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Restoration Reserve Fund Public Advisory Group Issue Paper - Revised 10/02/97

The Restoration Reserve is a fund established by the *Exxon Valdez* Trustee Council from the \$900 million civil settlement. The purpose of the fund is to support restoration efforts beyond the last payment from Exxon Corporation. The last payment from Exxon in September 2001 will fund restoration projects for federal fiscal year (FY) 2002. Restoration efforts needed after FY 2002 will be funded by the Reserve Fund.

Each year since 1994, the Trustee Council has approved the transfer of \$12 million into the Reserve Fund. Annual deposits of \$12 million in each of the five years remaining in the settlement period would bring the total reserve to \$108 million plus interest, or about \$140-\$150 million. All settlement funds are currently placed in the Court Registry Investment System (CRIS), a cash management system developed by the U.S. District Court for the Southern District of Texas, and invested in government treasury securities.

The Trustee Council has made no decisions about the long-term management or use of the Reserve Fund and would like to hear your ideas, especially about the following issues:

- **Purpose of the Fund**: Should the fund be used for marine research, habitat protection, stewardship programs, or a combination of restoration activities? Should the policies in the *Restoration Plan* apply to use of the Fund or should these policies be amended?
- **Financial Management**: How much money is needed and over what period of time and in general how should the fund be managed to attain these objectives?
- **Decision-Making Structure**: Should the Trustee Council continue to make decisions about restoration after FY 2002 or should a different decision-making structure be established to direct the use of the Reserve Fund?

Decisions about the Reserve Fund probably will require changes in legislation and court orders. However, right now the Trustee Council needs creative ideas to help its members make a decision by **Fall 1998.** This target date will allow ample time to make needed changes in state and federal laws, court orders or administrative arrangements.

Although the first issue to be addressed is the purpose of the Fund, it is difficult to express opinions about this issue without knowing how much money could be available to spend. Table 1 illustrates the amount of money that could be available to spend in FY 2003 under

various scenarios. For two different investment strategies—the status quo (CRIS) and a hypothetical alternative public investment system earning a total return of 8.0%—Table 1 presents an **inflation-adjusted endowment** and two **declining balance** scenarios in which principal as well as interest would be spent over 10 years or 20 years. In this table, the figures for the declining balance scenario assume that principal and interest would be spent in equal amounts over the time period, so the value would be declining in real terms because of inflation.

INVESTMENT STRATEGY	ASSUMPTIONS:	AVAILABLE TO SPEND IN FY 2003 ¹)3 1
	Principal: \$150 million Inflation Rate: 3.5%	Inflation-Adjusted Endowment	Declining	Balance
	Total Return Less Fees		10-Year	20-Year
Status Quo (CRIS)	4.9%	\$2.1 million	\$19.3 million	\$11.9 million
Alternative	8.0%	\$6.8 million	\$22.4 million	\$15.3million

 Table 1. Amount Available to Spend under Various Scenarios

¹ The equivalent of these amounts in 1997 dollars will depend on the inflation rate in future years. For example, assuming a 3.5% inflation rate, \$2.1 million in 2002 would be equivalent to \$1.8 million in 1997 and \$6.8 million would be equivalent to \$5.7 million.

PURPOSE OF THE FUND

Issues:

- 1. Should the fund be used for marine research, habitat protection, stewardship programs, or a combination of restoration activities?
- 2. Should the policies in the Restoration Plan apply to use of the Fund or should these policies be amended?
- 3. Other issues?

The Trustee Council began transferring funds to the Reserve Fund in 1994. Its members expected complete recovery from the spill would not occur for decades, well beyond the 10-year period (1991-2001) for annual payments from the Exxon Corporation. Although the Council intends for the Reserve Fund to be available for restoration in the years following the last payment from Exxon, they reserved the option to use the Reserve Fund before the year 2001 to fund restoration projects that are clearly needed and cannot be funded by other means.

If the Reserve Fund is managed as an endowment, the amount available to spend each year beginning in FY 2003 would be \$2.1 million under the status quo and \$6.8 million under the alternative investment strategy described below. If, on the other hand, principal and interest are

Restoration Reserve

spent over a 20-year period, about \$11.9 million would be available to spend annually under the status quo and \$15.3 million under the alternative investment strategy.

In anticipation of the end of the payment period, the Trustee Council has set a target of \$6 million for the work plan (monitoring, research and general restoration) in FY 2002, and conclusion of the acquisition of all large parcels and small parcels currently under consideration.

The Chief Scientist, in consultation with the core scientific peer reviewers, have prepared a position paper (April 11, 1997) that recommends "that the Reserve Fund be used to fund a permanent, adaptive, interdisciplinary monitoring and research program to track and predict ecological change and provide data and a mechanism for long-term conservation and management." The Chief Scientist recommends that the Fund be managed as an endowment, that the research program focus on the northern Gulf of Alaska, and that \$4-\$5 million be reserved for the research program.

FINANCIAL MANAGEMENT

Issues:

- 1. How much money is needed and over what period of time?
- 2. In general, how should the fund be managed to attain these objectives?
- 3. Other issues?

On November 2, 1994, the Trustee Council approved the initial transfer of funds into a Reserve Fund in the CRIS and directed that the Fund be invested in long-term securities earning higher rates of interest than those available through the Joint Trust Fund Account. An amendment to the court order governing the deposit and transfer of settlement proceeds was necessary to effect this change and was signed in 1995 and in 1996, CRIS invested the Fund in U.S. government treasury securities with maturity dates ranging from FY 97 through FY 2002. The average rate of return on these securities is 5.11%. Since then, interest rates have risen.

CRIS charges a fee of 10% on earnings. The 1996 audit of the Joint Trust Account recommended that the Trustee Council seek a reduction in these fees because they are excessive given the limited cost of the services provided by CRIS. The Restoration Office has asked the federal court system to reduce the fees charged for management of joint trust funds, including the Reserve Fund, but so far these efforts have failed.

In considering future management of the Reserve Fund, the Council will have to make policy decisions on the following issues, which would benefit from public advice:

Return requirements: How much money will be needed to meet the restoration needs we project? Will the return have to increase with inflation?

Restoration Reserve

Liquidity: Do we need a steady income stream? How much money needs to be available each year?

Horizon: How long will the money have to last: 10 years? 20 years? In perpetuity? The answer to this question will help answer whether to manage the fund as an endowment or a declining balance and will influence the asset allocation. Also, there may be different horizons for different kinds of restoration activities, such as 10 years for habitat acquisition and 30 years or in perpetuity for science.

Potential Alternatives:

Status Quo: If the Trustee Council makes no change in the financial management of the Reserve Fund, it will continue to be held by the CRIS. The average net rate of return on the Reserve Fund (after the 10% fee on earnings) is currently about 4.9%. The return will vary with interest rates on government treasury securities.

Alternative: Alaska has many examples of conservatively managed public investment funds, for example, the Alaska Permanent Fund, the Public Employees Retirement System (PERS), the Public School Fund, and the University of Alaska Foundation. Some of these funds are managed as endowments; others are not. The average long-term return of these funds range from to about 8.5% to 12.6%. However, the board of directors of each fund sets a target return for future earnings. The earnings target for PERS, which is not inflation-proofed, is 8% and the target for the Alaska Permanent Fund is a 4% total rate of return after inflation.

DECISION-MAKING STRUCTURE

Issues:

1. Should the Trustee Council continue to make decisions about restoration after FY 2002 or should a different structure be established to direct the use of the Reserve Fund?

2. Other issues?

The Chief Scientist has recommended several features of the decision-making structure for the Reserve Fund. His recommendations include program administration by a core professional staff not directly affiliated with any particular agency; coordination and collaboration with other marine monitoring and research endeavors, such as GLOBEC; and opportunities for participation by resource agencies and the public.

An important consideration in evaluating alternative decision-making structures is the **cost** of public information, science management and administration. The cost of alternative organizational structures will depend on such factors as the size and complexity of the program;

Restoration Reserve

public outreach efforts, such as continuation of the Public Advisory Group, newletter, and participation in the Alaska Regional Library and Information System (formerly OSPIC); the nature and extent of staff support; and the method of securing independent peer review.

NEXT STEPS

Table 2 lists the milestones in Restoration Reserve planning. The first stage is to discuss issues of concern to a wide variety of parties. The next stage will be to develop alternatives for presentation to the Trustee Council in Fall 1997. Once the Council has endorsed the range of alternatives, a brochure ("newspaper") will be prepared similar to that which was used so effectively during development of the *Restoration Plan*. The brochure will be serve as the chief tool for discussing the Reserve Fund alternatives at public meetings and other gatherings.

Aug Oct., 1997	Staff meets with representatives of the University of Alaska, community facilitators and others to develop options for consideration.
Nov. 4, 1997	PAG Work Session on Restoration Reserve. PAG comments on draft options.
December 1997	Trustee Council decides which options to consider further.
December 1997	Staff prepares brochure on options.
January 29–30, 1998	Discussion of the Restoration Reserve at the 1998 Restoration Workshop.
Feb.– Mar 1998	Public workshops in the spill area, Fairbanks, Anchorage and Juneau.
May 1998	Close of public comment period on Restoration Options.
June 1998	Staff prepares report on public comments on Restoration Options.
July 1998	PAG reviews public comments on Restoration Options and makes recommendations to the Trustee Council.
August 1998	Trustee Council makes a preliminary decision on the Restoration Reserve and distributes it for comment.
October 1998	PAG reviews the preliminary decision and advises the Trustee Council
October 1998	Trustee Council makes a final decision on the Restoration Reserve.
March 23, 1999	Discussion of the Restoration Reserve at the 10th Anniversary Symposium
Oct. 1998–Sept. 2002	Change laws, court orders and administration, if necessary.
Oct. 1, 2002, or sooner	Use of Restoration Reserve begins.

Table 2. Milestones for Restoration Reserve Fund Planning

Restoration Reserve

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Public Advisory Group November 4-5, 1997

Agenda

Restoration Reserve

- Summary of Public Comments received in response to newsletter article
- Restoration Plan, Chapter 2, "Mission and Policies"

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- Restoration Plan, Chapter 3, section describing the Restoration Reserve
- *Record of Decision*, October 1994
- Excerpts from Trustee Council meetings: August 23, November 2, and December 2, 1994
- Excerpt from Public Advisory Group meeting: August 2-3, 1994
- Update on Injured Resources and Service, September 1996
- 1997 Status Report, past and estimated future uses, p. 28
- Memo from Dr. Robert Spies re "Science and the Restoration Reserve", April 11, 1997
- Briefing paper Draft Options, Use of the Restoration Reserve Fund, October 28, 1997

Archaeological Repositories

- Briefing memo and draft resolution September 29, 1997
- CRRC resolution 97-05 endorsing archaeological repositories in Chugach villages
- Summary of Chugachmiut recommendation from the Comprehensive Community Plan for the Restoration of Archaeological Resources in Prince William Sound and Lower Cook Inlet, November 1, 1996

Habitat Protection

- Large Parcel Habitat Status Report, September 29, 1997
- Small Parcel Habitat Status Report, October 20, 1997

Other documents

- Status on deferred FY 98 projects
- September 10-11, 1997 Public Advisory Group Kodiak trip summary
- Letter from E. Huffines
- Letter from R. Steiner

Exxon Valdez Oil Spill Trustee Council

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AGENDA

Exxon Valdez Oil Spill Trustee Council Public Advisory Group Fourth Floor Conference Room & 645 G Street, Anchorage, Alaska Tuesday, November 4, 1997, 8:30 AM-5:00 PM Wednesday, November 5, 1997, 8:30 AM-Noon

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DRAFT 10/22/97

PURPOSE:

- 1. Develop recommendations on draft alternatives for the future of the Reserve Fund.
- 2. Develop recommendations on the draft resolution on archaeological repositories.

Tuesday, Nov. 4: Restoration Reserve

8:30 AM	Welcome/roll call		
8:45	Executive Director's Report Molly McCammon, Executive Director General Introduction to Reserve Planning Process		
9:00	Status of Injury and Recovery Dr. Robert Spies/Stan Senner		
9:15	Summary of Public Comments Received Veronica Christman		
9:30	Public Comment		
10:00 11:00 Noon	Uses of the Reserve Fund Research and Monitoring Dr. Robert Spies/Stan Senner Habitat Protection Agency Staff Community Interests		
1:00 PM	Lunch (brought in)		
2:00	Discussion/Recommendation		
ACTION ITEM: Motion on Draft Options for the Reserve Fund			
4:30	Closing comments by Public Advisory Group members		
5:00	Adjourn		

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SUMMARY OF RESPONSES TO NEWSLETTER ARTICLE (8/97)

An article in a recent issue of *Restoration Update*, the Trustee Council's newsletter, asked for written comments on the future of the Reserve Fund. As of October 21, the Restoration Office has received **179** responses. A copy of the article is attached to this report.

Most of the messages (120) urge the Trustee Council to purchase land on North Afognak Island, especially in the Pauls and Laura Lakes area, and, if necessary, to use the Reserve Fund for this purpose. These responses do not advocate use of the entire Reserve Fund for habitat protection. Because these messages mention the Reserve Fund, they are included in photocopied collections of responses to the newsletter article. However, because they do not address long-term management of the Reserve Fund, these 120 responses are presented as a separate category in Table 1.

All of the other **59** responses address **use** of the entire Reserve Fund and most address the **term** of the Fund (endowment vs. 10 or 20 years) and the **location** of restoration activities (spill area, Gulf of Alaska or statewide). This solicitation is not a scientific sample and the number of responses is quite small, so the results cannot be interpreted as a reflection of public opinion about the Reserve Fund. Nonetheless, this report tabulates the responses to issues of use, term and location (Table 1) and excerpts ideas about governance and other issues (Table 2) to help the reader digest the stack of letters that have been provided to them.

Use of the Reserve Fund	Responses	Term				Location		
		Endow- ment	20 Yrs.	10 Yrs.	Now	Spill Area	Gulf of AK	State- wide
Research/Monitoring	38	35	1	0	0	7	11	12
Habitat Protection	6	0	0	3	1	3	0 -	0
Combination	13	9	0	0	0	9	0	0
Other	2	0	0	0	0	0	0	0
Subtotal:	59	44	1	3	1	19	11	12
N. Afognak Land Purchase	120	20						
Total:	179							

Table 1.	Tabulation	of Responses to	Newsletter Article
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Summary of Public Comment

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Wednesday, Nov. 5: Archaeological Repositories

8:30 AM	Welcome/roll call Chair
8:45	Introduction of Draft Resolution Molly McCammon, Executive Director
9:15	Report from Community Involvement Coordinator
10:00	Discussion/Recommendation (continue after lunch, if necessary)
ACTION I	TEM: Motion on Draft Resolution on Archaeological Repositories
11:30	Closing comments by Public Advisory Group members
Noon	Adjourn

Thirty-eight (38) of the respondents encourage the Trustee Council to use the entire Reserve Fund for research and monitoring. Nearly all (35) of those who advocate this position favor establishment of a permanent marine research endowment. Opinions are divided on the topic of location, with a similar number of people advocating marine research in the spill area only, the Gulf of Alaska and marine waters throughout Alaska.

Six (6) respondents favor use of the entire Reserve Fund for habitat protection. Three (3) of these comments suggest a 10-year period, one (1) suggests immediate use of the fund, and two (2) do not comment on the duration of the fund.

Most of those who submitted comments advocate a single use of the fund, usually marine research or habitat protection. However, a total of **13** respondents encourage the Trustee Council to consider a combination of different categories of restoration. Seven respondents favor the combination of research and monitoring as well as habitat protection, and six respondents encouraged the Trustee Council to also consider general restoration or "community restoration" projects. Nine (9) of those who advocate a combination of restoration activities favor establishment of a permanent endowment to support these activities.

Forty-six (46) of the responses address governance of the fund and other issues. Ideas about governance include continuation of the Trustee Council, designation of a new board, and establishment of a foundation or nonprofit organization. Ideas about governance are varied and complex and do not lend themselves to tabulation. Consequently, Table 2 excerpts and, in some cases, paraphrases ideas about governance and other issues.

Summary of Public Comment

Assistant Attorney General Craig Tillery, representing Attorney General Bruce Botelho on the Trustee Council, agreed with Rue but added that a new structure might be needed. "I've given this a fair amount of thought over the last couple of years," he said. "My own view is the Council needs to go out of business about the year 2001 and it needs to be replaced, perhaps by something with very many of the same agencies, but with a public component."

During a recent visit to Seward, the Council invited local residents to give their opinions about the restoration reserve. Seward resident Chuck Adams told the Council he thought a permanent endowment would be the best way to help injured species recover. "A lot of these sea creatures, they spend their

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My own view is the Council needs to go out of business about the year 2001 and it needs to be replaced, perhaps by something with very many of the same agencies, but with a public component.

Trustee Designate Craig Tillery Assistant Attorney General



entire lives at sea and there's no way to protect them other than through research," he said. "I really think research needs to be the future of this (fund)."

Reserve funds could also be used for habitat protection, either through acquisition of strategically located smaller parcels or by protecting larger tracts of 1,000 acres or more. Though most of the habitat protection goals have been met, it's clear that there is not enough money available to protect all of the parcels currently under consideration, according to Executive Director Molly McCammon.

"The Trustee Council will be facing some very tough choices with the restoration reserve because it's likely some very important parcels — each with its own public support and community support — will not be funded under the current budget," she said.

The Trustee Council plans to seek public comment from throughout the spill region in the same way it did four years ago in establishing the current restoration program. Public meetings will be held in spill area communities during the first half of 1998 and a final decision is expected by the end of the year.

For planning purposes, the decision must be made well in advance of the last payment from Exxon in 2001, McCammon said. Any changes to the structure of the Trustee Council and its funding would likely require changes in law that could take years to complete, she said.

What are your ideas for the future of restoration?

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The Trustee Council is seeking your input about the

L future of the Council and the possible uses of the Restoration Reserve. Your opinions and ideas will be used to assist staff in developing a spectrum of options for consideration by the Trustee Council.

To submit initial ideas and comments to the Council, please consider the following questions:

• Should a permanent endowment be set up with annual dividends used to finance restoration projects? Or should the fund be budgeted for expenditure over a 10- or 20-year period?

• Should funds be used to protect more habitat? Should it be used for research and/or community restoration projects? What other options should be considered?

• How should the fund be governed? Should a new trustee structure be developed? Should the 17-member Public Advisory Group continue to exist? To what extent should scientific peer review be continued?

• Should spending be limited to the spill region?

The Public Advisory Group will use your comments in considering the issue at its November meeting. The Council is then scheduled in December to decide on the list of options to take to the public for formal comment.

A final list of options will be published by January 1, 1998 and distributed throughout the spill region. The public will have until May to submit comments on the various options. Public



Members of the Public Advisory Group discussed ideas for the Restoration Reserve during their July meeting. From left to right are Nancy Yeaton of Nanwalek, Howard Valley of Kodiak, Chuck Totemoff of Chenega Bay, Stacy Studebaker of Kodiak, Charles Meacham of Juneau and Mary McBurney of Anchorage.

workshops will be held in spill-area communities in February and March to ensure residents are informed about the options and have a chance to state their opinions.

Please submit any written comments by October 1 or let us know if you want to be part of the reserve planning process. Send comments to the Restoration Office at 645 G Street, Anchorage, AK 99508 or fax to 907-276-7178 or sent via e-mail to: kerih@oilspill.state.ak.us.

The Restoration Reserve It's time to start planning for the future

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our years ago, the Trustee Council was faced with a his toric choice: Which path should it take to best help the ecosystem recover from the Exxon Valdez oil spill?

After an inclusive public process, the Council adopted a course combining habitat protection, restoration projects, and research and monitoring. But it added a fourth element to provide flexibility for long term planning — the restoration reserve.

The restoration reserve is the Trustee Council's savings account. It was established to give the Council the option of continuing some sort of restoration program after the final payment is received from Exxon in the year 2001.

The long-term budget plan calls for the Trustee Council to set aside \$12 million each year to create a \$108 million reserve. With interest, it's projected that fund will grow to approximately \$150 million by the year 2002.

Again, the Council is facing a historic choice: How should it use the reserve account? During the next year, the Council will be seeking public input on this important issue. The Council will be facing many tough questions.

 Should a permanent endowment be set up with annual dividends used to finance restoration projects? Or should the fund be budgeted for expenditure over a 10- or 20-year period?

 Should funds be used to acquire and protect more habitat? Should it be used for research and monitoring? Should it be used for community-based restoration projects? Or should it be some combination of the three?

 How should the fund be governed? Should a new trustee structure be developed?

Should spending be limited to the designated spill region?

The Budget -- Making the Transition

During the next several years, the Council plans to gradually scale down the size of the annual work plan. The current work plan is budgeted at \$16 million. Next year's target is \$14 million and by fiscal year 2002, the

Public Information, Science Management & Administration

Restoration

Reserve

12%

3%

The Trustee Council established a budget plan through September 30, 2002. The Research, Monitorino Restoration and General Restoration Reserve has been set aside for possible use at that time, It is estimated it will be worth approximately \$150 million.

20%

Council plans to provide approximately \$6 million for the work plan budget. At that point, funding for research, monitoring and restoration projects will either end or it will be supported by the restoration reserve. But at what level?

Year Budget

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With an inflation-adjusted endowment, the fund could generate approximately \$3 million to \$6 million a year. But if the fund was set up to expire over a 20-year period, \$12 million to \$14 million could be available annually. A 10-year fund could produce \$20 million to \$22 million annually.

The Council -- Considering a New Structure

One of the biggest administrative and legal considerations concerns the structure of the governing body. Should the Trustee Council continue to oversee and allocate the funds? Should the 17-member Public Advisory Group continue to exist? To what extent should scientific peer review be continued?

Answers to those questions will also determine the funding needed for administrative costs. Each of those groups comes with a pricetag for meetings, transportation, per diem, and such. To bring administration costs down, some sort of restructuring will be needed.

Public Discussion -- What Do You Think?

The Trustees have expressed an interest in maintaining a federal/state process as a vital component of any future restoration program. At a forum held in Seward May 29, the Council opened the debate about its own future and the possible uses of the reserve.

"I think the idea of a multi-agency group with a process to involve the public has worked," said Trustee Frank Rue, commissioner of the Alaska Department of Fish and Game. "There has been some criticism of it, but I still think you don't get parochial agency views as much as you would if one agency or one entity were managing it. You get much broader perspective."

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Table 2. Ideas about Governance and Other Issues

Name/Organization	Governance	Other Comments
McDonald, Judy Individual	The current Trustee Council should be abolished. The decisions are often political trade offs between the federal and state agencies and not always the best use of the funds. An expanded role for the Public Advisory Group could possibly step into the decision making process. There should definitely be a more rigid scientific peer review of the proposals, more along the lines of the Sea Grant Program and the National Science Foundation.	Opposed to using the Reserve Fund for land acquisitions.
Paul, A.J. University of Alaska	An NSF-like review process should be used to determine the suitability of proposed projects that are requesting funds from the Reserve Funds. This board should consist of qualified persons with no financial or political interests in the funding process. The current trustees structure should be totally dismantled to eliminate politics and it should be replaced with a peer review process. That peer review process must contain some mechanismm for citizen input that is more extensive than a 17-member PAG.	Ecosystem research should be the highest priority; buy only habitat critical to injured species that are not recovering; fund only those community restoration projects that are benign. The Trustee Council should be replaced with a peer review process.
Cline, Mitchell B. Individual	I have been very pleased by how the Trustee Council has operated and know of no major problems with it. However, with a smaller amount of money to oversee, it becomes even more important that the funds are spent wisely and as little as possible used for administrative purposes.	None
Merrell, Ted Individual		Don't fund ongoing management; avoid artificial (hatchery) enhancement; minimize contributing to overhead of Alaska SeaLife Center.

Name/Organization	Governance	Other Comments
Sturgulewski, Arliss Individual	I see great value in a successor non-profit organization to the EVOS Trustee Council which would have representation from pertinent state and federal agencies and major public and native interests. The nonprofit organization should have the ability and be encouraged to receive and expend federal, state and pprivate dollars. A small staff with access to a qualified peer science review team should be established.	
Peterson, Carl Individual	The endowment should be managed by several agencies with public involvement.	$\overline{\bigcirc}$
Steiner, Rick Individual		Abolish the reserve and use the money to acquire habitat conservation easements along the coast of the region. The court intended the \$100 million reopenser to be the contingency for any needs beyond 2002.
Mitchell, C. K. Alaska Fisheries Development Foundation, Inc.		Cease additional purchases of habitat in the spill area. AFDF has nearly 100 members.
Smoker, William W. University of Alaska	Administration of such a fund should involve open access and competition among competent scientists adjudicated by rigorous peer review and it should be independent of other public agencies. Consider governance by a public body whose members are removed from the immediate concerns and problems of public agencies.	The Gulf of Alaska is larger than the spill area, but is a coherent system that encompasses the historical spill area.

Name/Organization	Governance	Other Comments
Branson, Jim H. Individual	A successor trustee group to the EVOS Trustee Council would be desirable with the ability to receive and disperse other moneys as well as earnings from the Reserve Fund. A small staff to work with a qualified peer science review team would be necessary.	PWS is an integral part of the Gulf of Alaska ecosystem and cannot be understood if we do not understand the whole.
Cooney, Robert T. University of Alaska		Opposed to use of the Reserve Fund for future land acquisition. Matching funding for long-term investigations of fisheries resources including salmon could buy partnerships with NSF and NOAA programs such as GLOBEC to expand work well beyond the coastal nursery environments into shelf and ocean feeding regimes.
Alexander, Vera University of Alaska	Management by a council similar but not identical to the Trustee Council, with agency representatives, but also academia and constituent membership. Scientific peer review using the NSF model of identifying and using the best experts for each proposal would be most useful.	
Cobb, Dave Valdez Fisheries Development Association Inc.	The eventual establishment of a citizens advisory committee and a select peer review group to manage this fund seems to be the most appropriate way to oversee this fund. A small administrative staff would be needed to provide services for the management of the fund. We do not believe that this fund should be turned over to any large organization that would deplete the Restoration Reserve significantly through high overhead and administrative costs.	
Petty, Clarence Individual	Determinations based on scientific fact should have priority over political considerations.	The majority of expenditures should be targeted toward providing the longst term benefits for fish and wildlife habitat.

Name/Organization	Governance	Other Comments
Henri, Joseph R. University of Alaska	The trustees of the trust should be ex-officio representatives from pertinent state and federal agencies and from major public and Native interests including, in major portion, representatives appointed by the Board of Regents of the University of Alaska.	UA should be highly involved in the continuing work of the proposed trust.
King, Margaret University of Alaska		Consider funding collaborative problem solving and dispute resolution programs that focus on public issues and, more specifically, for natural resource and environmental concerns.
Cowper, Steve Individual		Further land purchases seem excessive. There is at present an intense federal interest in the Bering Sea, which I believe will result in substantial federal and other funds being committed to marine research in that area. It makes sense to complement those activities by extending these efforts to Prince William Sound and the Gulf of Alaska.
Mathisen, Ole University of Alaska	The current NSF organization can serve as a model except on a much smaller scale and with only a few disciplines.	The endowment should support basic science in Alaska. In Alaska today, one can obtain support for applied projects only.
Schmitt, Alan L. Kodiak Chamber of Commerce	The endowment should be managed by a nonprofit research foundation with an Alaskan board of directors.	No comment
Lucier, Charles V. Individual		Funds should be apportioned flexibly, on an annual or multiyear basis to allow for unpredictable needs and developments. Spending should be largely limited to the spill area but with the proviso that worthy projects whose conduct would further spill area knowledge and applications be allowed.

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Name/Organization **Other Comments** Governance All expenditures should be subject to peer review by In addition to supporting marine research, the Reserve Fund Schell, Donald M. should also subsidize operational costs for the associated nationally recognized scientists who are not participating University of Alaska research facilities that have an active research and educational in the research program as principal investigators. This will encourage productive science and impartiality in the compotent, including the Prince William Sound Science Center evaluation of research proposals. field operations, the Kasitna Bay Laboratory and the research arm of the SeaLife Center. With regard to these facilities, the operating costs would be identified in proposals separate from research costs thus focusing support on the more used facilities and aiding those aspects that might not be totally funded from other sources. Support should encompass both basic and applied research. Marching funds from non-EVOS sources should be strongly encouraged in research partnerships. Spend the Reserve Fund on as much habitat acquisition as Holleman, Marybeth possible. Look into creative ways of protecting lands. For Individual example, explore other options with Chugach Corporation concerning their lands in the Bering River area. If you've bouht all the lands that are available in the spill area, investigated all the possibilities to protect remaining wilderness, and money

Dearborn, R. K. Universityof Alaska / Sea Grant Program Provide a more open and aggressive process of consultation with the government and academic science communities and should establish a more open proposal and scientific review process. Whereas the proposal and review process adopted by the Trustees for a retrospective analysis may have been useful and effective, recognizing that addressing knowledge needs of ocean and coastal systems will progress more effectively with a more science based approach, versus the management based approach now being used. remains, spend it only on nonintrusie long-term studies of

affected species.

Name/Organization	Governance	Other Comments
Balsiger, James W. NOAA	To administer the endowment, establish a permanent organization with representation from appropriate state, federal, native and private interests.	
Hendricks, John B. Alaska SeaLife Center	A successor organization to the Trustee Council should be established. The organization could include many or all of the same member agencies, but should also add a significant public element.	Use the Reserve Fund for marine research and sharing information with decision makers.
Strobel, Joan and Mark Individuals	If the Restoration Reserve is of limited (10 year) duration, it would be beneficial to keep a similar governing arrangement to assure continuity of approach and to assure continued success.	
Peart, Leslie Alaska SeaLife Center		I recommend that the Trustee Council emphasize public education as the vehicle for enhancing and maintaining restoration, habitat protection and research/monitoring projects for generations to come.
Southwest Alaska Municipal Concerence	The endowment should be managed by a nonprofit research foundation with an Alaskan board of directors.	
Nebert, Dave Individual	The endowment should be governed by a new board primarily made up of scientists (state, federal and private) and one or more members from the University of Alaska	No additional funds should be used to purchase habitat. Primarily marine research, with limited coastal ecological studies needed to understand the marine ecosystem.

Name/Organiz	zation Governance	Other Comments
Weingartner, to University of A	and coordinate the research. The committee would dran	
Schoening, Ka Individual	ren	Use the endowment for scientific research and education.
Adams, Chuck Individual		The endowment should be used for 1) training and technology to insure that another oil spill does not occur and 2) research and monitoring.
Clayton, Linda Individual		Opposed to more land acquisitions. The money should be focused on training and technology to insure that another oil spill does not occur and secondly, continue to provide funds for research into our marine ecosystem.
McCarty, Heat Golden Age Fi		The use of a large percentage of EVOS funds to buy land and trees can no longer be justified.
Lucas, Judy Individual		Supports purchase of lands at Cape Chiniak and use of the Reserve Fund to buy these lands. The opportunity to buy kands such as these for preservation may not come again.
Rudio, Barbara Individual	The fund should be governed as simply as possible with a maximum amount of public oversight.	I would like to see a point in time that will signify the end of the Exxon Valdez oil spill.

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Name/Organization	Governance	Other Comments
Roos, John North Pacific Marine Science Foundation	Establish a successor nonprofit organization to the current EVOS Trustee Council with representation from public and native groups and state and federal agencies.	
Bencardino, Louis City of Seward		I believe it is now time to shoft the focus away from habitat purchases, and now focus on additional funding for research.
Gifford, Rick L.		Ð
City of Seward		
Blackburn, Chris Alaska Groundfish Data Bank	 The fund should have a governing board of directors consisting of: 1 Federal government representative 1 State government representative 1 Spill area local government representative 4 Citizen members from the spill area 	Opposed to using the fund to endow university chairs. 85% of the earnings should be allocated to research/monitoring and 15% to habitat acquisitions.
	The fund should have a Scientific Peer Review Advisory Council consisting of: UA School of Fisheries and Ocean Sciences Alaska Department of Fish and Game US Fish and Wildlife Service One local community representative	
Noll, William Individual		Please make use of the funds for the purposes of research through the Alaska SeaLife Center and through the University of Alaska.

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Name/Organization	Governance	Other Comments
French, John University of Alaska	The fund should be run by an Executive Director who is an ex-officio on the board. The board should include one member from each trustee agency and the University of Alaska and four public members-at-large (2 appointed by the Governor and 2 by some federal mechanism). Proposals should be solicited by an open process and reviewed by an open peer review process, not by a Chief Scientist with a limited review panel.	The fund should be used only to support research and monitoring projects, with emphasis given to integrated multi-disciplinary projects. By not inflation proofing the fund, and by restricting funding to projects investigating processes in the Gulf of Alaska,there is a reasonable prospect that a meaningful amount of progress can be made in 20 years starting with a fund of \$150 million.
Mahaffey, Jmes Individual	No comment	Top priority for use of the Reserve Fund is habitat acquisition. A second priority would be establishment of an endowment to ensure that critical research be conducted in future problem areas where alternative funding is not available.
Baker, Torie Individual		To have the most lasting benefits, the reserve program, whatever form it takes, must ultimately strive to accurately and honestly integrate into and augment existing Alaskan institutions, agency programs and public policy forums.
Huffines, Eleanor The National Outdoor Leadership School		The value of EVOS research in the spill area is undeniable; yet, the use of research within the existing management structure is a concern that should be addressed. EVOS could play a significant role in supporting future research and planning efforts to diminish the imminent threat from increased traffic volumes related to recreation and tourism. Both cultural and scientific education programs provide people the knowledge and the passion to fight for the long term preservation of these fragile ecosystems. Through the Reserve, the oil spill could continue to provide educational opportunities for communities well into the future.

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Name/Organization	Governance	Other Comments
Smiley, Scott University of Alaska, Fishery Industrial Technology Center		We would like to see specific language designating applies fisheries as a major research emphasis written into any research program designed for this endowment.

DRAFT 10/21/97

Page 10

20 August 1997

To: The Exxon Valdez Oil Spill Trustees Council Restoration Office 645 G Street Anchorage, Alaska 99508

EXXON VALDEZ OIL SPILL TRUSTEF COUNCIL

From: Judy McDonald, P.O. Box 1197, Seward, Alaska 99664

In response to your request for input regarding the future for the Council and the possible uses of the Restoration Reserve, I would like to submit my thoughts.

1. A permanent endowment should be set up with annual dividends to fund restoration projects. There has been no determination of how long the effects of the oil spill will continue to make its self felt in the marine ecosystem. The impact of the spill will not magically disappear in 2000 when the payments from Exxon will end. A major part of the difficulty in assessing the impact of the oil spill was that there was very little information on the animals involved and their place in the Prince William Sound or Gulf of Alaska ecosystems. Even after all the money put toward research, there are still more questions then answers. And only the top predators were studied with any depth. There is still a great deal to learn about the interactions within and between species as well as their physical environment. There is not enough money in the pot to address even the major questions in a 10 or 20 year period.

2. Can you tell me how buying up terrestrial habitat can protect it from future oil spills? As far as I can tell, if there were another oil spill tomorrow the beaches would be just as oiled, the birds and other marine animals and plants would be just as affected as they were in 1989. The trees and freshwater habitats were not oiled in 1989. If the Park Service and Forest Service want more land, they should use their own budgets for the purchase price.

These funds should be used for research, and community restoration if there were a more equatable allocation of resources. For instance, these funds cannot restore Cordova to the fishing community it once was, but they may be able to get edible clams in the beaches again for Chenega and English Bay. That is if the otters don't get the clams first.

3. The current Trustee Council should be abolished. The decisions are often political trade offs between the federal and state agencies and not always the best use of the funds. An expanded role for the Public Advisory Group could possibly step into the decision making process. There should definitely be a more rigid scientific peer review of the proposals, more along the lines of the Sea Grant Program and the National Science Foundation. The science funded should be based on the merits of the problem to be addressed, not whether it is politically correct.

4. The spending should be limited to the spill region. The state does not fund much scientific research, so the Trustees should fill this void. However, there is not enough money to study the entire coastline of the state.

Institute of Marine Science SEWARD MARINE CENTER



Phone: (907) 224-5261 Fax: (907) 224-3392

University of Alaska Fairbanks

School of Fisheries and Ocean Sciences P. O. Box 730, Seward, Alaska 99664

August 21, 1998

Trustee Council Restoration Office 645 G Street Anchorage, AK 99508

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

I would like to provide my thoughts about the future of the restoration reserve The experience gained from the recent and costly clean up of oil at Chenega proves that the 1989 oil spill will be affecting the EVOS marine ecosystem for many years to come. We can't know what problems will arise as the oil trapped in the sediments continually leaches into the ecosystem. Likewise the genetic impacts of the pollution are yet to be totally manifested. Also, the marine organisms that are being affected from past, and possibly future events, are generally species whose life history and environmental requirements are poorly understood. Although there was an extensive scientific program supported by the TRUSTEES only a few high profile species were examined for oil spill impacts. As time passes we may find more organisms, or habitats, that were impacted by the 1989 spill.

I would like to see all of the reserve held in trust for perpetuity, and the income used as a source of funding to examine ecosystem problems relevant to the 1989 spill. The proceeds from investing the reserve should be used to fund research on marine organisms so that we can better understand the impact of oil spills on subarctic systems. I think that the TRUSTEES COUNCIL should consider this latter task their highest priority because most of the EVOS region falls in state of Alaska waters where there is a dearth of funding to support marine scientific research. The EVOS reserve can fill this funding void and provide an important service to our northern Gulf of Alaska communities who depend on marine resources to survive.

There should be equal consideration given to protecting habitats of species proven to be impacted by the spill, but I do not support buying timber land and properties that are not critical to species on the Trustee "not recovering list". Community restoration projects should be considered equally with research and habitat projects as long as they are environmentally benign.

A National Science Foundation like review process should be used to determine the suitability of proposed projects that are requesting funding from the Reserve Funds. This board should consist of qualified persons with no financial or political interests in the funding process. The current trustees structure should be totally dismantled to eliminate politics and it should be replaced with a peer review process. That peer review process must contain some mechanism for citizen input that is more extensive than a 17 member PGA.

Sincereh Dr. A. J. Paul

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8-23-97

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To Whom It May Concorn,

EXXON VALUEZ OIL SPILL TRUSTEE COUNCIL

I wish to offer my suggestions on how the Restoration Roserve Account should be spent. There is no doubt in my mind the best use of these precious funds should be habitat protection. Nuture has the ability to heal itself given time, but this can't take place when the land is being altered through logging or other development.

It has already been domonstrated that large scale clarcutting will take place on all un protected land, since over 50,000 acros have been logged after the spill. Without all of the wonderful hubitat that has already been purchased with the settlement funds that amount would be much higher.

By 45ing the Rostoration Reserve Account for habitat protection nearly all the pressing habitat acquisition goals that lie within the spill region could be met. There is much critical habitat that will go an protected, such as that on Afognak, Kodiak. and Montague Islands, if money isn't allotted to purchase it.

In order to met these goals for habitat protection it only mote since to badget the fund for expenditure over a 10 year period. Under no circumstance should it go longer than 20 years. By spending it in this manner highly endangened lands wont be logged or doudond while decisions about their purchase drags on for decades.

As far as how the fund should be governed I cannot totally decide. I have been very pleased by how Trustee Councilhus operated and know of no major problems with it. However with a smaller amount of money to overse, it becomes even more important that the funds are spent wisely and as little as possible used for administratide parposos. I would need more in formation on possible options before I could formulate an opinion on how the fund should be governed. I definitely -- --feel the sponding should be limited to the spill arou as has always been the case, Thunk you very much for taking the time too consider my commonts and allowing me to be part of the reserve planning process.

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Sincerely,

mitchell B. Chio

Mitchell B. Cline 1.0. Box 727 Cooper Londing, AK 99572

ه، [،] ر June Mr. Ar 99801 August 23, 1997 ExxonValdez Restaution Office Andrewage, Att. Dear Sirs: This responds to your invitation for ideas about the future uses of the Restoration Reserve (Vol. 4 No. 3, of "Restorntoon Update) : * The decision to establish the reserve fund was excellent + A perminent endowment, producing annual dividendes to Simme research and habilit conservation, is desirably + The 17-member Public Advisory Group has wooked well and should be continued, to apphove prionities and expendition & So-called "restoration projects" should be phased out natural processes will gradually diminish any residual estects of the spills at no cost. * Spending shruld be limited to the actual spill region (induding research, which might not necessarily a limited geographically -* Scientific peer review of projects is essential to ensure that funds are not musted on unsound projects that lack credibility, and to diminish political self-serving in Abiences. * Funding of research on life historics (stoud, species interactions, natural environmental éffects, esté on species aflected by thispill ave appropriate. Such information is required to evaluate effects of friture Spills.

DATU IMIZ LOVE INA.

* Funding OF projects that are morrially supported by state or sederal budgets, should be avoided. In other words, don't approve engoing management projects. Hat are only remotely connected to the spill. * Avoid supporting artificial (hotebery) enhancement projects. + Minumize contributing to the overhead of the new Seward public Sacility_ Hease keep me on your mailing list. Simmer, Had Merrell

D)ECEIVE In SEP 2 (FG7

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL Arliss Sturgulewski 3301 "C" Street, Suite 520 Anchorage, Alaska 99503 (907) 561-5286 (907) 561-7683 (FAX)



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September 10, 1997

Molly McCammon, Executive Director Exxon Valdez Trustee Council 645 G Street Anchorage, Alaska 99501

Dear Molly:

I am delighted to see in the August-September 1997 issue of the Exxon Valdez Oil Spill Trustee Council publication <u>Restoration Update</u>, that you are making a request for public input to assist the Council in determining the long-term use of the Restoration Reserve. As the enclosed article from the <u>Restoration Update</u> notes, the final payment to the Restoration Reserve is anticipated to be in 2001. The future of the estimated \$1.50 million reserve is, in my opinion, one of the major issues before the EVOS Trustee Council.

I have long shared a dream, together with many others, of an endowment to fund a long-term interdisciplinary research and monitoring program to provide the data for long-term management and conservation of the marine environment off the shores of Alaska. I am aware that the current uses of the Exxon Valdez oil spill funds are confined to the area of the gulf of Alaska and Prince William Sound from Yakutat to the Shumigan Islands. Though not covering the entire coastline of Alaska, what a magnificent beginning to carry and expand on the excellent work that has been done to date by the EVOS Trustee Council.

Although much work remains to be done on the specific details of how an endowment for marine research and monitoring should be established, a broad outline can be set forth. I see great value in a successor non-profit organization to the EVOS Trustee Council which would have representation from pertinent state and federal agencies and major public and native interests. I, personally, suggest a permanent endowment, inflation proofed, with annual dividends to finance an interdisciplinary research and monitoring program on a gulf-wide basis, along with coordination of all research taking place in the area. Ability to receive and expend federal, state and private dollars should be provided for and, indeed, encouraged. A small staff with access to a qualified peer science review team should be established.

Page 2

Without question there will be many demands on the future of the Restoration Reserve, particularly for additional land purchases. Of the \$918 million total settlement, funds have been designated as follows: land purchases - 42%, restoration work - 23.2%, science -19.6%, Restoration Reserve - 11.8%, and public information and administration - 3.4%.

I submit that a long-term integrated and targeted research and monitoring program, using the Restoration Reserve, is the very highest priority to protect and enhance our gulf ecosystem. We will have to use extraordinary skills to manage and conserve the marine environment so that we can continue to maintain a healthy and productive environment for multiple uses and users.

