline represents a proposal by staff to organize information about the Draft FY 95 Work Plan in order to provide an opportunity for meaningful public review and comment. The proposal to identify various project categories in no way reflects an action or decision on the part of the Trustee Council regarding any specific project or proposal to be funded in FY 95. Budgets for continuing administrative costs and closeout/report writing for FY 94 projects will require action by the Trustee Council in late August. It is intended that a Draft FY 95 Work Plan will be published for public review and comment in late August/early September. Based on comment received as a result of the PAG and public review, the Executive Director will present a formal recommendation for consideration and action by the Trustee Council at a meeting in late October.

Summary: Draft FY 95 Work Plan

This document would consist of:

- an introduction and several tables that identify Category 1 projects⁽¹⁾ (number, title, sponsor, lead agency, cost) organized according to category (General Restoration, Monitoring, Research, Habitat Protection and Administration) together with a narrative that puts the set of Category 1 projects into the context of the overall restoration goals, objectives and strategies drawing on the guidance provided in the *Invitation to Submit Restoration Projects for FY 95* and the *Draft Restoration Plan*
- a listing of Category 2⁽²⁾ projects; Category 3⁽³⁾ projects; Category 4⁽⁴⁾ projects as well as identify "closeout" and "carry-forward" projects⁽⁵⁾

Note: this document would receive wide circulation to the Trustee Council mailing list.

Draft FY 95 Work Plan — Supplement Volume I

This document would consist of Brief Project Descriptions for Category 1 and Category 2 projects and information on how to obtain BPDs for other projects

Note: this document would receive limited mail circulation, but be widely noticed as available upon request.

Draft FY 95 Work Plan — Supplement Volume II

This document would consist of Brief Project Descriptions for all other projects.

Note: this document would be prepared as a three ring binder and widely noticed as available for review in Legislative Information Offices and Public Libraries. Individual BPDs would be available upon request.

Draft FY 95 Work Plan — Supplement Volume III

This document would consist of detailed budget forms for Category 1 and Category 2 projects.

Note: this document would be prepared as a three ring binder and widely noticed as available for review in Legislative Information Offices and Public Libraries. Individual budgets and additional information about budgets would be available upon request.

(1) This set of projects will reflect a comprehensive, balanced set of priority FY 95 projects identified by the Executive Director in consultation with the Chief Scientist, Trustee Council agency liaisons, the PAG representatives and the Coordinating Committee on the basis of information available at this time. This set of projects will include General Restoration, Monitoring, Research, Habitat Protection and Administration/Public Information projects of a high priority that are responsive to the guidance (objectives and strategies) provided by the *Invitation to Submit Restoration Projects for FY 95*.

(2) This set of projects will include General Restoration, Monitoring, Research, Habitat Protection and Administration/Public Information projects identified as permissible under the terms of the civil settlement, but of a lower priority in FY 95, together with a statement of the rationale for their designation as Category 2 projects.

(3) This set of projects will include General Restoration, Monitoring, Research, Habitat Protection and Administration/Public Information projects that have been proposed to the Trustee Council that are identified as being incomplete, lacking a clear relationship to restoration or otherwise of low priority, together with a statement of the rationale for their designation as Category 3 projects.

(4) This set of projects will include General Restoration, Monitoring, Research, Habitat Protection and Administration/Public Information projects raising significant legal or policy issues. A specific rationale for why a particular project is proposed for this category will be provided for each project (e.g., not legally permissible under the civil settlement, the proposal would fund a normal agency responsibility).

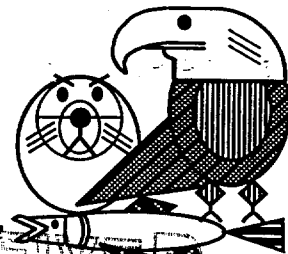
(5) Closeout projects are those projects from a prior year that will be concluded in FY 95. Carry-forward projects are those projects that were not completed in FY 94, that are to be continued but need reauthorization.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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



RECEIVED
AUG 19 1994

TRUSTEE COUNCIL MEETING ACTIONS

July 18, 1994 @ 3:00 p.m.

Reconvened from July 11, 1994 Meeting

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE

DRAFT

By James R. Ayers
Executive Director

Trustee Council Members Present:

- | | |
|---------------------------|-----------------------|
| ● Jim Wolfe, USFS | Carl Rosier, ADF&G |
| ● Deborah Williams, USDOJ | * John Sandor, ADEC |
| ● Don Collinsworth, NMFS | ● Craig Tillery, ADOL |

* Chair

● Alternates:

Deborah Williams served as an alternate for George T. Frampton, Jr. for the entire meeting.

Craig Tillery served as an alternate for Bruce Botelho for the entire meeting.

Don Collinsworth served as an alternate for Steve Pennoyer for the entire meeting.