I want to thank you for the opportunity to give input at an early stage of the planning as to the ultimate use of the Restoration Reserve. I would greatly appreciate being advised of other opportunities to participate or make comment in planning the future of the Restoration Reserve.

Sincerely,

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Arliss Sturgulewski

Enclosure

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September 5, 1997

Molly McCammon, Executive Director EVOS Trustee Council 645 G. Street Anchorage, AK 99510 RECEIVED SEP 1 0 197

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Dear Molly,

re: Restoration Reserve

In response to the Trustee Council's recent solicitation for comment on what is called the Restoration Reserve account, I would like to reiterate my earlier comments (Feb. 1996, attached) that if the reserve withdraws money from present availability - as is the clear and unequivocal intent of the account - it is without question illegal, and if it doesn't, it is unnecessary.

The establishment of the account highlights, once again, the extraordinary confused muddle the Trustee Council continues to operate within. That a bank account is deemed more important than actually helping to heal the injured ecosystem - which of course is supposed to be the sole objective of the Trustee Council - speaks to the pathology of the process.

There is no "Restoration Reserve" more effective than an intact, vibrant coastal ecosystem, and withdrawing a significant portion of the Restoration funds from their availability to immediately prevent further environmental degradation is simply outrageous.

The reserve should immediately be abolished, and the money, all of it, should be immediately applied to the acquisition of habitat conservation easements along the coast of the region.

Not one penny of this money should go to "science" projects.

Thankyou for the opportunity to comment.

Rick Steiner 9940 Nearpoint Dr. Anchorage, AK 99507 February 26, 1996

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Molly McCammon Executive Director Exxon Valdez Oil Spill Trustee Council 645 G. Street Anchorage, AK 99510

Dear Molly,

I would appreciate receiving written confirmation from the Trustee Council that all of the monies the Council has placed to date in what is referred to as the "Restoration Reserve" (\$36 million) and all further deposits into this account are **NOT** intended by the Council to be withdrawn from immediate availability for present Restoration needs.

I would like confirmation that these monies are entirely available to address immediate Restoration priorities as needed, such as the protection of imminently threatened coastal habitat.

If this is not the case, the Restoration Reserve would clearly constitute an illegal encumbrance of funds that are intended by the Consent Decree to be made available as they are collected from Exxon for meeting identified Restoration objectives as they arise.

If, on the other hand, the Council intends these funds to be available as needed - which was the evident intent of the Court in approving the payment plan - then the Restoration Reserve account is unnecessary.

The obvious paradox created by the Restoration Reserve is that if it truly withdraws money from present availability, it is illegal, and if it doesn't, it is unnecessary.

The Consent Decree provides the Trustee agencies opportunity to collect another \$100 million in the year 2002 for damages that could not reasonably have been expected at the time of settlement. If, at the time of settlement, the governments anticipated Restoration needs to extend beyond the structured payment period, then they should clearly have provided for such concern by structuring extended payments accordingly. They did not do so. If, however, the governments didn't anticipate such long-lasting needs then but now can prove them, then this should constitute an irrefutable basis for collecting the \$100 million reopener.

The Court clearly intended the \$100 million reopener to be the contingency for any needs beyond 2002. It is difficult to imagine that the Court, in approving the out-of-court settlement, anticipated the EVOS Trustee Council attempting to perpetuate its own existence to the year 2089 and beyond.

I will anxiously await your clarification of these very serious issues.

Sincerely. Fine

Rick Steiner Box 2424 Cordova, AK 99574

cc Honorable H. Russell Holland, U.S. District Court, Alaska



Alaska Fisheries Development Foundation, Inc.

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

September 11, 1997

Restoration Office Exxon Valdez Oil Spill Trustee Council 645 G Street Anchorage, Alaska 99508

Dear Sirs:

We understand that the Trustee Council is seeking public input relating to the use of the ever increasing Restoration Reserve. You should know that the Alaska Fisheries Development Foundation and its nearly 100 members support the creation of a permanent endowment dedicated to funding marine biological research and development efforts state-wide. While habitat protection is good, the maintenance and use of Alaska's bountiful marine resources are what were damaged by the spill. Yet purchase of habitat seems to be how the EVOS Trustee Council has spent the majority of funds over the past few years.

We would hope and strongly encourage the Trustee Council and its successor to cease additional purchases of habitat in the spill area and rather, spend the earnings from the endowment for the purpose of better understanding Alaska's unique marine habitat and species.

Thank you for the opportunity to comment on this very important issue, critical to the continuing sustenance of Alaska's vibrant seafood industry.

Sincerely, Executive Director



Juneau Center School of Fisheries and Ocean Sciences

University of Alaska Fairbanks 11120 Glacier Highway Juneau, Alaska 99801

(907) 465-6441 Office (907) 465-6447 FAX fysfosj@aurora.alaska.edu

Sept. 12, 1997

EXXON VALUEZ OIL SPILL TRUSTEE COUNCIL

Exxon Valdez Oil Spill Trustee Council Restoration Office 645 G St. Anchorage, AK 99508

Dear Council

In response to your request for comments on the future of the Council and the Restoration Reserve (*Restoration Update* for August and September) I urge you to consider and to support establishment of a substantial endowment fund for marine research. There is an important need for support of fundamental research on marine systems of the Gulf of Alaska that would appropriately be met by such a fund; it would be an effective legacy of the Council.

Such fundamental research is not well supported otherwise. Immediately important problems such as finding the abundance and sustainable catch from a fish stock are fundable by the budgets of public agencies responsible for resource stewardship. Less immediate but more fundamental problems such as understanding how physical processes affect ecosystems are not now readily fundable even though these problems already are becoming vitally important as climate change brings about alteration of oceanic systems.

The Gulf of Alaska is larger than the historical spill area. It is however a coherent system, a flowing circle of water (and of fish stocks and many other components), that encompasses the historical spill area. The fund should take the entire system as its purview. The Gulf is one of several such coherent systems in the subarctic North Pacific Ocean; there has not, however, been extensive programmatic support for fundamental research in the Gulf of Alaska.

The fund should be a continuing source of support rather than being spent over a decade or two. It is important for the Council to leave behind it sources of continuing benefit for the communities, state, and nation damaged by the spill. Habitat acquisitions and the protection they offer to natural resources are an example of such a continuing benefit. Endowed support for fundamental research will also continue to benefit Alaska and the nation, not only by informing future choices made by a growing human economy but by sustaining science itself.

Administration of such a fund should involve open access and competition among competent scientists adjudicated by rigorous peer review and it should be independent of other public agencies. Policy-setting governance should be by a public body. The issue of *Update* quotes Assistant Attorney General Tillery to the effect that the Council should be replaced with a body representing "the same agencies, but with a public component." I urge you to depart even further from the historical practice of the Council and to consider governance of the research endowment by a public body whose members are removed from the immediate concerns and problems of public agencies. The mission of members of those agencies is management of the human use of natural resources and they are stressed by immediately demanding issues. The research endowment should, however, take a very long view in formulating its policy in its support of fundamental research; it's resources should not supplant the ordinary expenses of resource management.

I wish you well as you decide how this unique opportunity for Alaska will be taken. I'd be glad to give you whatever support and expertise that's mine to give; please call on me.

Sincerely,

William W. Smoker Professor of Fisheries

Jim H. Branson PO Box 6401 Halibut Cove, AK 99603

Phone (907) 296-2208 FAX (907) 296-2221

Sept. 15, 1997

Restoration Office Exxon Valdez Oil Spill Trustee Council 645 G Street Anchorage, AK 99508

Dear Sirs:

I am writing in response to your request in the August/September Restoration Update for input on the future of the Council and the possible uses of the Restoration Reserve.

I have been closely allied with marine research for many years in my roles as the Executive Director of the North Pacific Fisheries Management Council and as Chair of the Advisory Council for the School of Fisheries and Oceans of the University of Alaska Fairbanks. I have some very strong feelings about our need for information about our marine and coastal environments. The lack of it has greatly hampered our efforts to manage resources off Alaska, imperiled some of them because of our lack of knowledge, and made it impossible to assess damage to systems about which we know virtually nothing.

I believe we should establish a permanent endowment to fund a long term interdisciplinary research to long term management of the Marine environment off Alaska. Such research should include all of the Gulf of Alaska since Prince William Sound is an integral part of that system and cannot be understood if we do not understand the whole. A successor trustee group to the EVOS Trustee Council would be desirable with the ability to receive and disperse other moneys as well as the earning from the endowment fund (after inflation proofing). A small staff to work with a qualified peer science review team would be necessary, with funding and coordination of scientific programs as their primary goal.

Some very worthwhile land purchases have been made with EVOS funding, but now we need knowledge far more that we need more land acquisitions.

Sincerely,

Jul H Prouson



2550 Denali Street, Suite 1201 Anchorage, Alaska 99503-2737 (907) 276-2007 Fax (907) 279-7913

September 15, 1997

Edward E. Crane President

Restoration Office Exxon Valdez Oil Spill Trustee Council 645 G Street Anchorage, Alaska 99508

Dear Trustee Council,

This is in response to your request for comment in the August/September <u>Restoration Update</u>.

CFAB's business is focused on the commercial exploitation of Alaska's marine resources. Although that may suggest a narrow perspective, we are quite sensitive to the reality that the ongoing viability of commercial interests is premised on management practices which are consistent with – and tempered by – subsistence, environmental, recreational, and "general public" interests.

The numbers discussed in <u>Restoration Update</u> are impressive, but it is clear there is potential for relatively early exhaustion. Although we do not consider ourselves either sufficiently informed or technically competent to address specific proposals or alternatives, we offer the following generalized thoughts in response to your discussion and invitation.

The long-term and perhaps subtle effects of the Exxon Valdez oil spill may not be recognized for many years. Quite possibly the same may be said for other, less dramatic, events and developments such as the ever-increasing number of tourismrelated vessels in Southeast waters or intensified recreation pressures in and around Resurrection Bay, as well as the evolvement of seafood harvesting practices generally. There will <u>always</u> be a need for scientific and empirical research into the effects of human activities on Alaska's marine environment and resources. Our view is that the existence and potential of the Restoration Reserve comprise a wonderful, once-in-alifetime, opportunity to establish the foundation for a permanent endowment directed toward that need.

Alaska Commercial Fishing and Agriculture Bank

Restoration Office September 15, 1997 Page 2

We also believe there are moral connotations to this issue. It seems presumptuous, to say the least, for any iteration of a "current generation" to claim or exercise the right to exhaust the financial proceeds generated as compensation for an event whose effects, or certain of them, may rationally be projected over the course of many years.

Habitat protection is mentioned as an option. It is difficult to argue against the need for habitat protection on an abstract basis, and we believe that habitat protection projects must forever be eligible for consideration within an established system of priorities. Our observations over time, however, suggest that habitat protection or restoration projects are often rendered ineffective in a relatively short time, inadvertently or otherwise, by subsequent and unforeseen events, developments, or other intrusions. Moreover, such projects tend to be area-specific, a feature which invites politically-inspired decisions.

We do not consider ourselves to be fully informed as to the nature and effectiveness of the current structure and organization for governance of the fund, and are therefore reluctant to imply a perception of a "better way." We do believe that any governing bodies should consist of individuals who have demonstrated some level of relevant competence as well as a commitment to the fund's purpose and scope. A most unfortunate aspect of Alaska's culture today is the habit of "democratically" staffing boards and committees with representatives of specific – and frequently competing – interests; most decisions then become politicized, and the "greater purposes" of the body receive only lip service. Please don't let that happen in this instance!

We believe scientific peer review should indeed be continued. Moreover, we believe the entire process should be based upon, or largely influenced by, the perceptions and other input of multi-disciplined science professionals.

Thank you for this opportunity for expression. We commend the Council and its staff for the commitment to stewardship it has demonstrated over the past four years.

Very truly yours,

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Edward E. Crane President

Restoration Office September 15, 1997 Page 3

P.S. By coincidence, the enclosed article appears in today's Anchorage Daily News. We cannot evaluate the scientific merit of the cited report, but it appears to address a clear example of the need for a broad and perpetual commitment to research.

JON LITTLE

call pointing out the log has released aily News Peninsula Bureau SOLDOTNA what it A toll Southcentral environmental considers a wake-up watch-Alaska

ained pounding ear, ischarges eeps growing irector o taking on From oily especially its waterway Cook road Irom Inlet runoff to can ponution larg tolerate industria executive sus

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ĝ lot eople think Cook Inlet is so large continue to treat resources xpect them to be around t o dump pollutants and it this report clearly shows around too WIL

aries nat flow into small number wanted watershed a Alaska of polluters, report unique, Shavelsor affects pproach. rather and ç than focus in all the water: The organiza look ignore at tribu how g

this important dialogue ershed "We want this to be a first step in starting 13 on Cook Inlet as ω Wa

les, The waters hea hed than encompasses 39,000 squar and industria span south

Please see Page . Р-2 COOK INLET

COOK INLET: Environmental watchdog's new report warns of pollution

Continued from Page B-1

lants. The report says risks re posed by a growing huian population, commercial ishing, mining, farming, loging and military bases.

Little is known about the oles all these groups play in ne overall health of the Inlet, havelson said.

"So in an area where so such economic, social and ecreational aspects of life inge on the health of these esources, it's pretty amazig that we're not focusing a ot more effort towards proecting them," he said.

Agencies that study the Inet, such as the EPA and fed-

•So in an area where so much economic, social and recreational aspects of life hinge on the health of these resources, it's pretty amazing that we're not focusing a lot more effort towards protecting them.9

- Bob Shavelson

eral Minerals Management Service, had just received copies of the report Friday and said they had not digested its findings.

But the watershed approach that the Keeper program took drew praise from Phil North, an EPA aquatic ecologist who studies wetlands and water issues.

Inlet watershed discussion that's just beginning. North said. Others interested in that approach include Unocal, the EPA, state Department of Natural Resources, private citizens and The Nature Conservancy.

The Keeper's report concludes that if Alaskans con-

The Keeper is part of an , tinue to disregard their impact on the Inlet, it will go the way of other famous waterways, such as Chesapeake Bay. "We know, looking at other water bodies, that if you do this long enough, you're going to mess things up," Shavelson said.

He pointed to a recent spike in paralytic shellfish

poisoning in Kachemak Bay as one possible symptom, Oldtimers also have told him the intertidal life isn't as abundant or varied as it once was.

Shavelson . acknowledged those are anecdotal examples but said pure science in this region is lacking and waiting for studies might take too long.

"If we're discharging billions of gallons of toxic pollutants and we know these harm fish and wildlife," he___ said, "do we need that definitive cause-and-effect link before we take some preventative action?"

Studies this decade of fish and sediments for signs of hydrocarbon and heavy-metal pollution have been incon-

clusive, the report says. Metals and hydrocarbons were detected but at levels considered normal. Or where spikes in toxic elements were found, they did not c respond to a known m made source. The report suggests longer-term testing is needed before conclusions can be drawn.



NIVERSITY OF

Institute of Marine Science

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P.O. Box 757220 • Fairbanks, Alaska 99775-7220

LASKA

HAIRBANKS

2 3 1997

EXXON VALDEZ OIL SPILL

TRUSTEE COUNCIL

16 September 1997

The Exxon Valdez Oil Spill Trustee Council Restoration Office 645 G Street Anchorage, Alaska 99508

Dear Trustee Council Members,

A recent letter from Arliss Sturgulewski is alerting marine scientists about the need to make our desires known regarding the future of the Restoration Reserve Fund and its use. Senator Sturgulewski advocates a long-term targeted and integrated research and monitoring program as the highest priority for protecting and enhancing the marine ecosystems of the Gulf of Alaska. I applaud Arliss's effort, particularly her advocacy for research rather than future expenditures for habitat buy out. While I generally support her position, I also feel very strongly that where possible, future funds should be spent to build on information generated by ecosystem-level studies presently being supported by EVOS funding. Matching funding for long-term investigations of fisheries resources including salmon could buy partnerships with NSF and NOAA programs such as GLOBEC to expand the work well beyond the coastal nursery environments into shelf and ocean feeding regimes. Questions about the carrying capacity of the Gulf of Alaska for salmon and other species (birds and mammals) remains a crucial research issue with immense international ramifications today.

Within partnerships of this kind, monitoring finds an important context that may be missing without a connection to identifiable resources or relevant questions. Most feel that ecosystem-level problems facing us today may only be tractable by team science and a highly leveraged collaborative approach. In this regard, \$3-6 million annually from an "endowment" could play a very significant role in understanding and managing coastal, shelf and ocean resources.

I am opposed to the expenditure of any Restoration Reserve Funds for future land acquisition in the coastal zone of the Gulf of Alaska or anywhere else. In my view, future expenditures for land will seriously dilute the ability of the Fund to support significant marine research.

Sincerely; Robert T. Cooney

University of Alaska Fairbanks



University of Alaska Fairbanks

School of Fisheries and Ocean Sciences

Fairbanks, AK 99775-7220 • 200 O'Neill Building • 907-474-6824 • 907-474-7386 (FAX) • fysfos@aurora.alaska.edu

September 17, 1997

Restoration Office 645 G Street Anchorage, AK 99508

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

I have been watching the development of the Restoration Reserve with great interest, and understand the dilemma which is now emerging with respect to its future management and use.

There is no question in my mind that the activities carried out under the assessment and restoration programs have been affective and appropriate. With respect to the research portion, in looking at the Restoration plan for the coming year I was impressed with the depth and quality of the proposed work. By the year 2001, we should have a good baseline and will be in an excellent position to undertake the kind of long-term research (and even monitoring) that will allow a predictive knowledge of the marine ecosystem and an assessment of the responses to climatic variability. Alaskan waters have been the least studied nearshore areas in the United States, and even with the concentration of effort in the EVOS area over the past seven years, that remains the case for this large and productive marine area. In order to enhance the Gulf of Alaska system, a long-term integrated research and monitoring system is critical.

I therefore recommend that the reserve be used to set up a permanent endowment dedicated to research, and that the management be by a council similar but not identical to the Trustee Council, with agency representatives, but also academia and constituent membership. Scientific peer review using the National Science Foundation model of identifying and using the best experts for each proposal would be most useful. I expect that spending will need to be limited to the spill region in the broadest sense.

Thank you for the opportunity to respond.

Yours sincerely,

Vera Alexander Dean

School of Fisheries and Ocean Sciences · · · Teaching, Research and Public Service

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VALDEZ FISHERIES U DEVELOPMENT ASSOCIATION INC.

September 18, 1997

P.O. Box 125 Valdez, Alaska 99686 Phone 835-4874 Fax 835-4831

Restoration Office Exxon Valdez Oil Spill Trustee Council 645 G. Street Anchorage, AK 99508

1997

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Dear Sir:

I would like to respond to the request by the Trustee Council seeking public input relating to the use of the increasing Restoration Reserve.

Valdez Fisheries Development Association and its board members support the creation of a permanent endowment dedicated to funding marine biological research and development through out the oil spill impacted area. We are opposed to any future use of restoration funds for the acquisition of habitat. While habitat protection is good, the greatest impact from the oil spill was on the marine resources of the area and on the people who utilize these resources.

The eventual establishment of a citizens advisory committee and a select pear review group to manage this fund seems to be the most appropriate way to oversee this fund. A small administrative staff would be needed to provide services for the management of the fund. We do not believe that this fund should be turned over to any large organization that would deplete the Restoration Reserve significantly through high overhead and administrative costs.

Thank you for the opportunity to comment on this very important issue.

Respectfully,

Jone lobb

Dave Cobb Business Manager

DEDICATED TO THE UTILIZATION, CONSERVATION, AND REHABILITATION OF ALASKA'S FISHERY RESOURCE WITHIN THE 200-MILE LIMIT

6417 USH 11 Canton, N.Y. 13617 (Sept. 13, 1997



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Public Advisory Group Restoration Office 645 G Street Anchorage, Alaska 99508

This is in reference to suggestions for future restoration plans.

A permanent endowment fund for continued efforts in recovery from the oil spill should be established. The long term adverse impacts of the spill will continue for decades.

Every effort should be made to acquire land for public ownership as such land can be subject to control by the public while policies with respect to private lands are all too often abused, with little or no regard for future generations of people who will have to depend upon the same natural resources that we require.

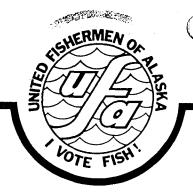
Funds allotted for the recovery project should be spent within the impacted area.

Determinations based upon scientific facts should have priority over political considerations.

The majority of expenditures should be targeted toward providing the longest term benefits for fish and wildlife habitat.

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UNITED FISHERMEN OF ALASKA

DECEIVED

EXXON VALDEZ OIL SPILL

TRUSTEE COUNCIL

211 Fourth Street, Suite 112 Juneau, Alaska 99801 907/586-2820 Fax: 907/463-2545

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September 19, 1997

Ms. Molly McCammon Executive Director Exxon Valdez Oil Spill Trustee Council 645 G Street, Suite 401 Anchorage, Alaska 99501-3451

Dear Molly,

I am writing to inform you that United Fishermen of Alaska (UFA), representing 22 regional fishing organizations is fully supportive of creating a Restoration Reserve dedicated to marine research and monitoring. As to exactly how the Restoration Reserve should be structured or how the monies from the Reserve should be allocated, we can not offer specific comments at this time. However, I anticipate that following our fall Board meeting, October 17 - 20, we will be able to provide input on these matters. In the meantime, please let the record show that UFA encourages the Council to move ahead in establishing a Restoration Reserve dedicated to ecological research and monitoring of the spill affected area.

Thank you for the opportunity to comment.

Sincerely,

Matthews by cr

Theo Matthews President

c.c Board of Directors Arliss Sturgulewski

MEMBER ORGANIZATIONS

Alaska Longline Fishermen's Association • Alaska Trollers Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association Cordova District Fishermen United • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association Northern Southeast Regional Aquaculture Association • Northwest Setnetters Association • Peninsula Marketing Association • Petersburg Vessel Owners Association Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative • Southeast Alaska Seiners Association Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters





Board of Regents

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

UNIVERSITY OF ALASKA

22 September 1997

Restoration Office 645 G Street Anchorage, Alaska 99508

This letter is to offer a suggestion as to the use of the Restoration Reserve, which holds, or will hold, an estimated \$150 million. I urge the creation of a perpetual educational trust with non-profit IRS status to hold the proceeds and use its earnings for a long-term interdisciplinary research and monitoring program which would provide adequate data for the management and conservation of the marine environment and its sealife offshore of Alaska. The trustees of the trust should be ex-officio representatives from pertinent state and federal agencies, and from major public and Native interests including, in major portion, representatives appointed by the Board of Regents of the University of Alaska. UA should be highly involved in the continuing work of the proposed trust.

I am familiar with the work of Senator Arliss Sturgulewski on this matter, and I endorse her proposals for use of the restoration money.

Kind regards and thanks.

Sincerely yours,

sigh R. Houni /of

Joseph R. Henri

JRH/df

University of Alaska Anchorage

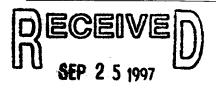
September 22, 1997

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

RE: Suggestions for governance Request for ideas for funding suggestions

GOVERNANCE

ENVIRONMENT AND NATURAL RESOURCES INSTITUTE 707 A Street, Anchorage, AK 99501 907 257-2716 Fax 907 276-6847



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

I'd like to offer two thoughts on governance. The first is to develop criteria for the types of projects that should be funded, such as the "investment" quality of a project, which could mean many different things, e.g. *Does a project or program hold promise to build civic will or social tolerance*?

Secondly, EVOS may want to look at the governance structure of some of the most successful foundations and draw lessons learned from their experience and successes.

FUNDING SUGGESTIONS

I would like to recommend that EVOS consider funding collaborative problem solving and dispute resolution programs that focus on public issues and, more specifically, for natural resource and environmental concerns. There are many organizations that promote and advocate for their "position" on a variety of natural resource and environmental issues, but few serve as a "third-party neutral" or "mediating" institution among a multitude of interests.

When we consider how our formalized public decision-making processes are structured, we see two distinct roles—advocates and decision makers—and this sets up win-lose confrontations. The advocate's job is to present the strongest possible case to the decision makers. The responsibility, and often the blame, for the actual political choice rests with the decision makers. These adversarial structures where "winners take most" cause advocates for all parties to be less willing to work with each other and build an agreement because each is appealing to the decision maker. Each advocacy group spends most of its time refining and distilling its best position in ways that distinguish and separate them from the other side, rather than spending time, energy, and resources to determine where they agree and how they can resolve their differences.

Providing Technical Assistance for Preventing and Resolving Disputes

UAA is an EO/AA employer & learning institution

little incentive to create a solution that satisfies all parties and, unlike decision makers, are not required to struggle or try to work together and reach agreement about competing interests. In short, one's *rights* in a democracy have not been balanced by one's *responsibilities*, because our formalized public decision-making process does not provide the structure for us to meaningfully participate on decisions that affect our lives.

Resource Solutions is a new program of the University of Alaska Anchorage, that can provide this structure for parties to not only have, but to take a greater responsibility for making public decisions, for the *public good*, not merely for their own self-interest. Our mission is to help build the willingness and capacity to cooperate, negotiate, and reach implementable decisions in Alaska. We seek to connect citizens with government in a more effective and constructive manner. To my knowledge, this is the only organization with this broad mission in the state. Currently, our source of funds is from private foundations and other grants, most of which comes from the Hewlett Foundation. As the state budget, and proportionately the university's budget is reduced, the likelihood for state general funds being available for this new program is regrettably not high. However, nationally and worldwide, there is a growing recognition that solving problems in a collaborative manner is our only real hope to make and implement complicated public decisions, avoid costly litigation, and reduce the tremendous social stress paramount when dealing with natural resource issues.

Looking across the nation, the most successful collaborative public problem-solving programs are in Oregon, Massachusetts, Florida, and North Dakota. The budgets of these programs average around \$350,000 to \$500,000 per year, primarily based on legislative appropriations. Another program at the University of Virginia receives a small percentage of the state's litigation proceeds, and the University of Arizona has received a substantial endowment as a legacy to Morris Udall.

Success of any project or program requires commitment, persistence, and resources. A reliable, long-term funding source, which EVOS has the ability to provide can ensure that Resource Solutions' efforts are focused on projects that build the civic will and the skill-based capacity to cooperate and reach implementable decisions.

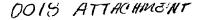
Thank you for your consideration.

Sincerely,

ye Jursen

Margaret King Program Manger

Enclosures 230573/17



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VOL. XVII, NO. 8 SEPTEMBER 1997

EVOS Restoration Reserve Funds

The *Exxon Valdez* Oil Spill Trustee Council is seeking public input on uses for the Restoration Reserve fund. The reserve fund, which the council guesses will total \$150 million by 2002, could be available for research and monitoring, habitat protection, restoration, or all three.

The council wants ideas and comments on how reserve money should be used, and how to govern the fund. The EVOS public advisory group will consider the comments during sessions to be held in November and December, and they will release a list of options for further public comment in January 1998

This is an important opportunity for the research community. Submit your written comments by October 1, and let the council know if you want to be part of the reserve planning process. Send comments to the EVOS Restoration Office at 645 G St., Anchorage, AK 99508, fax (907) 276-7178, email kerih@oilspill.state.ak.us. —Information from *Restoration Update* Vol. 4 No. 3, newsletter of the *Exxon Valdez* Oil Spill Trustee Council.

Editorial: Don't Let the Opportunity Slip By

The EVOS Trustee Council had the foresight to set aside a portion of the settlement funds to establish a restoration reserve which will accumulate to a value of about \$150 million. Again, acting with foresight, the EVOS Trustees and staff are contemplating how to most wisely use this fund after 2001 and what administrative structure and processes should be adopted. They are seeking guidance.

I do not believe that all uses of our coastal ocean will (or should) cease, and therefore I believe that the greatest hazard to the future of our coastal and marine resources is our ignorance of the ecosystems and processes. Assuring the long term wise use and enjoyment of these resources is dependent on the knowledge we are able to gain. The \$150 million restoration reserve could be used to address the needs for knowledge if sufficient interest is expressed. I encourage the community interested in the future of our coastal ocean resources to express their feelings to the EVOS Trustees and to provide guidance for an administrative mechanism that will ensure wise decision-making.

Ron Dearborn, Director

Alaska Sea Grant College Program

Sea Grant Funds Research on Invader Species

Sea Grant recently provided a \$172,000 grant to the Prince William Sound Regional Citizens' Advisory Council to study invader species in PWS. Researchers from UAF and the Smithsonian Environmental Research Center will look for non-native species in water from oil tanker ballast in PWS, study survival of the organisms, and examine effectiveness of at-sea ballast exchange. Also contributing funds for the twoyear research project are RCAC, Alyeska Pipeline Service Company, US Fish and Wildlife Service, and Oregon State University. Although tankers have been entering PWS for 20 years, this is the first time scientists have studied species that come in with the ballast water. Researchers expect to find varying levels of survival in introduced species of fish, crabs, plankton, and plants. Some invaders likely coexist peacefully with native species, while others could have a serious impact on Alaska waters.

Gore Award

The National Sea Grant College Program, the Association of Food and Drug Officials, and Seafood HACCP Alliance will each receive the Vice President Al Gore Hammer Award on September 22 in



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STEVE COWPER & ASSOCIATES

Public Policy Consultants

705 W. Sixth Avenue, Suite 203 Anchorage, Alaska 99501 Tel: (907) 277-7566 FAX: (907) 277-4033 Email:stevec@arctic.net

September 22, 1997

Exxon Valdez Oil Spill Trustee Council Restoration Office 645 G Street Anchorage, AK 9958

Dear Sirs:

This letter is a response to your inquiries regarding future uses of the Restoration Reserve, as stated in the August/September issue of "Restoration Update".

My personal view is that a permanent endowment for the support of ongoing scientific research in Prince William Sound and other affected areas should be established, along with a process through which research proposals are reviewed by knowledgeable people including other scientists. The income - "dividends" if that sounds more politically salable to you - would provide a long-term information base about the Sound which will have enormous value to Alaska in the future.

There is at present an intense federal interest in the Bering Sea, which I believe will result in substantial federal and other funds being committed to marine research in that area. It makes sense to complement those activities by extending these efforts to Prince William Sound and the Gulf of Alaska. By integrating these two efforts, Alaska would ultimately have access to information which will lead to a better understanding of complex marine systems. Without this knowledge and given the increasing sophistication in fisheries harvest technology, there is a good chance Alaskan offshore waters will be fished out completely in the next 25 years.

Regarding other uses for the fund, I am in no position to make any judgments, except to say that based on my limited knowledge further land purchases would seem excessive.

Thank you for the opportunity to comment.

Sincerely yours, Steve Cowper

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Oneau Center School of Fisheries and Ocean Sciences

University of Alaska Fairbanks 11120 Glacier Highway Juneau, Alaska 99801 (907) 465-6441 Office (907) 465-6447 FAX fysfosj@aurora.alaska.edu

23 Septemer 1997



Restoration Office 645 G Street Anchorage AK 99508

EXXON VALOEZ OIL SPILL TRUSTEE COUNCIL

This letter is in response to your request for Public Comments on the use of Restoration Reserve.

I have been involved in research of the aquatic resources in Alaska and elsewhere for more than fifty years. During this time I have seen the group of so-called science administrators grow in numbers and strength. These people specify what should be researched within narrow boxes. Success is always measured in immediate payoff. In Alaska today one can only obtain support for applied projects whether this be from Sea Grant, S-K Funds, Alaska Science and Technology Foundation or others.

In the Far East of Russia we see a different picture. A short train ride outside Vladivostok is a Science City consisting of seven large building complexes and about 10 000 people from Academicians to janitors. The Russin Academies of Science are doing remarkably well in spite of many economic problems. The Russians know the value of basic science, which in 80 years lifted them from serfs to a world leader in natural sciences. History shows that any gain in basic science soon can be translated into applications.

My suggestion is to establish an inflation-adjusted endowment for support of basic science in Alaska. The current NSF organization can serve as a model except on a much smaller scale and with only a few disciplines.

I see this as the only way to solve some fundamental problems in Alaska.

Sincerely yours,

a. Mathisey

Ole A. Mathisen Professor Emeritus, SFOS

KODIAK CHAMBER OF COMMERCE

P.O. Box 1485, Kodiak, Alaska 99615

September 26, 1997



Ms. Molly McCammon Executive Director *Exxon Valdez* Oil Spill Trustee Council Restoration Office 645 G Street, Suite 401 Anchorage, Alaska 99508

Dear Ms. McCammon,

The Board of Directors of the Kodiak Chamber of Commerce wish to convey to you their support of the Establishment of an Ecosystem Utilizing the Restoration Reserve. At their meeting held on Monday, September 22 1997, the Board adopted Resolution 09-02-97, a copy of which is enclosed with this letter. The future of the estimated 150 million dollar reserve account will become a major issue in future discussions of the Trustee Council.

The Chamber board strongly supports the concept of establishing of an ecosystem foundation that would fund ongoing research of the spill affected areas of Alaska's marine environment. This endowment could fund a long term interdisciplinary research and monitoring program to provide the data for long term management and conservation of the marine environment off the shores of Alaska. The opportunity to establish a permanent endowment with annual dividends being used to finance research and monitoring project is truly a historic one. This endowment, with appropriate inflation proofing, could generate approximately \$3 to \$6 million a year that would be available to conduct ongoing research.

There is a growing need for research on the ecosystems in and adjacent to the affected spill areas. This research will help resource managers better understand the system and the marine mammals, fish, sea birds and other inhabitants of this ecosystem. This research will ultimately protect the ecosystem from over utilization and potential problems associated with the growing use of the affected area.

Exxon Valdez Oil Spill Trustee Council Restoration Office Page 2

We believe that using the planned restoration reserve to conduct long term integrated and targeted research and monitoring programs presents the highest and best use of the remainder of the *Exxon Valdez* restoration budget. We strongly urge the Trustee Council to take the steps necessary to establish this endowment. It will pay dividends to the affected region long into the future.

Your careful attention and thoughtful consideration of this request is sincerely appreciated.

Sincerely,

Alan L. Schmitt President

P.c.: Arliss Sturgulewski

KODIAK CHAMBER OF COMMERCE RESOLUTION 09-02-97

A resolution urging the Exxon Valdez Oil Spill Trustee Council to Establish an Ecosystem Research Foundation with the Restoration Reserve

- WHEREAS, the Exxon Valdez oil Spill Trustee Council has been setting aside \$12 million per year into a Restoration Reserve Fund; and
- WHEREAS, this fund is projected to have approximately \$150 million by the year 2002; and
- WHEREAS, the support for establishing this fund was heavily represented by people who supported continued long-term research into the impact on ecosystems in and adjacent to the spill area; and
- WHEREAS, there is a growing need for research on the ecosystems in and adjacent to the spill area to better understand these systems and the marine mammals, fish, sea birds and other inhabitants of these ecosystems; and
- WHEREAS, the Exxon Valdez Oil Spill Trustee Council is seeking public input for recommendations concerning the use of the Restoration Reserve; and
- WHEREAS, a significant amount of the spill area was contained within the waters of Kodiak Island; so

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Kodiak Chamber of Commerce that the Exxon Valdez Oil Spill Trustee Council is urged to establish a non-profit ecosystem research foundation with an Alaskan board of directors to review proposals and award grants for ecosystem research using the annual interest earnings after inflation proofing of the fund.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE KODIAKCHAMBER OF COMMERCE ON THISDAY OF SEPTEMBER, 1997.

Alan L. Schmitt, President Kodiak Chamber of Commerce Genedine D. Taan, Secretary to the Board Kodiak Chamber of Commerce

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September 24, 199;)eceive

SEP 2 9 1997 Exxon Valdez Oil Spill Trastee Council Restoration Office EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL 645 G Street Anchorage AK 99508 Subject: The future of restaration Dear Council: In response To your request for ideas related to The future of restoration, I am responding as follows, answering questions posed in Restoration, Vol 4, No 3, August-September, 1997: 1) A permanent endowment be set up with annual dividends, for indefinite, longterm financing of restoration projects. Rationale: biological and other studies largely require long, sustained or sequential elements to arrive at valid conclusions and meaningful, applicable results 2) funds be apportioned Alexibly, on an annual or multi-. year basis, to allow for unpredictable needs and developement 3) I have no precise recommendations on governance of the restoration fund, others than To structure The Trustee organization for maximum efficiency in social biological terms, avoiding distortions from individual political manipulation and corruption. 4) Spending should be largely limited to the spill area but with the proviso that worthy projects whose conduct would further spill area knowledge and applications be allowed, given careful review for applicability To problem solving and scientific understanding in The Exxon Valdez spill arcay.

Sincerely, Charles V Queles Charles V. Lucier 8626 ST., Springheld OR 97477 self copy \bigcirc



P.O. Box 80854 Fairbanks, Alaska 99708

25 September 1997

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Restoration Office 645 G St. Anchorage AK 99508

Re: Comments on Restoration Reserve

Greetings:

I strongly support the use of part the Restoration Reserve as an endowment for environmental research in Prince William Sound and adjacent regions. Insofar as the North Pacific regions are undergoing increased pressure from resource harvest, tourism and transportation while simultaneously being subjected to the effects of changing climate, our knowledge of the ecosystem(s) must be expanded. Support of environmental research is a wise investment and will aid in the long-term protection of the regional resources.

I also support using the Restoration Fund for subsidizing operational costs for the associated research facilities in the oil spill area that maintain active research and educational components. This would include the Prince William Sound Science Center field operations, the Kasitsna Bay Laboratory and the research arm of the SeaLife Center. With regard to these facilities, the operating costs would be identified in proposals separate from research costs thus focusing support on the more used facilities and aiding those aspects that might not be totally funded from other sources.

For all the above, matching funds from non-EVOS sources should be strongly encouraged in research partnerships. All expenditures should be subject to peer review by nationally recognized scientists who are not participating in the research program as principal investigators. This will encourage productive science and impartiality in the evaluation of research proposals. Support should encompass both basic and applied research.

I appreciate your consideration of these comments.

Sincerely Donald M. Schell

9940 Nearpoint Drive Anchorage, AK 99507

29 September 1997

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

Dear Trustees:

I understand you have set aside over \$110 million in a Restoration Reserve fund and are asking the public to comment on how best to use this money.

I urge you to use the money in ways which will, first and foremost, benefit the places and wildlife that inhabit them. In other words, not that which will benefit people, but that which will benefit the non-human life so devastated by the oil spill.

Spend it on as much habitat acquisition as possible. Protect what's left from further harm. The habitat purchases you have made to date are, for the most part, wonderful. However, I urge you to make more of the purchases conservation easements rather than fee simple. The purpose of habitat acquisition, of any credible restoration, is to prevent further harm, not to provide recreation or development opportunities for humans. I also urge you to spend less time negotiating price--it's clear from what's happened with Eyak Corporation lands that the longer you negotiate the better the chance that you will be "protecting" clearcuts.

Also, look into creative ways of protecting lands. For example, explore other options with Chugach Corporation concerning their lands in the Bering River area. Surely this corporation that has never provided a dividend for its shareholders would be interested in a trade or conservation easement purchase that would actually make money instead of simply cut trees.

If you've bought all the lands that are available in the spill area, investigated all the possibilities to protect remaining wilderness, and you still have money left over in the Restoration Reserve, then I urge you to spend it only on *non-intrusive long-term* studies of affected species. After observing and participating in some of the research going on in Prince William Sound, I am convinced that radio-implanting, blood-sampling, lethal or non-lethal taking doesn't give us any information that we can't get through simply observing the animals over a long period of time.

Please don't use this reserve money to fund those scientists whose work only makes the lives of those most affected by the oil-river otters, sea otters, harlequin ducks, the list is so long--harder rather than easier. Please put the welfare of the place and those animals who live there *first* when considering how to make amends for the oil spill tragedy.

Sincerely,

Marybeth Holleman

Page 2 of 2

2 1997

EXXON VALDEZ OIL SPILL

TRUSTEE COUNCIL

September 29, 1997

Molly McCammon, Director EVOS Council Restoration Office 645 G. Street Anchorage, AK 99508

Dear Ms. McCammon:

I would urge that the EVOS Council continue with the budget set-aside to create the \$150 million endowment fund by 2002. The endowment fund should be established for marine research. Alaska needs such research to include oceanography, fisheries, intertidal studies and other marine-related disciplines.

The Exxon-Valdez disaster demonstrated to the world the woeful shortcomings in our preparation for a significant oil spill. It exposed the lack of information on Prince William Sound and Gulf of Alaska currents, and harshly brought to attention the importance of the creatures of the sea to our people.

The endowment will provide the scientific community with the resources to discover what is causing the wide swings in animal populations in Alaskan waters. It will offer educational opportunities to both the scientific community and the educational institutions of Alaska.

It has been laudable to purchase habitat with 42% of the settlement funds, but now we must address the legacy we will leave our children and the world, so much more than a one-time investment. The science endowment will instead allow an on-going investment in our future.

Thank you for allowing me to comment on the usage of these funds.

Sincerely,

Willard E. Dunham P.O. Box 27 Seward, Alaska 99664 (907) 224-5623 or Fax (907) 224-7318



School of Fisheries and Ocean Sciences

EVOS Trustee Council 645 G Street Anchorage, AK 99508

Re: Restoration Reserve

Dear Trustees:

Alaska Sea Grant College Program P.O. Box 755040 Fairbanks, AK 99775-5040 Phone (907) 474-7086 • Fax (907) 474-6285 http://info.alaska.edu/UA/UA_Fairbanks/SeaGrant/home.html

30 September 1997

This letter is to urge you to use the restoration reserve to address the greatest hazard to the future of our coastal and marine resources within the spill affected area and beyond; our ignorance of the coastal and marine ecosystems and the processes that drive them. Assuring the long term wise use and enjoyment of these resources is dependent on the knowledge we are able to gain. The \$150 million restoration reserve should be used to address the needs for knowledge in the spill affected area, while recognizing that the spill affected area is not separate from the broader ecosystem of the Gulf of Alaska.

Addressing future knowledge needs is a different task than the EVOS Trustees have been challenged with over recent years, that of assessing damage and recovery within the spill affected area. Therefore I recommend that you modify the governance to better fit the task ahead. The new governance structure should look to the models that have placed U.S. science in a world leadership position. It should recognize that the critical task in advancing knowledge in new areas is in seeking and recognizing the right questions, not merely seeking clever approaches to answers of stock questions. Thus the new governance should provide a more open and aggressive process of consultation with the government and academic science communities, and should establish a more open proposal and scientific review process. Whereas the proposal and review process adopted by the Trustees for a retrospective analysis may have been useful and effective, recognizing that addressing knowledge needs of ocean and coastal systems will progress more effectively with a more science based approach, versus the management based approach now being used.

It is difficult for the political climate to recognize the long-term nature of gaining knowledge of natural systems. I encourage that the fund be used for the long term, not merely the next 20 years.

Cordially,

R. K. Dearborn Director

Halping ensure the future of Alaska's marine resources since 1970.

CONFIRMATION OF RAPIFAX TRANSMITTED __________



UNITED STA S DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE Alaska Fisheries Science Center 7600 Sand Point Way N.E., F/AKC BIN C15700 Seattle, Washington 98115-0070

September 30, 1997

Exxon Valdez Oil Spill Trustee Council Restoration Office 645 G Street Anchorage, AK 99508

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Dear Trustee Council Members:

The current issue of *Restoration Update* (Vol. 4(3), August-September, 1997) features an article describing creation of the Restoration Reserve which is expected to reach a value of approximately \$150 million by 2002. The article also outlined several alternative approaches to future use and management of Reserve funds, and solicited public comment on these alternatives. I appreciate this opportunity to provide comment in support of using Restoration Reserve assets to establish a permanent endowment to support environmental research and monitoring.

During the eight years since the *Exxon Valdez* oil spill, the Trustee's science program has generated research findings that have proven invaluable to resource managers and users of coastal marine resources. Initially, research was focused on understanding and quantifying damages. The results of this research represent the most thorough documentation of oil spill impacts ever achieved and led directly to the \$900 million settlement with Exxon of litigation arising from the spill. Since the settlement, the research focus has shifted to restoration and providing information for the long term management of the spill area.

As a researcher, and now as a research administrator, I have often been struck by the vast extent of Alaska's marine environment and the resources that it nurtures. In contrast, relatively little is known about the complex environmental and biological factors that influence the continued health of these resources. The suite of restoration studies made possible over the last few years by Trustee funding have provided a welcome and needed addition to the knowledge base. The Restoration Reserve provides a long term opportunity to further our knowledge about the marine environment.

Specifically, I endorse:

a. The concept of a permanent Restoration Reserve fund, focused on long term research in support of continued wise management and better understanding of Alaska's marine resources, both in the spill area and throughout the State.



Exxon Valdez Oil Spill Trustee Council September 30, 1997 Page two

- b. The establishment of a permanent organization to administer the Restoration Reserve endowment. Such an organization should have representation from appropriate state, federal, native and private interests. Functions of the organization would include:
 - 1. Administration of the endowment in a manner that provides for preservation of the initial capital and the generation of income over time.
 - 2. Development of a strategic investment plan that details broad goals, objectives and strategies for how to invest the endowment income. This plan should be developed in an interactive/participatory and public process.
 - 3. Implementation the strategic investment plan over time by developing annual/short term operational investment strategies consistent with the goals of the strategic plan.

I appreciate the opportunity to comment.

Sincerely,

James W. Balsiger Science & Research Director Alaska Region



Alaska SeaLife Center

windows to the

Office of the Executive Director

September 30, 1997

Ms Molly McCammon Executive Director Exxon Oil Spill Trustee Council 645 G Street Anchorage, Alaska 99508

Dear Ms McCammon,

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I urge the Trustees of the Council to adopt a course of action that will take the impact of the Restoration Reserve far into the future.

I also recommend that this course of action embrace the areas of endeavor necessary to ensure that the work of the Council continues on into the future. Habitat protection and management, long-term integrated and targeted research, and public education are all necessary to ensure the full range of effect for management of human activity impact on the marine environment.

The establishment of a permanent endowment to carry this work into the future is eminently desirable. Of primary importance is the establishment of a continuing program of data management and dissemination. This program, coupled with an integrated and targeted research program will facilitate the effective management of habitat already purchased and of the significant seaward forces which affect the health of the marine environment.

I would also recommend that a successor organization to the Trustee Council be established. The organization could include many or all of the same member agencies, but should also add a significant public element. It would be important that significant economic and cultural groups whose interests lie in the Gulf environment, feel a partnership in the process of continuing the work.

I believe that the issue of the Restoration Reserve is the opportunity for the Council to make their mark on Alaska and the Gulf of Alaska far into the future. I offer that the establishment of a major long-term program of monitoring, research, information management and information dissemination at many levels, is critical to ensuring that work already performed, results already gained, and habitat already procured, will be protected and more effectively managed far into the future.

It will be the policies of the federal agencies, the statutes and enforcement of state law, the decisions of the captains of industry and the everyday actions and votes of the citizen that will make the difference......they must have the best knowledge available to help them act wisely!

Sincerely,

onn B. Hendri

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Alaska SeaLife Center

windows to the sea

Office of the Executive Director

September 30, 1997

Ms Molly McCammon Executive Director Exxon Oil Spill Trustee Council 645 G Street Anchorage, Alaska 99508

Dear Molly,

Please accept the enclosed letter in response to the Trustee Council request for input.

While I am not an imminent scientist, I have been involved in support and management of the efforts of major universities and government agencies in the area of marine research.

My experiences are also of the Gulf of Mexico, the waters of other nations or in international waters. The principles of what I have witnessed are the same, however. Good research, conducted over a long period of time and the results coordinated and made available to decision-makers, are critical to the wise use of natural resources.

My experience also includes working with local and national level programs whereby partnerships over a long period of time were effective in solving marine-related problems on a long-term basis. Again, in these local and National Estuary Programs, the undertaking of research and the coordination, management and dissemination of information was (and continues to be) a critical factor for success of human activity management.

From another quarter, the Ocean Drilling Program, conducted by universities along the Gulf of Mexico coast, is another example of farsighted research and sharing of information that paved the way for use of natural resources without the adverse side effects experienced in the past.

In all of the above instances, either a government agency or industry championed the pursuit of very long-term research and information-sharing. The Trustee Council appears to fit this role of initiator and sponsor. It would be a great legacy for them!

Sincerely,

B Hendricks

Phone (907) 224-3080 • Fax (907) 224-5591

2380 Oakridge Drive St. Paul, MN 55119 September 30, 1997

Restoration Office 645 G Street Anchorage, AK 99508

Dear Sirs:

We arc writing to provide our comments on the future of the Restoration Reserve. We submit the following ideas for your consideration:

- 1. The Restoration Reserve should be budgeted for expenditure over the next 10-year period. We feel that it is imperative to act on various opportunities to protect additional habitat and to develop the body of research to provide baseline information about resources in a reasonably short time frame.
- 2. We strongly believe that the funds should be used to protect more habitat. In addition, funding should be supplied to continue various research projects aimed at providing baseline information about the status of resources.
- 3. The current governing arrangement appears to be quite effective; a lot has been accomplished by this group! If the Restoration Reserve is of limited (10 year) duration, it would be beneficial to keep a similar governing arrangement to assure continuity of approach and to assure continued success.
- 4. We believe that the spending should be limited to the spill region. There are surely worthy programs in other areas that need support, but the spending should be concentrated to "get the most bang for the buck" available.

Thanks for giving us the opportunity to comment on the Restoration Reserve.

Sincerely,

Jean Strokel Mark Strokel

Yoan and Mark Strobel

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To <u>Restoration Office</u> Co.	From Strobel
Co.	Co.
Dept.	Phone # (6/2) 738 - 8/5/
Fox# (907)276-7178	Fax #



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September 30 1997

Ms. Molly McCammon Executive Director Exxon Valdez Oil Spill trustee Council 645 G Street Anchorage, Alaska

Dear Ms. McCammon,

I recommend the Trustees of the Council emphasize public education as the vehicle for enhancing and maintaining restoration, habitat protection and research/monitoring projects for generations to come. Through establishment of a well-funded, multilevel public education program, the Council can insure maximum impacts and benefits from its combined projects.

Purchasing habitat can protect small ecosystem parcels from immediate human impacts, but what about those who live upstream? Research and monitoring can help agents of the government manage resources, but what about the daily actions of the common man? A strong public education program can integrate the otherwise disparate facets of the Council's work.

The establishment of a permanent endowment can support and solidify the Council's efforts. Habitat protection, research and long-term monitoring can shape a foundation for the future. Public education can build upon that foundation, constructing a framework that promotes restoration's lasting affects.

Restoration and management are necessary. Research and monitoring will support the Council's goals. But public education can interpret and disseminate the results. Public education can transform restoration, management, research and monitoring into useful information and tools for responsible daily living and decision making.

After thirteen years in the classroom and four years at the Texas State Aquatium (implementing environmental education programs for all ages and walks of life), I firmly believe in education as the singular instrument for effective, enduring change. Through education, the Council can garner support from the voting community while truly changing history for the citizens of Alaska and the global fraternity.

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224-3080

Sincerely,

Diant

Leslie Peart Discovery Education Director

.P.O: Box

Phone (907)



15517 S. Seaforth Ave. • P.O. Box 1473 • Norwalk, CA 90651, U.S.A. • (562) 921-1972 • FAX (562) 921-186

23 SEPT'97

EXXON Valdez Oil Spill Trustee Council 645 G. St. Anchorage, AK 99501

ADDITIONAL NOTES:

You may want to get a neutral engineering evaluation of the Core-Cell Skimmer, Oil Spill Recovery System described in the enclosed brochure.

John Robinson (NOAA Scienst retired) 854 Jimeno Road Santa Barbara, CA. 93103

Robert L. Watkins & Assoc. (He has designed OSR systems) P.O. Box 417 The Grindleville Road Blue Hill, ME 04614

I have made presentations to some of the builders of the current types of oil spill recovery vessels. They all seem to be stuck with what they have and generally afraid of new ideas.

One said, "I'll stick with my twenty year old technology."

Another, "You need to get out there and experience some real oil spills." (I have, but didn't go into it)

Another, annoyed by my smooth running model, "Can you please turn that off?"

And so on. To each of the people who rejected the idea, I sent a copy of my, "STANDING OFFER," One thousand dollars cash to the first person who responds with a valid, provable engineering reason why Core-Cell Skimmers won't do what I claim.

No response from anyone yet! For someone to spot a flaw, a thousand bucks is cheap and I would save a lot of money by dropping the idea, but no response from anyone yet!

It's time for proving out something new. Allocating a portion of the Valdez Spill Restoration Reserve assets would speed things up and appear to me to be money well spent. If it can be done it will help bring new technology to bear in the clean-up of the next inevitable spill wherever it occurs.

Truly yours, Cor Lewron Cosby M. Newsom, Inventor





UU SEP 2 9 1997

EXXON VALDEZ OIL SPILL

PH. (562) 921-1972 • FAX (562) 921-1869

COSBY M. NEWSOM PRES./TECHNICAL DIRECTOR

IX 1473 • Norwalk, CA 90651, U.S.A. • (562) 921-1972 • FAX (562) 921-1869

war at the

P.O. BOX 1473 • NORWALK, CA 90650 • U.S.A.

Anchorage, AK 99501

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rustee Council

Subject: New Technology, Marine Oil Spill Recovery Systems, John Robinson, NOAA Retired, Chief Scientist in charge of the Valdez cleanup has described my Core-Cell concept as, "Elegant."

Greetings,

Looking to the future, it would seem to be prudent to allocate a portion of the Valdez Spill Restoration Reserve Assets for research and development of new technology. I have spent about \$100,000 on this myself and need some help to continue without depriving my small aerospace company.

My Core-Cell Skimmer Systems appear to be the only new methods being developed. The concept has been met with scorn by the people who make Oil Spill Recovery Vessels, and why not? New things have always drawn the ire of the folks who make the old things.

An example of that comes from my meeting a couple of years ago with several people engaged in the manufacture of Drum Type Skimmers. They had so many objections to my concept, and they were coming at me so fast, rebuttal was impossible.

So, I began to think about the short comings of their system, and finally ended the discussion in my favor with the remark, "Now don't kid me fellows. If you were really interested in oil spill recovery you would not just be scraping the oil from the circumference of your drums but would certainly be scraping the ends too as that would add about 30% to your oil gathering surface." That ended the discussion. They are beginning to scrape the ends now!

My system needs a test at the OHMSETT facility and I guarantee the results will better anything tested there yet. The cost to prepare and test a prototype Core-Cell Skimmer would be about \$100,000.00 That this money would come from a Valdez fund is almost poetic as it was the Valdez spill that distracted me from aerospace. It brought my WW-2 U.S. Merchant Marine engineering experience to bear on the study of the inadequate performance of existing oil spill cleanup methods and to begin the search for a better way. I have a working model and am available for a presentation in your area.

Truly yours, , Cosby M. Newsom, Pres. 23 SEPT'97 ecorom

RVBS — Quick-Vac — Auto-Vac - 'Clave-Grade Elastomers — Bondflo — Bondit™- STRUX®

Keri Hile

From: To: Subject: Date: Sharon Anderson Keri Hile Future Needs of Restoration Funds Monday, September 29, 1997 6:48PM

<<File Attachment: PART_02.TXT>>

With over 40% of the EVOS funds already spent on Habitat Acquisition, it is equally important that a Permanent Endowment be established to fund the research of our Gulf of Alaska, it's mammals and food chain. It is vital to the economy of our State and Country, that decisions affecting our industries are based on sound scientific data and, not emotional reactions.

The establishment of a permanent scientific research endowment would guarantee the future R & D and protection of our oceans; which we as Alaskans consider a most important priority.

Sharon E. Anderson Secretary/Treasurer Anderson Tug & Barge Co.

September 29, 1997

Exxon Valdez Trustee Council 645 G Street, Suite 401 Anchorage, Alaska 99501-3451

Dear Trustee Council,

I am writing on behalf of the Kodiak Audubon Society in the support of the purchase of lands on the Chiniak Peninsula by the Exxon Valdez Trustee Council.

The Trustee Council offers the unique opportunity for the acquisition of critical habitat that is endangered of being lost to the community of Kodiak. The Chiniak Peninsula has many beaches and tidelands that were affected by the oil spill. This area contains salmon streams and stocked lakes. The spruce forests are prime marbled murrelet habitat with a sea lion haulout, archaeological sites, and whale watching areas. The road system in Kodiak continues to be a very popular recreational outlet because of its easy access but private ownership may limit its use in the future.

The Restoration Reserve offers another opportunity for the future. Any land acquisitions for the purpose of rehabilitation, preservation and sound management, will be beneficial to Alaska in it's quest for economic diversification in the future.

Please consider the lands on the Chiniak Peninsula for acquisition and any other oritical habitat on Kodiak for now and in the future.

Sincerely,

Carrie Worton Conservation Chair Kodiak Audubon Society



3300 Arctic Boulevard, Suite 203 Anchorage, Alaska 99503 Phone (907) 562-7380 Fax (907) 562-0438 Email: swamc@alaska.net http://www.alaska.net/~swamc ゆつす

RESOLUTION 97-22

A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TO ESTABLISH AN ECOSYSTEM RESEARCH FOUNDATION WITH THE RESTORATION RESERVE

- WHEREAS, the Exxon Valdez Oil Spill Trustee Council has been setting aside \$12 million per year into a Restoration Reserve fund;
- WHEREAS, this fund is projected to have approximately \$150 million by the year 2002;
- WHEREAS, the support for establishing this fund was heavily represented by people who supported continued long-term research into the impact on ecosystems in and adjacent to the spill area;
- WHEREAS, there is a growing need for research on the ecosystems in and adjacent to the spill area to better understand these systems and the marine mammals, fish, sea birds and other inhabitants of these ecosystems;
- WHEREAS, the Exxon Valdez Oil Spill Trustee Council is seeking public input for recommendations concerning the use of the Restoration Reserve;
- WHEREAS, much of the spill area and adjacent area is contained within the Southwest Alaska Municipal Conference area;

NOW THEREFORE BE IT RESOLVED by the Southwest Alaska Municipal Conference that the Exxon Valdez Oil Spill Trustee Council is urged to establish a non-profit ecosystem research foundation with an Alaskan board of directors to review proposals and award grants for ecosystem research using the annual interest earnings after inflation proofing of the fund.

PASSED AND APPROVED BY THE SOUTHWEST ALASKA MUNICIPAL CONFERENCE THIS

Alice J. Ruby, President

tadum, Executive Director

Kodiak Island + Alaska Peninsula + Bristol Bay + Aleutian Chain + Pribilof Islands

September 29, 1997

EVOS Council Restoration Office 645 G Street Anchorage, AK 99508

Dear Council:

As a life-long Alaskan I support the idea of \$150 million from spill settlement funds being used to create an endowment fund for science projects.

Math was never my best subject, but even I can figure out that by investing that sum of money and using the interest it earns each year science projects could be funded for as long as we wanted.

I was one of the local people who worked trying to de-oil sea otters after the oil spill. It was a heartbreaking experience, one I hope we never face again. Unfortunately we were not prepared then and complacency has once again set in so if it happens again we will be little better off than before.

We were smelling benzene and could see oil on the outer beaches of Resurrection Bay and were still being told the spill would not reach us here. We need to know more about our ocean currents to predict more accurately where a spill might go. We need to know more about the lasting effects of oil spills and other disasters. Science is the only thing that can provide that information. But federal science funding is less available than ever and the state has never given much support to research. So, what better use for the spill funds than research?

The endowment would empower us through knowledge.

Maggin M. Darcy Maggin M. Clancy

Meggin^{UM}. Clancy Box 1595 Seward

Robert Swartz P.O. Box 172 Seward, AK

Molly McCammon, Director EVOS Council Anchorage, Alaska

Dear Ms. McCammon:

I came to Alaska in the military during World War II. I have raised a family here and all my grandchildren live in Alaska. We are very concerned with the future of the state and its educational opportunities or lack of them.

I have watched the University of Marine Science station here in Seward be hampered by lack of adequate funding. The research vessel is getting less trips and there are less graduate students coming here to get hands-on experience.

I favor the idea of a Science Endowment Fund being established from part of the oil spill settlement. That money would go a long way toward funding scientists with projects that could use those students as assistants, and to educate us older folks who should have done more to prevent a tragedy such as the 1989 spill. We can't afford ignorance anymore.

I'd appreciate support from the Council in getting that endowment underway.

Thank you,

Keri Hile

From: To: Subject: Date: Dave Nebert Keri Hile Input on how the Restoration Reserve sho Tuesday, September 30, 1997 9:20PM

Original Subject:

Input on how the Restoration Reserve should be spent.

Trustee Council

An article from your Aug-Sep 1997 Restoration Update requested ideas on possible uses of the Restoration Reserve. Thanks for the opportunity to comment. The following are my views.

I strongly endorse the concept of a permanent endowment with only the annual dividends to be spent on research related to a better understanding of Prince William Sound and the down stream areas that were affected by the 1989 oil spill. The research to be funded should be primarily marine, since that is primarily what was impacted by the spill. Limited coastal ecological studies might also funded as long as the thrust of the work was to understand facets of the dominant coastal marine ecosystem.

No additional funds should be used to purchase habitat as purchased land habitat has, by comparison, relatively little to do with the coastal and marine ecosystems that were heavily impacted by the spill.

The fund should be governed by a new board set up to represent a wide cross section of the research organizations in the state as well as to provide input from the general public. The board should be primarily made up of scientists rather than the lay public, and the University of Alaska should have a primary role with one or more members on the board. I find it ludicrous that the State's primary and premier research organization has not been allowed to participate on the Trustee Council these past years! State and Federal as well as private researchers should be on the board.

The spending should not necessarily be spent on the area that was affected by EVOS, but should fund research which relates to potential oil impacts anywhere along coastal Alaska, since this is where most devastating spill effects will be realized. While PWS has a high likelihood of "hosting" the next spill, the next one could be in Cook Inlet or along the North Slope.

Thank you for the opportunity to provide input to the process.

Best regards, Dave Nebert Retired physical oceanographer

Keri Hile

From: To: Subject: Date: Tom Weingartner Keri Hile USES OF THE RESTORATION RESERVE FUND Tuesday, September 30, 1997 5:59PM

To the members of the Exxon Valdez Oil Spill Trustee Council:

Enclosed are my suggestions on uses for the Restoration Reserve Fund. I am a marine scientist and I offer my advice knowing that I will probably be accused of bringing a bias or conflict of interest to this debate. Nevertheless, I have attempt to develop my recommendations based upon two perspectives. The first is my experience as an oceanographer who has studied the Gulf of Alaska (as well as the Arctic Ocean and the equatorial Atlantic Ocean). The second is from having seen my discipline mature over the past two decades and sensing the direction that it needs to head.

The impacts of the Exxon Valdez oil spill were largely confined to the marine environment of the Gulf of Alaska. Sorting those impacts out has not been a trivial task. I have not participated in these studies until the present time. But as an outsider peering in it appears to me that much of the difficulty associated with delineating impacts stems from the fact that we knew, and even today, know, very little about this ecosystem. It seems very appropriate to me that a wise use of at least some of the reserve fund is to invest it in improving our understanding of this marine environment.

The continental shelf of the Gulf of Alaska extends nearly 2000 km from southeast Alaska to Unimak Pass. This shelf sustains a highly productive marine ecosystem that is reflected in the diversity and the abundance of its marine life. Indeed, the Gulf of Alaska ranks amongst one of the world's largest fisheries (when the commercial stocks are considered in aggregate). It also supports large numbers of marine mammals and seabirds, many of whom use the gulf on a seasonal basis. These populations provide the economic livelihood (via commerical fisheries, tourism, and subsistence) for many communities throughout Alaska and the Pacific Northwest. While it is apparent that these populations are sensitive to pollution (in all of its forms) and exploitation, they are also sensitive to climate variability. However, the mechanistic links between a climate perturbation and an impact on a given species are known, if at all, only tentatively. If, for example, the oil spill had happened this summer when ocean conditions were extremely anomalous would we have been able to sort out changes due to natural variations from those caused by the spill? As a consequence, people run the risk of confusing ecosystem change with pollution or a climate perturbation. That confusion will plague society until we understand how the marine ecosystem functions, including its response to natural variability. I contend that this confusion is very costly as it could lead us to make the wrong decisions for specific user groups and for society in general.

Therefore I believe that some portion of the Restoration Reserve Fund should be set aside to support research and monitoring activities directed at deciphering the mechanistic connections between physical and biological changes in the Gulf of Alaska. Such a program needs to be undertaken with the recognition that this is a costly task and that a quick resolution of these issues is not obtainable.

Let me give you an example of a success story in ocean sciences and the time scale over which that success was achieved. Twenty-five years ago our knowledge of El Nino was largely limited to understanding it as an equatorial Pacific thermal anomaly that wreaked havoc on the fisheries and communities on the west coast of South America. Today we recognize it as having global

Page 1

consequences. We understand much of the ocean and atmospheric physics involved in the establishment of the El Nino. So much so that we are confident in developing models that will predict an El Nino several months in advance. This has come at a substantial cost - but far less than the billions of dollars in damage caused by an El Nino. An ability to predict the onset of this phenomenom will help prevent catastrophic costs in the future.

Understanding how an ecosystem functions is far more difficult. The reason is that these are enormously complicated problems that will require years of effort on the part of scientists from a broad range of disciplines. That effort will require a synergistic combination of ecosystem monitoring, research on specific processes, and modeling.

Monitoring serves a threefold purpose. First, it quantifies variability and supplies the long-term data sets that are crucial for detecting change. Second, an appreciation of variability often leads to asking the right research question. Detecting a change during anomalous conditions often provides the key to understanding how the ecosystem functions under "normal" conditions. Third, long term data sets provide the necessary observations needed to guide and evaluate model performance. This process is extremely important in the event that the model is to be used by decision makers to allocate resources among various users. Testing will only be successful if there is data available for comparison. Process studies are geared toward understanding specific links between particular components of the ecosystem. Results from such studies lead to incorporating this process, or improving its

formulation, in a model. Modeling is important for predictive purposes obviously. However, it can (and should) be used to develop hypotheses for the process studies and to refine the monitoring program.

I would encourage the Council to consider establishing a marine research endowment fund capable of supporting approximately \$3 million/year for research in the Gulf of Alaska and its contiguous bays. The council should establish a scientific advisory committee that would guide and coordinate the research. That committee should be tasked with drafting a science plan that expands upon the themes described above and which provides some specific recommendations on research directions. This document is essential in order to have a focussed and long term research plan. It will have to be re-evaluated

periodically, perhaps every 5 years. Contributions to this plan from the broader scientific community are to be encouraged in order to ensure balance and depth of the plan. There is also a role here for the public. Anonymous peer review of proposals is strongly recommended. Scientific excellence and relevance to the science plan should be the most important criteria for funding. However, every attempt should be made to use the endowment funds to leverage additional support (support or indirect) from other agencies (federal and non-federal). By doing so, the endowment could effectively increase the return in its investment. Incidentally, I am aware of and applaud your efforts in this regard.

Ocean science is in its adolescent phase. By this I mean that enough has been learned in the individual disciplines (physical, chemical, geological, and biological) over the past forty years that ocean scientists can now begin to realistically tackle interdisciplinary problems. These problems are far more complicated than the disciplinary questions. Yet solving them is likely to yield long-lasting benefits to society. A negative legacy of the oil spill is the damage left in its wake, but that will pass. The Council could ensure an enduring positive legacy, e.g., knowledge for the benefit of society. Establishing a research endowment fund will contribute toward that legacy.

I appreciate your inviting public advice on the uses for the Restoration Reserve fund.

Sincerely

Thomas Weingartner Assistant Professor for Marine Science School of Fisheries and Ocean Sciences University of Alaska Fairbanks, AK 99775

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September 30, 1997

EVOS Council Restoration Office 645 G. Street Anchorage, Alaska 99508

Dear Councilmembers:

This letter is to ask that plans to create an Endowment Fund with \$150 million of the oil spill settlement money be maintained. I believe that this is the highest and best use of the money and will benefit the injured animals and peoples of Alaska the most.

My heritage on my mother's side of the family is Athabascan and Russian. My people have lived here for centuries. They ate fish and shellfish from the sea and animals from the land. I can sympathize with those still living a subsistence lifestyle in the coastal villages and communities who found their beaches contaminated after the spill. We owe them among other things knowledge. Knowledge that will help us learn why fish, mammals and birds are still dwindling in numbers. Knowledge of how we might recover those animals so that these people who have lived in Alaska for the longest may regain and retain the food of their ancestors.

Again, I urge that the Endowment Fund be created and that it be used for scientific research and education.

Sincerely Keren L. &

Karen Schoening Box 44 Seward, AK 99664

Chuck Adams PO Box 2347 Seward AK 99664

Restoration Office 645 G Street Anchorage AK 99664

Trustee Council:

Please consider the following comments on the future of the Restoration Reserve:

1) I think that a permanent endowment should be set up to fund restoration projects indefinitely into the future. This would be a tangible legacy for future generations that will allow for positive things to come out of the Exxon Valdez disaster.

2) To reiterate and clarify what I said when the Council was in Seward, I think that the funds should be used to protect all the animals in the marine ecosystem - from crustaceans to fishes to marine mammals - that were affected by the oil spill. Unfortunately "ocean" acquisition is not an option, so I think that this money should be used exclusively for two things. One, for training and technology to insure that another oil spill doesn't occur. Two, for research into our marine ecosystem so that we will be armed with the knowledge that will enable us to ameliorate the effects of any future oil spills as quickly and as efficiently as possible.

3) I think that spending should be restricted to the spill region.

Thank you for your time and the opportunity to have an input into the future of the Restoration Reserve.

Sincerel Chuck Adams

September 30, 1997

Molly McCammon, Director EVOS Council Restoration Office 645 G. Street Anchorage, AK. 99508

Dear Ms. McCammon:

I believe that the Restoration Reserve should be used for research for the state of Alaska and its future. I feel that a endowment fund should be established for marine research for the future. We have a golden opportunity, for the future of Alaska and all Alaskans to learn more about our natural environment and marine wildlife threw research. So I would ask the EVOS council to continue with the budget set- aside to create an endowment fund for marine research.

Thank-you Dwe W. Crane

Dave W. Crane

Linda Ann Clayton P. O. Box 766 Seward, Alaska 99664 907-224-3316

30 September 1997

Restoration Office 645 G Street Anchorage, Ak. 99508

Trustee Council:

Please consider these comments on the future of the Restoration Reserve:

I would like to reiterate what I said when the Council was in Seward. I feel that the funds should be used to protect all the animals in the marine ecosystem that were affected by the oil spill. In my opinion the money should be focused in the following areas; training and technology to insure that another oil spill does not again occur and secondly, continue to provide funds for research into our marine ecosystem in the areas restricted to the spill region.

I do not support more land acquisitions, without more extensive support of research on the marine environments within those lands. If the land trades are to be given so that different entities can conduct logging, farm fish, or use the land for commercial purposes instead of research and restoring the marine environments, than the land acquisition should not be supported with funds from the Exxon Valdez Trustee Council.

I believe that a permanent endowment should be set up to fund restoration projects indefinitely into the future, to ensure future generations a way of life as they involve themselves in our surrounding ocean waters. As a member of the research and fishing community here in Seward, our future depends on concern for the marine environment. Although the Trustee Council was formed out of a disaster, a goal of a permanent endowment would be a step towards a positive future of all the Exxon Valdez Oil Spill affected areas.

Thank you for your time and the opportunity to have an input into the future of the Restoration Reserve.

Sincerely,

Junda Clayton

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September 30, 1997

EVOS Trustee Council 645 G Street Anchorage, AK 99508 Faxed to: (907) 276-7178

Re: Use of Restoration Reserve

Dear Trustees:

Although the Exxon Valdez Oil Spill settlement has funded much good science and restoration, the acquisition of habitat has dominated the expenditures of the Trustee Council. It was a good idea, a good way to help prevent the compounding of the environmental catastrophe -- I clearly remember the day in Cordova shortly after the spill when the concept of saving trees was first linked to restoration. However, the use of a large percentage of EVOS funds to buy land and trees can no longer be justified -- it is time to return to ocean-based restoration and research goals. In particular, many of those involved in marine research and the state's fishing industry would like to make certain that the Restoration Reserve will be used to fund long-term marine research, monitoring and restoration management in Alaska.

As a survivor of the oil spill and an old fisher person, I am pleased to have been involved in the development of the SEA Program in Prince William Sound -- funded by the EVOS Trustee Council. That process was an introduction to the world of marine science in Alaska, and to the intense competition for funding that directs much of the research. It is clear that for lack of resources many effects of the oil spill may remain only partially understood. Also, many of the gaps in our knowledge of the oceans will remain only partially filled. There is a great and immediate need for marine research in the Gulf of Alaska and elsewhere off the coast -- a Restoration Reserve endowment for marine science could make an enormous contribution.

I serve on the Advisory Council of the School of Fisheries and Ocean Sciences, University of Alaska; on the Board of the Alaska Fisheries Development Foundation, and on the board of the Alaska Seafood Marketing Institute. Each of these groups supports the use of the Restoration Reserve for marine research. In your decision-making process, please take into careful consideration the needs of the affected elements of the seafood and fishing industry, and the importance of restoring, understanding and maintaining the marine environment of Alaska.

Best regards,

Aclasty Heather D. McCarty

Golden Age Fisheries

P.O. Box 5630 Chiniak, Alaska 99615 October 1, 1997

To the Exxon Valdez Oil Spill Trustee Council:

I am writting in favor to support the nominated Cape Chiniak lands by the Leisnoi Corporation.

Because of the road accessability, these lands have been traditionally used by Kodiak residents.

It seems that these nominated lands provide a win-win situation. The Leisnoi Corporation would rather not log. They are only logging to pay lawyer fees. And the general public would like to see the forest saved and the logging stopped. The critical habitat would be saved for the many species of animals who reside in the Cape Chiniak lands and off shore.

I realize the Trustee Fund is running low. So I would like to suggest that the Restorations Reserve Fund be used to buy more lands. The opportunity to buy lands such as these for preservation may not come again.

Please look favorably at the Cape Chiniak lands for preservation.

Sincerely,

Judy Lucas

1711 Mill Bay Road Kodiak AK 99615

October 1, 1997

Restoration Office Exxon Valdez Trustee Council 645 G Street Anchorage AK 99508

I would like to address the subject of the Restoration Reserve.

It is important to me to continue to protect habitat in the spill region, through purchase and also maintenance of those areas that have already been purchased. Budgeting the fund for expenditure over a specific period, preferably 10 years, seems like the best option. I would like to see a point in time that will signify the end of the Exxon Valdez oil spill, although its legacy will always be with us.

The fund should be governed as simply as possible with a maximum amount of public oversight. Spending should be limited to the spill region. Broadening the spending area would spread the remaining funds too thinly and enhance competition for them.

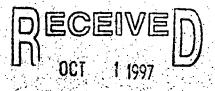
Thank you for the many opportunities to make my voice heard concerning the expenditure of the Exxon Valdez funds.

(Sarbarb OSen

Barbara Rudio

MARINE CONSERVATION BIOLOGY INSTITUTE * CONSORTIUM FOR OCEANOGRAPHIC RESEARCH AND EDUCATION * COMMITTEE FOR THE NATIONAL INSTITUTE FOR THE ENVIRONMENT * CENTER FOR MARINE CONSERVATION * ORNITHOLOGICAL COUNCIL

September 23, 1997



Molly McCammon Executive Director Exxon Valdez Oil Spill Trustee Council Restoration Office 645 G. Street, Suite 401 Anchorage, AK 99501-3451

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Dear Ms. McCammon:

We have recently become aware that the Exxon Valdez Oil Spill Trustee Council will be facing an important decision in the coming year regarding how best to use funds in the Restoration Reserve, and feel strongly that ensuring the recovery of damaged resources in the Gulf of Alaska and identifying the most effective use of remaining settlement funds is an issue of national concern. As representatives of organizations that promote sound scientific research to address environmental and ocean concerns, we ask you to consider our comments on the best use of these funds, and to share these comments with members of the Trustee Council.

The Trustee Council's Chief Scientist, Dr. Robert Spies, has recommended a permanent, adaptive, interdisciplinary monitoring and research program to track and predict ecological change and provide data and a mechanism for long-term conservation and management of resources affected by the spill. We urge the Trustee Council to use Restoration Reserve funds for this type of program.

The Exxon Valdez oil spill has been called the worst marine environmental disaster in U.S. history. It ushered in a decade in which it became painfully apparent to the scientific community and the general public that the oceans are not immune from environmental harm. Traditionally, scientific research and environmental management have focused on terrestrial species and ecosystems, as environmental concerns on the land have been more visible than those in the sea. As a result, although scientific research on all natural systems needs strengthening, it is particularly weak for marine systems. Since the devastation of the Exxon Valdez oil spill, declines in marine species and ecosystems have become more apparent not only in Alaska but around the world, while our understanding of these species and ecosystems remains poor. We have seen fisheries collapse and become over utilized, watched marine mammals become diseased and die, observed declines in shorebird and seabird numbers, and experienced increases in toxic algal blooms. Yet often we do not understand the reasons why these changes occur, or know how to address them.

The Trustee Council's wise use of Exxon Valdez oil spill settlement monies for scientific research has resulted in a quantum increase in our understanding of the Gulf of Alaska ecosystem. This information is not only crucial to recovering and managing the resources injured by the oil spill, but as well has multiple benefits when used by scientists around the world to generate new ideas for management and research in other marine environments. However, despite efforts to date, almost all of the resources injured in the spill still have not achieved their recovery objectives as identified in the Exxon Valdez Oil Spill Restoration Plan, and in many cases scientists still do not understand the reasons why. So little information is now known about some species that recovery goals cannot even be set. Clearly, additional research is needed to address these gaps in knowledge and to sort through the complicated oceanographic, ecological, and physiological factors that can affect the recovery of each species in the ecosystem. A long-term marine research program funded by Restoration Reserve funds would generate substantial improvements in our currently limited understanding of how to protect marine species and ecosystems. Such a program would allow for adaptive management as conditions change; further it would fit the purpose for which the Restoration Reserve was established: addressing unforeseen restoration activities needed beyond 2002.

Using Restoration Reserve funds from one of the largest marine environmental disasters in U.S. history to fill large gaps in knowledge about protecting declining marine species and ecosystems is a uniquely appropriate use of this money. It will reap benefits for years to come as researchers and managers in Alaska and elsewhere build on the information and understanding that result from this investment. We believe that a long-term marine science research program in the Gulf of Alaska is of national importance and would like to continue to be involved in the decision making process. Please advise us of opportunities for providing additional input on this important decision for utilizing Restoration Reserve funds.

Sincerely,

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

Admiral James D. Watkins (U.S. Navy, Retired), President Consortium for Oceanographic Research and Education

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

Wm. Robert Irvin, Acting Vice President for Programs, Center for Marine Conservation

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

NORTH PACIFIC MARINE SCIENCE FOUNDATION

300 Elliott Avenue W., Ste 360 Seattle, WA 98119 Phone (206) 281-1667 Fax (206) 283-2387

September 30, 1997

Exxon Valdez Oil Spill Trustee Council Restoration Office 645 "G" Street Anchorage, AK 99508

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

To Whom It May Concern:

At it's September meeting, the Board of Directors of the North Pacific Marine Science Foundation voted unanimously to urge the Trustee Council to establish an endowment to fund a long-term interdisciplinary research and monitoring program to provide the data for longterm management and conservation of the marine environment off the shores of Alaska. Use of the Restoration Reserve to fund this endowment would be the best use of these monies.

This would require establishment of a successor non-profit organization to the current EVOS Trustee Council with representation from public and native groups and state and federal agencies. Use of the Reserve to fund long-term integrated and targeted research and monitoring, in our view, would be the best use of the fund and provide for future conservation efforts.

For your information and review, I am mailing you the 1996/97 Annual Report of the Consortium which is funded by our Foundation.

Sincerely,

John F. Roos President

JFR/rc Enclosure

Board of Directors-

Dr. D. Lee Alverson Natural Resources Consultants, Inc.

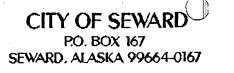
Ms. Suzanne Iudicello Center for Marine Conservation

Mr. Fred Richard, Treasurer National Bank of Alaska Mr. Alec Brindle Wards Cove Packing Co.

Mr. Bill Orr Golden Age Fisheries, Inc. Dr. Dave Hanson Pacific States Marine Fisheries Commission

Mr. Paul MacGregor American Factory Trawlers Association

Mr. John Roos, President Pacific Seafood Processors Assoc.





Main Office (907) 224-4050 Police (907) 224-3338

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- Harbor (907) 224-3138
- Fire (907) 224-3445
- Fax (907) 224-4038

October 1, 1997

Molly McCammon, Director **EVOS Council Restoration Office** 645 G Street Anchorage, AK 99508

Dear Ms. McCammon:

The City of Seward encourages the EVOS Council to continue with the budget set-aside to create the \$150 million endowment fund by 2002. Once established, the endowment fund should be for marine research. Alaska would benefit from such research, which would include: oceanography; fisheries; intertidal studies and other marine-related disciplines.

A research endowment will provide the scientific community with the resources to discover what is causing the wide swings in animal populations in Alaskan waters. It will offer educational opportunities to both the scientific community and the educational institutions of Alaska. Research funding can be used to continue to build baseline data that would help the scientific community to respond to future environmental disasters better.

I believe it is now time to shift the focus away from habitat purchases, and now focus on additional funding for research.

Sincerely,

Incard

ouis A. Bencardino Mayor, City of Seward

CITY OF SEWARE Main Office (907) 224-4050 Police (907) 224-3338 P.O. BOX 167 Harbor (907) 224-3138 SEWARD, ALASKA 99664-0167 Fire (907) 224-3445 Fax (907) 224-4038

October 1, 1997

Molly McCammon, Director EVOS Council Restoration Office 645 G Street Anchorage, AK 99508

Dear Ms. McCammon:

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Sincerely,

City of Seward

Rick L. Gifford Acting City Manager

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ALASKA GROUNDFISH DATH BHNK

EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL 545 G STREET, SUITE 401 ANCHORAGE, AK 99501-3451

SENT BY FAX: 2 PP

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OCT-02-97 15:04

REGARDING THE EXXON VALDEZ OIL SPILL ENDOWMENT FUND

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P.O. Box 2298 • Kodiak, Alaska 99615

Dear Trustees:

Kodiak's "Ad Hoc Research Group", an informal organization of Kodiak fishing groups interested in promoting fisheries research met, in January with Molly McCammon to discuss the plans for the Exxon Valdez Oil Spill Endowment Fund. The Ad Hoc Research Group met again in February to formalize a consensus position on the use of the endowment fund moneys.

After much discussion, the group has endorsed the following: 🥤

I. USE OF THE FUND:

A. The fund should be a "permanent" type fund. Research should be funded only out of interest earnings after deductions for inflation proofing. The Fund should be protected from spend thrifting.

We feel strongly that the Alaska fisherles will be best served by having a perpetual research fund available to fund the collection of long term data series as well as short term projects.

- B. The annual interest moneys should be used to fund physical oceanographic, atmospheric and ecosystem research including the collection of long term data series. A portion of the annual interest may also be used to fund the purchase of environmentally sensitive areas important to fish production.
- C. Research and habitat acquisitions should be specific to the spill area. This item does not preclude research outside the spill area if that research can be related to spill area. In our discussions research such as DNA analysis of fish stocks and oceanographic current monitoring were two types of research identified where work in and outside of the spill area could be valuable in better understanding of the spill area dynamics.

The spill area encompasses the major fish production areas and fishing population in the Gulf of Alaska. This area, while important to Alaska residents, does not appear to have the scientific appeal that research in the Arctic or Bering Sea does. We have serious concerns that failure to specify that research should be specific to the spill area will result in an increasing use of the fund in areas outside the spill for research which has no relevance to the spill area.

D. The Ad Hoc Research Group is opposed to using the fund to endow university chairs. We feel that more and better research will be done if scientists are required to submit competitive proposals than if the use of the money is left to the discretion of a tenured professor. We feel that Universities will be the major recipients of research funding.

Chris Blackburn • Director • (907) 486-3033 • FAX (907) 486-3461 • e-mail 7353974@mcimail.com

RESEARCH PRIORITIES AND SELECTION

- A. Annual spending shall have research in ocean and eco systems as the top priority. We suggest the following annual disbursement of funds as follows:
 - 1. Oceanographic, Atmospheric and fisheries Research: 85% of the annual amount available.
 - 2. Habitat acquisition: 15% of the annual amount available.
- B. Research proposals must undergo peer review and be recommended by the peer review process as well as the proposed Exxon Valdez Advisory Council (explained below) before becoming eligible for funding consideration.

C. There will be a strategic plan for research which is updated annually.

ORGANIZATION

A. The fund should have a governing board of directors. We suggest the governing board should consist of the following members:

Federal Government Representative1State Government Representative1Spill Area Local Government Representative1Citizen Members from the Spill Area4

B. The fund should have a Scientific Peer Review Advisory Council consist of the following entities:

University of Alaska School of Fisheries and Ocean Sciences Alaska Department of Fish and Game US Fish and Wildlife Service Two Alaska Fishing Industry Representatives One local community representative

Thank you for your attention to our comments

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Chris Blackburn, Interim Chair Kodiak Ad Hoc Research Group William C. Noll 4167 Apollo Drive Anchorage, Alaska 99504 Home Phone: 907-333-9199 Office Phone: 907-276-6101 Fax: 907-276-2788

October 6, 1997

EVOS Trustee Council Attention: Restoration Office

Dear Ladies and Gentlemen:

In response to your request for public input regarding use of the Resoration Reserve funds which you oversee, I am submitting this letter via fax.

Thanks to a helpful conversation with Joe Hunt of your office, I understand that you are setting aside \$12 million per year to establish the Restoration Reserve. Further, you are asking for comment on how and when to use the carmings of the reserve.

Please make use of the funds for the purposes of research through the Alaska ScaLife Center and through the University of Alaska. I believe you have very good scientific and administrative staff who can solicit and review projects for funding through those channels.

I suggest that you only use the earnings and not the corpus and that you administer (invest) the fund as the State of Alaska handles the Permanent Fund. Given their outstanding track record, perhaps you could even arrange for the Permanent Fund to invest the funds for us.