Jim Wolfe served as an alternate for Phil Janik for the entire meeting.

1. Approval of the Agenda

APPROVED MOTION: Approved the Agenda. (Attachment A)

2. Habitat Acquisition Update

APPROVED MOTION: Trustee Council authorized an additional \$1,500,000 to accommodate the U.S. Forest Service's proposed Appraisal Schedule & Cost Estimates. This is to include a timber cruise for Tatitlek @ \$200,000 and an expedited Eyak timber cruise and report (mid-September) @ \$600,000. Akhiok, Old Harbor and Koniag report due date to change from mid-September to late August. Also, requested was a written explanation from the contractor for the cost difference regarding the report due dates. Motion by Deborah Williams, seconded by Jim

Trustee Agencies

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

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

Wolfe.

3. Upcoming Meeting Dates

APPROVED MOTION: The next Trustee Council meeting will be in Anchorage on August 23, 1994 @ 10:30 a.m.

Meeting adjourned

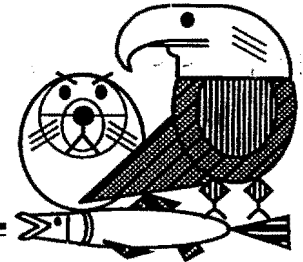
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Phone: (907) 278-8012 Fax: (907) 276-7178



AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL
CONTINUATION OF JULY 11, 1994 MEETING
TELECONFERENCE
JULY 18, 1994 @ 3:00 P.M.

Trustee Council Members:

PHIL JANIK/JIM WOLFE
Regional Forester/Trustee
Alaska Region/Representative
U.S. Department of Agriculture-Forest Service

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

GEORGE T. FRAMPTON, JR./DEBORAH WILLIAMS
Assistant Secretary/Trustee Representative
U.S. Department of the Interior

STEVE PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

John Sandor, Chair
Juneau - Forest Service Conference Room 541A
Anchorage - 645 G Street Fourth Floor

1. Call to Order 3:00 p.m.
 - Approval of Agenda
 - Order of the Day
2. Habitat Acquisition Update (Dave Gibbons)
 - Appraisal Schedule & Cost Estimate
3. Future Meeting Schedule
 - August 23, 1994 @ 7:30 or 8:00 a.m. (Simpson Building)
 - Tentative Topics to be Discussed
 - Final Restoration Plan
 - EIS Preferred Alternative
 - FY95 Interim Budget
 - Habitat Update

Trustee Agencies

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

DRAFT

July 18, 1994

FOREST SERVICE STATUS REPORT REGARDING
APPRAISAL SERVICES AND APPRAISAL SCHEDULE

At its July 11, 1994, meeting, the Trustee Council requested both a status report regarding the Forest Service contract to conduct appraisals in support of the restoration acquisition program and a current appraisal schedule.

I. Background

The status of the appraisal contract and current appraisal schedule cannot be fully appreciated without a consideration of the historical context in which the Trustee Council's appraisal process has evolved.

A. Standardized Appraisal Process and Appraisal Services Contract.

On November 30, 1993, the HPWG issued its comprehensive habitat protection evaluation and ranking of large parcels, which were evaluated, scored and ranked as high, moderate, or low to represent the degree to which protection of a parcel would benefit the recovery of linked resources and services that occur on the parcel.

At its January 31, 1994, meeting, the Trustee Council approved a resolution proposed by Commissioner Sandor to proceed with a habitat protection program. Among other things, the resolution directed the Executive Director to work with the lead negotiators to develop a standardized appraisal process, including standardized appraisal instructions, to be used to appraise the parcels under consideration for protection. This Council direction launched several initiatives.

First, the Alaska Department of Natural Resources, the U.S. Department of the Interior, and the U.S. Department of Agriculture entered into a Memorandum of Understanding (MOU) regarding the appraisal process to be used to appraise interests in land under consideration for acquisition and habitat protection as part of the Trustee Council restoration process. The parties entered into the MOU to ensure that all appraisals are conducted and reviewed in an efficient and uniform manner. The MOU provides that standard appraisal instructions will be developed and applied to each appraisal of interests in land proposed for acquisition, and that all appraisals will comply with State of Alaska appraisal standards and the *Uniform Appraisal Standards for Federal Land Acquisitions* (UASFLA), 1992. In addition, the parties agreed that an existing

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U.S. Forest Service contract for the procurement of appraisal services would be used to appraise all interests in land proposed to be acquired for purposes of restoration. The responsibility for the overall administration of the appraisal services contract remains with the Forest Service. The parties executed the MOU on March 21, 1994.

Second, in March, 1994, the Executive Director began a process to develop standardized appraisal instructions. The appraisal instructions utilized in the existing Forest Service contract were the basis for development of the standardized instructions. The Executive Director solicited comments on these instructions from landowners interested in participating in the restoration acquisition program and incorporated appropriate comments in the final version. The Department of Justice Chief Appraiser also reviewed the standardized instructions and concurred that the standards met the requirements of UASFLA. The standardized appraisal instructions were finalized on April 21, 1994.