Knowing that there is pressure to use our funds for habitat acquisition, I suggest that these purchases are a good priority for consideration and action during the first years of the Council's existence. Apparently the Council agrees with that philosophy, because, for example, Joe mentioned that more than \$300 million has been spent for habitat so far.

As for the Restoration Reserve, I suggest that this fund be preserved for research projects. With what we see today in the condition of our oceans, fisheries and connected systems, there will be plenty of demand for such funds. If, however, reviewers found that a given year produced fewer worthy projects than available earnings from the Restoration Reserve, the Council could always put any exess funds back into the corpus and/or make those earnings available again during a future year.

Thank you for your consideration of the above suggestions.

Sincerely aun

North Pacific Fishery Management Council

Richard B. Lauber, Chairman Clarence G. Pautzke, Executive Director

Telephone: (907) 271-2809



605 West 4th Avenue, Suite 306 Anchorage, AK 99501-2252

Fax: (907) 271-2817

October 8, 1997

Exxon Valdez Oil Spill Trustees Council 645 "G" Street, Suite 401 Anchorage, AK 99501

Dear Trustee Council members:



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

I know this is past deadline, but I wanted to apprise you of the North Pacific Fishery Management Council's support, approved at our meeting last week, for using the Restoration Reserve for a long-term marine research endowment. Prince William Sound and the Gulf of Alaska are extraordinarily productive ecosystems and the more we know about them over the long haul, the better. Too often we find ourselves in the position of not knowing all that much about an ecosystem, and then a crisis strikes, and in flows the research dollars. Unfortunately, most times those dollars only last for a short time until the impacts of the crisis have dissipated from public view. Then we move on to other projects that take on a heightened immediacy for one reason or another.

Establishing a permanent endowment for marine research will leave a rich legacy of information about the marine ecosystem for future scientists that will be trying to tease out the important processes that make the Sound and Gulf of Alaska so productive. We need this type of research and monitoring over the long run to be successful at that quest. It will place us in a much better position to manage the fisheries for long term sustainability, and provide a valuable adjunct to ecosystems research in the Bering Sea and Aleutians.

While we understand that there will be many different demands on the available dollars, we believe that supporting a long-term research program will be the most effective route toward understanding, managing, and protecting the marine ecosystem in the Gulf and Prince William Sound.

Sincerely,

Clarence Pautzke

Executive Director

Copy to: Arliss Sturgulewski

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EVOS-Restoration Office 645 G Street Anchorage, AK 99508

Re: Comments on the Restoration Reserve

To get wisdom is better than gold; to get understanding is to be chosen rather than silver. (Proverbs 16:16)

Nature is a fickle master. One thing we did learn from EVOS and from recent years of trying to manage our marine resources is how much more we still have to know about them. By most estimates we have only identified a small percentage of the species in the world. How they interact, along with non-biotic forces, and maintain some semblance of local and global steady states is not even close to being understood.

Much of nature works in long term cycles as the steady state gets pushed out of balance and change occurs to toward restoring a balance. Many of these cycles in the Gulf of Alaska are decades long. Many of the species population cycles appear to be related to a surface temperature cycle 17 years long. This means that the EVOS "ecosystem studies" looked at less than half a cycle. What goes up, or down, could be related to recovery from the oil spill, or simply responding to changing conditions in the environment.

Many of us who supported the restoration reserve from the beginning did so because we realized that important questions about how the changing conditions in the Gulf of Alaska control the health and relative abundance of species, and how broader species interactions affect the well health of the species recovering from the oil spill, could not be answered in ten years of research; no matter how intensive. We asked that a reserve be set aside to assure that the long term funding would be available for the long term studies necessary to unlock the web of interactions over which we must monitor recovery of species from EVOS and establish the background from which to build our greater understanding for the future.

As long as the rivers run, as long as the birds shall fly. Our forefathers made that promise to Native Americans in treaties to protect their rights and lands. By 2002 we will have spent over \$400 million buying land in the name of habitat protection. Here in Alaska where the government already owns the vast majority of the land. The management of parks and other wild lands is being cut due to lack of funds. Do we trust the government of effectively manage these new lands. If we do, where are they going to get the knowledge, the wisdom, or the information necessary to manage without repeating the mistakes of the past.

Where have the salmon gone? Why are the populations of Stellar scalions and harbor seals healthy in southeast Alaska but endangered in western Alaska? Did exposure to oil cause outbreaks of VHS and icthyofonous in Prince William Sound herring? Twelve years ago pollock and cod dominated the Gulf of Alaska, today the flatfish complex is abundant and growing.

To facilitate the answering of as many critical questions as possible an endowment should be set

up from the entire restoration reserve fund. The following conditions should prevail.

- ★ The endowment should be managed by a new board including designated representatives of the Trustees as required by the consent decree.
- ★ The fund should be managed to provide stable, not inflation adjusted, funding over at least 20 years.
- ★ The fund should be used only to support research and monitoring projects, with emphasis given to integrated multi-disciplinary projects.
- ★ The fund should be restricted to projects in the broader oil spill area, including all the Gulf of ∧laska.
- \star No habitat should be acquired with the fund.

A more streamlined structure should be developed to administer the fund following these general principles:

- The fund should be run by an Executive Director who is an ex officio on the Board.
- The Board should include one member from each trustee agency.
- The Board should include a representative of the University of Alaska.
- The Board should include a approximately four public members at-large, two appointed by the Governor, two appointed by some federal mechanism.
- Proposals should be solicited by an open process.
- Proposals should be reviewed by an open peer review process, not by a Chief Scientist with a limited review panel.
- Grant management should be the responsibility of the recipient, and where necessary should be included as a separate item within the proposal.

Justification

Knowledge is the key to effective restoration. The justification for habitat acquisition as restoration is lined with good intentions. To truly understand the optimal balance of both marine and terrestrial habitats with other factors requires an understanding we do not currently possess. The restoration reserve provides an opportunity to make important incremental additions to our understanding of the biological and physical factors governing the stable populations in the Gulf of Alaska.

Ideally it takes the integrated knowledge of generations to elucidate the whole picture. Realistically, if carefully targeted, multidisciplinary studies were supported over two ocean cycles, the incremental growth in our understanding of natural and anthropogenic forces in the Gulf of Alaska.

By not inflation proofing the fund, and by restricting funding to projects investigating processes in the Gulf of Alaska, including Prince William Sound and Cook Inlet, there is a reasonable prospect that a meaningful amount of progress can be make in 20 years starting with a fund of \$150 million. Although the management of the EVOS-Restoration process has become more cost effective over time, there is still room for cost savings, especially as the diversity of activities decreases. A streamlined board could still act on behalf of the Trustees. With appointments from each Trustee agency it would represent a significant part of the scientific and resources talent pool in Alaska. Appointment of a board member from the University of Alaska would represent most of the rest. Appointment of public representative would assure a broader perspective is represented.

An open project solicitation process and peer review process would insure breadth and open mindedness in the search for optimal effectiveness of the projects funded.

Requiring grant recipients to be responsible for the management, including external financial review, would reduce the overhead costs associated with most projects. This is an approach being used successfully by the Alaska Science & Technology Foundation.

Humans do not do nothing, therefore it is important, if not essential, to understand the consequences of what we do. The EVOS-Restoration Reserve Fund can provide us with the opportunity to do so.

Keri Hile

From: To: Subject: Date: "The Bush Blade" Keri Hile RESTOATION Monday, October 13, 1997 1:38AM

Dear Trustee Council,

RE: FY '98 USE OF RESTORATION FUNDS-A permanent endowment fund should be set up and dividends used for habitat-protection and ocean research. Your s tatement, "Most habitat protection goals have been met" is a misnomer. Spill-area habitat is under constant attack and is being lost thousands of acr es at a time to ill-planned unprofitable development. SPECIFICALLY

0101

The head of Kachemak Bay was impacted by oil but little documentation of damage to the mud flats was compiled although this intertidal area degener ated from pristine to obviously polluted and continues in trouble. Next bark beetles bred in 81 miles of Bradley Dam transmission line slash and emer ged to kill forest between the Bay and Soldotna where the line ends.

Too bad. This was a beautiful old growth forest and home to a wide web of life including rabbits, raptors, coyotes, wolves, lynx, black bear, brown bear, and moose. Fox Creek Canyon (containing Fox Creek, a prolific salmon stream flowing into Kachemak Bay) meets all the requirements of excellent brown bear habitat including steep protected slopes for denning.

The north portion of this area (under the Deep Creek Management Plan-- to protect big game habitat) has been subject to salvage-sale clear-cut loggi ng. This devastated brown bear habitat and a June '97 state-federal report says the bears may be headed for an endangered species listing unless their territory is protected.

The southern portion of the Deep Creek Management area and also adjacent to the Kenai National Wildlife Refuge is still roadless and untouched. Much land is in state ownership. Some prime habitat is in the hands of absentee owners who would consider selling. Buying private land to protect brown b ears was suggested in the June state-federal Aid in Wildlife Restoration Report (Grant W-24-5 Study 4.22).

Saving Kenai Peninsula brown bears is an excellent use of Restoration Funds. Also federal restoration funds are owed to the Fox Creek Canyon-Fox Riv er Valley Ridge via Bradley Dam federal stipulations to replace habitat. The chess board is set to protect these valuable bears in a prime tourism se tting. We recommend the Trustee Council make the right move and allocate funds to purchase, restore, and protect all habitat within this vital Deep C reek Management area.

Please count us in on the Restoration Reserve planning, consider our recommendation, and inform us of upcoming meetings. I'm a 20 year Alaskan and m

y children are life-long residents. We care deeply about the future of Alaska. Sincerely,

Ingrid Peterson, Freya Peterson, Leif Peterson, Lars Peterson Box 168 Anchor Point, 99556 566-8406

theblade@alaska.net

Eric Myers

Oil Spill Public Information Center From: Eric Myers To: Subject: Please purchase ALL of North Afognak Isl Date: Thursday, October 09, 1997 3:27PM Original Subject: Please purchase ALL of North Afognak Island >Date: Wed, 8 Oct 1997 12:15:32 -0700 (PDT) >From: Connie Economou <connie@mil02sbx1c.Ebay.Sun.COM> >Reply-To: Connie Economou <connie@mil02sbx1c.Ebay.Sun.COM> >Subject: Please purchase ALL of North Afognak Island >To: ospic@alaska.net >Cc: governor@gov.state.ak.us >Content-MD5: PB/6bNwA0p01LXX1yMANPA== >Please purchase all of the irreplaceable wildlife habitat >that comprises north Afognak Island, especially Paul's and Laura Lake. Your own study of the Island rated these
 areas as the highest in biodiveristy. >Please also use the "Restoration Reserve" for habitat >acquisition and protection. I understand that so far >none of these monies has been set aside for conservation. >THANK YOU for your hard work. I have been thrilled at >your other acquisitions. Keep up the good work. > Sincerely, > Constantina Economou 10 Panoramic Way Berkeley, CA 94704 > > >

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Eric Myers

From: To: Subject: Date:

Oil Spill Public Information Center Eric Myers afognak forest and fish culture reserve Friday, October 10, 1997 8:09AM

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>From: Gap7580@aol.com >Date: Thu, 9 Oct 1997 22:16:40 -0400 (EDT) >To: ospic@alaska.net >Subject: afognak forest and fish culture reserve >

>EVOS Trustees

>Asking to purchase all of North Afognak Island, especially Paul's and Laura >Lake. This is the highest biologically rated area in their own study. None >of the Reserve is dedicated to purchasing lands for conservation. Thanks for >your past efforts so far.

> >Sincerely, >Gregory >Las Vegas, Nv.

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005 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely hert Printed Name Phone/Email Address 1007 EXXON VALDEZ OIL SPILL TRUSTEE CONNELL 0058 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, SEP 1 6 1997 Printed Name EXXON VALDEZ OIL 37 Signature 99755 POB 203 THUSTEE COUNSIL Phone/Email 683-1308 Address heply 7/22/47

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Sincerely, Julie Quele ingy	Judith L. Ar	ARRES DENNI
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Signature	Printed Name	
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Address 99523	Phone/Email	en ante 19 de la présidencia de la companya
Dear Trustee Council Member: 0064		
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Sincerely,		. •
Helen D. Woodings	Helen D Wood,	ings
Signature	Printed Name	1487
JII S. Bailey	<u>907 773 3</u>	70/
Address Palmer, AK 99645	Phone/Email	
0065		
Dear Trustee Council Member:		
	the second se	ognak. We urge you

Sincerely,	Alloan		LINDA J. SLOAN BOX 2556 PALMER, ALASKA 99645
Signature	Carrierat	Printed Name	-11: 7657

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Dear Trustee Council Member:

EXXON ANDES OIL SPILL We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition.

0066

TRUSTEE COUNCIL

My wife and I believe that one of the best uses of the EVOSS Restoration Reserve is the acquisition of critical habitat areas. Monies always seem to materialize at the 11th. hour to meet urgent needs for research, clean up operations, animal treatment centers, etc. Ithat we steadily and continually love is undesturbed and unthreatened habitat. ie. Nativedand Claims, timber companies, mining and the road building required to support these industries. Not to be overlooked are the claims of boroughs and villages such as shorebird habitat on the Homer Spit. Every parcel and bit that is set aside in perpetuity such as north afognak ensures that something should remain for our grandchildren to enjoy and the wildlife that the habitat supports. I feel that it was an oversight on your port not to have approved the acquisition of the 26 plus acres on China Post / Peterson Bay as suggested and recommended to you by Mike Mc Bride. At surely qualifies as critical habitat. a second priority for funding would be the establishment of a modest endowment to ensure that critical research Le conducted in future problem arest uthere alternative fundin is not available.

Sincerely ames R. Ma Signature 9601 MIDDEN WAY Address ANCHORAGE AK 99507

JAMES R. MAHAFFEY Printed Name 333-9632 907) Phone/Email

0067

Keri Hile

From: To: Subject: Date:

Oil Spill Public Information Center Keri Hile North Afognak Monday, August 25, 1997 11:10AM

Also Set.

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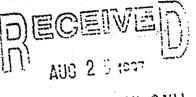
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comments-

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>Date: Sat, 23 Aug 1997 08:49:36 +0000 >From: toshi@Alaska.NET >To: ospic@alaska.net >Subject: North Afognak >

I urge ou to protect prime fish and wildlife habitat on North Afognak.
 I urge you to purchase all of North Afognak Island, prioritizing the
 "Pauls and Laura Lakes" area. This is our last chance to save north
 >Afognak lands from clearcutting. I urge you to use the "Restoration
 >Reserve" funds for this habitat acquisition.
 >thanks, Irene B. Lindquist P.O. Box 63 Moose Pass, AK 99631



EXXON VALDEZ OIL SHLL TRUSTEE COUNCIL

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<u>X+X+X+X+X^X+X+X+X+X+X+XXXXXX</u>
Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak WEWEW purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you put to the corr "Restoration Reserve" funds for this habitat acquisition.
Sincerely, DAniel Weber TRUSTEE COUNCIL Signature 243-1215 / Janweb @ Alasko.net Address Alichorase AK 92577 Phone/Email
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We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition.
Signature <u>4211 Bridle Cir, Anch AK</u> Address <u>99577</u> <u>Printed Name</u> <u>248-0442</u> <u>Phone/Email</u>
*.
Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Please Relp.
Signature <u>3332 W, 815t Anchorage, Nc</u> <u>Signature</u> <u>3332 W, 815t Anchorage, Nc</u> <u>AUG 2 6 1997</u>
Address9902Phone/EmailEXXON VALOEZ OIL SI99502 - 4425TRUSTEE COUNCIL

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Dear Trustee Council Men We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, Signature **Printed Name** RRAW, AK 9912 100× 110 ALIG 2 6 1007 Address EXXON VALDEZ OIL SPIL TRUSTEE COUNCIL 0070 ማ እ Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, Sign/ature Printed Name (90)57 ddress Phone/Email 00 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerelv ellins innas **Printed Name** Signature ALC 99603 (907)235-228 132 Address Phone/Email

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Dear Trustee Council Member:	· · · · · · · · · · · · · · · · · · ·
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Sincerery,	MARY MOREIS
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From: To: Subject: Date: Oil Spill Public Information Center Keri Hile Pauls and Lara Lakes area of Afognak Isl Monday, August 25, 1997 11:03AM 00'

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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Original Subject: Pauls and Lara Lakes area of Afognak Island

More comments

JL

>X-Sender: zafrenpp@pop.corecom.net
>Date: Fri, 15 Aug 1997 15:53:32 -0900
>To: ospic@alaska.net
>From: zafren@corecom.net (Ken Zafren, MD)
>Subject: Pauls and Lara Lakes area of Afognak Island

>To Exxon Valdez Settlement Trustee Council

>Please purchase all of North Afognak Island, especially the "Pauls and >Laura Lakes" area, which was the highest rated habitat in the Trustee >Council process. This is a wonderful opportunity to save all of North >Afognak from clearcutting. Please use "Restoration Reserve" funds to >acquire this habitat.

Page 1

>Sincerely yours,

>Ken Zafren, MD

> > > >

>Ken Zafren, MD, FACEP, FAAEM >10181 Curvi St. Anchorage, AK 99516 USA >phone: +1 907 346 2333 fax: +1 907 346-4445 >e-mail: zafren@corecom.net

Signature Don SoileAu DECEIVI 733 W.4th Avetson Printed Name Address Aug 2 1 1997 Address And 2 1 1997 EXXON VALDEZ OIL TRUSTEE COUNC -************************************	our last chance to save North Afognak lar "Restoration Reserve" funds for this habit	nds from clearcutting	nd Laura Lakes" area. This . We urge you to use the
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008 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. Koulo Kosemary Printed Name Kosemar 7800 Viola Circle Signature -345-3494 AK. 99516 Phone/Email Address Anchorage 0090 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. WALTER BENNETT Sennt Printed Name Signature DBOX 1158 GIRD WOOD AK 99587 907 783 2534 Address Phone/Email 0091 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, <u>Маку</u> С. Ков (NSON Printed Name 243-5832, 245-8700 Aarn Signature 310 3 lackle 99502 Phone/Email Address

************* Dear Trustee Council Memb We urge you to protect prime fish and wildlife habitat on North Arognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. Churk W. MAXSON Printed Name Signature 173/-ANCHORAGE ALASKA 99504 Phone/Email 907-333-6756 Address Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. P. Gardner Stephanie Signature Printed Name 3433 Phone/Email Address. 99502 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely Bheryf Salask Signature 907 733.240Z Address Phone/Email

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Sincerely, Shaw Donnet		Sham O'Donnell
Signature 610 Los; Orive	And All	Printed Name <u>333-9/76</u> Phone/Email
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Sincerely,	•
L OL	Susen Olson
Signature	Printed Name
1119 G St. Anch 99501	1 277-9968
Address	Phone/Email

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Willow & sende	Bill Glude
Signature	Printed Name
PO Box 22316, Juneur, AK 99802	586-5606
Address	Phone/Email

Afoguak is a particularly valuable habitat; at the edge of the Sithe

0102 ょ <u>ም</u>ሌ 50000 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, TUDAY <u>I (usla</u> Signature Printed Name 561-JHJF Phone/Email Addre 99524

Dear Trustee Council Membe We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, fur A NBBI Signature **Printed Name** 3808 LOCARNO Address Phone/Emai ENNOUAK@aol-com × 980 NCHERAG 0104 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. WARTZBART Anom Signature . **Printed Name** 424 - 34 Address Phone/Email 6105 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. Iracce Tracie Fellows Signature Printed Name MIR 99603 BOX 33105 907-235-Address Phone/Email

Station of the second sec and the set of the second 0[06 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerety, Sre Libenson Printed Name Signature V 1014 Haines, AK 9782 Phone/Email Address 0107 <u>x+x+x+x+x+x+x+x+x+x+x+x+xxxxxx</u> Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, MAMPINES <u>Anna B. Jones</u> iture Printed Name W. Harvard Ave. AnchAK ab jones@mtholyoke.edu (X ANNOVY Signature Phone/Email Address 0108 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, Sa An Brown ISatt Signature Printed Name 2901 Brooknew Street v aflab @ . WAA. alaska. edu 786-4113 or Address Phone/Email

Richard Crisci, 04:15 PM 8/12/97 , North Afognak Island

Date: Tue, 12 Aug 1997 16:15:29 -0800 From: Richard Crisci <asrlc5@UAA.ALASKA.EDU> Subject: North Afognak Island To: ospic@alaska.net

Dear Trustee Council Member:

I am concerned about the protection of prime fish and wildlife habitat

on North Afognak Island and urge you to purchase the wildlands there, giving priority to the "Pauls and Laura Lakes" area. It appears this is our

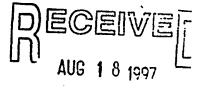
last chance to save North Afognak lands from clearcutting so I am asking you to use the "Restoration Reserve" funds for this acquisition.

Sincerely, Richard Crisci 10160 Craig

Anchorage, AK

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EXXON VALDEZ OIL SPILI TRUSTEE COUNCIL

Printed for Oil Spill Public Information Center <ospic@alask...

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Keri Hile

From: To: Subject: Date:

Oil Spill Public Information Center Keri Hile North Afognak Island Friday, August 15, 1997 2:17PM

>Date: Tue, 12 Aug 1997 16:15:29 -0800
 >From: Richard Crisci <asrlc5@UAA.ALASKA.EDU>
 >Subject: North Afognak Island
 >To: ospic@alaska.net

>

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> > > >

I am concerned about the protection of prime fish and wildlife habitat
 I am concerned about the protection of prime fish and wildlife habitat
 North Afognak Island and urge you to purchase the wildlands there,
 giving priority to the "Pauls and Laura Lakes" area. It appears this is our
 last chance to save North Afognak lands from clearcutting so I am asking
 you to use the "Restoration Reserve" funds for this acquisition.

Sincerely, **Richard Crisci** 10160 Craig Creek Anchorage, AK 99516 5.15

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Page 1

017[

Oil Spill Public Information Center Keri Hile From: To: Subject: <none> Date: Monday, August 11, 1997 1:40PM

Keri-

another comment

>Date: Sun, 10 Aug 1997 09:52:16 -0800 >To: ospic@alaska.net

>From: Alaska Denali Guiding <adg@Alaska.NET>

>To Exxon Valdez Settlement Trustee Council,

>I am writting to encourage you to protect northern Afognak island. This >is an incredible area (I fished around and lived on Afognak the winter of >1976) and it is a sad state of affairs to see this unique area clear cut. >Please use your restoration reserve fund to aquire this area. The future >people of Alaska deserve to have the remaining untouched part of this >island as it is. Please purchase it for all of Alaskans.

>Sincerely,

>Sincerely.

>Diane Calamar Okonek, Director >Alaska-Denali Guiding, Inc. >P.O. Box 566 >Talkeetna, Alaska 99676 >Ph. 907-733-2649 >www.alaska.net/~adg/ > >

>Diane Calamar Okonek, Director >Alaska-Denali Guiding, Inc. >P.O. Box 566 >Talkeetna, Alaska 99676 >Ph. 907-733-2649 >www.alaska.net/~adg/

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Oil Spill Public Information Center Keri Hile From: To: Subject: Afognak Island Date: Monday, August 11, 1997 1:41PM

>Date: Sun, 10 Aug 1997 21:55:03 -0700
>From: Susan Negus <senegus@Alaska.NET>
>Organization: Viral Hepatits
>To: ospic@alaska.net
>Subject: Afognak Island

>

>Dear Trustee Council Member;

>Dear Trustee Council Member;
>We urge you to protect prime fish and wildlife habitat on North Afognak.
> We urge you to purchase all of North Afognak Island, prioritizing the
>"Pauls and Laura Lakes" area. This is our last chance to save North
>Afognak lands from clearcutting. We urge you to use the "Restoration
>Reserve" Funds for this habitat acquisition.
>Sincerely,
>Susan Negus
>P.O. Box 101104

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>P.O. Box 101104

>Anchorage, AK 99514-1004

> >

From: To: Subject: Date:

Oil Spill Public Information Center Keri Hile Afognak Monday, August 11, 1997 1:39PM

Hi Keri-

I normally route these kind of e-mails to Eric. I thought you might know what to do with it.

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>

>Date: Sat, 9 Aug 1997 07:43:05 -0800
>Subject: Afognak
>From: Nina Faust <fausbail@xyz.net>

>To: "Exxon Valdez Trustee Council" <ospic@alaska.net>

>Dear Trustee Council Member,

>We have visited Afognak Island. In fact, we did seabird surveys on
>both Shuyak and Afognak for the U.S. Fish and Wildlife Service years
>ago, so we are familiar with the incredible biological resources of
>this area. We urge you to protect this extremely valuable, prime
>habitat for fish and wildlife by purchasing all of North Afognak
>Island, with a priority on the "Pauls and Laura Lakes" area. We
>suggest using the "Restoration Reserve" funds to purchase these lands.
>Afognak is a very unique island habitat that should not be clearcut.
>Thank you for your consideration >Thank you for your consideration. Nina Faust and Edgar Bailey >

Nina Faust General Welivery Homer, ak 99403 taken fron "wrong public "I latter

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From: To: Subject: Date: Oil Spill Public Information Center Keri Hile <none> Monday, August 11, 1997 1:40PM

Keri-

another comment

>Date: Sun, 10 Aug 1997 09:52:16 -0800

>To: ospic@alaska.net >From: Alaska Denali Guiding <adg@Alaska.NET>

>To Exxon Valdez Settlement Trustee Council,

>
 I am writting to encourage you to protect northern Afognak island. This
 >is an incredible area (I fished around and lived on Afognak the winter of
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 >people of Alaska deserve to have the remaining untouched part of this
 >island as it is. Please purchase it for all of Alaskans.

>Sincerely.

>Sincerely. >Diane Calamar Okonek, Director >Alaska-Denali Guiding, Inc. >P.O. Box 566 >Talkeetna, Alaska 99676 >Ph. 907-733-2649 >www.alaska.net/~adg/ > > >Diane Calamar Okonek, Director >Alaska-Denali Guiding, Inc. >P.O. Box 566 >Talkeetna, Alaska 99676 >Ph. 907-733-2649 >www.alaska.net/~adg/ > > >

>

From: To: Subject: Date:

Oil Spill Public Information Center Keri Hile Afognak Island Monday, August 11, 1997 1:41PM 0140

>Date: Sun, 10 Aug 1997 21:55:03 -0700
>From: Susan Negus <senegus@Alaska.NET>
>Organization: Viral Hepatits
>To: ospic@alaska.net
>Subject: Afognak Island

>Dear Trustee Council Member;
>We urge you to protect prime fish and wildlife habitat on North Afognak.
> We urge you to purchase all of North Afognak Island, prioritizing the
>"Pauls and Laura Lakes" area. This is our last chance to save North
>Afognak lands from clearcutting. We urge you to use the "Restoration
>Reserve" Funds for this habitat acquisition.

Sincerely,
Susan Negus
P.O. Box 101104 >Anchorage, AK 99514-1004

>

From:	Oil Spill Public Information Center
To:	Keri Hile
Subject:	North Afognak
Date:	Monday, August 11, 1997 1:41PM

>X-Originating-IP: [199.165.105.246] >From: "mike frank" <mjfrank@hotmail.com> >To: ospic@alaska.net >Subject: North Afognak >Date: Sun, 10 Aug 1997 17:54:47 PDT

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>Dear Trustee Council:
 > I support purchase of all of North Afognak Island, prioritizing the
 >Pauls and Laura Lakes area. Please use restoration reserve funds for
 >this purc. Thank you.
 >Mike Frank

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>Get Your Private, Free Email at http://www.hotmail.com >

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PO Box 2905 Palmer, AK 99645-2905 August 9, 1997 DECEIVE AUG 1, 1, 1997

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Exxon Valdez Settlement Trustee Council 645 G Street Anchorage, AK 99501

Dear Trustee Council Member:

I understand that you are considering the purchase of land on North Afognak for wildlands habitat.

Hurrah! Please do so immediately!

Massive clearcutting looms as the death threat to this prime land. With clearcutting comes the usual: detrimental effects to the fish and wildlife. Please purchase the whole island. Make the Pauls and Laura Lakes area your top priority.

Please, please do not diddle and delay and miss the opportunity to preserve what is left. . Act now.

Be in complete assurance that the public is aware of your proceedings, and supports you in this. I can think of no better way to spend Exxon oil spill monies. This is exactly in line with your mission. Move forward now with your Restoration Reserve funds. Acquire the prime habitat.

If you've been in an airplane lately, looking down on land between Anchorage and Seattle, you should know all too well how little contiguous prime habitat is left in the big picture.

Thank you for acting on behalf of all our long-term good.

Supportively,

Ellen Vande Visse

Ellen Vande Visse

From:	Oil Spill Public Information Center
To:	Keri Hile
Subject:	Re: Afognak
Date:	Tuesday, August 12, 1997 1:52PM

>Date: Tue, 12 Aug 1997 09:45:43 -0800
>From: smunt@arctic.net (Thomas Hunt)
>Reply-To: smunt@arctic.net
>To: ospic@alaska.net
>CC: Alaska Center for the Environment <akcenter@alaska.net>
>Subject: Re: Afognak

 I write to urge protection of the North Afognak ecosystem.
 Clearcutting, particularly in the Pauls and Laura Lakes area, will
 threaten the biodiversity that is such a precious resource in one of the
 last wild areas on earth. Please apply the "Restoration Reserve" funds
 for protective aquisition. >

Page 4

0164

>Thank you.

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>

> > >

>Thomas K. Hunt, M.D. >

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Keri Hile

From:	Oil Spill Public Information Center
To:	Keri Hile
Subject:	Protect Prime Habitat on Northern Afogna
Date:	Tuesday, August 12, 1997 1:51PM

Original Subject:

Protect Prime Habitat on Northern Afognak Island

Hi Keri-

I'm guessing that you would have told me by now if I'm sending these comments to the wrong person. I think there is a couple more after this one as well. Thanks :-)

Jeff

>Date: Mon, 11 Aug 1997 14:20:25 -0800 (AKDT)
>X-Sender: jrc@alaska.net (Unverified)
>To: ospic@alaska.net
>From: Randy Carter <jrc@Alaska.NET>
>Subject: Protect Prime Habitat on Northern Afognak Island
>Exxon Valdez Settlement Trustee Council Members:

>I am writing to request that you protect prime fish and wildlife habitat on >North Afognak. I strongly urge you to purchase all of North Afognak Island, >prioritizing the "Pauls and Laura Lakes" area. This is our last chance to >save North Afognak lands from clearcutting. Please use funds from the >"Restoration Reserve" for this habitat acquisition. >

>Sincerely,

>

>James R. Carter >3505 Woodland Park Drive >Anchorage, AK 99517

>

>

Keri Hile 0162/ **Oil Spill Public Information Center** From: Keri Hile Re: North Afognak To: Subject: Date: Tuesday, August 12, 1997 1:51PM >From: greyrock@interserv.com >Date: Mon, 11 Aug 1997 16:18:32 -0700 (PDT) >Subject: Re: North Afognak >To: ospic@alaska.net > >Exxon Valdez Settlement Trustee Council 59 A A A Å. >Dear Trustee Council Member: >We urge you to protect prime fish and wildlife habitat on North Afgoknak. We >urge you to purchase all of North Afgoknak Island, prioritising the "Paul and >Laura Lakes" area. This is our last chance to save North Afgoknak lands from >clearcutting. We urge you to use the "Restoration Reserve" funds for this >habitat acquisition. >Sincerely >Olcay Bozkaya >12841 Lupine Rd. >Anchorage, AK 99516 >

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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Dear Trustee Council Member:

We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition.

Sincerely,	FRED G. JENKINS	
Signature 2039 BRANDIEGN ST.	Printed Name (נסד) 345 - 1008	
Address ANOITOMARE, AK 19516	Phone/Email	

Here's how one minute of your time can save one million acres. Clip out the short note below and mail it to: Exxon Valdez Settlement Trustee Council at 645 G Street, Anchorage 99501. Or email them at <ospic@alaska.net> Or write them a letter in your own words.

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Dear Trustee Council Member:

We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition.

Sincerely,				
Karen	L. Ont	unton)	KAREN L. J.	OHNSTON
Signature			Printed Name	
5040 E.	98th	Anch.	346-2072	email: soar96@alus
Address	99	516-6401	Phone/Email	
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	land, prioritizing the "Pauls and Laura Lakes" area. This is ognak lands from clearcutting. We urge you to use the this habitat acquisition.
Sincerely, <u>Joyce Bauer</u> Signature	Printed Name
<u>2201 Lake George</u> Address 99504-	Anch. craigb@alaskq.net 35/6 Phone/Email 333-1790
	0/58
We urge you to protect prime fis	h and wildlife habitat on North Afognak. We urge you to land, prioritizing the "Pauls and Laura Lakes" area. This is
our last chance to save North Af "Restoration Reserve" funds for	ognak lands from clearcutting. We urge you to use the
our last chance to save North Af	ognak lands from clearcutting. We urge you to use the
our last chance to save North Af "Restoration Reserve" funds for Sincerely, <u>Vir D. Heetting</u> Signature 2535 St. Elias Dr. A/A 9	ognak lands from clearcutting. We urge you to use the this habitat acquisition. $\int_{ILL} D. HOELTING$ Printed Name 261-7663DECEIVED
our last chance to save North Af "Restoration Reserve" funds for Sincerely, <u>Vir D. Heetting</u> Signature 2535 St. Elias Dr. A/A 9 Address	ognak lands from clearcutting. We urge you to use the this habitat acquisition. Jin D. Hoerride Printed Name DECEIVE 261-7663 May Aug 1 2 1997 EXXON VALDEZ OIL SPILL. TRUSTEE COUNCIL
our last chance to save North Af "Restoration Reserve" funds for Sincerely, Signature 2535 St. Elias Dr. A/A 9 Address Dear Trustee Council Member: We urge you to protect prime fis purchase all of North Afognak Is our last chance to save North Afo "Restoration Reserve" funds for f	bognak lands from clearcutting. We urge you to use the this habitat acquisition. $ \begin{array}{c ccccccccccccccccccccccccccccccccccc$
our last chance to save North Af "Restoration Reserve" funds for Sincerely, <u>Yie A. Hatting</u> Signature 2535 St. Elias Dr. A/A 9 Address Dear Trustee Council Member: We urge you to protect prime fis purchase all of North Afognak Is our last chance to save North Af "Restoration Reserve" funds for Sincerely, <u>Sincerely</u> , <u>Sincerely</u> , <u>Sin</u>	bognak lands from clearcutting. We urge you to use the this habitat acquisition. $ \begin{array}{c ccccccccccccccccccccccccccccccccccc$

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Dear	Trustee	Council	Member:

We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition.

Sincerely,

Chuck Wright	Chuck Wright
<u>Chuck Wright</u> Signature <u>Chuce</u> 3740 Reflection Dr.	Printed Name (907) 561-5335
Address Anchorage Ak 99504	Phone/Email

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Dear Trustee Council Member:

We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition.

Sincerely, Jen hample	
Signature	Printed Name 277-7887
Address 2536 Arlington Dr Anchorage, AK 99517	Phone/Email 102130.3415@ compusarve. c

メチメチメチメ チメチメチメチメチメチメチメチメチメ Dear Trustee Council Member:

We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition.

Sincerely,		ERIC S- HAN	er-s)
Signature PO Box 24060/	anchorage.	Printed Name (907) 248.399 4	
Address	99.524	Phone/Email	ALASKA.

0151 ****************** Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely linter aurie Schle Schlueter Printed Name Signature ishtaka 1 901: 7.3.3-4567 8671 Address Phone/Email 01521 ~ X ~ X ~ X X X X X X Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, SAIL Edwards Printed Name Signature AUG 1 2 1997 AK 99520 P.O. Box 200323 Anchora Phone/Email Address EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, ornwell 1ancis printer ECEIVE Signature () Printed Náme 13252 955 DOX **V**.(). Address Phone/Email nchorage 2 1997

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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Dear Trustee Council Member:	
We urge you to protect prime fish and wild purchase all of North Afognak Island, prior	llife habitat on North Afognak. We urge you to itizing the "Pauls and Laura Lakes" area. This is ds from clearcutting. We urge you to use the
"Restoration Reserve" funds for this habita	
Sincerely,	• • • • • • • • • • • • • • • • • • •
Apranel Estaten	LORRAINE ECKSTEIN
Signature $230 \text{ W} \cdot 12 \text{ fh}$	Printed Name ecksteinasinbad.net
Address Anchorage. AK 99501	Phone/Email
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5149 X+X+X+X+X+X+X	************
Dear Trustee Council Member:	
have meeted and wild	life habitat on North Afognak. We urge you to
and an all of North Afognak Island Driori	tizing the "Pauls and Laura Lakes" area. This is as from clearcutting. We urge you to use the
"Restoration Reserve" funds for this habita	t acquisition.
Sincerely///	A. William Saupe
Signature	Printed Name
9200 Hyphin J	907-337-3758 Phone/Email
Address Andwraze AK 99,507	
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Dear Trustee Council Member:	
	llife habitat on North Afognak. We urge you to
	itizing the "Pauls and Laura Lakes" area. This is
"Restoration Reserve" funds for this habita	ds from clearcutting. We urge you to use the
Sincerely,	
Prosella Rusself	Priscilla N. Russell
Signature P.OBOX 2365	Printed Name
. 1.0 10 ox 2365	Phone / Fmail (QAA) DA mining
Address HOMER AK 99603	Phone/Email (202) 213 5-5617
Address Homek AK 99603 Thanks for	your efforts

Dear Trustee Council Member	a an
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Sincerely,	
Karen Z. Holloway Karen L. Holloway	
Signature Printed Name	{
Address 94577 Phone/Email	
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"Restoration Reserve" funds for this habitat acquisition.	· [
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Sincerely, Gantly	
Clen E. Santly Ellen E. Ganty	
Signature Printed Name	
PO. Box 3557 1958 Hentucky Derby ceg @alaska. net 907-745-26	47
Address /	
Palmer Alaska 99645	
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Dear Trustee Council Member:	
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"Restoration Reserve" funds for this habitat acquisition.	
Sincerely,	
Anne BIOR ARNE B REIT	TZ-
Signature Printed Name	
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Address (), (), North Phone/Email 270 -212	·
Address The Anthe Phone/Email 272 5-363	

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Dear Trustee Council Me er: We urge you to protect prime fish and wild	llife habitat on North Afognak. We urge you to
	itizing the "Pauls and Laura Lakes" area. This is
"Restoration Reserve" funds for this habita	ds from clearcutting. We urge you to use the at acquisition.
Sincerely,	
tothe en famp	BATHLEEN KAMP
Signature 1435 INCET PC ANCH AK	Printed Name ' 278-4219
Address	Phone/Email FAX
Address 9950/	
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Dear Trustee Council Member:	
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	ds from clearcutting. We urge you to use the tacquisition
"Restoration Reserve" funds for this habita	
	at acquisition.
"Restoration Reserve" funds for this habita	ELEORGE A. HALL Printed Name
"Restoration Reserve" funds for this habita Sincerely, Signature 13124 STEPHENSON	t acquisition. <u>CLEORGE A.WALL</u> Printed Name 4073450750
"Restoration Reserve" funds for this habita Sincerely, Signature 13124 STEPHENSON Address AIA 99515-3858	t acquisition.
"Restoration Reserve" funds for this habita Sincerely, Signature 13124 STEPHENSON Address A/A 99515-3858 Mishow the opprovement of a form he Denservey ruk more particular for off	t acquisition.
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"Restoration Reserve" funds for this habita Sincerely, Signature 13124 STEPHENSON Address A/A 99515-3858 Mishow the opprovement of a form he Denservey ruk more particular for off	t acquisition.
"Restoration Reserve" funds for this habita Sincerely, Signature 13124 STEPHENSON Address A/A 995/5-3858 Dusi has the approximation of a point la penserely such more perturbing of a form la penserely such more perturbing of a form la	t acquisition.
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Sincerely, allom XMW S. Maiclean Signature Printed Name W. 32na Ave 2485039 Phone/Email Address Anchercic 99517

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Sincerely 'SIN

Signature 5620 E. Address 99516

ROBIN A. DALTON

Printed Name 907-346-8359

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************************ Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. ma E. Neill Mama Signature. Printed Name 333-6583 3976 Eastward Address Phone/Email 99504

xxxxxxxAnxxxxxxxxxxxxxxx Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. Phyllis Ploudre thylles Hondre Printed Name resa Phone/Email Address 0129 ×+×+×+× +×+×+×+×+×+×+×+×+×××××× Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. Printed Name Signature Address - Phone/Email makn 64505 0130 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. bara S. Smil Sarla Signature Printed Name 6751 Kound Phone/Email Address

1 DUC finan cam Anchorage, Ak 99518 Aug 13, 1997 Exxon Valdez Settlement Trustee Council DECEIVED 645 G Street Anchorage, AK 99501 EXXON VALDEZ OIL SPILL Dear Trustee Council Member: TRUSTEE COUNCIL I strongly uge you to purchase all of North A Jognak Saland, especially the "Pauls + Laura Lakies area. This should centainly be given priority. D'would unge you to use the Restoration Reserve funds: for this purchase. a find of mine kaya/ced this area & described its beauty & would like to see it some day. Thank you for your concern."

Sincerely, William M Lox MO.

that you use some of the Restoration Reserve funds to acquive this land, or no much as is feasible. This would not only mean a lot to m and many others, but would preserve some of the best will ge habitat in the bulg-accord even to your own server Thank you for your time, Sincerely, Bridget J. Paule Bridget L. Paule 3701 Laron Ln., Anch. 99504 Sincerely,

DIEUSIU-U 0123 Dear Trustee Council Member, EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL Ficould like to add nig voice in urging you to purchase North afograk Island. Kadiak and the Surrounding islando is a place I have long Wanted to Visit to an active backpacker and _____Kayaker I treasure the few truly wild places _____nemaining. I also would like to remind you of the blological Survey done by the Exan-Valdey Settlemen? North afograk 13. especially the area surrow Paulo Lake + Laura Lake. In recogninging the biological and ecologicas importance of this area I am greatly concernes with the possibility that these lands may be lage You must realize that logging activities, clearcutters. patch Cutting or whatever, Cannot help but have some negative impact on the land. I am concerned that the island could not recover easily from this damag especially after the stress caused by the oil spill. to a student just out of high school whe plans on living in alaska, I have a long time abead to watch our wild lands and the debates and issues 51123 ounding them I will also get to watch as my favorite forests are sold off and the best fram, shows covered in coment. I would like to cok

0120 1. 1. 1. Star 19 . S Dear Trustee Council Men We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. SHARON M SAUER Printed Name Signature (907) 333-8366 3148 WESLIZYAN DR Address AnichtoRAGE AK 99508 Phone/Email 0121 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely othn Signature Printed Name (90-P.O. Kox Phone/Email Address 01221 them at <ospic@alaska.net> Or write them a letter in your own words. ×+×+×+×+×+×+×+×+×+×+×+××××××× Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely_ Lagrin GLHE Signature Printed Name 3728 NELVE 911 Address <u>NIA DDS</u> ALRSKA . NE

Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clear cutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. Printed Name Signature P.O. B.x 428 Phone/Email Address Sterling, AK 99672 (907)265-9769 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely (<u>7e-pev</u>) Printed Name Signatur Phone%F Address Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. NOm KATHLEEN (). Signature Printed Name 4811 KUPREAND 503-12604 Address Phone/Email 7- IDI2

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Dear Trustee Council Memoer: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely. JEFF CARPENTER Printed Name Signature Printed Name 907 344 8516 9121 KING DAVID DR ANCHORAGE AE 99507 Phone/Email Address 0115 Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, Hundret Gronge E. Sima //woo LTT Printed Name /hmer, AK99608- (907)235-31/052 337/ Phone/Émail ene Signature KOIBA3371, , Address 0/16 ****** ***************** Dear Trustee Council Member: We urge you to protect prime fish and wildlife habitat on North Afognak. We urge you to purchase all of North Afognak Island, prioritizing the "Pauls and Laura Lakes" area. This is our last chance to save North Afognak lands from clearcutting. We urge you to use the "Restoration Reserve" funds for this habitat acquisition. Sincerely, ENNIFER SVENSON Signature Printed Name 1671 GADRGE BELL CIRCLE 325-97/5 SNCH. BK 99515 Address Phone/Email

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\$176 Oct. 7, 1994 EVOS Trustees 645 G St. 6 1997 Anchorage, alaska 99501 EXXON VALDEZ OIL SPILL Ilear Trustees: TRUSTEE COUNCIL Please purchase all of Nosth afognak Island, especially Paul's and Laura Lake. This is the very best biological area, as you stated in your own study, own study. Please use your "Restosa-tion Reserve" for habitat purchase and preservation. Thank you for your efforts thus far, I am very much hoping that you will protect North alognak lands. I have enjoyed alaska as a tourist and hope to creturn to the same unspoiled scenery. Alep To Keep alaska the special state that it is especially beautiful and wonderfully wild, Sincerely, M. Ruth Niswander 622 Barbera

Davis, Ca. 95616

Torie Baker PO Box 1159 Cordova. Ak 99574 Phone: 907-424-3820/Fax: 424-3821

September 21, 1997

Dear Molly:

Just wanted to send along my thoughts on the recent PAG field trip to Kodiak. In running through the trip itinerary, I have a few comments.

The idea of a flyover of the Shuyak, Afognak & Kodiak islands was brilliant. The inflight commentary by the National Refuge manager, PAG Kodiak member Howard Valley and yourself was a cost effective way to provided us with a good picture as to past and present EVOS habitat protection activities on Kodiak without having to break us up into small groups. As well, the boat trip to Long Island and the road trip to Termination Point/Ft. Abercrombie accompanied by the state park managing ranger provided all PAG member with the opportunity to gain a common understanding of the local points of interest and local management efforts. For future trips, further incorporation of the local managers and their perspectives will be very informative for the PAG.

The Alutiiq museum facility appears to be a textbook success story on many fronts. Staff talks were especially informative about revenue generating programs such as local archeological contracting by the museum professional and non professional staff and the projected increase of visitor revenue by cruise ship travelers due into Kodiak next year. Annual museum visits of over 2500 Kodiak school children as a part of their school activities as well as education courses and projects on Alutiiq culture, crafts and tools offered through the museum and taught by Natives and locals were reported to us with obvious pride and excitement. As was pointed out, the city of Kodiak has a population base of 10,000 plus and has enough of a diversified economy to support a museum of this caliber. Unlike Prince William Sound, which is a body of water surrounded by small villages of a variety of Native

cultures, Kodiak is truly the island's regional hub for the six Alutiiq villages (est. 2,500 pop.).

Due to the accordion effect such an aggressive schedule always has, I was disappointed that our time at the University of Alaska Fisheries Industrial Technology Center had to be cut short. This organization continues to provide very key industrial research for all Alaskan fisheries and a more full tour would have been very informative for especially non-coastal members of the PAG.

The evening public meeting in Kodiak was well attended. I appreciated all who took the time to comment. The high interest by the community on Termination Point negotiations was reflected in the front page coverage your comments received the next day in the local paper. Burough interest in possible management/ownership of a popular end-of-the-road small parcel expressed by the burough mayor at the meeting appeared to be new information.

Comments from both the burough mayor and locals at the meeting reiterated the community's interest and support in using the bulk of the restoration reserve for continuing necessary marine ecosystem long term research. As you have reported to us in the past, discussions within the Kodiak community does appear to support consideration of additional limited parcel acquisition with these funds should a new opportunity arise in the future. But, it was made clear that in their minds the real payoff of EVOS marine research will be in the follow through of financing long term monitoring and support of data transfer to management. As we on the PAG continue our task of developing our input on this question, I look forward to receiving more input from coastal community residents and managers.

I was among the group of PAG members who visited Larson Bay village on the northwest side of Kodiak. As it was midday when we arrived, with very warm and clear weather, most people were working and otherwise occupied. Two members of the tribal council board did spend a few minutes with us. We were made aware of problems among Koniag Corporation villages and in particular a long standing rift between the corporation and Larson Bay and Karluk villages over the earlier Koniag/EVOS refuge land purchases. As a Cordovan but not a native shareholder, I particularly

identified with the frustrations expressed by this particular board member in not understanding and not being fully informed as to the regional corporation's activities.

As PAG members, accompanying agency and Council staff and simply as fellow Alaskans, we were able to pass along a mix of contacts for other EVOS and non -EVOS programs. Otter harvest management, area youth watch and biosampling programs, marine mammal research, PSP research, air times for the EVOS "Coastal Currents" radio program (which was already known and listened to by the board member) and other EVOS staff resources were of interest to the tribal board.

As with all the Kodiak PAG members, Brenda Schwantes was very gracious in availing us of her professional and familial standing in the community to make this visit more meaningful for us and local citizens. It can obviously be intrusive and becomes very personal when a large group presents itself in such a small village as Larson Bay. I know I speak for all of the PAG in my appreciation to Brenda for taking time from her work day to facilitate our visit among her friends and family.

All and all this was a very productive field trip for the PAG. I would suggest that our trip books would have been of greater use if provided to us prior to the visit. The books were of excellent scope and detail.

Upon reflection on the substance of our visit, I have a couple of other thoughts. It appeared to me that the EVOS parcel acquisition program is well defined as a process and makes parcel evaluations systematic. As well, though, based on our visit to Larson Bay, I strongly encourage the Council to continue to remain very sensitive to the issue of shareholder consent before completing parcel acquisitions. Other village/corporations issues are beyond the purview of EVOS Council programs, but obviously land acquisition has a major impact on those relations.

While I am not too familiar with parcel evaluation criteria, I would question the earnestness over the Long Island parcel and concur with the Council's current policy of wanting to wait until the major Afognak JV negotiations are complete. Based on our site visit, I was not aware of any

imminent threat of development or timber harvest on this parcel especially when balanced with the scemingly limited resource and recreational values. I may have missed that side of the story.

As an aside, I did recognize the validity of comments made by one gentleman at the public meeting on the guaranteed increase of Kodiak harbor sea lion/human interactions if those critters lose their haulout on the breakwater. These huge Kodiak harbor sea lions and their aggressiveness for seeking haulout space and handouts is legendary along the coast. Hold on to your children and other valuables. These animals make the Herschel story in the Seattle Ballard locks pale by comparison. Molly, I agreed with your response and your frankness was to the point and was appreciated.

The EVOS native community facilitator program was mentioned by the Larson Bay board member as being conspicuous by its absence. It was noted that travel funds are in short supply for that project but, given the vast geography and remoteness of Kodiak, seems very key for a transfer program such as this. It occurred to me that unlike the other spill villages who have a designated TEK individual within a specific village, the Kodiak position is actually a regional position serving six outlying villages as well as the hub of the City of Kodiak. Perhaps the effectiveness of the Kodiak portion of the project may need to be reviewed in this light.

In contrast, as reported at the Kodiak public meeting, the EVOS Kodiak Waste Management Planning project funded last year has brought together key village individuals from around the island by adding seed money for what appears to be a very successful planning project. Affordable and appropriate solutions appear to already be surfacing for what is certainly of top concern for the villages. But, honestly, while I understand the absolute need to work on this issue and join in the applause for the apparent success, without studying the actual project description, I would of had to question the project scope as being a bit outside to the EVOS mission statement. On the other hand, perhaps a risk was taken and the results have been positive and relevant.

All successful public meetings are obviously a two way street. On this trip, we as the PAG heard from the public but we, along with the public, were informed about two other efforts of great local interest: the status of future oil spill contingency planning by the burough and the village waste management planning process. As we push further into the restoration reserve planning process, we should maximize these opportunities whenever possible. After the public meeting, it occurred to me Paul Anderson's long term species composition work in the Shilakoff Straits off Kodiak is a showcase for the success and importance of long-term marine ecosystem research. It is of great relevance locally, it's top notch work, in part, because it is on a 20 year plus scale, and it has in recent years received some EVOS funding. A brief report at the Kodiak public meeting would have been a good opportunity to report to the community and the PAG on this work and, perhaps, more importantly, further sharpened public focus on some of the possibilities for the restoration reserve program.

My own thoughts on the restoration reserve continue to evolve as I talk with folks in my area. In part as a result of this trip, a theme keeps running through my mind. Perhaps one of the biggest and most vital challenges for the reserve program might be characterized as "integration". In watching the EVOS science work over the years, I am always encouraged when someone reminds us that EVOS Council programs did not invent scientific research nor did it invent resource management in Alaska or the spill region. There certainly has been some cutting edge advancements and long term monitoring needs to be supported. But what was reinforced for me on the Kodiak trip was the fact that to have the most lasting benefits, the reserve program, whatever form it takes, must ultimately strive to accurately and honestly integrate into and augment existing Alaskan institutions, agencies programs and public policy forums.

It was easy and exciting to understand and see the positive results of a museum and or, from an airplane seat, witness what the power of the stroke of a pen has done for vital habitat protection; scientific knowledge and its transfer to management and better public policy formation and local empowerment for responsible stewardship is a whole different kettle of fish. The fostering of multi-discipline, locally relevant schemes has been an EVOS program by-word for 4 years. But from where I sit, we aren't really

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accurately hitting the mark as consistently as we can. We have an opportunity to do a better job for Alaska here in the last years of the settlement and in the future. I look forward to the challenge.

Again, thank you and all of the EVOS staff, and especially the hard working Cherri Womac, for a very well run, informative and thought provoking trip.

Best regards, Town Buker

Torie Baker PAG/Cordova

cc. Trustee Council PAG

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The National Out or Leadership School Alaska Branch PO Box 981, Palmer, Alaska 99645-0981 907-745-4047 Fax 907-745-6069 Don Ford Branch Director

Molly McCammon Executive Director Exxon Valdez Oil Spill Trustee Council 645 G Street Suite 401 Anchorage, Alaska 99501-3451

Re: Restoration Reserve

October 15, 1997

OCT 7 1997

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Dear Molly,

I am in the final hours before my departure south, so excuse the brief nature of this note. Unfortunately, I will be in the field during the Restoration Reserve Workshop next month but I would encourage the PAG to consider the following thoughts during the discussions.

<u>Integration of Research in Management Decisions.</u> Torie Baker's letter dated September 21st spoke to this well. The value of the EVOS research in the spill areas is undeniable; yet, the use of research within the existing management structure is a concern that should be addressed.

Impact of Recreation and Tourism on Recovery of the Ecosystem. I believe that human impact is a factor constraining long term ecosystem recovery. The level of acceptable change needs to be addressed, in particular, the cumulative impacts of increased traffic volumes on injured resources. EVOS could play a significant role in supporting future research and planning

Value of Education

efforts to diminish this imminent threat.

Both cultural and scientific education programs provide people the knowledge and the passion to fight for the long term preservation of these fragile ecosystems. Through the Reserve, the oil spill could continue to provide educational opportunities for communities well into the future.

Again sorry for the quick notes. These are simply ideas to consider when the PAG discusses the scope of the Restoration Reserve.

Sincerely,

Land

Eleanor Huffines

UNIVERSITY OF ALASKA FAIL

SCHOOL OF FISHERIES & OCEAN SCIENC

EXXON VALDEZ OIL SPILI. TRUSTEE COUNCIL

900 TRIDENT WAY, KODIAK, ALASKA 99615-7401 (907) 486-1500 FAX: (907) 486-1540

Restoration Office Exxon Valdez Oil Spill Trustee Council 645 G Street Anchorage, AK. 99508 October 6th, 1997 Kodiak, AK.

Dear Sirs:

I understand that the Exxon Valdez Oil Spill Trustee Council is seeking input to help it determine a suitable application for the \$150 million RESTORATION RESERVE funds. I am director of the Fishery Industrial Technology Center, a division of the School of Fisheries and Ocean Sciences, University of Alaska, Fairbanks. I speak for the Fish Tech Center, in part for her faculty, and in part for the Alaskan Fishing Industry. Our view is that there has been enough terrestrial habitat acquired with the criminal penalty money to date, but that research into applied fisheries and other marine problems needs more support.

We fully endorse the concept of sequestering these funds in a research endowment and to use part of the interest generated to inflation-proof the principal. We also believe that interest money, above that needed for inflation proofing, should be used to support a mix of marine research in Alaska, according to the judgements laid out by the court. We point out that funding for applied fisheries research, through the Saltonstall-Kennedy Grant Program administered by the National Marine Fisheries Service, has dropped to less than a quarter of its original amount. This drop is in real dollars not inflation adjusted funds.

Fisheries were hit hard by the Exxon Valdez oil spill. Fishing is also the largest single employment sector in Alaska. Crucial to many Alaskan communities is the development of new and better ways to use Alaska's marine resources to assist her people. We would like to see specific language designating **applied fisheries** as a major research emphasis written into any research program designed for this endowment. We hope that specific language here will underline the importance of applied fisheries research in any new research structure that may be supported by both EVOS RESTORATION RESERVE funds and DINKUM SANDS federal appropriation money. Too often we have seen good intentions fail to be realized because specific language was not written into a plan at its onset.

Thank you for the opportunity to provide this input. If you have any questions, please contact me.

Scott Smiley cone Director, FITC

Cc. Vera Alexander, Dean, SFOS

SPORTSZONE INDEX HELP ESPH STUDIOS

Patterson: A chance to get involved

by Gregg Patterson ESPN Outdoors

One of the most frequently asked questions I get about environmental or hunting and fishing issues is, "How can I get involved?" It's a good question and often people feel helpless when it comes to major issues that aren't happening right in their backyard. One of those issues was what some call the greatest environmental disasters of all time: the Exxon Valdez oil spill.

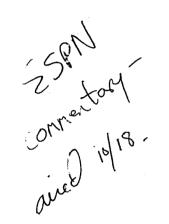
Many people I know were so outraged by the spill, but could do little other than cut up their Exxon gas credit card. Well, for all of you who did that and still felt cheated, here's a chance to do something positive in Alaska more than eight years after the spill.

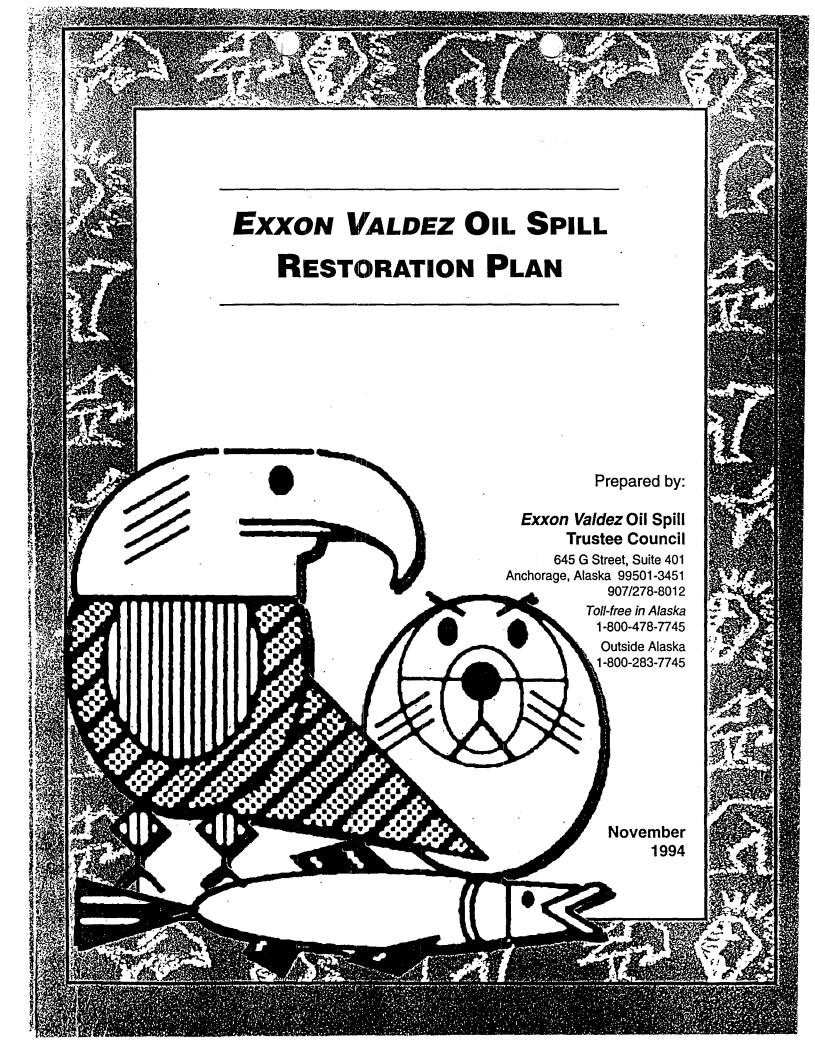
Exxon had to pay nearly a billion dollars into a settlement trust fund that has been used for research, habitat protection and to reimburse the state of Alaska for damages. Much of this money is now gone, but there is about \$150 million that was set aside in a restoration reserve fund. As with the previous millions, the Exxon Valdez Oil Spill Trustee Council will decide how that money is spent based on priorities established by the public.

So, here's your chance to have your say. Projects could include continued habitat protection through land purchases, research, community restoration projects or enhancing salmon runs critical to Native subsistence. Dream up whatever you think this money could be used constructively for, then get on the worldwide web at www.oilspill.state.ak.us, and let them know. It may be your last chance to do something good to heal an old wound.

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Chapter 2 Mission and Policies

Mission Statement

The mission of the Trustee Council is to efficiently restore the environment injured by the *Exxon Valdez* oil spill to a healthy, productive, world renowned ecosystem, while taking into account the importance of the quality of life and the need for viable opportunities to establish and sustain a reasonable standard of living.

The restoration will be accomplished through the development and implementation of a comprehensive, interdisciplinary recovery and rehabilitation program that includes:

• Natural Recovery

• Monitoring and Research

- Resource and Service Restoration
- Habitat Acquisition and Protection
- Resource and Service Enhancement
- Replacement
- Meaningful Public Participation
- Project Evaluation
- Fiscal Accountability
- Efficient Administration

Policies

The policies below reflect a comprehensive, balanced approach to restoration. They give direction to the restoration program while allowing flexibility so that the Trustee Council can respond to changing restoration needs.

An Ecosystem Approach

- 1. Restoration should contribute to a healthy, productive and biologically diverse ecosystem within the spill area that supports the services necessary for the people who live in the area.
- 2. Restoration will take an ecosystem approach to better understand what factors control the populations of injured resources.

These policies recognize that recovery from the oil spill involves restoring the ecosystem as well as restoring individual resources. An ecosystem includes the entire community of organisms, including people, that interact with one another and their physical surroundings. The ecosystem will have recovered when the population of flora and fauna are again present, healthy, and productive; there is a full complement of age classes; and people have the same opportunities for the use of public resources as they would have had if the oil spill had not occurred. Restoration proposals should, as much as practical, reflect an understanding of their impact on ecosystem relationships of related resources and services.

For General Restoration activities, preference is given to projects that benefit multiple species rather than to those that benefit a single species. However, effective projects for restoring individual resources will also be considered. This approach will maximize benefits to ecosystems and to injured resources and services.

Habitat Protection and Acquisition emphasizes protection of multiple species, ecosystem areas, such as entire watersheds, or areas around critical habitats. This approach will be more likely to ensure that the habitat supporting an injured resource or service is protected. In some cases, protection of a small area will benefit larger surrounding areas, or provide critical protection to a single resource or service.

Monitoring and Research activities require more than resource-specific investigations to understand the factors affecting recovery from the oil spill. Restoration issues are complex, and research must often take a long-term approach to understand the physical and biological interactions that affect an injured resource or service, and may be constraining its recovery. The results of these efforts could have important implications for restoration, for how fish and wildlife resources are managed, and for the communities and people who depend upon the injured resources.

Injuries Addressed by Restoration

- 3. Restoration activities may be considered for any injured resource or service.
- 4. Restoration will focus upon injured resources and services and will emphasize resources and services that have not recovered. Resources and services may be enhanced, as appropriate, to promote restoration. Restoration actions may address resources for which there was no documented injury if these activities will benefit an injured resource or service.
- 5. Resources and services not previously identified as injured may be considered for restoration if reasonable scientific or local knowledge obtained since the spill indicates a spill-related injury.
- 6. Priority will be given to restoring injured resources and services which have economic, cultural and subsistence value to people living in the oil spill area, as long as this is consistent with other policies.
- 7. Possible negative effects on resources or services must be assessed in considering restoration projects.

As required by the Consent Decrees, restoration must benefit the resources and services injured by the spill. Table 2 in Chapter 4 lists resources and services injured by the spill. The table is based on the best available information but may be amended if new information demonstrates additional spill-related injuries. The process for amending the list is described in Chapter 4. In addition, an ecosystem approach to restoring injured resources and services may require restoration activities that address a resource's prey or predators, or the other biota and physical surroundings on which it depends.

Continuing injuries to resources and services with important economic, cultural and subsistence value to people living in or using the oil spill area cause continuing hardship. For example, subsistence users say that maintaining a subsistence culture depends upon uninterrupted use of subsistence resources. The more time users spend away from subsistence activities, the less likely they will return to it. Continuing injury to natural resources used for subsistence may affect the way of life of entire communities. Similarly, each year that commercial fish runs remain below prespill levels compounds the injury to the fishermen and, in many instances, the communities in which they live or work.

The policies recognize that waiting for natural recovery may be the most effective approach in many instances, but that the time required for natural recovery can have important adverse consequences for resources and services upon which the people of the spill area rely.

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Finally, restoring one resource or service should not come at the cost of injuring another. An assessment of possible negative effects on non-target resources or services will be part of the project proposal evaluation process.

Location of Restoration Actions

- 8. Restoration activities will occur primarily within the spill area. Limited restoration activities outside the spill area, but within Alaska, may be considered under the following conditions:
 - when the most effective restoration actions for an injured population are in a part of its range outside the spill area, or
 - when the information acquired from research and monitoring activities outside the spill area will be significant for restoration or understanding injuries within the spill area.

The vast majority of restoration funds will be focused on the spill area, where the most serious injury occurred and the need for restoration is greatest. At the same time, the policy provides the flexibility to restore and monitor outside the spill area under limited circumstances. Examples include some restoration and monitoring activities for migratory seabirds and marine mammals.

<u>Restoring a Service</u>

9. Projects designed to restore or enhance an injured service:

- must have a sufficient relationship to an injured resource,
- must benefit the same user group that was injured, and
- should be compatible with the character and public uses of the area.

The restoration fund may be used to restore reduced or lost services provided by injured resources. The relationship between the proposed activity and the injured resource which caused the reduced or lost service is the subject of the first part of this policy. The policy requires that a project to restore or enhance an injured service must be sufficiently related to a natural resource. The project can be related to a natural resource in various ways: it could directly restore a resource, provide an alternative resource, or restore people's access to or use of the resource. The strength of the required relationship has not been defined by law, regulation, or the courts. However, a clear connection with an injured resource is necessary. In determining whether to fund a project to restore services, the strength of the project's relationship to injured resources will be considered.

A few examples may help explain this relationship. One way to aid commercial fishing is to restore injured salmon runs or to provide alternative runs. However, the restoration fund cannot be used to give cash grants to fishermen to cover spill-related losses. This latter idea is unrelated to an injured resource. As a second example, subsistence was injured, in part, because the resources it relies on were injured. Habitat may be purchased to provide alternative areas for subsistence where uninjured resources exist. The restoration fund may also be used to enhance or establish alternate subsistence resources, or provide information about the safety and availability of subsistence resources, or even to provide facilities such as a shelter cabin that provides for easier access to alternate resources. In these cases, the restoration activity has a relationship to injured resources — it provides replacement resources, allows users to make better judgement about use of the resources, or provides easier access to alternative resources. However, the restoration fund could not be used to help subsistence users in general, such as providing a warehouse or generator in a subsistence community, because there is no relationship to an injured resource.

The second part of the principle ensures that the injured user groups are the beneficiaries of restoration. If the justification for an action is to restore a service, it is important that the user group that was injured be helped.

The last part of the principle addresses a public concern about possible changes in the use of the spill area. It allows improvements in the services without producing major changes in use patterns. For example, a mooring buoy may improve boating safety without changing patterns of use. Projects to be avoided are those that create incompatible uses for an area, such as constructing a small-boat servicing facility in an area that is wild and undeveloped.

Competition and Efficiency

10. Competitive proposals for restoration projects will be encouraged.

Most restoration projects to date have been undertaken by state or federal agencies. However, the number of competitive contracts awarded to nongovernmental agencies has increased each year and will continue to increase.

This policy encourages active participation from individuals and groups in addition to the trustee agencies and may generate innovation and cost savings. This approach may be inappropriate for some restoration projects, but, where appropriate, competitive proposals will be sought for new project ideas and to implement the projects themselves.

11. Restoration will take advantage of cost sharing opportunities where effective.

12. Restoration should be guided and reevaluated as information is obtained from damage assessment studies and restoration actions.

Activities should be coordinated to decrease project costs and be designed to assess and incorporate available and late-breaking information to ensure the most effective restoration program.

13. Proposed restoration strategies should state a clear, measurable and achievable endpoint.

A clear, measurable, and achievable endpoint is necessary to determine whether a strategy is successful.

14. Restoration must be conducted as efficiently as possible, reflecting a reasonable balance between costs and benefits.

This policy reflects the important fact that there is not sufficient money available to complete all useful restoration activities. Implementation of this policy will not be based on a quantified cost/benefit analysis, but on a broad consideration of the activity's direct and indirect costs, and the primary and secondary benefits. It will also take into account whether there is a less expensive method of achieving substantially similar results.

15. Priority shall be given to strategies that involve multi-disciplinary, interagency, or collaborative partnerships.

Projects that use this type of approach are more likely to take advantage of diversity in viewpoints, skills, and strengths and will be more likely to result in cost-effective restoration.

Scientific Review

16. Restoration projects will be subject to open, independent scientific review before Trustee Council approval.

This policy continues an existing practice. Independent scientific review gives an objective evaluation of the scientific merits of the project. It also assures the public that scientific judgements are without bias.

17. Past performance of the project team should be taken into consideration when making funding decisions on future restoration projects.

The ability to complete projects in a timely and effective manner is essential to the restoration effort.

18. Restoration will include a synthesis of findings and results, and will also provide an indication of important remaining issues or gaps in knowledge.

To the extent possible, all restoration actions will take into account other relevant activities to help the Trustee Council conduct an integrated research program. In addition, a synthesis of findings and results will be available for the public, scientists, and agency staff to help understand the status of injured resources and services, and to plan for future restoration.

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19. Restoration must include meaningful public participation at all levels — planning, project design, implementation and review.

Public participation is not a once-a-year government activity limited to commenting on draft documents. Rather, to the greatest extent possible, individual projects should integrate the affected and knowledgeable public in planning, design, implementation, and review. Some projects have a more easily identifiable public, for example those designed to affect services or the resources that support them. However, incorporating public preferences and information into any project is likely to improve its cost-effectiveness, take advantage of available knowledge, and help ensure that the restoration program is understood and accepted by the public.

The Trustee Council has emphasized its commitment to involve the public in all phases of restoration activities. Evidence of meaningful public involvement will be sought as part of the project evaluation process.

20. Restoration must reflect public ownership of the process by timely release and reasonable access to information and data.

Information from restoration projects must be available to other scientists and to the general public in a form that can be easily used and understood. An effective restoration program requires the timely release of such information. This policy underscores the fact that since the restoration program is funded by public money, the public owns the results.

Normal Agency Activities

21. Government agencies will be funded only for restoration projects that they would not have conducted had the spill not occurred.

This policy addresses the concern that restoration funds should not support activities that government agencies would do anyway. It also affirms the practice that has been in effect since the beginning of the restoration process. To determine whether work would have been conducted had the spill not occurred, the Trustee Council will consider agency authorities and the historic level of agency activity.

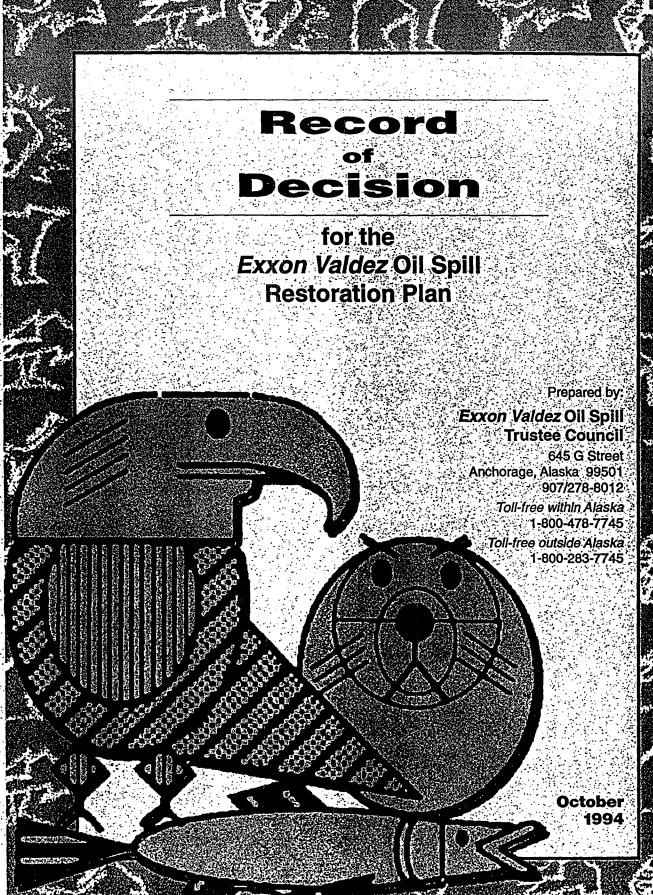
Restoration Reserve

Complete recovery from the *Exxon Valdez* oil spill will not occur for decades. For example, some salmon return in cycles of four to six years. To obtain meaningful information about the effect of the oil spill on those runs, fishery biologists may need to examine several cycles. Actions to restore injured salmon runs and monitoring of their recovery could take yet additional cycles. Restoration of this resource is thus likely to span several decades into the future. Similarly, many other resources such as common murres, harlequin ducks, harbor seals, sea otters, and herring appear to be recovering slowly, if at all. Only through long-term observation and, if necessary, restoration actions, can these resources be restored. Moreover, to understand the effect of these injuries on the ecosystem and to take appropriate restoration actions on an ecosystem basis will require actions well into the future.

Annual payments by Exxon Corporation to the Restoration Fund end September 2001. To prepare for that time, and to ensure restoration activities which need to be accomplished after that time have a source of funding, the Trustee Council will place a portion of the annual payments into the Restoration Reserve.

The exact amount placed into the Reserve each year will be determined by the Trustee Council after considering the funding needs for restoration for that year. It is anticipated that \$12 million will be allocated to the Reserve each year, subject to the Trustee Council's annual restoration funding process. The Trustee Council intends these funds to be available for restoration in the years following the last payment into the trust fund by Exxon in the year 2001. However, because all restoration needs through the year 2001 are not yet known, the Trustees must have the flexibility to use the reserve to fund restoration projects that are clearly needed and cannot be funded by other means. Therefore, while the Council expects the principal and interest from the reserve to be available following Exxon's last payment, the Trustee Council may, following a finding of need, use the principal or interest retained within the fund before that time.

As part of the 1994 Work Plan, the Council made an initial allocation of \$12 million. At this writing, an additional \$12 million is proposed in the Draft 1995 Work Plan. If at least \$12 million is placed into the reserve each year through 2001, \$108 million or more plus interest would be available for funding restoration after Exxon payments end. Funds from the Restoration Reserve could potentially benefit any resource or service injured by the oil spill. All expenditures from the Restoration Reserve must be consistent with the requirements of the Court Settlement.



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Record of Decision

Alternative 4 - Moderate Restoration

This alternative is broader than Alternative 3 in that it aims to aid recovery of all injured resources and the services they provide; not just those with population-level injuries. Restoration actions included in Alternative 4 address only those resources and services that have not yet recovered from the oil spill. It is also broader than Alternative 3 in terms of the resources addressed; in Alternative 4, measures would be taken to aid recovery of resources that sustained sublethal injuries. Actions that are judged to provide substantial improvements over unaided recovery would be implemented. The actions in this alternative would be confined to Alaska but could extend beyond the spill area. Habitat Protection is included in this alternative but to a lesser extent than in Alternatives 2 and 3. This alternative may increase opportunities for human use to a limited extent. Monitoring and Research may be conducted.

The Proposed Action: Modified Alternative 5 - Comprehensive Restoration

This represents a modification of the Alternative 5 shown in the Draft Excon Valdez Restoration Plan Summary of Alternatives for Public Comment (EVOS Trustee Council, April 1993). Of the proposed alternatives, Alternative 5 is the broadest in scope. This alternative will help all injured resources and the services they provide within the spill area and, under specific circumstances, in other parts of Alaska. Unlike Alternatives 3 and 4, this alternative will allow actions to enhance resources that have already recovered to promote restoration, as well as those that have not. Actions likely to produce some improvement over unaided recovery will be allowable under this alternative. Habitat Protection is the largest part of this alternative. Alternative 5 also allows for expansion of current human use and for appropriate new uses through the restoration of natural resources. Monitoring and Research will be at the highest levels in this alternative.

Alternative 5 contains an element not present in the other alternatives. In response to public comments that a fund should be set aside for long-term restoration and research activities, the proposed action includes the establishment of a Restoration Reserve. The Restoration Reserve is designed to assure that funds are available if restoration needs persist beyond the year 2001, the date of the final Exxon payment.

A Comprehensive Balanced Approach

The Trustee Council believes that it is necessary to maintain flexibility in the Restoration Program to deal with the uncertainties embodied in future restoration needs. A comprehensive approach to restoration that balances the needs of the injured resources is represented in Alternative 5 of the EIS. The reorganized and restructured policies developed in response to public comments and the establishment of a restoration reserve represent a thorough strategy for restoring the injured resources and services.

Trustee Council Recommendation

Record of Decision

It is comprehensive in dealing with *all injured resources and services* and *all geographic regions* of the oil spill area. It is balanced in that it considers all restoration categories for the restoration needs of all resources and services.

Restoration Reserve

It is unlikely that all the effects from the oil spill will be fully understood by the receipt of the final payment from Exxon in the year 2001. With this in mind, the Trustee Council proposed a restoration reserve as part of Alternative 5. One purpose of including a restoration reserve is to provide the Trustees with a means to respond to the restoration needs beyond the final payment.

The restoration reserve may be used to fund actions consistent with the policies contained in the Final Restoration Plan.

An Ecosystem Approach

- Restoration should contribute to a healthy, productive, and biologically diverse ecosystem within the spill area that supports the services necessary for the people who live in the area.
- Restoration will take an ecosystem approach to better understand what factors control the populations of injured resources.

These policies recognize that recovery from the oil spill involves restoring the ecosystem and also restoring individual resources. An ecosystem includes the entire community of organisms including people that interact with one another and their physical surroundings. The ecosystem will have recovered when the populations of flora and fauna are again present, healthy, and productive; there is a full complement of age classes; and people have the same opportunities for the use of public resources as they would have had if the oil spill had not occurred. Restoration proposals should, as much as practical, reflect an understanding of their impact on ecosystem relationships of related resources and services.

For General Restoration activities, preference is given to projects that benefit multiple species rather than to those that benefit a single species. However, effective projects for restoring individual resources will also be considered. This approach will maximize benefits to ecosystems and to injured resources and services.

Habitat Protection and Acquisition emphasizes protection of multiple species, ecosystem areas, such as entire watersheds, or areas around critical habitats. This approach will more likely ensure that the habitat supporting an injured resource or service is protected. In some cases, protection of a small area will benefit larger surrounding areas or provide critical protection to a single resource or service.

EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

RESTORATION OFFICE Simpson Building 645 G Street Anchorage, Alaska

Trustee Council Meeting

August 23, 1994 10:30 a.m.

TRUSTEE COUNCIL MEMBERS in attendance:

State of Alaska

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

State of Alaska Department of Environmental Conservation

United States Department of the Interior

State Department of Fish and Game

United States Department of Agriculture - Forest Service

United States Department of Commerce - NOAA MR. JOHN SANDOR, Commissioner,

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

MR. CARL ROSIER Commissioner

MR. PHIL JANIK, Regional Forester

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

Public Advisory Group from the public-at-large. And, I think in 1 your packets there probably are copies of our minutes of the August 2 3 2 and 3, '94 meeting, but I'd like to respond to any questions you may have, and perhaps make a preliminary remark or two. 4 The leading item on the agenda that day, for the Public Advisory Group, 5 was to talk about the structure of meetings into the future. 6 It probably is good to footnote this comment by saying that in the 7 next month the -- the charter for the Public Advisory Group, will 8 9 need to be renewed, both by, I'm sure, action of the staff and recommendation of the Council. We discussed a number of small 10 changes to the way the Public Advisory Group operates, and would 11 operate in the next two years, if it continues, and we can go about 12 the -- more of the particulars of those in a moment. 13 As I move down through the Section C, summary, you can see that a great deal 14 of conversation was also given over to the restoration reserve, and 15 some of our comments, and I think a verbatim report of that are 16 17 attached, as attachment number two, to which I hope you'll get a chance to look. The -- by summary to that point, the Public 18 Advisory Group voted unanimously last year to support the concept 19 of either an endowment or a restoration reserve, and that is still 20 the position of the Public Advisory Group. We are unanimous in the 21 22 concepts of our restoration reserve. Our comments will indicate that we are concerned about how the reservation reserve would be 23 24 used. We are unanimous also that the -- the reservation reserve, if it is created, be used for the purposes of a trust, and that --25 26 that the Council continue to administer that. There was a vote, on

a nine to five majority, which specified some uses to which that 1 2 should be put -- the reserve should be put. We were particularly 3 concerned that rather than showing a need to use the funds from the reservation reserve for the purposes of the settlement, that a 4 5 finding be made that there is a need to use those funds for the 6 purposes that the Council may wish. We are concerned about the possibility of some -- at some future time that a raid may be made 7 on the reservation -- on the reserve funds, and would like to 8 guaranty, insofar as it is possible to do, that the -- that the 9 Council have complete authority and power to use any reserve funds 10 11 in accordance with the terms and conditions of the settlement, rather than having perhaps a -- some movements from left field come 12 out and -- and create a need to use the funds. We hope that there 13 is a -- a modification that would allow those funds to be used 14 specifically for the purposes of the -- the settlement, and that 15 the administration of those funds rest totally with the Council, so 16 there's no chance that might change in future years. With respect 17 to the other work of the Advisory -- of the Council, we discussed 18 19 a wide variety of topics that were brought to us by staff. Those are also reported on pages three and four of the minutes. I would 20 like to, if I may, briefly and just before I close, call your 21 attention to the recommendations for improving PAG meetings, and 22 the FY '95 budget. The Public Advisory Group has come to the end 23 of two years of its life, and in the first several months of our 24 life we were not exactly sure what our mission would be, and how we 25 might fulfill that, and we took a good deal of time, sort of 26

arguing with one another, as to how we could best perform the 1 services and the mandate of the Public Advisory Group. It has come 2 to the fact that after two years of working together, all of the 3 disparate parties who composed the group have gained a great deal 4 of respect for the points of view that are brought by each of the 5 user groups, each of the constituencies that comprise the Public 6 Advisory Group, and we, I think, are fairly unanimous in the 7 feeling that of this -- we finally have gotten to the point where 8 we might be able to do some good, at least as far as being a useful 9 tool for the Council. In that regard, we would like to do a little 10 bit more work. We are very aware of our role and do not seek in 11 any way to do the work of the Council, but what we would like to do 12 is we'd like to add a couple of more hours to our meetings and a 13 couple of more meetings a year, so that we can look more 14 particularly at the -- at the various kinds of -- of information 15 that come before us and present maybe a better viewpoint to the 16 17 Council. To do that, we have asked that in the next year, if we -if we -- or in the next term -- if we come back to life again after 18 October -- that we have four public meetings a year that are two 19 days in duration, and they would be held here in Anchorage, and 20 that we have two other meetings at some remote site or location 21 that is within the spill area -- spill-affected area -- if that's 22 possible to do, so that we could do two things, (a) make it 23 24 possible for the Public Advisory Group to have some discourse and dialogue with people who live in the spill-affected areas, and (b) 25 if it's possible to do, to look at some of the work being done that 26

1 we have given our opinions on. The upshot of all of this is that 2 a budget for fiscal '95, that would have amounted to a hundred and twenty-two thousand four hundred dollars will be increased by the 3 4 amount of thirty-seven thousand three hundred dollars, or a total 5 added budget increase of fifty thousand nine hundred dollars. The difference between those two figures is accounted for in twelve 6 7 thousand dollars allowed for PAG members to come from remote sites 8 or for their home -- from their homes -- to Anchorage to work in community-based meetings or field visits at the request of staff or 9 10 the -- in the past by the Council. So, we are hopeful that our 11 budget will be proposed. It's a very modest increase. We're proposing to do a little bit more work. We feel 12 -- we have 13 discussed this budget increase with the staff and believe that we have their approval, and request that, at the appropriate time, 14 that that budget be approved for 1995 work. That's sort of a brief 15 16 overview of our meeting and a quick brush of the minutes that are in your package. I'd be glad to respond to any questions now, if 17 18 there are any.

MR. SANDOR: Thank you, Mr. McCorkle. Mr. Pennoyer. MR. PENNOYER: Vern, I -- your comments and what I've read in here are strongly and support the reserve concept, yet I note that about a third of the members voted against it. Do you understand why you had that nine to five vote, or can you explain (indiscernible - simultaneous talking).

25 MR. McCORKLE: Yes. Well, my opinion is that we are --26 we have a division in the Public Advisory Group as to how quickly

the funds should be employed in -- in the preservation of habitat -1 - habitat acquisition. There are a number of folks who would like 2 those funds to be expended a little more quickly, and if we are 3 4 putting money aside for a reservation -- a reserve fund, those funds would not -- might not be available for habitat acquisition 5 on a more expeditious basis. The folks who voted on the nine side 6 of that equation are not opposed to habitat acquisition. What we 7 think we should set aside money for is to acquire habitat or do 8 9 other work of the -- as the Council -- after the expiration of the -- of the present term, so that after the year 2002, if there are 10 needs that come up, or habitat which has to be acquired, there will 11 12 still be money to do that. We're coming to the view that more and more -- the work we do is going to have an impact on the future, 13 and with respect to that, we foresee a possibility that there 14 should be funds set aside for work of the Council, after the 15 expiration of the present document's proviso, some of that money 16 should be sent -- or spent -- also on habitat acquisition. So, if 17 we put a number of millions of dollars aside, in a reserve fund, 18 that effectively removes it from use for habitat acquisition in the 19 next four or five years. We don't think that -- the majority of 20 us, do not think that's a bad idea. We think that you should have 21 money after the turn of the century to buy whatever services, 22 including habitat, that might be revealed at that time. 23 We just 24 can't predict right now. There may be a very precious piece of 25 habitat or an action you'd want to take, and if the money is gone, we can't do that. 26

EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

RESTORATION OFFICE Simpson Building 645 G Street Anchorage, Alaska

Trustee Council Meeting

November 2-3, 1994 10:00 a.m.