Third, the Executive Director also requested that the appropriate staff develop a framework for the appraisal process that could be shared with landowners and the public. Throughout April, 1994, agency negotiators, appraisers, and attorneys formulated a twelve step process for conducting appraisals, reviewing appraisals, and approving appraisals. The draft twelve step process was also submitted to interested landowners for comment and was endorsed by the Council on May 31, 1994. The final twelve step process was issued June 3, 1994.

B. Initiation of Appraisals and Current Schedule.

At the same time the above initiatives detailing the standards and process to be used in conducting appraisals was taking place, negotiations with landowners were occurring. Receipt of permission from the landowners to proceed with an appraisal has varied with each parcel and remains dependent upon the progress of on-going negotiations. The progress of negotiations and thereby the number of parcels to be appraised within the assumed deadline of mid-September has made the confirmation of the completion of any given appraisal difficult. In fact, the Executive Director informed the Council at its April 11, 1994, meeting that the schedule for completion of appraisals was not definitive and that the appraisers were expecting appraisals to be prepared by July, August, or maybe even early September. Transcript at p. 16.

In addition, two issues have been problematic with respect to the scheduling of appraisals, although it does not appear either issue has caused significant delays in the current appraisal schedule. First, the May 6, 1994, purchase agreement with the Eyak Corporation and Sherstone, Inc. for the purchase of approximately

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two thousand acres of commercial timber rights required that an appraisal be conducted as soon as possible to meet the 90 day closing requirement stated in the purchase agreement. This required a shift in focus from the Shuyak and Chenega parcels to the Eyak/Sherstone parcel with respect to the performance of the timber appraisal. Second, locating a subcontractor to perform timber appraisals was troublesome. No timber appraisal firm with experience in Alaska was acceptable to the State and/or the private landowners. This results from a potential appearance of a conflict for the Alaska firms because no qualified firm was identified that was not already associated with either the private parties or with Exxon Corporation in the remaining oil spill litigation. Not until mid-May was the Forest Service contract appraiser, Black-Smith and Richards of Anchorage, able to subcontract with Pacific Forest Consultants of Portland, Oregon to perform timber appraisal services under the Forest Service contract.

An appraisal schedule prepared for the Council for its May 31, 1994 meeting indicates that of the five appraisals authorized to be conducted as of that date, the draft appraisal completion date for two was mid-July, one in August, and two in mid-September. The chart attached details, among other things, the expected completion date of the draft appraisal reports for these five parcels, which effectively remain on schedule as reported to the Council in May.

Since the May Council meeting, however, three additional requests have been made by the Executive Director to prepare appraisals, with a presumed target for completion of the draft appraisal report of September 15, along with the other parcels already being appraised. Completion of these draft reports by this target date significantly raises the cost of conducting the appraisals and also may raise the perception that the Council's appraisal process is not reliable.

With respect to costs, several factors affect the estimated cost of conducting an appraisal, including the deadline established for completion of the appraisal. Large parcels containing timber may increase appraisal costs substantially. This results, in part, from deficient or non-existent timber inventory data, which then requires a significant amount of field work to inventory the timber. A significant number of additional timber cruisers may be required to complete the groundwork during this field season in order to meet a September 15 timeframe. There may be substantial risks involved in performing timber appraisals for an estimated 200,000 acres during the remaining 1994 field season. First, the margin for error increases in the timber inventory and grade, which calls into question the validity of the appraisal. This factor therefore requires that the accountability level increase substantially. Timber check cruisers must be available from the lead negotiating agency to ensure the validity of the timber

DRAFT

inventory. In addition, physical risks for the individuals performing the timber inventory work increases as the end of the field season nears.

If the draft completion date for each appraisal requested is to be by mid-September, an increase in contract personnel and cost will certainly occur. Based on discussions with Pacific Forest Consultants, the Forest Service estimate for completing the timber cruises for the Afognak and Eyak large parcels by September 15 is approximately \$800,000. This is based on an increase in personnel to approximately 100 people to cruise the estimated 163,000 acres to be appraised, and considers current costs for labor, transportation, overhead, and expenses. It is estimated that if the September 15 draft completion date is not required, and the deadline to complete the timber cruise is late October, the estimate for Eyak is \$250,000, assuming that good timber inventory data is available for Afognak. In addition, it must be noted that Pacific Forest Consultants indicates there is only a 50-50 chance that it could meet the September 15 deadline.