VOLUME 1

November 2, 1994

TRUSTEE COUNCIL MEMBERS in attendance:

STATE OF ALASKA

STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

UNITED STATES DEPARTMENT OF THE INTERIOR

STATE OF ALASKA DEPARTMENT OF FISH AND GAME

UNITED STATES DEPARTMENT OF AGRICULTURE - FOREST SERVICE

UNITED STATES DEPARTMENT OF COMMERCE - NOAA MR. CRAIG TILLERY Trustee Representative for BRUCE BOTELHO, Attorney General, Alaska Department of Law

MR. JOHN SANDOR, Commissioner, MR. MARK BRODERSON, Trustee Representative

MR. GEORGE FRAMPTON, Assistant Secretary; MS. DEBORAH WILLIAMS, Trustee Representative

MR. CARL ROSIER, Commissioner

MR. PHIL JANIK, Regional Forester

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

1	have a motion for the \$286.9. Dies for lack of motion.
2	MR. BRODERSON: Motion for approval.
3	MR. JANIK: Seconded.
4	MR. PENNOYER: It's been moved and seconded that we
5	approve \$286.9 for administration, science management and public
6	information, these two projects. Is there any objection to the
7	motion? No objection it is so accomplished. Next item is the
8	Institute of Marine Sciences. We sort of did quite a bit on that
9	yesterday, I think, so that's recommended zero, do I hear any
10	objection to it staying at zero? Thank you.
11	MR. PENNOYER: The last is the restoration reserve for
12	\$12 million. And, who wants to talk about that?
13	MR. AYERS: Mr. Chairman, I'd like to speak to that.
14	MR. PENNOYER: Not proportionately to the rest of it
15	though, please. (Laughter)
16	MR. AYERS: The number of digits does not necessarily
17	require a direct proportional presentation.
18	MR. PENNOYER: Thank you.
19	MR. AYERS: This particular proposal has been
20	discussed. It is identified and discussed in the Restoration Plan.
21	There are two points that I wanted to make about this particular
22	item. Dr. Spies and the peer reviewers, and the PIs and others,
23	have discussed as we've gone through the review and the status of
24	the various injured resources, that recovery in many instances is
25	going to be some twenty to thirty years. In addition to that, the
26	Council has talked about the importance of an ecosystem approach
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would certainly, is a long term effort. It's important for us to 1 2 realize, and as Senator Sturgulewski pointed out yesterday, that 3 this -- that this provides, hopefully, at some point, a reserve of some \$100 million to perhaps a \$120 million that would generate an 4 5 \$8 to 10 million annual research and restoration capability that 6 would be ongoing after the Exxon Valdez payments have ceased. The second point that I want to make is that as the Restoration Plan 7 indicates and as we've discussed as we've gone along and developed 8 this, that the goal -- and as we discussed with the investment 9 officer, the goal is to have a reserve of some \$100 million to \$120 10 11 million by the time we get to the year 2002, so that we can sustain the long-term research and restoration that's necessary. It is the 12 case as it is discussed in the Restoration Plan that the amount 13 that actually would be deposited, would vary based on the other 14 demands for restoration annually, and I think it's important to 15 16 note that the goal was to have the 100 and 120, but there very well may be some years we cannot deposit the total \$12 million. This 17 particular year, it is our recommendation because of the cash flow 18 19 and the cash available, that we fund \$12 million, that the longterm goal is to get to the \$100 to \$120, but I certainly think that 20 that figure may vary, so above \$12 million and below \$12 million 21 over the next five years, depending on what the restoration needs 22 I just wanted to be clear on the record that's what the 23 are. Restoration Plan says, and that's what's indicated here. 24

25 MR. PENNOYER: Could you refresh my memory as to the 26 reserve purpose there for -- stated purpose was to just give us the

1 flexibility in the future to do whatever type of restoration was 2 required. Is that correct?

3 MR. AYERS: That's correct.

4 MR. PENNOYER: Includes research and monitoring, and land 5 acquisition, whatever it happened to be ...

Any of those restoration efforts which are MR. AYERS: 6 consistent with the court decree that these funds would be 7 available to address those issues in the future, and that this 8 reserve could be dealt with by whoever those six Trustees are, and 9 depending on what the need of restoration is at the time, and let -10 - let me also say that it's also been indicated from members of the 11 public, their view is that they hoped that we would -- we would 12 begin to think about it in terms of a long-term, perhaps even 13 indefinite reserve capability, so that the earnings of those 14 reserved is what would be spent towards restoration efforts, with 15 16 a focus on the spill area, or the northern qulf. But, it also has been discussed, others have -- certainly propose that it ought to 17 be a declining reserve, which means that you would continue to fund 18 it, perhaps to \$10 million or \$12 million that would be -- that 19 20 would actually be based on -- above you would spend more than the earnings, which would have it decline for fifteen years. So, that 21 you could have a higher level of spending from 2002 to 2010, but it 22 would exhaust that reserve at the end of the year 2010 or 2015. 23

24 MR. PENNOYER: But, both the configurations and the 25 utilization of these funds is still left for further decisions from 26 the studies we're doing, from the science plan we're going to do,

for all of that. So, we're not in anyway precluding our goal to
 use these funds.

3 MR. AYERS: That's correct. That there is no decision 4 today to preclude opportunities in the year 2002.

MR. PENNOYER: I guess it's open. Mr. Tillery.

6 MR. TILLERY: There has been no, Mr. Ayers, there's been 7 no Council resolution that defines the reserve, has there?

8 MR. AYERS: No, not that -- there's been no resolution 9 that defines the reserve. There's been discussion, and there is 10 certainly language in the Restoration Plan that discusses the 11 reserve. The restoration -- the ROD discusses the reserve, but there is no -- there has been no definitive resolution by the 12 Council to define the long-term purpose of the reserve, but simply 13 14 to establish the reserve.

It is my recollection, Mr. Chairman, that MR. TILLERY: 15 the Public Advisory Group was presented with a draft resolution for 16 17 the reserve, was that suggested that it was the purpose of the reserve that it be used for research monitoring and associated 18 19 general restoration activities, but that ultimately, if the Council determined that it was needed for other lawful purposes, that that 20 could occur, and that is as close as I'm aware of anything that to 21 22 date has defined the reserve.

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MR. PENNOYER: Ms. Williams.

MS. WILLIAMS: Mr. Chairman, I would move that we approve the \$12 million investment into the reserve consist with the language contained in the Restoration Plan and Record of Decision.

Second. 1 MR. ROSIER: MR. PENNOYER: It's been moved and seconded that we 2 approve the \$12 million to the restoration reserve, consistent with 3 the -- for use to be consistent with the Restoration Plan. 4 Presumably it would have to be to be used legally becaues the Plan 5 is subject to the Decree. So, it's been moved and seconded. 6 Is there any further discussion? Is there any objection? 7 MR. TILLERY: I object. 8 MR. PENNOYER: Okay, we don't do the \$12 million. 9 Is there a way to re-do this or are we just going to -- bring it up in 10 December again, does this go in the hip box or is it just dropped? 11 MR. TILLERY: Perhaps ... 12 MR. PENNOYER: There's a lot of public anticipation that 13 we're going to set something aside for future years, research, or 14 whatever, since we don't know what our plan is at this time. 15 MR. TILLERY: It seems to me that maybe it would be 16 17 useful to come back to this in December and try to come -- at the same time -- I think we tried this last year, actually, to have a 18 resolution that defines the purpose of the reserve and how it's 19 going to be used and the intent of the Council, and so forth. 20 MR. PENNOYER: I quess, the only question I have about 21 doing that is since we're creating a reserve because we don't know 22 what we want to do, how do we specifically preclude legal 23 24 restoration purposes, in some way or (indiscernible). MR. TILLERY: Not -- you don't -- you cannot preclude 25 legal restoration purposes. It's really a question of just 26

establishing what the Council's intent or purpose is, this
 Council's intent and purpose. Nothing would ever preclude
 ultimately any future Council would do.

MR. PENNOYER: Well, I don't know if there's any option but to bring it back in December, anyhow. So, is that -- does the group agree to bring it back and revisit it at the December meeting.

8 MR. ROSIER: I would so move.

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9 MR. PENNOYER: I guess it could take a motion, do I have 10 a second? (Mr. Janik seconds the motion) Got a second. Is there 11 any objection to reconsidering it with the concept Mr. Tillery 12 brought in, which is attempting to deal with a resolution of the 13 purpose of this reserve fund.

I would disagree with that, and so I will 14 MS. WILLIAMS: 15 object to the motion. I am happy to revisit this in December, but I disagree with Mr. Tillary's motion that we attempt to preclude or 16 17 define in any way how the Trustee Council of 2001 is going to use this money. I am certainly not omniscient enough to know or to 18 suggest to them, or be presumptuous enough to suggest to them, how 19 they should use that fund other than for the legal purposes set 20 forth in the court decree. 21

22 MR. PENNOYER: It could be what the resolution said, I 23 suppose, but -- okay, so we have an objection to this motion then. 24 MS. WILLIAMS: I move to bring this forward at our 25 December meeting.

MR. PENNOYER: Can we simply move to bring the topic back

1 up at the December meeting and see if we can, and resolve it at 2 that time? Is that acceptable?

3 MR. TILLERY: Second.

MR. PENNOYER: Do I hear any objections to that 4 All right, that's what we'll do then. 5 procedure. Are there further items on the '95 budget, Mr. Executive Director. 6 The appropriate answer is no. 7

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MR. AYERS: No.

9 MR. PENNOYER: We have another topic before us certainly, 10 and we had a couple of other things we might talk about, but one we 11 need to solidify is the time of the next meeting, the fact we're 12 going to have one and anything about the content of that meeting. 13 Mr. Executive Director, are you proposing a date for the next 14 meeting of this Trustee Council?

MR. AYERS: Mr. Chairman, we would proposed December the 2nd, depending on the availability of the respective members, and perhaps this is a good time to do so, since we also would like to -- there's a couple more items of business to come before us, but if you have your calendars, that would be helpful.

20 MS. WILLIAMS: Mr. Chairman.

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MR. PENNOYER: Yes.

MS. WILLIAMS: My only concern with that is whether -- we have quite a few things that I think are scheduled to be discussed December 2nd, including the outline of the science policy and so forth -- or the outline of a process to develop a science policy. The question is whether we can anticipate that it will be all done

EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

RESTORATION OFFICE Simpson Building 645 G Street Anchorage, Alaska

VOLUME II

Continuation Trustee Council Meeting December 2, 1994 Juneau, Alaska 8:30 a.m.

TRUSTEE COUNCIL MEMBERS in attendance:

STATE OF ALASKA

STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

UNITED STATES DEPARTMENT OF THE INTERIOR

STATE OF ALASKA DEPARTMENT OF FISH AND GAME

UNITED STATES DEPARTMENT OF AGRICULTURE - FOREST SERVICE

UNITED STATES DEPARTMENT OF

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

MR. JOHN SANDOR, Commissioner; MR. MARK BRODERSON, Trustee Representative

MR. GEORGE FRAMPTON, Assistant Secretary; MS. DEBORAH WILLIAMS, Trustee Representative

MR. CARL ROSIER, Commissioner; MR. MIKE DEAN, Trustee Representative

MR. PHIL JANIK, Regional Forester; MR. JIM WOLFE, Trustee Representative

MR. STEVE PENNOYER

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MR. PENNOYER: Mr. Ayers.

This is a proposed motion. The Council 2 MR. AYERS: has taken action in the past to set aside \$12 million. You've also 3 taken action to provide the direction or the investment in the 4 court registry based on the State's Chief Investment Officer, 5 Robert Storer, and what this motion does is actually take the 6 action to place 24 million of Trustee Council funds into 7 restoration reserve funds. There some discussion about whether 8 restoration reserve fund or restoration reserve account, but it's 9 a matter of semantics. It is not intended, the court registry is 10 guite comfortable, that they understand we're not going to move the 11 money outside of their jurisdiction, but that we needed a separate 12 account within the Court Registry Investment System, investment 13 funds in strip treasury securities with laddered securities as 14 recommended by the Alaska Department of Revenue, which is the 15 action that you took specifically at the last meeting with regard 16 to how you would authorize investment funds. This motion simply 17 takes \$24 million of the \$124 million current balance minus those 18 things we talked about earlier. It takes \$24 million and places it 19 20 in this investment category.

21 MR. PENNOYER: Questions by Trustee Council members? 22 Commissioner Sandor.

MR. SANDOR: Could you repeat again what you said aboutthe court.

25 MR. AYERS: I was just pointing out, Mr. Chairman, 26 Commissioner Sandor, what I was pointing out was that these funds

are going to remain with the Court Registry Investment System. The 1 court is not going to allow us to take it out and create a separate 2 3 fund. Now, they will probably refer to this as a separate account of the joint trustee fund -- joint trust fund. And so I just noted 4 that semantic issue. 5 I move adoption of this resolution. MR. SANDOR: 6 Second. 7 MR. FRAMPTON: MR. PENNOYER: It been adopted, and seconded by Mr. 8 Frampton, that we adopt the motion as presented to us by the 9 Executive Director on the restoration reserve. Any objection to 10 that motion? It is so moved. Do you have further business before 11 we adjourn to executive session. 12 MR. FRAMPTON: Mr. Chairman. 13 MR. PENNOYER: Yes, Mr. Frampton. 14 If it's appropriate, I think since we 15 MR. FRAMPTON: discussed the small parcel process, I think I would move we adopt 16 the proposed nomination process put forward by the Executive 17 Director for fiscal '95, with the understanding that there will be 18 an inter-agency review of nominated parcels, whether that's 19 20 periodic or ad hoc, as a part of the process before they would come up individually before the Council. 21 I have a motion, is there a second? 22 MR. PENNOYER: MR. ROSIER: Second. 23 Seconded by Mr. Rosier, and made by Mr. 24 MR. PENNOYER: Frampton. Any discussion? Is there any objection to the motion. 25 (No objection) Thank you. You have further business before we go 26

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Excerpt from transcript of August 2-3, 1994 Public Advisory Group meeting

Motion by John French, second by Vern McCorkle, page 83.

The first term of the Public Advisory Group endorsed the Resolution of the Exxon Valdez Oil Spill Trustee Council (attached) formation of a restoration reserve with the modifications necessary to appropriately strengthen it against raids on the fund, and also recommend continued allocation of a minimum of twelve million dollars a year to the fund.

EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL

RESTORATION OFFICE Simpson Building 645 G Street Anchorage, Alaska

PUBLIC ADVISORY GROUP

August 2 and 3, 1994 9:30 a.m.

PUBLIC ADVISORY GROUP MEMBERS in attendance:

DOUGLAS MUTTER Department of the Interior Designated Federal Officer

DONNA FISCHER BRAD PHILLIPS (August 3 only) PAMELA BRODIE JAMES CLOUD LEWELLYN WILLIAMS JAMES KING RUPERT ANDREWS VERN McCORKLE (individually, and as alternate for RICHARD ELIASON) DR. JOHN FRENCH GERALD McCUNE KIM BENTON (alternate for JOHN STURGEON) CHARLES TOTEMOFF

TRUSTEES COUNCIL REPRESENTATIVES

JIM AYERS

Executive Director, EVOS Trustees Council (telephonically)

MOLLY McCAMMON Deputy Director, EVOS Trustees Council

OTHERS IN ATTENDANCE who testified:

MARY MCBIRNEY (alternate for Gerald McCune) DAN HULL CHARLES MCKEE CRAIG TILLERY, Alternate for State Trustee Bruce Botelho DR. ROBERT SPIES, Chief Scientist to the Trustee Council WALTER SHERIDAN SEAN FURNISS, Ecosystem Task Force \bigcirc

1 2 public that would like to talk -- to speak -- discuss with us. Okay, we're going to hear from Mr. Tillery.

MR. TILLERY: . Thank you, Madam Chairman. I'm -- I quess 3 going to talk about the endowment, where we are now. I would fust 4 suggest that people just interrupt as I say things, and if you have 5 questions, and that's all you have is an efficient way as anything 6 7 to do it. What the Trustee Council is currently looking at is not so much an endowment as it is a reserve fund. There are still a 8 number of issues out there on it. It is -- the basis for doing a 9 10 reserve fund is the fact that we simply don't know what ultimately we're going to need to restore out there. We think there's still 11 12 things that we -- we have to learn about. That's important because it's distinct from another possible reason for reserve fund, which 13 14 is we know what we are going to do, but it's going to take a long That would -- I think if you -- if it were the 15 time to do it. latter, it would give you more freedom to do such things as 16 actually segregated the money. We could give it to a board, or 17 18 something like that, and say, okay, we know we need to deal with pink salmon, we know it's going to take twenty years, we don't want 19 to see an existence for twenty years, here's what you have to do, 20 21 go do it. But, we're in a situation where we don't know what it's 22 going to be like in the year 2001. For that reason, it is believed that the Trustee Council needs to retain the discretion to use 23 those money in the way it sees fit. That's one of the reasons that 24 25 a classic endowment, where we would just give the monies to some board to use, is not workable, at least that's the view of the 26

Department of Justice and the Department of Law. We concur with 1 From a legal matter, we would be delegating our discretion 2 that. and that would not be permissible. Okay, so we went to the idea of 3 a reserve fund, because we think that we are going to need money 4 though past the year 2001. The first step in that was to take 5 twelve million dollars out of '94 work plan and set it aside. 6 It hasn't been set aside because we got into a big argument over where 7 we could set it aside. What we ended up doing -- and this actually 8 goes back -- this goes farther than just a reserve fund, if you 9 guys ever want to look into it, it just goes into -- the amount --10 11 some of the other money the trustee is sitting on. But, right now those things are sitting in the court registry account earning 12 something like two and one-half or three percent interest. 13 The State of Alaska, on the other hand, is getting six, eight or ten 14 percent interest on its investments, safely. We had hoped that we 15 could give the money as a project of the State of Alaska, and have 16 17 it invest the money, thus earning a substantial amount more money. The Department of Justice, one branch of a very large Department of 18 Justice, believes we could do so, and wrote up a brief and we --19 20 they sent it to the -- another branch of the very large Department of Justice, which ultimately determined that that was 21 not permissible, that the only way that we could set up the reserve 22 account would be in the federal government, which was 23 not acceptable, and doesn't really get you around the earnings problem, 24 The most -- the best way that or leave it in the court registry. 25 appears to us is that we -- court registry -- Jim Ayers alluded to 26

the fact we are trying to deal with the court registry and how to 1 2 get out of this short-term investment thing, and try to get into some kind of a longer term where we hope to at least be getting 3 about six percent interest. Okay. The -- another associated 4 5 question is -- okay, are we -- what do we do with the interest that Is it plowed in the reserve fund, or is it used for 6 we earn? 7 ongoing operations? The current concept is that all interest 8 earned would go into the reserve fund. That will result -- you 9 know, depending on how interest rates go and so forth, but at the end of the time period if we put in twelve million dollars a year, 10 11 we would hope to have as much as hundred and fifty million dollars 12 in the reserve fund in the year 2001, I think. Again, Jim has sort of worked out those -- those numbers, but it's -- it's a pretty 13 significant amount. We -- the type of a reserve fund we would have 14 there are a couple of ways you could do it. One would be sort of 15 a permanent reserve fund. Now, the very idea of having a permanent 16 reserve fund has caused substantial problems within the Department 17 18 of Justice, and it goes back to what I alluded to originally, we don't know what we're going to need the money for, and we certainly 19 20 have no basis for believing that restoration is a permanent 21 process. Therefore, that's another reason why we can't simply say we're going to give the money to a board from now on and it's for 22 23 this purpose because at some point it is presumed that there will be an end to the need for Exxon Valdez restoration. However, that 24 25 does not mean that some of the attributes of a permanent endowment 26 cannot be followed as least again under the discretion of the

Trustees, which would be to protect the principal of it by -- by 1 inflation proof the reserve as we go along, so we start in the year 2 One of the options would be to go ahead and start to 3 2002. inflation-proof the reserve, not, you know, unlike the Permanent 4 Fund, might do, and then take what's left and put that into 5 whatever of the appropriate projects. My understanding is that the 6 7 federal government -- or the Department of Justice does not have any problems with that as long as the Trustees retain discretion. 8 The other way of doing this has been suggested was a declining 9 balance type restoration. We would take the money, you would start 10 in the year 2001, you would say, we think we need twenty more years 11 of -- of restoration work. You know, if we have the ability to 12 13 make that kind of judgment and you can simply figure out, you know, you're going to assume your interest rates and figure out how much 14 you can spend, eat away at the principal each year, so that you end 15 16 up with a fairly uniform spending over twenty years. Those are issues certainly that the Public Advisory Group might want to 17 The other thing the Public Advisory Group might want comment on. 18 to comment on is the intended uses of the reserve fund. 19 It is -as it's set out in this draft, that's not necessarily agreed to --20 well, it certainly is not agreed to by all the Trustee Council yet, 21 it suggests that funds will be available for research, monitoring 22 and associated general restoration projects. There are those who 23 believe that that should say research monitoring and restoration 24 projects. The difference is that under the -- first way I read 25 that, it does not include the concept of using reserve fund for 26

If habitat acquisition is to be, at this 1 habitat acquisition. 2 time, thought to be something that we want to do with that, then it 3 should not, you know, it should say something different. It should say like restoration projects. Now, that again is only intent. 4 5 The language would go on to say, however, where there is a showing 6 of need, the Trustee Council may at any time use either principal 7 or interest retained in the reserve fund to fund restoration projects permitted under the memorandum of agreement. 8 That would include any restoration project, whether it's habitat acquisition. 9 research and monitoring, general restoration that's -- that's 10 11 permissible. That is a discretionary function of the Trustee 12 Council that cannot be abridged. That discretion has to stay in 13 there. Still, it would have seemed to me, at least, that it is 14 important that at the outset of establishing this reserve fund, 15 there is a statement of intent as to what we believe it is going to 16 be used for. And, that is something that, I think, that the Public 17 Advisory Group might want to talk about, and let us know what your That's in a nutshell what the reserve 18 -- what your views are on. 19 fund is intended to do. I guess I would be interested in hearing, at some point, your views on the questions I raised, and also 20 21 generally how this reserve fund meets what you had hoped when you 22 had called for an endowment, and whether this somehow does nct --23 whether this is adequate or whether there are concepts inherent in 24 an endowment that you think this absolutely doesn't meet and how important you think they are. 25

MS. FISCHER: Any questions? Okay, Jim.

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Craig, is it possible to get copies of the MR. CLOUD: 1 Department of Justice briefs that cover -- was it in this issue 2 3 there were two briefs or just one opinion that said that they ...? I think the -- I don't know. You'd have MR. TILLERY: 4 to talk to (indiscernible) at DOJ. 5 MR. CLOUD: Actually, I think I got it mixed up a 6 little bit, there were two - two briefs or two opinions on the --7 how you can invest the funds. 8 MR. TILLERY: Right, and my understanding -- I haven't 9 seen it, but DOJ sent something to Office of Legal Counsel in --10 DOJ environmental sections is in the Office of Legal Counsel. 11 Office of Legal Counsel sent them back the answer, which was, no, 12 you can't do it. I should also add, this is the second time we 13 tried it. We tried it when we first set up the MOA for generally 14 investing the funds, we tried it with the Bush Office of Legal 15 Counsel, and they said no, and we tried it again with the Clinton 16 Office of Legal Counsel, and they said no too. So, there's a 17 certain -- a pattern emerging from the Office of Legal Counsel. 18 On the investment fund issue, now, is MR. CLOUD: 19 there a brief or an opinion on the endowment issue about setting up 20 a real endowment where the Trustees would establish the future use 21 of the funds, but leave it at that? 22 You're asking whether there is a brief on MR. TILLERY: 23 whether the Trustees could relinquish control of the funds beyond 24 a written document? 25 Besides setting up the endowment or trust MR. CLOUD: 26

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And presumably specify (indiscernible -2 MR. TILLERY: simultaneous talking) purposes. 3

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... yeah, which would specify purposes. 4 MR. CLOUD: There is no legal brief on that in 5 MR. TILLERY: conversations with the Department of Justice. They have used and 6 7 -- I think I would have to -- we haven't sort of finalized this, but I would assume to subscribe to those, or -- you know, you can 8 try to circumscribe it as -- as tightly as you can, and the more 9 tightly that you circumscribe what an independent board could do 10 11 with it, the more likely you are to pass muster, but ultimately because the whole basis for setting this up is that we don't know 12 what's going to happen, delegating the discretion to choose the 13 relative priority of -- of one thing versus another is something 14 that -- that can't be done, at this point. When we know more, and 15 16 maybe by the year 2001 we will. Maybe by then we'll pretty much know what our -- you know, what course we need to chart, and it can 17 be said, hey, just give it to those people and let them go with it. 18 But, for right now, I guess what I'm mainly interested in doing, 19 sort of at a minimum is setting this money aside so we don't spend 20 it. 21 Madam Chair. 22 MR. ANDREWS:

Yes, Rupert. 23 MS. FISCHER: Murkowski considering 24 MR. ANDREWS: Is Senator legislation along this line? 25 introduced MR. TILLERY:

Senator Murkowski has

1 legislation that would establish an endowment in the United States.
2 The State has some concerns about that, we're very concerned -- I
3 think we're -- fair to say we were concerned about the concept of
4 having Congress -- about putting something in the Treasury where
5 Congress can change the rules.

MR. McCORKLE: Madam Chairman.

MS. FISCHER: Yes, Vern.

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8 MR. MCCORKLE: I'm not only concerned, I'm scared to death about that. I've been in touch with the senator's office, 9 both senators' office and Don Young's office, and a bunch of others 10 like most of you have as well, and the downside of getting anything 11 like a congressional act like we began to talk about here six 12 months go, is really not a good idea. That's a sure way to lose 13 14 the money, and so, I -- and it would take -- because of the court 15 decree, it would take an act of Congress to get Congress to have the right to expend that money in the way they see fit, which I 16 17 think is probably something we want to avoid like the plaque. At least that's my -- my personal comment on that aspect. I just --18 19 I just feel like we need to hone pretty closely to the words in the 20 court decree, and perhaps even the memorandum of of understanding of the MOA, because if we don't do that, then we --21 I think we open up other possibilities of being found legally 22 incorrect. The -- the problem I have is -- is with the language in 23 a couple places here in this draft resolution. It's entitled 24 "Resolution of the Exxon Valdez Trustee Council" marked draft, and 25 26 on page two, paragraph three, it reads, quote, because all

restoration needs to the year 2001 are not yet known, the Trustees 1 must have the flexibility to invade the reserve to fund restoration 2 projects that are clearly needed and cannot be funded by other 3 trust funds. Now, I don't have any trouble with that, if there is 4 a funding that these new programs cannot be funded by other trust 5 funds and -- and the funds must be invaded. I think that what 6 we're all trying to do is make sure that there is money left over 7 after the year 2001 which is not far hence to be utilized in the 8 9 way that the decree said it was to be used, which is by the -- at the discretion, if you will, of the Trustees. We have to -- we 10 11 have to proceed from the premise that the Trustees are going to make the right decisions. So, I just am very, very concerned that 12 there's a little weasel wording here and -- on page two, paragraph 13 14 three, it says that they can use that money for anything that comes up, and who knows what might come up in the future. What we want 15 quard against coming up in the future are unwise calls upon that, 16 17 invasions, if you will. The word is rather inopportune but it's there nonetheless -- to invade the funds. So, for -- just for the 18 record, and I don't know what the PAG will wish to do on this, but 19 for the original record that goes to the Trustees, I, for one, am 20 opposed to utilization of the -- the funds, whether they be called 21 22 an endowment or reserve or whatever, simply by calling upon it to be used anyway they wish, if we sort of run short some place else. 23 It's like having a nice big surable to go get into, but if there is 24 a finding, and the Trustees and staff say, in fact, well, we have 25 looked and we have found, and we've made this consideration, and we 26

find and decree the facts must be used -- rather the funds must be 1 used and so forth, then of course, I am going along with that, and 2 presumably the Council and the public would as well. But, I really 3 want there to be a finding that the money is not available some 4 And, you know and I know, those of us who have 5 place else. strained budgets, there are boo-koos of bucks that are just sort of 6 tucked away there in various little places with -- or somebody 7 else's sugar bowls, you got a lot of sugar bowls out there. 8 And, I don't think that this trust fund, or this reserve fund, needs to 9 10 be a sugar bowl. Thank you, Madam Chairman.

MS. FISCHER: Yes, Vern, thank you. Any other comments? MR. TILLERY: Madam Chairman.

MS. FISCHER: Yes.

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MR. TILLERY: If I can just kind of respond on that a 14 I understand it, and -- you need to notice that the little bit. 15 way this thing is drafted, the first three things are findings. 16 The actual implementation of that particular paragraph three is on 17 the last page, in E, the last sentence says, however, where there 18 is a showing of need, the Trustee Council may at any time use the 19 principal interest retained to fund restoration projects. 20 Now, that's the sort of operative language. And this -- we have 21 language in there that says where there is a showing of need --22 your view is -- perhaps, I should say where there is a finding of 23 I don't personally have any problems with that. The other 24 need. thing you would need to know is once -- and we have set this aside, 25 it's -- I see if the Trustee Council wants to go and play in sugar 26

bowl, they can make any kind of finding they want to, but it will 1 2 require a unanimous decision to play in the sugar bowl. So, that would -- will hopefully prevent raids. Hopefully, there will be at 3 least one Trustee Council member, that believes in the integrity of 4 the reserve fund. But, in any event, I -- I don't think I would 5 personally have problems changes showing to finding. 6 7 MR. McCORKLE: Well, finding is, you know, a legal term, 8 and it requires that certain things have to be done, and usually 9 not -- not complex or complicated, unless they want to make them 10 that way, but finding requires that you deliberate, and then come to a conclusion. Of course, they're going to come to an unanimous 11 one anyway, we hope, but I do feel comfortable with -- back there 12 13 is paragraph E, changing -- I had a whole bunch of language to drop in there, but if -- if you're willing to change the word "showing" 14 to "finding," I think that's an excellent suggestion. 15 Thank you, 16 very much. MR. TILLERY: Okay.

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MS. FISCHER: Are there any comments? John, I'm sorry

DR. FRENCH: Having represented several groups 20 and 21 Chaired the subcommittee trying to put this thing together, I would like to reflect a couple of things. The first one is to echo 22 If there's anything people are worried about, 23 Vern's sentiments. it's raids on (indiscernible) the reserve funds. The other one is 24 25 that, in terms of the uses of it, the wording that's in here, 26 "monitoring, research and general restoration" is consistent with

1 the intent of most of those people who I have heard -- who I've 2 received input from on -- on this subject. The wording of 3 restoration, implying habitat acquisition, is not consistent with 4 most of that information.

MS. FISCHER: James.

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I probably have an over-simplistic view of 6 MR. KING: this thing, but it seems to me that the settlement agreement stated 7 that the Trustee Council should consider very carefully input from 8 the public in regard to restoration, and the public has come out 9 10 with a number of very specific proposals regarding endowments. The one, perhaps in greatest detail, is the one presented by Arliss 11 12 Sturgelewski. But, there's been wide support for these things, and it seems to me that the Justice Department doesn't even belong in 13 the ballgame that the Trustee Council should go to the district 14 15 court and say this is what you told us to do, listen to these people, now how do we achieve it. And, I don't know if that's a --16 you know, I'm not a lawyer, but that's -- look's like to me the way 17 18 it ought to go. I have one other comment. You say at some point the thing is over and it's done, and I would take exception to 19 There was an enormous amount of oil deposited in a new area, 20 that. some of those hydrocarbons are a permanent part of the area where 21 they were placed. They're in this sediments, they're in the tissue 22 of the creatures there, they're in the bone structure and shells, 23 24 and -- it's not going to be possible to say it's over. Some of that stuff is always going to be there, and so, on down the line 25 it's going to be necessary to determine what is the effect of --26

1 it's a geological fact, in a sense. So, those would be my -- my 2 two observations and comments, and I hope that they can be 3 addressed at some point.

MS. FISHER: Mr. Tillery.

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5 MR. TILLERY: In response, the way this works with the Justice Department, they don't really have any say in this, other 6 7 than the fact that they have to go get the money. If they don't like it they won't sign the request to the court for money. 8 But, 9 on the other hand, when the federal Trustees go to vote, if the Justice Department tells them it's illegal, they'll vote no, and 10 since we have a -- they have to -- and since we have a unanimity 11 12 requirement, effectively Justice has actually a pretty good say in what they do when it comes to legal issues. So far, we've been 13 14 able to work with the Department of Justice pretty well, sort of over the long haul. With regard to the permanent aspect of it, I 15 don't actually disagree with you particular, and I think there can 16 17 be some very long term effects, and I think we need to have the money available in a very long term basis. For that reason, 18 looking seven years down the line and just thinking now what it's 19 going to be seven years down the line, I would tend to favor sort 20 of a permanent thing where it is inflation proof. 21 I mean, that 22 would be my own view, to at least maintain that option, and then if at some point we see that, no, this is all over now, then we can 23 back away from that. But, that's -- that would be one way to do 24 25 it, would be to -- if you inflation proof it, and you keep it going after the year 2001, then you would at least maintained that 26

option. 1 And, two and a half percent isn't going to MR. KING: 2 3 inflation-proof. MR. TILLERY: No, it is not. That's the problem. 4 5 How about the district court now, and how MR. KING: 6 is the Trustee Council going to fulfill their obligation to listen to the public when some lawyer who hasn't really been involved can 7 cancel out all the public comment and public interest and hard work 8 that a number of people have done. It seems like -- there's 9 something wrong here. 10 Well, there is, but even if it's a great 11 MR. TILLERY: idea, if it's not legal, the district court is not going to tell 12 13 you that we can do it either. In fact, they're going to say we dan't. 14 MR. KING: Yeah, but the court is where legality is 15 decided, not in the Justice Department. 16 17 MR. TILLERY: That is correct, and ultimately if there are -- if an issue came down and it became important enough, one 18 thing to do, the court retains jurisdiction over this, we could ask 19 the court for interpretation or a ruling or so forth. 20 To date, it 21 has not been necessary because after sufficient conversations, we've generally been able to do things that tend to make most --22 that tend to make -- tend to meet the needs we have, and I'm hoping 23 24 that this will kind of work out that way too. MS. FISCHER: 25 Lew. MR. WILLIAMS: You know, my concern is about the amount 26 73

of money, putting twelve million aside -- I think -- 2001 they hope 1 to have a hundred and twenty million in it. 2 Each year it looks 3 from our projects here that the Trustees are authorizing about thirty-five to forty million in projects, they're getting seventy 4 5 million from the Exxon Valdez, so I presume the difference between 6 say forty-five and seventy, that money is being used for administrative purposes, land acquisition and the twelve million. 7 It seems to me over a period of eight years that -- for land 8 acquisition and administration is pretty high, and more should go 9 10 into the trust fund or the reserve account. And, the reason I say that is because all of sudden in 2001, all the payments are made 11 and you're spending at the rate of thirty-five to forty million a 12 year on projects and you're going to be suddenly faced with 13 earnings from a reserve account of one-tenth of that, and it's 14 going to be quite a shock to the system, let's put it that way. 15 So, I think you'd be better to spend a little less each year on 16 projects and land acquisition, so that you have a bigger reserve 17 18 account, so that when 2001 comes we're not in a sudden economic 19 shock.

MR. TILLERY: Yeah, that's real qood point, 20 а particularly with the -- because the people think we're going to 21 have this -- all this money out there, but really we've only got 22 the earnings, and if you inflation-proof them you got -- you know, 23 half of what you might earn, so you'd be talking, you know, three 24 million or something a year, but the thirty-five million, I think, 25 26 those kinds of numbers include the twelve million for the reserve,

and include the habitat acquisition money, at least some of it.
So, my impression for general restoration projects, or research and monitoring, at this point, we're probably only spending in the nature of eleven or twelve million. Is that right or wrong?

5 MS. McCAMMON: In FY '94 the total of the research, 6 monitoring and general restoration was about seventeen million, and 7 then there was an additional four and one-half million on 8 administration, and the seventeen million includes the support 9 costs for habitat acquisition. It doesn't actually include actual 10 purchase, and then an additional twelve million for the reserve.

MR. TILLERY: Presumably, that seventeen will also be declining over the next seven years, and maybe -- I don't know if this is going to be close enough, I think your point is well taken. We're not -- it's going to be a shock when the year 2002 rolls around.

MR. WILLIAMS: Yeah, and I think we can avoid it now if we planned a little in advance. Spending maybe a little less on something, I don't know what. We have to take care of restoration, but maybe we can hold back on land acquisition a little bit, by maybe making some non-fee simple agreements.

MS. FISCHER: Any other questions for Mr. Tillery? Pam. MS. BRODIE: A few things. First of all, in response to Mr. Williams, you were mentioning land acquisition and general restoration, but research and monitoring is another part of the money that is being spent now which is not the same as the restoration reserve. That's where a lot of the money is going into

research and monitoring. And also, this specifies twelve million 1 2 dollars for the 1994 work plan. It does not say whether future 3 payments would be more or less than that. There's nothing in this document that specifies what the other payments would be, that will 4 be determined by the adoption of the restoration plan, the record 5 of decision. But, also in part E, where it says what the reserve 6 funds can be used for, I don't understand any reason why this 7 should be limited to some types of restoration now and not all 8 types restoration. I don't see why this should be different from 9 what's in the settlement about what restoration is. In fact, it is 10 11 particularly leaving out habitat acquisition. It is not leaving out anything else. Well, since the point of this is that we make 12 -- is that we don't know as much as -- now as we will in the 13 future. Suppose we find out in the future that some particular 14 15 place is necessary to restore some particular species, why should this be saying no we can't do that. I -- it seems to me -- I don't 16 17 personally expect that very much of this reserve will be spent on habitat acquisition. I think it's unlikely, but I don't think that 18 19 the language here should make that impossible. And, what Mr. French said about the people involved, didn't want it to be used 20 for acquisition, I'm not sure quite what you meant. 21 I think, 22 perhaps, that was referring to the Public Advisory Group, and I would agree that the majority of the Public Advisory Group probably 23 24 doesn't want that; that doesn't mean that the majority of the 25 public or the Trustees feel that way.

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I was referring specifically to those

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DR. FRENCH:

people I have receive input from, which involve a large number of 1 fishing groups, the University of Alaska, and Arliss Sturgelewski 2 and some of the people working with her. I admit there were 3 4 numerous public people I have not directly work with on this request. 5 6 MS. FISCHER: . Okay, Jim. 7 MR. TILLERY: Can I just respond. Okay, let's let Mr. Tillery respond. MS. FISCHER: 8 9 MR. TILLERY: With respect to your comments, the -- it 10 actually doesn't make it impossible. In fact, what it says it's available for certain monitoring associated general restoration 11 And, then it goes on to say, however, where there is a 12 projects. finding of need -- if we use the word finding -- Trustee Council 13 may at any time use the principal interest retained within the 14 15 reserve fund, to fund restoration projects permitted under the MOA, that would include habitat acquisition. What it's -- written now 16 is saying, we -- the current intent is that it's a research, 17 monitoring and for associated general restoration projects, but if 18 down the road we find out, based on what we see, that hey, we 19 really need something here to protect some species that seems to be 20 21 making its last stand (indiscernible), or whatever reason, we need 22 habitat acquisition, this does not forbid it, it simply says that's not our current intent, but it's permissible. 23 24

MS. BRODIE: Yes, you're right. That's true. It means that habitat acquisition has to go through another -- it has to jump through a legal hoop that nothing else has to jump through.

MS. FISCHER: Jim.

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2 MR. CLOUD: Well, although I personally prefer it that way, Pam, I think (Laughter), you know that paragraph (3)(D) it is 3 clear that the expenditures from the reserve fund will be made by 4 5 unanimous of agreement, consistent with the terms of the memorandum 6 agreement and consent decree, and it doesn't exclude habitat 7 acquisition at all, although, if we can get that exclusion in there somehow, I'd vote for that. (Laughter) 8

MS. FISCHER: Yes, Vern.

MR. McCORKLE: Madam Chairman. 10 I have -- from time to 11 time in the past spoken against massive programs of habitat 12 acquisition, but I'm not opposed to habitat acquisition. I still want to go about -- on the record that, and I -- I don't find Pam's 13 comments repugnant, although I'd -- I like to support her comments 14 15 as often as I can. I do find that the language supports the -- the need to buy habitat in the future if we have to. It doesn't make 16 any sense at all to say that you can't buy some habitat, if it's 17 necessary. I just think that, you know, the finding and -- and the 18 19 together with the discussion unanimous agreement provides protection for habitat acquisition that -- that Pam envisions, and 20 I believe that habitat protection and acquisition is protected in 21 22 this draft in two places.

MR. McCORKLE: Could I have one more comment.

MS. FISCHER: Certainly.

MR. McCORKLE:

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I'm sorry for changing subjects again.

With respect to Mr. King's discussion on -- on the endowment and 1 the most excellent presentation we had by Jerome Komisar and Arliss 2 Sturgelewski here several months ago with respect to funding chairs 3 at the University of Alaska, which I'm also in favor of, but not 4 The problem with funding chairs -- I quess 5 with this money. problem is not quite the right word -- the way you fund the chair 6 at the university is to give them a few million bucks and say, do 7 with it as you will, and Jerome Komisar was very specific on that 8 point. If the university is going to properly run its institution 9 and conduct its -- its mission, it can't have anybody, the PAG or 10 the Trustee Council or others telling them what to do with that 11 money. So, when you put the money in a chair at any university, we 12 really do violate the requirements of the decree document to the 13 memorandum of agreement. 14

15 MS. FISCHER: Is there any other discussions? Or any 16 guestions? Yes, Kim.

MS. BENTON: Craig, I just have a quick question. In the way -- because of the way the federal legal advisors see this, that it can only be governed by the Trustee Council, am I understanding it correctly that this endowment -- for the length of the endowment is in existence, the Trustee Council would also be in existence?

23 MR. TILLERY: That's correct. Now another way to make 24 this -- over time, and, you know, how this is going to evolve in 25 the year 2002 and beyond, but it's entirely possible that decisions 26 could be made -- I think, that an advisory board, a scientific

advisory board or whatever else could be created, that could do --1 come up with the research plan for a particular year, let's say we 2 then present to a Trustee Council that would probably be meeting 3 only, you know, once a year by that point, and could just sort of 4 5 I mean, in essence some kind of board could be qo through those. 6 making the recommendations, and I'm not saying a Trustee Council 7 would rubber stamp them. They have to retain their discretion, but I don't foresee a big rolel for the Trustee Counsel down the line 8 here, but they do have to retain that ability to make decisions. 9 10 So yes, they would remain in existence. The would remain 11 MS. BENTON: an infrastructure wouldn't have to be (indiscernible - simultaneous talking). 12 13 MR. TILLERY: The expensive -- well, I mean, you know, board is going to be an expensive a scientific, you know, 14 15 infrastructure. It's going to be hard to get away from it, but you won't necessarily have a Trustee Council building here, a Trustee 16 Council restoration staff, or anything else. 17 Maybe, it could be rolled into some state science and technology foundation. Maybe it 18 could be a group of people, I don't know. It could that -- I mean, 19 20 you know, whatever. 21 Any other comments? MR. FISCHER: Pam. MS. BRODIE: 22 Question, a process question, is this 23 something that we're going to vote on whether or not to recommend this to the Trustees for their adoption, or is this just something 24 that -- that the Trustees -- and did this, initially -- did any of 25

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this initially come from the Trustees, or does it all come from

this subcommittee?

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(Aside comments - laughter)

MS. FISCHER: Mr. King, did you have a questions too, and then maybe he can answer both of them. We -- kind of -- move on.

But, I guess one more point of it. 6 MR. KING: Ι think my concern is slamming the door on something that the public 7 has expressed a strong interest in, and that because of a 8 solicitor's opinion, and so I would strongly urge that the Trustee 9 Council keep looking at that, and consider that -- we're not 10 suggesting -- nobody's suggesting that something illegal be done, 11 but in a democracy, you have the option of making what the public 12 And, if it turns out that the public really wants wants legal. 13 this endowment thing, they should get it. 14

15 MS. FISCHER: Okay, very good. Can you answer Pam's and 16 then go into James'.

MR. TILLERY: I -- you know, I just got a phone call asking me to be here. I mean, you need to ask Molly to why -- what this is -- what the role is.

MS. McCAMMON: I think the role of the Public Advisory Group is what you want to make it. If you would like to just have these comments go back to Craig and to the staff here, and then be included in the ongoing discussions amongst all of the Trustee agencies, it could be at that level, or it could be at the level of a formal motion that you could make in either -- approving this or adopting this or recommending that it be adopted, or something of

that fashion. It's basically up to you at what level you'd like to 1 2 make your input. We're just basically bringing this in response to a request that was made at the last PAG meeting, and making this 3 opportunity available. 4

5 MR. TILLERY: From my perspective, as one Trustee Council -- person sitting on the Trustee Council, I would just like 6 to hear your views, and I don't really care, you know, how you go 7 8 about it whether you mark this up and come back with your version of the draft, whether you give a bunch of comments on it, or 9 whatever you think is the most effective way to communicate, but --10 11 I mean I just like to hear them.

MS. FISCHER:

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Vern.

MR. McCORKLE: Thank you, Madam Chairman. One of the 13 14 things that I think we could do is there is precedent for this kind 15 of discussion because it was in -- in our Chairman's report to the Trustee Council recently when Mr. Phillips asked what had happened 16 17 to the idea of a -- a Trustee -- of a trust fund, or a reserve account. And so, I think it's proper for us to be -- be discussing 18 19 it, and I like the idea of making sure that we have an opportunity to get our comments to the Trustees, whether or not we adopt a 20 21 formal motion or have a hands show up and down on -- on this particular draft, or just discuss or comment. I think all would be 22 23 I'm in favor of preserving the idea of -- of an endowment helpful. 24 or a reserve fund, or call it what you will, so long as it is hooked directly to the decree and the memorandum of agreement, 25 because I don't think you'll go far wrong then. You may have to 26

argue like heck to make our own particular points heard, but at 1 least you do have a process which -- which does not fritter away 2 the money. 3 MS. FISCHER: Jim. 4 MR. CLOUD: I cancelled my luncheon arrangement so I 5. could have a sandwich with you folks (laughter), and now you're 6 7 using up almost all the time. (Laughter) Well, we're getting ... Jim, I'm sorry, MS. FISCHER: 8 yeah you gave away your sandwich, but it's a working lunch. 9 (Aside comments) 10 MS. FISCHER: Okay, is there a -- this is not a motion 11 or anything, I believe -- yes, John. 12 I was going to make a motion that the PAG DR. FRENCH: 13 endorse -- I move that the PAG (laughter) -- I move that the PAG 14 endorse a resolution on the -- the draft resolution on this Exxon 15 Valdez -- whatever this thing is ... 16 Trustee Council ... MS. FISCHER: 17 ... Trustee Council ... DR. FRENCH: 18 MS. FISCHER: Endowment. 19 ... formation of a restoration reserve DR. FRENCH: 20 with the modifications to -- with any modifications necessary to 21 appropriately strengthen it against raids on the -- the fund, and 22 also that we recommend continued allocation, if that's the 23 appropriate word, of a minimum of twelve million dollars a year to 24 the fund. 25 MS. FISCHER: Go ahead ... 26 83

1	DR. FRENCH: I guess that's all we need, yeah.
2	MR. McCORKLE: Second the motion.
3	MS. FISCHER: And, Vern second the motion. All in
4	favor, say aye.
5	PUBLIC ADVISORY GROUP: Aye.
6	MR. McCUNE: What about discussion on this motion?
7	MS. FISCHER: Oh, yeah, okay. Yes, you're right. We
8	haven't discussed it enough. (Laugher) Gerry, discuss it, I'm
9	sorry.
10	(Aside remarks)
11	MR. McCUNE: I would like to say that I I thinks
12	it's a little preliminary for a motion myself. I I'm still very
13	unclear about what exactly we could do, or exactly what we can't do
14	here. You know, I it isn't a matter of title to me endowment
15	as long as I get the right things in the reserve fund, or
16	whatever you call it in here, and I'm still from what I hear
17	it's very vague, and I think it's preliminary to to pass a
18	resolution or to endorse this resolution at this time. So, that's
19	my comment, I'll make it short.
20	MS. FISCHER: Okay. Are there any other comments? All
21	in favor of the motion?
22	PUBLIC ADVISORY GROUP: Aye.
23	MS. FISCHER: All opposed.
24	MS. BRODIE: Nay.
25	MS. FISCHER: One, two, three
26	MR. McCORKLE: Call for a raising of the house?
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1	MS. FISCHER: Cal	l for hands, yeah. Okay, I need to go
2	back to the original ayes an	nd nays. All in favor, please raise
3	your hand.	
4	REPORTER: Can	we do a voice vote?
5	MS. FISCHER: Okay	y, we can do a voice vote. Let's start
6	with Rupert.	
7	MR. ANDREWS: Yes	
8	MS. FISCHER: Pam	•
. 9	MS. BRODIE: No.	
. 10	MS. FISCHER: Jim	
11	MR. CLOUD: No.	- -
12	MR. DIEHL: No.	
13	DR. FRENCH: Yes.	
. 14	MR. CLOUD: Up v	with concern.
15	MS. FISCHER: You	want yes, James. James (indiscernible
16	- laughter) a yes.	
17	MR. CLOUD: Do y	you want me to answer that?
18	MS. FISCHER: No,	it's bound to have gone to his head.
. 19	UNKNOWN: He's	got a little blood sugar.
20	(Aside comments)	
21	MS. FISCHER: Yeah	n, okay, John French.
22	DR. FRENCH: Yes.	
23	MS. FISCHER: When	re are you at? Are you
24	MR. MUTTER: Verr	McCorkle.
25	MS. FISCHER: Okay	, Vern.
26	MR. McCORKLE: Yes.	
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1	MR. MUTTER: Charles McCune.						
2	MS. FISCHER: Kim.						
3	MS. BENTON: NO.						
4	MS. FISCHER: Chuck.						
5	MR. TOTEMOFF: Yes.						
6	MR. WILLIAMS: Yes.						
7	MR. KING: Yes.						
8	MS. FISCHER: Yes.						
9	MR. CLOUD: Madam Chairman.						
10	MS. FISCHER: Yes.						
11	MR. CLOUD: Vern also votes for Senator Eliason.						
12	MS. FISCHER: Are you saying yes for him too?						
13	MR. McCORKLE: Yes, I am (indiscernible - simultaneous						
14	talking).						
15	MS. FISCHER: And, yes for Senator Eliason.						
16	MR. McCORKLE: Yes, that's right. Yes, I'm saying yes.						
17	MS. FISCHER: Okay. Let's see where we're at first.						
18	Okay, nine for the amendment and four opposed amendment or						
19	the resolution passes. Any of those that had made plans for						
20	lunch and would like to go out and leave for lunch, since no one						
21	knew it would be a working lunch or we would be here, may do so at						
22	this time, and the rest of us will break, get our sandwiches and						
23	 MR. McCORKLE: Yes, I am (indiscernible - simultaneous talking). MS. FISCHER: And, yes for Senator Eliason. MR. McCORKLE: Yes, that's right. Yes, I'm saying yes. MS. FISCHER: Okay. Let's see where we're at first. Okay, nine for the amendment and four opposed amendment or the resolution passes. Any of those that had made plans for lunch and would like to go out and leave for lunch, since no one knew it would be a working lunch or we would be here, may do so at this time, and the rest of us will break, get our sandwiches and come back and do a working lunch. And, we're going to pick up with less than the fee and public access policy. Mr. Tillery, we want to thank you for being here and talking with us, meeting with us. If you'd like, stay and have lunch with us, and maybe somebody can 						
24	less than the fee and public access policy. Mr. Tillery, we want						
25	to thank you for being here and talking with us, meeting with us.						
26	If you'd like, stay and have lunch with us, and maybe somebody can						
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RESOLUTION OF THE EXXON VALDEZ TRUSTEE COUNCIL

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We, the undersigned, duly authorized members of the Exxon Valdez Trustee Council, after extensive review and consideration of the views of the public, and in furtherance of our decision made at a public meeting of the Trustee Council on January 31, 1994, find as follows:

Scientists and other experts have identified a clear 1. continuing need for research and monitoring (and, potentially, associated general restoration activities) after 2001, the year of the last annual payment by Exxon to the Joint Trust Fund. This need arises primarily from the present limitations on scientific understanding of the ecological systems and relationships that may affect the recovery of certain of the species injured by the Exxon Valdez oil spill. The research and monitoring programs adopted or under consideration by the Trustee Council will help fill those gaps in knowledge and may provide a basis for additional future actions to promote or assist recovery of injured species and ecological systems. Moreover, the relatively long life cycles of certain species make long-term programs to monitor recovery and assess any continuing injury essential. For example, sockeye salmon return in five-year cycles. In order to obtain meaningful information about the effects of the oil spill on those runs and its duration, several cycles may need to be examined. Actions to restore injured salmon runs and monitoring of their recovery could take yet additional cycles. Restoration of this species is thus likely to span several decades into the future. Similarly, many other resources such as murres, harlequin ducks, harbor seals, sea

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otters, and herring appear to be recovering slowly, if at all. Long term observation and, potentially, future restoration action are essential to assure the recovery of these species.

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2. It is prudent to set aside trust funds in a reserve fund to provide funding for research, monitoring and associated general restoration programs after 2001.

3. Because all restoration needs through the year 2001 are not yet known, the Trustees must have the flexibility to invade the reserve to fund restoration projects that are clearly needed and cannot be funded by other trust funds.

WE THEREFORE resolve to create a reserve account with joint trust funds under the following terms and conditions:

(a) A long term investment sub-account ("Reserve Fund") shall be established in the EXXON VALDEZ Oil Spill Settlement Account in the Court Registry Investment System ("CHRIS") to receive, invest and disburse monies set aside as a reserve for future research, monitoring and general restoration projects. The term of investments shall be as determined yearly by the Trustee Council upon recommendation of the Executive Director. Interest received from investment of the Reserve Fund shall accrue to the Reserve Fund.

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(b) Disbursement of the monies in the Reserve Fund shall be to the Governments upon resolution of the Trustee Council as provided in the Order for Deposit of and Transfer of Settlement Proceeds entered by the United States District Court on December 6, 1991.

(c) The sum of \$12,000,000 shall be placed in the Reserve Fund through the 1994 work plan. It is the intent of the Trustee Council that additional monies will be placed in the Reserve Fund from each remaining payment by Exxon. Such funding decisions will be made through the Trustee Council's annual Work Plan process and are subject to the final Restoration Plan. All requests for monies to be placed into the Reserve Account will be made through the United States District Court in the same manner as for other restoration projects.

(d) Expenditures from the Reserve Fund will be made only by the unanimous agreement of the Trustee Council, consistent with the terms of the Memorandum of Agreement and Consent Decree entered by the United States District Court on August 28, 1991. Expenditure of monies in the Reserve Fund for restoration projects shall be made in accordance with applicable law, including the National Environmental Policy Act.

(e) It is the intent of the Trustee Council that the Reserve Fund be available for research, monitoring and associated general restoration projects in the years following the last

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payment into the trust fund by Exxon in the year 2001. However, where there is a showing of need, the Trustee Council may, at any time, use either the principal or interest retained within the Reserve Fund to fund restoration projects permitted under the Memorandum of Agreement.

(f) The Department of Law and Department of Justice are requested to petition the United States District Court to provide any necessary authorization for the Reserve Fund and to seek a waiver of fees from the CHRIS.

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day of

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Dated this

at Anchorage, Alaska.

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Exxon Valdez Oil Spill Restoration Plan

Update on Injured Resources and Services September 1996

Prepared by:

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401 Anchorage, Alaska 99501-3451 907/278-8012 *Toll-free in Alaska* 1-800-478-7745

> *Outside Alaska* 1-800-283-7745

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



September 1996

Dear Reader:

The Trustee Council adopted the *Exxon Valdez Oil Spill Restoration Plan* in November 1994 with the intent that the plan would be updated as needed to incorporate new scientific information.

The enclosed documents update two parts of the *Restoration Plan*: the List of Injured Resources and Services in Chapter 4 and the summaries of Injury and Recovery and the Recovery Objectives in Chapter 5.

List of Injured Resources and Services

Chapter 4 of the *Restoration Plan* indicates that the List of Injured Resources and Services (p. 32, Table 2) will be reviewed as new information is obtained. The approved revisions include changes to the recovery status of some resources (for example, moving Bald Eagles from the "recovering" category to "recovered") and additions to the list itself. In August 1995, the Council added Kittlitz's murrelets and common loons to the injured species list. In addition, the Council has now added three species of cormorants (red-faced, pelagic, and double-crested).

Chapter 5: Goals, Objectives & Strategies

Chapter 5 of the *Restoration Plan* (pp. 33-56) discusses general goals and strategies for restoring injured resources and services and also provides specific information on the status, recovery objectives, and restoration strategies for individual resources and services. In the attached document, the Council now provides updated information on the status of injured resources and services, as well as revisions to the Recovery Objectives for injured resources and services. Readers are referred to annual work plans and invitations to submit proposals (e.g., *Invitation to Submit Proposals for Federal Fiscal Year 1997*) for the most current information on the restoration strategies chosen by the Council to achieve its recovery objectives.

Thank you for your interest in restoration following the Exxon Valdez oil spill.

Sincerely,

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Molly McOammon Executive Director

enclosure

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 [Note to Readers: This document updates information on Injury and Recovery status and Recovery Objectives in Chapter 5 (pp. 33-56) and the List of Injured Resources and Services (p. 32) in the *Restoration Plan*.]

Resources Archaeological Resourc																								age
Bald Eagles																								
Black Oystercatchers .																								
Clams																								
Common Loons							•																	. 5
Common Murres	• •		•				•						•				•		•			۰.		. 5
Cormorants																					-			
Cutthroat Trout																								
Designated Wilderness																								
Dolly Varden																								
Harbor Seals	1.1																							
Harlequin Ducks	1																							
Intertidal Communities																								
Killer Whales		• • •	•	••	••	•••	•	•	•••	•	•••	••	•	••	•	••	•	•••	•	•••	•	•	• •	10
Kittlitz's Murrelets																								10 11
Marbled Murrelets Mussels	1																							11
Pacific Herring																								12
Pigeon Guillemots																								13
Pink Salmon																								13
River Otters																								14
Rockfish	1																							15
Sea Otters	1																							15
Sediments	1.1																							16
Sockeye Salmon																								17
Subtidal Communities																								17
<u>Services</u>																								
Commercial Fishing																								
Passive Use																								
Recreation and Tourism	1 .																							19
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List of Injured Resources	s an	d S	erv	ice	s							•••		• •	•		•		•	• •	•	•		23

RESOURCES

ARCHAEOLOGICAL RESOURCES

Injury and Recovery

The oil-spill area is believed to contain more than 3,000 sites of archaeological and historical significance. Twenty-four archaeological sites on public lands are known to have been adversely affected by cleanup activities or looting and vandalism linked to the oil spill. Additional sites on both public and private lands were probably injured, but damage assessment studies were limited to public land and not designed to identify all such sites.

Documented injuries include theft of surface artifacts, masking of subtle clues used to identify and classify sites, violation of ancient burial sites, and destruction of evidence in layered sediments. In addition, vegetation has been disturbed, which has exposed sites to accelerated erosion. The effect of oil on soil chemistry and organic remains may reduce or eliminate the utility of radiocarbon dating in some sites.

Assessments of 14 sites in 1993 suggest that most of the archaeological vandalism that can be linked to the spill occurred early in 1989, before adequate constraints were put into place over the activities of oil spill clean-up personnel. Most vandalism took the form of "prospecting" for high yield sites. Once these problems were recognized, protective measures were implemented that successfully limited additional injury. In 1993, only two of the 14 sites visited showed signs of continued vandalism, but it is difficult to prove that this recent vandalism was related to the spill. Oil was visible in the intertidal zones of two of the 14 sites monitored in 1993, and hydrocarbon analysis has shown that the oil at one of the sites was from the *Exxon Valdez* spill. Hydrocarbon levels at the second site were not sufficient to permit identification of the source or sources of the oil.

Monitoring of archaeological sites in 1994 and 1995 found no evidence of new damage from vandalism. The presence of oil is being determined in sediment samples taken from four sites in 1995.

None of the archaeological artifacts collected during the spill response, damage assessment, or restoration programs is stored within the spill area. These artifacts are stored in the University of Alaska Museum in Fairbanks and in the Federal Building in Juneau. Native communities in the spill area have expressed a strong interest in having them returned to the spill area for storage and display.

The Alutiiq Archaeological Repository in Kodiak, whose construction costs were partly funded by the Trustee Council, is the only physically appropriate artifact storage facility in the spill area. In 1995 the Trustee Council approved funds for development of a comprehensive community plan for restoring archaeological resources in Prince William Sound and lower Cook Inlet, including strategies for storing and displaying artifacts at appropriate facilities within the spill area.

Recovery Objective

Archaeological resources are nonrenewable: they cannot recover in the same sense as biological

resources. Archaeological resources will be considered to have recovered when spill-related injury ends, looting and vandalism are at or below prespill levels, and the artifacts and scientific data remaining in vandalized sites are preserved (e.g., through excavation, site stabilization, or other forms of documentation).

BALD EAGLES

Injury and Recovery

The bald eagle is an abundant resident of coast lines throughout the oil-spill area. Following the spill a total of 151 eagle carcasses was recovered from the oil-spill area. Prince William Sound provides year-round and seasonal habitat for about 5,000 bald eagles, and within the Sound it is estimated that about 250 bald eagles died as a result of the spill. There were no estimates of mortality outside the Sound, but there were deaths throughout the oil-spill area.

In addition to direct mortalities, productivity was reduced in oiled areas of Prince William Sound in 1989. Productivity was back to normal in 1990 and 1991, and an aerial survey of adults in 1995 indicated that the population has returned to or exceeded its prespill level in Prince William Sound.

Recovery Objective

Bald eagles will have recovered when their population and productivity have returned to prespill levels. Based on the results of studies in Prince William Sound, this objective has been met.

BLACK OYSTERCATCHERS

Injury and Recovery

Black oystercatchers spend their entire lives in or near intertidal habitats and are highly vulnerable to oil pollution. Currently, it is estimated that 1,500-2,000 oystercatchers breed in south-central Alaska. Only nine carcasses of adult oystercatchers were recovered following the spill, but the actual number of mortalities may have been considerably higher.

In addition to direct mortalities, breeding activities were disrupted by the oil and clean-up activities. In comparison with black oystercatchers on the largely unoiled Montague Island, oystercatchers at heavily oiled Green Island had reduced hatching success in 1989 and their chicks gained weight more slowly during 1991-93. Interpretation of these data on reproductive performance, however, are confounded by lack of prespill data. Productivity and survival of black oystercatchers in Prince William Sound have not been monitored since 1993, and the recovery status of this species is not known.

Recovery Objective

Black oystercatchers will have recovered when the population returns to prespill levels and reproduction is within normal bounds. An increasing population trend and comparable hatching success and growth rates of chicks in oiled and unoiled areas, after taking into account geographic differences, will indicate that recovery is underway.

Injury and Recovery

The magnitude of impacts on clam populations varies with the species of clam, degree of oiling, and location. However, data from the lower intertidal zone on sheltered beaches suggest that little-neck clams and, to a lesser extent, butter clams were killed and suffered slower growth rates as a result of the oil spill and clean-up activities. In communities on the Kenai Peninsula, Kodiak, and the Alaska Peninsula and in Prince William Sound concern about the effects of the oil spill on clams and subsistence uses of clams remains high (see Subsistence).

Recovery Objective

Clams will have recovered when populations and productivity have returned to levels that would have prevailed in the absence of the oil spill, based on prespill data or comparisons of oiled and unoiled sites.

COMMON LOONS

Injury and Recovery

Carcasses of 395 loons of four species were recovered following the spill, including at least 216 common loons. Current population sizes are not known for any of these species, but, in general, loons are long-lived, slow-reproducing, and have small populations. Common loons in the oil-spill area may number only a few thousand, including only hundreds in Prince William Sound. Common loons injured by the spill probably included a mixture of resident and migrant birds, and their recovery status is not known.

Recovery Objective

No realistic recovery objective can be identified without more information on injury to and the recovery status of common loons.

COMMON MURRES

Injury and Recovery

About 30,000 carcasses of oiled birds were picked up following the oil spill, and 74 percent of them were common and thick-billed murres (mostly common murres)... Many more murres probably died than actually were recovered. Based on surveys of index colonies at such locations as Resurrection Bay, the Chiswell, Barren, and Triplet islands, and Puale Bay, the spill-area population may have declined by about 40 percent following the spill. In addition to direct losses of murres, there is evidence that the timing of reproduction was disrupted and productivity reduced. Interpretation of the effects of the spill, however, is complicated by incomplete prespill data and by indications that populations at some colonies were in decline before the oil spill.

Postspill monitoring of productivity at the colonies in the Barren Islands indicates that reproductive timing and success were again within normal bounds by 1993. Numbers of adult murres were last surveyed at those same colonies in 1994. At that time, the local population had not returned to prespill levels.

The Alaska Predator Ecosystem Experiment (APEX project), funded by the Trustee Council, is investigating the linkages among murre populations and changes in the abundance of forage fish, such as Pacific herring, sand lance, and capelin.

Recovery Objective

Common murres will have recovered when populations at index colonies have returned to prespill levels and when productivity is sustained within normal bounds. Increasing population trends at index colonies will be a further indication that recovery is underway.

CORMORANTS

Injury and Recovery

Cormorants are large fish-eating birds that spend much of their time on the water or perched on rocks near the water. Three species typically are found within the oil-spill area.

Carcasses of 838 cormorants were recovered following the oil spill, including 418 pelagic, 161 red-faced, 38 double-crested, and 221 unidentified cormorants. Many more cormorants probably died as a result of the spill, but their carcasses were not found.

No regional population estimates are available for any of the cormorant species found in the oilspill area. The U.S. Fish and Wildlife Service Alaska Seabird Colony Catalog, however, currently lists counts of 7,161 pelagic cormorants, 8,967 red-faced cormorants, and 1,558 double-crested cormorants in the oil-spill area. These are direct counts at colonies, not overall population estimates, but they suggest that population sizes are small. In this context, it appears that injury to all three cormorant species may have been significant.

Counts on the outer Kenai Peninsula coast suggested that the direct mortality of cormorants due to oil resulted in fewer birds in this area in 1989 compared to 1986. In addition, there were statistically-significant declines in the estimated numbers of cormorants (all three species combined) in Prince William Sound based on pre- and postspill July boat surveys (1972-73 v 1989-91), and there were fewer cormorants in oiled than in unoiled parts of the Sound. More recent surveys (1993-94) did not show an increasing population trend since the oil spill. With support from the Trustee Council, these boat surveys will be repeated in 1996.

Recovery Objective

6

Pelagic, red-faced, and double-crested cormorants will have recovered when their populations return to prespill levels in the oil-spill area. An increasing population trend in Prince William Sound will indicate that recovery is underway.

CUTTHROAT TROUT

Injury and Recovery

Prince William Sound is at the northwestern limit of the range of cutthroat trout, and few stocks are known to exist within the Sound. Local cutthroat trout populations rarely number more than 1,000 each, and the fish have small home ranges and are geographically isolated. Cutthroat trout, therefore, are highly vulnerable to exploitation, habitat alteration, or pollution.

Following the oil spill, cutthroat trout in a small number of oiled index streams grew more slowly than in unoiled streams, possibly as a result of reduced food supplies or exposure to oil, and there is concern that reduced growth rates may have led to reduced survival. The difference in growth rates persisted through 1991. No studies have been conducted since then, and the recovery status of this species is not known.

Recovery Objective

Cutthroat trout will have recovered when growth rates within oiled areas are similar to those for unoiled areas, after taking into account geographic differences.

DESIGNATED WILDERNESS AREAS

Injury and Recovery

The oil spill delivered oil in varying quantities to the waters adjoining the seven areas designated as wilderness areas and wilderness study areas by Congress. Oil also was deposited above the mean high-tide line at these locations. During the intense clean-up seasons of 1989 and 1990, thousands of workers and hundreds of pieces of equipment were at work in the spill zone. This activity was an unprecedented imposition of people, noise, and activity on the area's undeveloped and normally sparsely occupied landscape. Although activity levels on these wilderness shores have probably returned to normal, at some locations there is still residual oil.

Recovery Objective

Designated wilderness areas will have recovered when oil is no longer encountered in them and the public perceives them to be recovered from the spill.

DOLLY VARDEN

Injury and Recovery

Like the cutthroat trout, there is evidence that Dolly Varden grew more slowly in oiled streams than in unoiled streams, and there is concern that reduced growth rates may have led to reduced survival. However, no data have been gathered since 1991. The recovery status of this species is not known.

Recovery Objective

Dolly Varden will have recovered when growth rates within oiled streams are comparable to those in unoiled streams, after taking into account geographic differences.

HARBOR SEALS

Injury and Recovery

Harbor seal numbers were declining in the Gulf of Alaska, including in Prince William Sound, before the oil spill. *Exxon Valdez* oil affected harbor seal habitats, including key haul-out areas and adjacent waters, in Prince William Sound and as far away as Tugidak Island, near Kodiak. Estimated mortality as a direct result of the oil spill was about 300 seals in oiled parts of Prince William Sound. Based on surveys conducted before (1988) and after (1989) the oil spill, seals in oiled areas had declined by 43 percent, compared to 11 percent in unoiled areas.

In a declining population deaths exceed births, and harbor seals in both oiled and unoiled parts of Prince William Sound have continued to decline since the spill. For the period 1989-1994, the average estimated annual rate of decline was about 6 percent. Changes in the amount or quality of food may have been an initial cause of this long-term decline. Although there is no evidence that such factors as predation by killer whales, subsistence hunting, and interactions with commerical fisheries caused the decline in the harbor seal population, these are among the on-going sources of mortality.

Harbor seals have long been a key subsistence resource in the oil-spill area. Subsistence hunting is affected by the declining seal population, and lack of opportunities to hunt seals has changed the diets of subsistence users who traditionally had relied heavily on these marine mammals.

Recovery Objective

Harbor seals will have recovered from the effects of the oil spill when their population is stable or increasing.

HARLEQUIN DUCKS

Injury and Recovery

Harlequin ducks feed in intertidal and shallow subtidal habitats where most of the spilled oil was initially stranded. More than 200 harlequin ducks were found dead in 1989, mostly in Prince William Sound. Many more than that number probably died throughout the spill area. Since the oil spill occurred in early spring, before wintering harlequins had left the oil-spill area, the impacts of the oil spill may have extended beyond the immediate spill area. The geographic extent of these impacts is not known.

Bile samples from harlequin ducks (combined with samples from Barrow's and common goldeneye) collected in eastern and western Prince William Sound and in the western Kodiak Archipelago in 1989-90 had higher concentrations of hydrocarbon metabolites than a small number of samples from harlequins and goldeneye collected at Juneau. Prespill data on harlequin populations and productivity are poor and complicated by possible geographic

differences in habitat quality. However, the summer population in Prince William Sound is small, only a few thousand birds. There continues to be concern about poor reproduction and a possible decline in numbers of molting birds in western versus eastern parts of the Sound.

Recovery Objective

Harlequin ducks will have recovered when breeding and postbreeding season densities and production of young return to prespill levels. A normal population age- and sex-structure and reproductive success, taking into account geographic differences, will indicate that recovery is underway.

INTERTIDAL COMMUNITIES

Injury and Recovery

Portions of 1,500 miles of coastline were oiled by the spill in Prince William Sound, on the Kenai and Alaska peninsulas, and in the Kodiak Archipelago. Both the oil and intensive clean-up activities had significant impacts on the flora and fauna of the intertidal zone, the area of beach between low and high tides. Intertidal resources are important to subsistence users, sea and river otters, and to a variety of birds, including black oystercatchers, harlequin ducks, surf scoters, and pigeon guillemots.

Impacts to intertidal organisms occurred at all tidal levels in all types of habitats throughout the oil-spill area. Many species of algae and invertebrates were less abundant at oiled sites compared to unoiled reference sites. Other opportunistic species, including a small species of barnacle, oligochaete worms, and filamentous brown algae, colonized shores where dominant species were removed by the oil spill and clean-up activities. The abundance and reproductive potential of the common seaweed, *Fucus gardneri* (known as rockweed or popweed), was also reduced following the spill.

On the sheltered, bedrock shores that are common in Prince William Sound, full recovery of *Fucus* is crucial for the recovery of intertidal communities at these sites, since many invertebrate organisms depend on the cover provided by this seaweed. *Fucus* has not yet fully recovered in the upper intertidal zone on shores subjected to direct sunlight, but in many locations, recovery of intertidal communities has made substantial progress. In other habitat types, such as estuaries and cobble beaches, many species did not show signs of recovery when they were last surveyed in 1991.

Recovery Objective

Intertidal communities will have recovered when community composition on oiled shorelines is similar to that which would have prevailed in the absence of the spill. Indications of recovery are the reestablishment of important species, such as *Fucus* at sheltered rocky sites, the convergence in community composition on oiled and unoiled shorelines, and the provision of adequate, uncontaminated food supplies for top predators in intertidal and nearshore habitats.

Injury and Recovery

More than 80 killer whales in six "resident" pods regularly use Prince William Sound within their ranges. Other whales in "transient" groups are observed in the Sound less frequently. There has been particular concern in Prince William Sound about the resident AB pod, which numbered 36 animals prior to the spill. Fourteen whales disappeared from this pod in 1989 and 1990, during which time no young were recruited into the population. Although four calves were added to the AB pod during 1992-94, surveys in 1994 and 1995 indicate the loss of five more adult whales. The link between these losses and the oil spill is only circumstantial, but the likely mortality of killer whales in the AB pod in Prince William Sound following the spill far exceeds rates observed for other pods in British Columbia and Puget Sound over the last 20 years. In addition to the effects of the oil spill, there has been concern about the possible shooting of killer whales, perhaps due to conflicts with long-line fisheries.

The AB pod may never regain its former size, but overall numbers within the major resident killer whale pods in Prince William Sound are at or exceed prespill levels. There is concern, however, that a decline in resightings of individuals within the AT group of transient killer whales has accelerated following the oil spill.

Recovery Objective

Killer whales in the AB pod will have recovered when the number of individuals in the pod is stable or increasing relative to the trends of other major resident pods in Prince William Sound.

KITTLITZ'S MURRELETS

Injury and Recovery

The Kittlitz's murrelet is found only in Alaska and portions of the Russian Far East, and a large fraction of the world population, which may number only a few tens of thousands, breeds in Prince William Sound. The Kenai Peninsula coast and Kachemak Bay are also important concentration areas for this species. Very little is known about Kittlitz's murrelets. However, they associate closely with tidewater glaciers and nest on scree slopes and similar sites on the ground.

Seventy-two Kittlitz's murrelets were positively identified among the bird carcasses recovered after the oil spill. Nearly 450 more *Brachyramphus* murrelets were not identified to the species level, and it is reasonable to assume that some of these were Kittlitz's. In addition, many more murrelets probably were killed by the oil than were actually recovered. One published estimate places direct mortality of Kittlitz's murrelets from the oil spill at 1,000-2,000 individuals, which would represent a substantial fraction of the world population.

Because of the highly patchy distribution of Kittlitz's murrelet, the difficulty of identifying them in the field, and the fact that so little is known about this species, the recovery status of the Kittlitz's murrelet is not known. The Trustee Council has funded an exploratory study on the ecology and distribution of this murrelet starting in 1996.

Recovery Objective

No recovery objective can be identified for Kittlitz's murrelet at this time.

MARBLED MURRELETS

Injury and Recovery

The northern Gulf of Alaska, including Prince William Sound, is a key area of concentration in the distribution of marbled murrelets. The marbled murrelet is federally listed as a threatened species in Washington, Oregon, and California; it is also listed as threatened in British Columbia.

The marbled murrelet population in Prince William Sound had declined before the oil spill. The causes of the prespill decline are unknown, but may be related to changing food supplies. It is not known whether the murrelet population was still declining at the time of the oil spill; but the spill caused additional losses of murrelets. Carcasses of nearly 1,100 *Brachyramphus* murrelets were found after the spill, and about 90 percent of the murrelets that could be identified to the species level were marbled murrelets. Many more murrelets probably were killed by the oil than were found, and it is estimated that as much as 7 percent of the marbled murrelet population in the oil-spill area was killed by the spill.

Population estimates for murrelets are highly variable. Postspill boat surveys do not yet indicate any statistically significant increase in numbers of marbled murrelets in Prince William Sound, nor is there evidence of any further decline.

Recovery Objective

Marbled murrelets will have recovered when its population is stable or increasing. Stable or increasing productivity will be an indication that recovery is underway.

MUSSELS

Injury and Recovery

Mussels are an important prey species in the nearshore ecosystem throughout the oil-spill area, and beds of mussels provide physical stability and habitat for other organisms in the intertidal zone. For these reasons, mussel beds were purposely left alone during *Exxon Valdez* clean-up operations.

In 1991, high concentrations of relatively unweathered oil were found in the mussels and underlying byssal mats and sediments in certain dense mussel beds. The biological significance of oiled mussel beds is not known, but they are potential pathways of oil contamination for local populations of harlequin ducks, black oystercatchers, river otters, and juvenile sea otters, all of which feed to some extent on mussels and show some signs of continuing injury.

About 30 mussel beds in Prince William Sound are known still to have oil residue, and 12 of them were cleaned on an experimental basis in 1994. By August 1995, these beds showed a 98 percent reduction in oil in the replacement sediments, compared to what had been there before. Mussel beds along the outer Kenai Peninsula coast, the Alaska Peninsula, and Kodiak

Archipelago were surveyed for the presence of oil in 1992, 1993, and 1995. Hydrocarbon concentrations in mussels and sediments at these Gulf of Alaska sites is generally lower than for sites in the Sound, but at some sites substantial concentrations persist.

Subsistence users continue to be concerned about contamination from oiled mussel beds. The Nearshore Vertebrate Predator project is focusing on mussels as a key prey species and component of the nearshore ecosystem.

Recovery Objective

Mussels will have recovered when concentrations of oil in the mussels and in the sediments below mussel beds reach background levels, do not contaminate their predators, and do not affect subsistence uses.

PACIFIC HERRING

Injury and Recovery

Pacific herring spawned in intertidal and subtidal habitats in Prince William Sound shortly after the oil spill. A significant portion of these spawning habitats as well as herring staging areas in the Sound were contaminated by oil. Field studies conducted in 1989 and 1990 documented increased rates of egg mortality and larval deformities in oiled versus unoiled areas. Subsequent laboratory studies confirm that these effects can be caused by exposure to *Exxon Valdez* oil, but the significance of these injuries at a population level is not known.

The 1988 prespill year-class of Pacific herring was very strong in Prince William Sound, and, as a result, the estimated peak biomass of spawning adults in 1992 was at a record level. In 1993, however, there was an unprecedented crash of the adult herring population. A viral disease and fungus were the probable agents of mortality, and the connection between the oil spill and the disease outbreak is under investigation. Numbers of spawning herring in Prince William Sound remained depressed through the 1995 season. Preliminary results from the Sound Ecosystem Assessment (SEA) Project indicate the possible significance of walleye pollock as both competitors with and predators on herring, which may indicate that there is a connection between the lack of recruitment of strong year classes of herring and the presence of large numbers of pollock in Prince William Sound.

Pacific herring are extremely important ecologically and commercially and for subsistence users. Reduced herring populations could have significant implications for both their predators and their prey, and the closure of the herring fishery from 1993 through 1996 has had serious economic impact on people and communities in Prince William Sound.

Recovery Objective

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Pacific herring will have recovered when the next highly successful year class is recruited into the fishery and when other indicators of population health are sustained within normal bounds in Prince William Sound.

PIGEON GUILLEMOTS

Injury and Recovery

Although the pigeon guillemot is widely distributed in the north Pacific region, nowhere does it occur in large numbers or concentrations. Because guillemots feed in shallow, nearshore waters, the guillemots and the fish on which they prey are vulnerable to oil pollution.

Like the marbled murrelet, there is evidence that the pigeon guillemot population in Prince William Sound had declined before the spill. The causes of the prespill decline are unknown. It is estimated that 10-15 percent of the spill-area population may have died following the spill. Guillemot nesting on the Naked Islands was well-studied in 1978-81. Postspill surveys using the same methods indicated a decline of about 40 percent in guillemots in the Naked Islands. Based on boat surveys, the overall guillemot population in the Sound declined as well.

Numbers of guillemots recorded on boat surveys are highly variable, and there is not yet any statistically significant evidence of a postspill population increase. The factors responsible for the guillemot's prespill decline may negate or mask recovery from the effects of the oil spill.

The Alaska Predator Ecosystem Experiment (APEX) project is investigating the possible link between pigeon guillemot declines to the availability and abundance of forage fish, such as Pacific herring, sand lance, and capelin. The Nearshore Vertebrate Predator (NVP) project also addresses the possibility that exposure to oil continues to limit the guillemot's recovery. Both projects are supported by the Trustee Council.

Recovery Objective

Pigeon guillemots will have recovered when their population is stable or increasing. Sustained productivity within normal bounds will be an indication that recovery is underway.

PINK SALMON

Injury and Recovery

About 75 percent of wild pink salmon in Prince William Sound spawn in the intertidal portions of streams and were highly vulnerable to the effects of the oil spill. Hatchery salmon and wild salmon from both intertidal and upstream spawning habitats swam through oiled waters and ingested oil particles and oiled prey as they foraged in the Sound and emigrated to the sea. As a result, three types of early life-stage injuries were identified: First, growth rates in juvenile pink salmon from oiled parts of Prince William Sound were reduced. Second, there was increased egg mortality in oiled versus unoiled streams. A possible third effect, genetic damage, is under investigation.

In the years preceding the spill, returns of wild pink salmon in Prince William Sound varied from a maximum of 21.0 million fish in 1984 to a minimum of 1.8 million in 1988. Since the spill, returns of wild pinks have varied from a high of about 14.4 million fish in 1990 to a low of about 2.2 million in 1992. There is a particular concern about the Sound's southwest management district, where returns of both hatchery and wild stocks have been generally weak since the oil spill. Because of the tremendous natural variation in adult returns, however, it is difficult to

attribute poor returns in a given year to injuries caused by *Exxon Valdez* oil. For pink salmon, mortalities of eggs and juveniles remain the best indicators of injury and recovery.

Evidence of reduced juvenile growth rates was limited to the 1989 season, but increased egg mortality persisted in oiled compared to unoiled streams through 1993. The 1994 and 1995 seasons were the first since 1989 in which there were no statistically significant differences in egg mortalities in oiled and unoiled streams. These data indicate that recovery from oil-spill effects is underway.

The Sound Ecosystem Assessment (SEA) Project is exploring oceanographic and ecological factors that influence production of pink salmon and Pacific herring. These natural factors are likely to have the greatest influence over year-to-year returns in both wild and hatchery stocks of pink salmon.

Recovery Objective

Pink salmon will have recovered when population indicators, such as growth and survival, are within normal bounds and there are no statistically significant differences in egg mortalities in oiled and unoiled streams for two years each of odd- and even-year runs in Prince William Sound.

RIVER OTTERS

Injury and Recovery

River otters have a low population density and an unknown population size in Prince William Sound, and, therefore, it is hard to assess oil-spill effects. Twelve river otter carcasses were found following the spill, but the actual mortality is not known. Studies conducted during 1989-91 identified several differences between river otters in oiled and unoiled areas in Prince William Sound, including biochemical evidence of exposure to hydrocarbons or other sources of stress, reduced diversity in prey species, reduced body size (length-weight), and increased territory size. Since there were no prespill data and sample sizes were small, it is not clear that these differences are the result of the oil spill.

The Nearshore Vertebrate Predator project, now underway, will shed new light on the status of the river otter. In 1995 the Alaska Board of Game used its emergency authority to restrict trapping of river otters in western Prince William Sound to ensure that the results of this study are not compromised by the removal of animals from study areas on Jackpot and Knight islands.

Recovery Objective

The river otter will have recovered when biochemical indices of hydrocarbon exposure or other stresses and indices of habitat use are similar between oiled and unoiled areas of Prince William Sound, after taking into account any geographic differences.

ROCKFISH

Injury and Recovery

Very little is known about rockfish populations in the northern Gulf of Alaska. A small number of dead adult rockfish was recovered following the oil spill, and autopsies of five specimens indicated that oil ingestion was the cause of death. Analysis of other rockfish showed exposure to hydrocarbons and probable sublethal effects. In addition, closures to salmon fisheries apparently increased fishing pressures on rockfish, which may have adversely affected the rockfish population. However, the original extent of injury and the current recovery status of this species are unknown.

Recovery Objective

No recovery objective can be identified.

SEA OTTERS

Injury and Recovery

By the late 1800s, sea otters had been eliminated from most of their historical range in Alaska due to excessive fur harvesting by Russian and American fleets. Surveys of sea otters in the 1970s and 1980s, however, indicated a healthy and expanding population, including in Prince William Sound, prior to the oil spill. Sea otters are today an important subsistence resource for their furs.

About 1,000 sea otter carcasses were recovered following the spill, although additional animals probably died but were not recovered. In 1990 and 1991, higher-than-expected proportions of prime-age adult sea otters were found dead in western Prince William Sound, and there was evidence of higher mortality of recently weaned juveniles in oiled areas. By 1992-93, overwintering mortality rates for juveniles had decreased, but were still higher in oiled than in unoiled parts of the Sound.

Based on boat surveys conducted in Prince William Sound, there is not yet statistically significant evidence of an overall population increase following the oil spill (1990-94). This lack of a significant positive trend, however, may result from low statistical power in the survey, which will be repeated in 1996.

Based on observations by local residents, it is evident that the sea otter is abundant in much of Prince William Sound. There is no evidence that recovery has occurred, however, in heavily oiled parts of western Prince William Sound, such as around northern Knight Island. The Nearshore Vertebrate Predator project, which was started in 1995, should help clarify the recovery status of the sea otter in the western Sound.