The incurred costs associated with the conduct of appraisals currently exceeds the amount authorized by the Council at its May 31st meeting to conduct appraisals. The Council allocated \$515,000 to conduct appraisals. The cost of performing the five appraisals authorized at the time of the May 31st meeting, Akhiok-Kaguyak, Chenega, Eyak-Orca Narrows Sub-parcel, Shuyak, and Old Harbor, is \$992,617. This does not include the \$53,043 that the Federal trustees authorized to be expended from federal restitution funds to conduct an appraisal of the Chenega parcel. The worst case analysis regarding completion of Afognak, Eyak large parcel and Koniag by September 15th brings the estimated total to conduct all appraisals to \$1,827,617. This total cost exceeds the \$515,000 allocated by the Council by \$1,312,617. This estimate does NOT include any appraisal of Tatitlek lands that may be requested for draft completion by September 15.

Finally, it must be emphasized that the attached appraisal schedule provides for an expected date of completion of the draft appraisal report and the cost estimates are based on the September 15 completion date. For acquisitions involving partial interests, significant issues continue to remain undefined, which affect the appraiser's ability to meet this draft completion date. Where less than fee acquisitions are proposed, negotiators must resolve issues such as public access, subsistence rights, ANILCA 22(g), and defining development rights retained by the landowner before a defined partial interest to be acquired is presented to the appraiser for a determination of value of the less than fee interest.

DRAFT

July 18, 1994

APPRAISAL SCHEDULE & COST ESTIMATES

PARCEL OWNERSHIP	REQUEST FROM E.D.	ACRES TO BE APPRAISED	INTEREST APPRAISED	DRAFT REPORT DATE	ESTIMATED COST
EYAK	5/5/94	2,025	TIMBER	LATE-JULY	\$60,320
CHENEGA	9/93*	76,000	FEE/PAR/TIM	LATE-JULY	\$450,000
SHUYAK	4/29/94	27,900	FEE/TIMBER	MID-AUGUST	\$391,603
AKHIOK	5/6/94	119,885	FEE	MID-SEPT	\$63,401
OLD HARBOR	5/6/94	34,134	FEE/PARTIAL	MID-SEPT	\$27,291
KONIAG	7/11/94	100,000	FEE	MID-SEPT	\$35,000**
AJV	6/23/94	112,658	FEE/TIMBER	MID-SEPT	\$200,000**
EYAK	6/17/94	50,000**	FEE/PAR/TIM	MID-SEPT	\$600,000**
				LATE-OCT	\$250,000**
TATITLEK	not ordered				
CHUGACH	not ordered				
PORT GRAHAM	4/29/94	CANCELLED 5/17 AFTER PRELIMINARY WORK WAS INITIATED			
ENGLISH BAY	not ordered				

ESTIMATED TOTAL	\$1,827,617

APPRAISAL FUNDS AUTHORIZED BY TRUSTEE COUNCIL ON 1/31/94	\$515,000

ADDITIONAL FUNDS NEEDED	\$1,312,617

*Landowner permission given thru 9/93 agreement with Forest Service

**Estimate

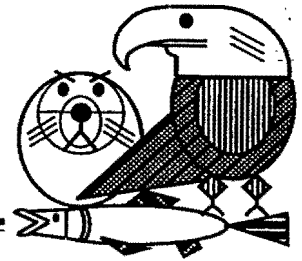
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DRAFT

AGENDA EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

AUGUST 23, 1994 @ 10:30 A.M.

8/16/94

3:18 pm

DRAFT

Trustee Council Members:

PHIL JANIK/JIM WOLFE
Regional Forester/Trustee
Alaska Region/Representative
U.S. Department of Agriculture-Forest Service

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

GEORGE T. FRAMPTON, JR./DEBORAH WILLIAMS
Assistant Secretary/Trustee Representative
U.S. Department of the Interior

STEVE PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

, Chair

Anchorage - 645 G Street Fourth Floor

1. Call to Order 10:30 a.m.
 - Approval of Agenda
 - Order of the Day
 - Approval of July 11 and 18, 1994 Meeting Notes
2. Public Advisory Group Report (Brad Phillips) and
Public Comment Period 10:30 - 11:30 a.m.
3. Restoration Plan Update (Jim Ayers) 11:30 a.m.
 - Summary of Public Comments on EIS (Rod Kuhn)
 - Adoption of Preferred Alternative for EIS*
 - Implementation/Final Restoration Plan
4. Habitat Protection and Acquisition
 - Update on Activities
(Possible Executive Session for Strategy Discussion)

Trustee Agencies

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

- "Less than fee" and "Public Access" Policies*

5. Proposed Interim Budget*
 - Administrative Budget
 - Project Interim Budgets
6. Executive Director's Report (Jim Ayers)
 - Financial Report
 - Court Request
 - Investment Options
 - Chief Scientist Contract (Possible Executive Session)
 - Institute of Marine Science Improvements Update
 - FY95 Draft Work Plan
7. Future Meeting Schedule

***Action Items**