Recovery Objective

Sea otters will have recovered when the population in oiled areas returns to its prespill abundance and distribution. An increasing population trend and normal reproduction and age structure in western Prince William Sound will indicate that recovery is underway.

SEDIMENTS

Injury and Recovery

Exxon Valdez oil penetrated deeply into cobble and boulder beaches that are common on shorelines throughout the spill area, especially in sheltered habitats. Cleaning and natural degradation removed much of the oil from the intertidal zone, but visually identifiable surface and subsurface oil persists at many locations.

The last comprehensive survey of shorelines in Prince William Sound, conducted in 1993, included 45 areas of shoreline known to have had the most significant oiling. Based on that survey, it was estimated that heavy subsurface oil had decreased by 65 percent since 1991 and that surface oil had decreased by 50 percent over the same time period. Surveys also have indicated that remaining shoreline oil in the Sound is relatively stable and, by this time, is likely to decrease only slowly. Oil also persists under armored rock settings on the Kenai and Alaska peninsulas, and this oil has undergone little chemical change since 1989.

In 1995, a shoreline survey team visited 30 sites in the Kodiak Archipelago that had measurable or reported oiling in 1990 and 1991. The survey team found no oil or only trace amounts at these sites. The oiling in the Kodiak area is not persisting as it is at sites in Prince William Sound due to the higher energy settings in the Kodiak area, the state of the oil when it came ashore, and the smaller concentrations of initial oiling relative to the Sound.

Following the oil spill, chemical analyses of oil in subtidal sediments were conducted at a small number of index sites in Prince William Sound. At these sites, oil in subtidal sediments reached its greatest concentrations at water depths of 20 meters below mean low tide, although elevated levels of hydrocarbon-degrading bacteria (associated with elevated hydrocarbons) were detected at depths of 40 and 100 meters in 1990 in Prince William Sound. By 1993, however, there was little evidence of *Exxon Valdez* oil and related microbial activity at most index sites in Prince William Sound, except at those associated with sheltered beaches that were heavily oiled in 1989. These index sites--at Herring, Northwest, and Sleepy bays--are among the few sites at which subtidal oiling is still known to occur.

Recovery Objective

Sediments will have recovered when there are no longer residues of *Exxon Valdez* oil on shorelines (both tidal and subtidal) in the oil-spill area. Declining oil residues and diminishing toxicity are indications that recovery is underway.

SOCKEYE SALMON

Injury and Recovery

Commercial salmon fishing was closed in Prince William Sound and in portions of Cook Inlet and near Kodiak in 1989 to avoid any possibility of contaminated salmon being sent to market. As a result, there were higher-than-desirable numbers (i.e., overescapement) of spawning sockeye salmon entering the Kenai River, Red and Akalura lakes on Kodiak Island, and other lakes on Afognak Island and the Alaska Peninsula. Initially these high escapements may have produced an overabundance of juvenile sockeye that overgrazed the zooplankton, thus altering planktonic food webs in the nursery lakes. Although the exact mechanism is unclear, the result was lost sockeye production as shown by declines in the returns of adults per spawning sockeye.

The effects of the 1989 overescapement of sockeye salmon have persisted in the Kenai River system through 1995. Although the overall escapement goal for that system was met in 1995, there is concern that the initial overescapement will continue to affect post-spill year-classes.

Production of zooplankton in both Red and Akalura lakes on Kodiak Island has rebounded from the effects of the overescapement at the time of the oil spill. There continues to be some problem in the rate of production of sockeye fry in Red and Akalura lakes. This problem may or may not be linked to the overescapement, and possible additional factors include low egg-tofry survival, competition from other freshwater fishes, and the interception of adults in the mixed-stock fishery harvest offshore.

Recovery Objective

Sockeye salmon in the Kenai River system and Red and Akalura lakes will have recovered when adult returns-per-spawner are within normal bounds.

SUBTIDAL COMMUNITIES

Injury and Recovery

Oil that was transported down to subtidal habitats apparently caused changes in the abundance and species composition of plant and animal populations below lower tides. Different habitats, including eelgrass beds, kelp beds, and adjacent nearshore waters (depths less than 20 meters), were compared at oiled and unoiled sites. Biologically, the greatest differences were detected at oiled sites with sandy sea bottoms in the vicinity of eelgrass beds, at which there were reduced abundances of eelgrass shoots and flowers and helmet crabs. The abundance and diversity of worms, clams, snails, and oil-sensitive amphipods (sand fleas) also were reduced. Organisms living in sediment at depths of 3-20 meters were especially affected. Some opportunistic (i.e., stress-tolerant) invertebrates within the substrate, mussels and worms on the eelgrass, and juvenile cod, were greater in numbers at oiled sites.

By 1993, oil concentrations in sediments had dropped considerably, so that there was little difference between oiled and unoiled sites. The eelgrass habitat, the only habitat examined in 1993, revealed fewer differences in abundances of plants and animals. As was true in 1990, however, some opportunistic species still were more abundant at oiled sites. These included the opportunistic worms and snails, mussels and worms on the eelgrass, and juvenile cod.

Preliminary results from eelgrass habitats visited in 1995 revealed that natural recovery had occurred. No difference was detected in abundance of eelgrass shoots and flowers, mussels on eelgrass, amphipods, helmet crabs, and dominant sea stars between oiled and unoiled sites. The abundance of small green sea urchins, however, was more than 10 times greater at oiled sites. The possibility that urchins increased due to a reduction in numbers of sea otters, which prey on urchins, is being examined in the Nearshore Vertebrate Predator Project. Analyses of the recent oil concentrations in sediments and organisms that live within the substrate are not yet complete.

Recovery Objective

Subtidal communities will have recovered when community composition in oiled areas, especially in association with eelgrass beds, is similar to that in unoiled areas. Indications of recovery are the return of oil-sensitive species, such as amphipods, and the reduction of opportunistic species at oiled sites.

SERVICES

COMMERCIAL FISHING

Injury and Recovery

Commercial fishing is a service that was reduced through injury to commercial fish species (see individual resources) and also through fishing closures. In 1989, closures affected fisheries in Prince William Sound, lower Cook Inlet, upper Cook Inlet, the outer Kenai coast, Kodiak, and Chignik. Most of these fisheries opened again in 1990. Since then, there have been no spill-related district-wide closures, except for the Prince William Sound herring fishery, which was closed in 1993 and has remained closed since then due to the collapse of the herring population and poor fishery recruitment since 1989. These closures, including the on-going closure of the herring fishery in Prince William Sound, harmed the livelihoods of persons who fish for a living and the communities in which they live. To the extent that the oil spill continues to be a factor that reduces opportunities to catch fish, there is on-going injury to commercial fishing as a service.

On this basis, the Trustee Council continues to make major investments in projects to understand and restore commercially important fish species that were injured by the oil spill. These projects include: supplementation work, such as fertilizing Coghill Lake to enhance its sockeye salmon run and construction of a barrier bypass at Little Waterfall Creek; development of tools that have almost immediate benefit for fisheries management, such as otolith mass marking of pink salmon in Prince William Sound and in season genetic stock identification for sockeye salmon in Cook Inlet; and research such as the SEA Project and genetic mapping which will enhance the ability to predict and manage fisheries over the long-term.

Recovery Objective

Commercial fishing will have recovered when the commercially important fish species have recovered and opportunities to catch these species are not lost or reduced because of the effects of the oil spill.

PASSIVE USE

Injury and Recovery

Passive use of resources includes the appreciation of the aesthetic and intrinsic values of undisturbed areas, the value derived from simply knowing that a resource exists, and other nonuse values. Injuries to passive uses are tied to public perceptions of injured resources. Contingent valuation studies conducted by the State of Alaska for the *Exxon Valdez* oil spill litigation measured substantial losses of passive use values resulting from the oil spill.

Recovery Objective

Passive uses will have recovered when people perceive that aesthetic and intrinsic values associated with the spill area are no longer diminished by the oil spill.

RECREATION AND TOURISM

Injury and Recovery

The spill disrupted use of the spill area for recreation and tourism. Resources important for wildlife viewing and which still are injured by the spill include killer whale, sea otter, harbor seal, and various seabirds. Residual oil exists on some beaches with high value for recreation, and its presence may decrease the quality of recreational experiences and discourage recreational use of these beaches.

Closures of sport hunting and fishing also affected use of the spill area for recreation and tourism. Sport fishing resources include salmon, rockfish, Dolly Varden, and cutthroat trout. Since 1992, the Alaska Board of Fisheries has imposed special restrictions on sport fishing in parts of Prince William Sound to protect cutthroat trout populations. Harlequin ducks are hunted in the spill area. The Alaska Board of Game restricted sport harvest of harlequin ducks in Prince William Sound in 1991, and those restrictions remain in place.

Recreation was also affected by changes in human use in response to the spill. For example, displacement of use from oiled areas to unoiled areas increased management problems and facility use in unoiled areas. Some facilities, such as the Green Island cabin and the Fleming Spit camp area, were injured by clean-up workers.

In the years since the oil spill, there has been a general, marked increase in visitation to the spill area. However, there are still locations within the oil-spill area which are avoided by recreational users because of the presence of residual oil.

Recovery Objective

Recreation and tourism will have recovered, in large part, when the fish and wildlife resources on which they depend have recovered, recreation use of oiled beaches is no longer impaired, and facilities and management capabilities can accommodate changes in human use. SUBSISTENCE

Injury and Recovery

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Fifteen predominantly Alaskan Native communities (numbering about 2,200 people) in the oil-spill area rely heavily on harvests of subsistence resources, such as fish, shellfish, seals, deer, ducks, and geese. Many families in other communities, both in and beyond the oil-spill area, also rely on the subsistence resources of the spill area.

Subsistence harvests of fish and wildlife in most of these villages declined substantially following the oil spill. The reasons for the declines include reduced availability of fish and wildlife to harvest, concern about possible health effects of eating contaminated or injured fish and wildlife, and disruption of lifestyles due to clean-up and other activities.

Subsistence foods were tested for evidence of hydrocarbon contamination from 1989-94. No or very low concentrations of petroleum hydrocarbons were found in most subsistence foods. The U.S. Food and Drug Administration determined that eating foods with such low levels of hydrocarbons posed no significant additional risk to human health. Because shellfish can continue to accumulate hydrocarbons, however, the Oil Spill Health Task Force advised subsistence users not to eat shellfish from beaches where oil can be seen or smelled on the surface or subsurface. Residual oil exists on some beaches near subsistence communities. In general, subsistence users remain concerned and uncertain about the safety of fish and other wildlife resources.

The estimated size of the subsistence harvest in pounds per person now appears to have returned to prespill levels in some communities, according to subsistence users through household interviews conducted by the Alaska Department of Fish and Game. These interviews also indicated that the total subsistence harvest began to rebound first in the communities of the Alaska Peninsula, Kodiak Island, and the lower Kenai Peninsula, but that the harvest has lagged behind a year or more in the Prince William Sound villages. The interviews also showed that the relative contributions of certain important subsistence resources remains unusually low. The scarcity of seals, for example, has caused people in Chenega Bay to harvest fewer seals and more salmon than has been customary. Herring have been very scarce throughout Prince William Sound since 1993. Different types of resources have varied cultural and nutritional importance, and the changes in diet composition remain a serious concern to subsistence users. Subsistence users also report that they have to travel farther and expend more time and effort to harvest the same amount as they did before the spill, especially in Prince William Sound.

Subsistence users also point out that the value of subsistence cannot be measured in pounds alone. This conventional measure does not include the cultural value of traditional and customary use of natural resources. Subsistence users say that maintaining their subsistence culture depends on uninterrupted use of fish and wildlife resources. The more time users spend away from subsistence activities, the less likely that they will return to these practices. Continuing injury to natural resources used for subsistence may affect ways of life of entire communities. There is particular concern that the oil spill disrupted opportunities for young people to learn subsistence culture, and that this knowledge may be lost to them in the future.

Recovery Objective

Subsistence will have recovered when injured resources used for subsistence are healthy and productive and exist at prespill levels. In addition, there is recognition that people must be confident that the resources are safe to eat and that the cultural values provided by gathering, preparing, and sharing food need to be reintegrated into community life.

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[Note: This table is modified from p. 32 of the Restoration Plan.]

	INJURED R	ESOURCES		LOST or REDUCED SERVICES	
Recovered Bald eagle	Recovering Archaeological resources* Common murres Intertidal communities** Mussels Pink salmon Sediments Sockeye salmon Subtidal communities	Not Recovered Cormorants (3 species) Harbor seal Harlequin duck Killer whale (AB pod) Marbled murrelet Pacific herring Pigeon guillemot Sea otter (in oiled	Recovery Unknown Black oystercatcher Clams Common Ioon Cutthroat trout Designated Wilderness areas Dolly Varden Kittlitz's murrelet River otter Rockfish	Commercial fishing Passive uses Recreation and Tourism including sport fishing, sport hunting, and other recreation uses Subsistence	
	*Archaeological resources are not renewable in the same way that biological resources are, but there has been significant progress toward the recovery objective. T **Status of intertidal communities based largely on monitoring in sheltered rocky habitats in Prince William Sound; status of other intertidal habitats is less certain or unknown, though some recovery can be anticipated.	west. PWS)			

Table 2. Resources and Services Injured by the Spill

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Amending the List of Injured Resources and Services. The list of injured resources and services will be reviewed as new information is obtained through research, monitoring, and other studies sponsored by the Trustee Council. In addition, information may be submitted to add to or otherwise change this list. This information can include research results, assessment of population trends, ethnographic and historical data, and supportive rationale. Information that has been through an appropriate scientific review process is preferable. If data have not been peer reviewed, they should be presented in a format that permits and facilitates peer review. Information to change the list will be reviewed through the Trustee Council's scientific review process.

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

го:	Trustee Council
FROM:	Molly McCammon Executive Director
DATE:	November 22, 1996

RE: Crab and shrimp update

Those of you present at the Trustee Council's public hearing in Kodiak last spring will recall that several members of the public expressed interest in restoration of crab and shrimp in the spill area. This interest was also expressed in the six Kodiak villages I visited last spring, as well by several residents of lower Cook Inlet communities.

As a result, I asked Stan Senner and Bob Spies to compile whatever information existed on oilspill impacts and the current status of restoration, research and management activities. The attached memorandum is that end product.

I have asked Stan to work with Communications Coordinator Joe Hunt to put this information into an easily understood, 1 or 2 page brochure for the general public. We plan to discuss this at the annual workshop in January with the community facilitators.

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

То:	Molly McCammon, Executive Director
From:	Stan Senner, Science Coordinator Stram Seman
Subject:	Crab, Shrimp, and the Exxon Valdez Oil Spill
Date:	October 29, 1996

This memorandum is in response to your request for information on the status of crab and shrimp populations in the oil-spill area. Specifically, you asked for information on oil-spill impacts, the kinds of restoration, research, and management activities now underway, and possibilities for future restoration and enhancement activities. You also asked for a recommendation on the possibility of small workshop or other means of addressing concerns about the status of crab and shrimp.

Much of the information presented below on the stock status and current and future restoration and management actions was provided by Gordon Kruse, Alaska Department of Fish and Game, Juneau. Doug Pengilly and William Donaldson, ADFG, Kodiak, and A.J. Paul, University of Alaska Institute of Marine Science, Seward, also were helpful. Any errors in fact or interpretation are my own, as are the recommendations at the end.

EVOS Impacts

There were several Natural Resources Damage Assessment studies that bear on injury to crab and shrimp. The results did not provide any clear evidence of significant or lasting injury to these shellfish due to the oil spill.

Subtidal Study No. 5 (Trowbridge 1995) addressed "Injury to Prince William Sound Spot Shrimp" (*Pandalus platyceros*). Evidence of injury included a lower catch per unit effort (CPUE) in oiled southwestern PWS compared to unoiled northern PWS in 1989 and 1990, fewer eggs per female in the oiled area in 1989, and a higher proportion of inflammatory gill lesions on shrimp in the oiled area. Although the investigator concluded that probably there was injury to spot shrimp due to the oil spill, it was very difficult to assess due to geographic differences in commercial fishing histories (primarily, heavy prespill pressure in southwest PWS). This study was concluded in 1991.

Fish/Shellfish Study No. 14 (O'Clair 1990.) addressed "Injury to Prince William Sound Crabs." This study was intended to document exposure to and the effects of hydrocarbons on Dungeness crabs

(*Cancer magister*) and brown king crabs (*Lithodes aequispinosa*). Although a substantial sample of Dungeness crabs was obtained from eastern PWS, only a single crab was caught in western PWS. The investigator attributed the lack of crabs in western PWS to otter predation. With respect to brown king crabs, the investigator caught a substantial sample in western PWS. Some baseline data on rates of injury (limb loss can be a result of oil exposure) and other parameters were obtained, but there was no clear indication of injury from the oil spill. The study was discontinued after the initial year, 1989.

Fish/Shellfish Study No. 18 (Haynes et al. 1995) addressed "Impacts of the Exxon Valdez Oil Spill on Bottomfish and Shellfish in Prince William Sound." Much of this study concerned bottomfish (e.g., walleye pollock, *Theragra chalcogramma*), but there were some data on sidestripe shrimp (*Pandalopsis dispar*) and Tanner crab (*Chionoecetes bairdi*). A post-spill bottom trawl (1989) in PWS was compared with a similar survey in 1978. There were fewer tanner crabs (i.e., lower CPUE) in the 1989 survey than in 1978. Sidestripe shrimp had just the opposite pattern--there were more shrimp in the postspill survey. There is no clear interpretation of these data with respect to EVOS.

Fish/Shellfish Study No. 19 (Norcross) addressed "Injury to Larval Fish in Prince William Sound." In 1989, larval crustaceans and fish were collected on six cruises in Prince William Sound. Although some of the initial sorting of samples was accomplished, the study was terminated. No funds were provided to complete the identification and analysis of the samples.

Fish/Shellfish Study No. 22 (Freese and O'Clair 1995), addressed "Injury to Crabs Outside Prince William Sound." During 1989 and 1990, the investigators sampled bottom sediments and Dungeness crabs at numerous sites around Kodiak I. and on the eastern Alaska Peninsula. Eight of 15 sites at which crabs were caught had low levels of petroleum hydrocarbons in the sediment, but the residues at only two of the sites could be linked convincingly to EVOS. None of the crab tissues samples at any site showed evidence of hydrocarbon contamination. Thus, there was no evidence of EVOS injury to Dungeness crab in the Kodiak/eastern Alaska Peninsula area.

Finally, the Exxon Corporation also supported at least one study on the effects of the oil spill on crustaceans in Prince William Sound. Analyses of muscle tissues in Tanner crab and spot shrimp by Armstrong et al. (1995) generally showed low concentrations of total polyaromatic hydrocarbons (PAHs) in both oiled and unoiled samples from Prince William Sound. During one cruise in 1990, some localized mortality of juvenile Tanner crabs was documented, but the authors speculate that low bottom-water salinity may have been at least part of the cause. There was a statistically significant difference in the fecundity of coonstripe shrimp between oiled and unoiled areas in 1989-90, apparently due to the oil spill, but the authors do not believe that the difference was consequential given the population dynamics of the species.

Stock Status

Gulf of Alaska crab stocks are generally depressed, though the details depend on the specific area (stocks can even vary bay-by-bay) and species. Generally speaking, red king crab (*Paralithodes*)

camtschaticus) stocks have been depressed since the early 1980s, and the Kodiak red king crab fishery has been closed since 1983. Most Tanner crab stocks have become depressed more recently. Both red king and Tanner crab stocks are at least fairly healthy in SE Alaska.

Aside from fish tickets and dockside samples, Dungeness crab stocks are not assessed. Catch records, however, show that landings from SE Alaska, Yakutat, and Kodiak tend to cycle in ways similar to well-known cycles of Dungeness crab populations from northern California to BC. Dungeness crabs at the northern end of their range (Prince William Sound and Lower Cook Inlet) are quite depressed, however. Stocks in PWS crashed well before the spill, and there is a common perception that sea otter predation is at least partially responsible. New fisheries have developed for other species of deepwater king and Tanner crabs, but these stocks are not assessed either.

In regard to shrimp, historically, the principal species harvested was the pink shrimp (*Pandalus borealis*). Many of these fisheries and stocks crashed in the early 1980s. A fairly stable beam-trawl shrimp fishery has been sustained over many years in SE Alaska, and there are some fairly small pot and trawl fisheries for other shrimp species in the eastern and central Gulf of Alaska.

In addition to information provided by Gordon Kruse, the work by Paul Anderson, National Marine Fisheries Service, and his colleagues is pertinent (Anderson et al. 1996). As part of the Alaska Predator Ecosystem Experiment project, Anderson et al. (1996) are reviewing data from NMFS and ADFG historical small-mesh trawl surveys to examine changes in the composition and abundance of forage fish and other marine life. This work is in progress, but preliminary results give evidence of important shifts among the major species groups in the Gulf of Alaska. Beginning in the late 1970s, there was an abrupt change from catches dominated by shrimp species to large proportions of fish, especially pollock, cod, and flatfish of several species, including Pacific halibut (*Hipploglossus stenolepis*) and arrowtooth flounder (*Atheresthes stamius*). The data from these research trawls correspond rather closely with the rapid declines in commercial landings of shrimp and then crab in the Gulf of Alaska. These changes may be linked to an increase in water temperature of about 2° C during the same time period, but the relationship between the ecological and oceanographic changes still is being explored.

Current Restoration, Research, and Management Activities

Management strategies have become more conservative for crabs and shrimps since their stocks crashed. Typically, managers tend to apply a fishery threshold to depressed stocks such that no fishing occurs when the stock falls below some level. Just this year ADFG implemented a new rebuilding strategy for the depressed red king crab stock in Bristol Bay and is working with the North Pacific Fishery Management Council to implement area closures to minimize impacts of groundfish trawling on these stocks. There has been some research towards enhancement of red king crabs via hatcheries (mostly Japanese researchers), but there may be little prospect that this approach is economically or biologically practical for Alaskan stocks.

Research on crab and shrimp in Alaska is conducted principally by ADFG, NMFS, and the University of Alaska Fairbanks. The University of Washington also has a history of crab research in Alaska. The most coordinated work is conducted on king and Tanner crabs, and there is a long-term research plan in place. Because federal funds support crab research, most of the work is directed toward stocks in the Bering Sea-Aleutain Island area, though some of the work applies to all stocks. The research has been directed at four principal areas of investigation: (1) stock identification--mainly allozyme and DNA-level genetic studies, (2) population estimation--mainly additional surveys on previously unsurveyed stocks and development of length-based models to improve population estimates, (3) studies of stock productivity--several studies of reproductive dynamics of king and Tanner crabs (e.g., importance of male size and shell condition), simulation of population dynamics including growth and mortality changes over time, studies of handling mortality, and investigations of stock-recruit and environment-recruit dynamics, and (4) harvest strategies--analyses through simulation modeling.

Studies on Dungeness crabs are very limited. The most recent studies have been conducted by UAF and NMFS in collaboration with the National Biological Service in Glacier Bay National Park--stock structure, reproductive condition, relationships with sea otters, etc. Most research on Dungeness crabs has been conducted in the west coast states and in BC. Alaska has not funded research on Dungeness crabs to any significant degree.

Studies on shrimp are limited outside of assessment surveys by ADFG and NMFS, although UAF is currently conducting a length-based analysis of the Kachemak Bay shrimp stock in coordination with ADFG. As with Dungeness crabs, Alaska has not funded a meaningful research program on shrimp, and very little is known about the status and even basic biology of key shrimp species.

One of the difficulties posed by depressed crab and shrimp populations is that it becomes difficult to justify requests for survey funds when funds are so limited and competition for dollars is intense. In regard to the small-mesh trawl surveys described on page 3, NMFS conducts annual surveys of Pavlof Bay, but this survey is in constant jeopardy of elimination due to reduced funding. The surveys carried out by ADFG are annual, but budget constraints have forced the agency to rotate the surveys through a series of bays (e.g., Kachemak Bay) on a triennial cycle: Each area is only surveyed once every three years rather than annually as had been the case.

Future Restoration and Enhancement Activities

There is so much that is not known about the biology and population dynamics of crabs and shrimp that it is hard to recommend a particular restoration-enhancement activity. If the goal is to provide new fishing alternatives on underutilized crab and shrimp species, then that goal would dictate one set of research projects. On the other hand, if the goal is to restore and maintain king and Tanner crab stocks, then that would dictate a very different set of research projects.

The goal for developing fisheries probably would lead to basic investigations of distribution, reproduction, growth, and mortality, since there currently is not enough information to support development of biologically-based management strategies for new resources. This could be a prime area for experimental management.

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The goal of king and Tanner crab restoration could involve studies on basic ecology and life histories and possible causes for depressed populations. These might include further studies of reproductive dynamics, distributions, and biological communities associated with crab nurseries in relation to groundfish trawling and scallop dredging, role of groundfish predation on crab recruitment, and environmental factors that regulate recruitment processes. There might be a role for lab work with flowing seawater systems as well as field work. (Perhaps this is something that could be done at the Alaska SeaLife Center?) Comparisons between depressed (e.g., Kodiak and Cook Inlet) stocks with healthy stocks (e.g., SE AK) outside the spill area could be most insightful, and the Trustee Council has supported similar comparisons on harbor seals (*Phoca vitulina richardsi*).

In the Kodiak area, Pengilly and Donaldson mentioned a need to describe the geographic distribution of settling habitats for crabs. Once identified, prime settling habitats--areas that might serve as local "source" populations--might warrant special protection (e.g., in the event of another oil spill). There also is need for studies that tie crab settlement and recruitment with crab numbers 5-7 years later. Use of laser line scanning equipment might lead to improvements in stock assessments. Finally, in terms of an experimental approach, there might be value in fishing out a bay, and then seeing what happens to crustacean populations (this would tie in with the results of Anderson et al. on the possibility of a shift in ecosystem composition).

Aspects of the Trustee Council's Sound Ecosystem Project (SEA, /320) should prove to be valuable for crab and shrimp research and management. For example, models of physical oceanography (e.g., circulation patterns) and larval herring drift can be tested on the planktonic larvae of crab and shrimp, thus helping to identify ecological processes and critical habitats of importance to crustaceans. In turn, this enhanced understanding should improve management and predictability. As another example, the SEA fish-predator consumption bioenergetic models might be useful in determining losses of young crab and shrimp to bottomfish, such as cod and pollock.

Conclusion

Although there may have been some injury to crab and shrimp as a result of the oil spill, the nature, degree, and scope of the injury is not known, certainly not on the basis of the EVOS damage assessment studies. Given that most shrimp and crab stocks in the oil-spill area had crashed well before EVOS, probably due to some change in oceanographic conditions and possibly, in some cases, to the effects of harvests, there is no evidence that the oil spill accounts for the current depressed status of crab and shrimp of importance to commercial and subsistence users.

In terms of restoration action, it may be justified to approach work on crab and shrimp from the standpoint of replacement or enhancement. This is a policy decision. It is also evident, however, that there is no project "on the shelf" that will in any immediate sense directly restore, replace, or enhance crab and shrimp resources, particularly if the initial cause of the crashes was environmental. Clearly, there is much that can be done in terms of basic research and stock assessment, which would undoubtedly pay off over the long term through development of new fisheries or improved management of existing fisheries. I see no prospect, however, for an immediate benefit to commercial and subsistence users.

In regard to a possible workshop on this topic, I am sure that a workshop would generate additional ideas in the way of specific needs and opportunities, but it also could raise expectations of a Trustee Council commitment to follow through on the ideas generated. I would be leery of going further unless you and the Trustee Council are prepared to consider a significant multi-year financial commitment to crab and shrimp studies.

The above discussion about how little is known about the status of crab and shrimp and how little actually is being done on these resources underscores for me the importance of sustaining the historical small-mesh trawl surveys now conducted by NMFS and ADFG. These surveys are critical for the insights they provide into the composition of the biota in the Gulf of Alaska ecosystem, including crab and shrimp as well as forage fish, which are a key part of several on-going Trustee Council projects. Perhaps we should consider the importance of sustaining or enhancing this work in the context of the Trustee Council's interest in encouraging and participating in long-term ecological research and monitoring in the Gulf of Alaska.

Finally, after completion of the current phase of the SEA project in 1999, the Trustee Council may want to consider opportunities for "spin-off" research on crab and shrimp. Such work could test and extend the SEA project and improve understanding and management of crab and shrimp populations in Prince William Sound.

Citations

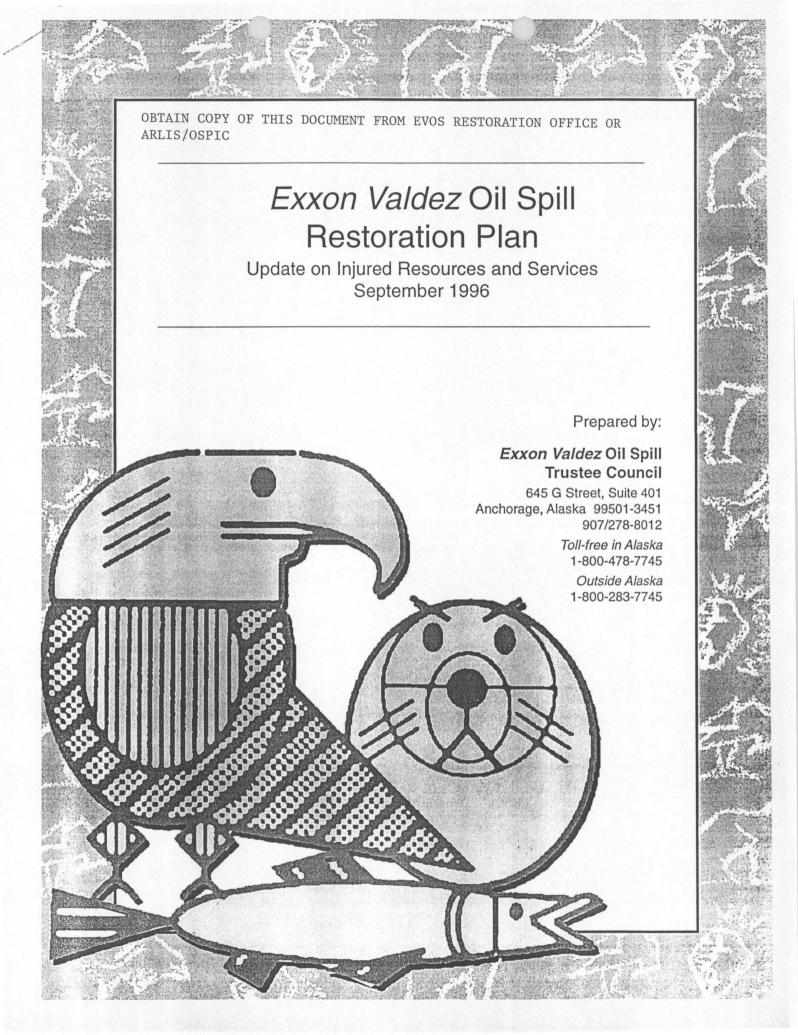
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cc: Robert Spies, Chief Scientist Restoration Work Force Gordon Kruse, ADFG, Juneau Doug Pengilly, ADFG, Kodiak William Donaldson, ADFG, Kodiak Paul Anderson, NMFS, Kodiak A.J. Paul, UAF-IMS, Seward



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Past and Estimated Future Uses of Civil Settlement

(in millions \$)

	and the second	
Reimbursements for Damage and Response		213.1
Governments (includes litigation and cleanup)		173.2 (a)
Exxon (for cleanup after 1/1/92)		39.9
- A second theory of the second s		1. 25, 25
Research, Monitoring and General Restoration	pn - Addi Wei Let	180.0
Actual expenditures:		
• FY 1992 Work Plan		12.4
FY 1993 Work Plan		7.4 (b)
 FY 1994 Work Plan 		14.6
 FY 1995 Work Plan 		17.2
FY 1996 Work Plan	1	17.7
 FY 1997 Work Plan (authorized) 		16.2
FY 1998 - FY 2002 Work Plans (estimate)		64.5
Alutiig Museum	1	1.5
Alaska SeaLife Center		25.5
Reduction of Marine Pollution		3.3
		, 22 z
Habitat Protection		386.3
Large Parcel and Small Parcel habitat protection programs (p		
outstanding offers, estimated future commitments and parce	l evaluation costs)	
Destantian Deserve		100 0
Restoration Reserve		108.0
• FY 1994 — FY 1997		48.0
 FY 1998 — FY 2002 (anticipated) 		60.0
Public Information, Science Management &	Administration	30.9
Actual expenditures:		~~!~
FY 1992 Work Plan		4.3
• FY 1993 Work Plan		2.7 (b)
• FY 1994 Work Plan		4.1
- EV 100E Mark Dian		0.0

Payments	by Exxon
December 1991	\$ 90 million
December 1992	\$150 million
September 1993	\$100 million
September 1994	\$ 70 million
September 1995	\$ 70 million
September 1996	\$ 70 million
September 1997	\$ 70 million
September 1998	\$ 70 million
September 1999	\$ 70 million
September 2000	\$ 70 million
September 2001	\$ 70 million

	100.0
	48.0
:	60.0
Administration	30.9
	4.3
	2.7 (b)
	4.1
	3.2
	3.0
	3.0
	10.6
	918.3
	900.0
(minus fees)	14.5
	3.8

(a) Reimbursement to governments reduced by \$2.7 million included in the FY 1992 Work Plan.

(b) 1993 Work Plan was funded for only 7 months during transition to the federal fiscal year (October 1 - September 30).

Exxon Valdez Oil Spill Facts:

Date and Time: March 24, 1989 12:04 a.m.

Amount spilled:

10.8 million gallons 257,000 barrels

Tanker loaded with: 53.1 million gallons

1.2 million barrels

Oiled Shoreline:

1,547.8 miles total 189.8 miles heavy oiling 165.3 miles moderate oiling 392.1 miles light oiling 850.6 miles very light oiling

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MEMORANDUM

To: Molly McCammon **Executive Director**

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From: Robert B. Spies **Chief Scientist**

Subject: Science and the Restoration Reserve

Date: April 11, 1997

At your request, I have prepared the attached position paper, "Legacy of the Exxon Valdez Oil Spill: Science and the Restoration Reserve," to foster substantive discussion of restoration needs and uses of the Restoration Reserve after the final Exxon payment in 2001. This paper represents my own opinion, having consulted with our distinguished panel of core scientific peer reviewers. as well as with Andy Gunther, assistant chief scientist, and Stan Senner, the Trustee Council's science coordinator. My views are summarized below:

Although many natural resources injured by the oil spill are recovering, the overall time required for recovery will extend well beyond the millenium. In establishing the Restoration Reserve, the Council explicitly recognized that there will be need for restoration actions on an ecosystem basis well into the future. The Council's mission is to return the oil-spill environment to a "healthy, productive, world-renowned ecosystem," which is a goal that goes beyond immediate restoration of injury into the realm of enhancement, as is provided for in the settlement agreement.

Looking beyond the spill to the long-term productivity of the northern Gulf of Alaska ecosystem, we must recognize that pressures on marine environments are increasing, as a growing human population looks to the oceans for sustenance, resource development, transportation, and recreation. Maintaining the capacity of the marine environment to provide these resources and services requires increased understanding of marine ecosystems and the ability to apply this ecological understanding to policy decisions and management actions. Developing such an understanding is, in my opinion, the most productive way that the Restoration Reserve can be used for the restoration and enhancement of injured natural resources and services.

I recommend that the Restoration Reserve be used to fund a permanent, adaptive, interdisciplinary monitoring and research program to track and predict ecological change and provide data and a mechanism for long-term conservation and management. This process should be administered by a small professional staff, building upon the open public process now used by the Council. This program should adopt a long-term approach, providing multi-year support for a lean, integrated monitoring program and carefully targeted research, with the aim of improving the conservation and management of the north gulf ecosystem, which is a priceless living resource. Such a program would provide a marine complement to the magnificent legacy of coastal upland habitats acquired and protected by the Council in the restoration program to date.

SCIENCES SCIENCES EXXON VALDEZ OIL SPILL: SCIENCE AND THE RESTORATION RESERVE

INTRODUCTION

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The mission of the *Exxon Valdez* Oil Spill Trustee Council (Council) is to return the environment to a "healthy, productive, world-renowned ecosystem," by restoring, replacing, enhancing, or acquiring the equivalent of natural resources injured by the spill and the services provided by those resources. The Council carries out this mission through research and monitoring, general restoration, and habitat protection, with the participation of the public. The success of these activities rests on an understanding of how the affected ecosystem is changing and how it naturally functions, knowledge that is largely developed through the Council's scientific program. With the possibility that recovery from the spill would take more than a decade, the Council established a Restoration Reserve to provide funds for restoration activities after the last Exxon payment in September 2001 (*Restoration Plan*, p. 27).

In adopting the *Restoration Plan*, the Council specifically recognized that monitoring recovery, understanding the spill's effects on the ecosystem, and undertaking needed restoration actions "on an ecosystem basis" will extend well into the future. This position paper outlines a rationale for and an approach to using the Restoration Reserve for a permanent, adaptive, interdisciplinary monitoring and research program. This program would track key changes in the northern Gulf of Alaska, based largely on the knowledge being developed in the current Trustee-sponsored ecosystem studies, in order to provide a basis for longterm restoration, enhancement, management, and conservation of its marine resources.

INJURY AND RECOVERY STATUS

The Council's rationale for establishing the Restoration Reserve remains valid; while many species are recovering, recovery is not uniform, nor is progress steady, among injured resources. For example, the harbor seal, which had declined before the oil spill, continues to decline. Sea otters, which are abundant in most of Prince William Sound, still have not recovered in the vicinity of the once-heavily-oiled Knight Island. *Fucus* (rockweed), a keystone species in intertidal communities, is going through oscillations in age structure and abundance. Based on our current understanding of ecological processes, some resources may not return to prespill conditions until well into the next century.

The course of recovery can be complex, as ecosystems are in constant flux due to natural (e.g., ocean currents) and human (e.g., harvests and pollution) factors. Even without EVOS, the northern Gulf of Alaska ecosystem at the millennium will be different from the gulf ecosystem of the 1980s. Thus, the initial and lingering effects of the spill act in combination with other changes in the ecosystem to influence fish and wildlife populations. For example, the prespill decline of the harbor seal was exacerbated by the one-time spill loss of 300 seals in Prince William Sound. A more speculative example is the collapse of the Pacific herring population in Prince William Sound in 1993, probably due to a viral epidemic. The viral epidemic may have been amplified by very high densities of herring kept in the roeon-kelp pound fisheries in the early 1990s, and, perhaps, an interaction with the lingering effects of oil exposure in 1989.

As time passes, the effects of the spill diminish relative to other influences on fish and wildlife populations, but the interaction of the 1989 event with other environmental changes will be a concern well into the future. Examples of human factors that may influence the long-term recovery and management of injured resources include: changes in fisheries economics, hatchery operations, and management practices; development of additional offshore oil and gas leases in Cook Inlet; and increases in human impact on western Prince William Sound should Whittier join the Alaskan road system.

CURRENT SCIENCE PROGRAM

The EVOS science program has evolved considerably since it began in 1989 as a natural resource damage assessment—a series of mainly independent, singlespecies studies aimed at assessing injuries and recovery times. After the settlement in 1991, most of the damage assessment work was concluded and projects emphasizing restoration were initiated. Most importantly the Council adopted an ecological approach to restoration in its *Restoration Plan* in 1994, and the science program was directed to identify factors that control populations of injured resources. As a result, the Council now supports three large, ecosystem-scale projects and other work aimed at identifying mechanisms and processes affecting productivity, recovery, or, in some cases, continued decline, of injured species.

The Council supports the development of innovative tools and techniques to aid and enhance recovery of injured resources. For example, the Council funded the development and installation of thermal mass-marking technology for salmon hatcheries in Prince William Sound, and every hatchery pink salmon fry leaving the sound now carries the mark of its origin. This investment greatly improves "inseason" management to protect scarce stocks of wild pink salmon. The Council has also broken new ground in involving local stakeholders in resource restoration projects.

The FY 97 science program has four interrelated emphases: (1) monitoring recovery of injured populations, (2) identifying factors limiting or influencing productivity and populations, (3) developing management tools and techniques, and (4) synthesizing the results and modeling the state of the ecosystem. Underlying the entire EVOS science program is the Council's concept that applied scientific,

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ecological investigations "have important implications for restoration, for how fish and wildlife resources are managed, and for the communities and people who depend upon the injured resources" (*Restoration Plan*, p. 12). This is consistent with the Magnuson-Stevens Fishery Conservation and Resource Act to identify and protect important habitat and the Alaska Constitution's requirement for sustainable yield from the state's resources. The attached chart suggests a pathway for the science program in FY 1997-2002 in order to synthesize what has been learned to date and to develop a permanent, cost-effective ecological monitoring and research program.

THE PROPOSAL

In the opinion of the Chief Scientist, the Restoration Reserve should support a permanent, adaptive, interdisciplinary monitoring and research program in order to fulfill the mission of the Trustee Council. This program would track, and eventually help predict, ecosystem changes and provide a basis and mechanism for long-term restoration, enhancement, and wise management of marine resources in the northern Gulf of Alaska. Such a program would not only be consistent with the *Restoration Plan*, but would be an extraordinary legacy for Alaska, and especially for all those whose lives are linked to the natural resources and services of this spectacular and productive coastal region. This program should build upon the open and constructive process established by the Council and involve stakeholders, agency personnel, and the academic community in jointly creating and sustaining the program, and in integrating and applying its results.

The core of this long-term program should be a tightly integrated monitoring project that would take the pulse of the northern Gulf of Alaska ecosystem, measuring such parameters as: the strength of the Alaska Coastal Current; timing and composition of spring plankton "blooms;" the distribution and population trends of forage fish; and the productivity and survival of apex predators, such as harbor seals and common murres. This long-term (i.e., decadal scale) program should be supplemented with shorter-term (e.g., 3-5 year) strategically chosen research projects addressing specific management and conservation questions. Periodic invitations to submit proposals, much like the Council's annual invitation, would be issued and funds awarded competitively. Two examples of current needs are: (1) increased understanding of the interrelationships among major seabird colonies in the northern Gulf of Alaska, which would establish a better basis for seabird colony protection, and (2) Mechanisms controlling import of Gulf of Alaska planktonic production into coastal fjords and sounds, which appear to be key to the survival of juvenile herring.

The Trustees have achieved an unprecedented cooperation among multiple agencies, different stakeholders, federal and state interests, scientists and the public. A restoration reserve is the necessary vehicle to carry those partnerships forward to achieve the social benefits of ecosystem management. It is clear that habitat protection, resource management, and management partnerships would be enhanced by this program.

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Protection of Marine Habitats

The Council is investing a large share (about \$385 million) of settlement funds in habitat protection through land acquisition, mostly of coastal uplands. Protection of habitats on which injured fish and wildlife rely (directly or indirectly) is essential to both their recovery and long-term welfare. Upland habitat protection is part of the permanent, positive legacy of EVOS.

The protection of important upland habitats, however, is not sufficient to ensure the recovery and long-term protection of injured resources, which also depend on the marine ecosystem. Thus, it is essential that we also prevent the depletion and degradation of injured resources and habitats in the marine environment due to human activities and the interaction of those activities with natural changes. For example, the Council has acted decisively to protect the forested habitats in which marbled murrelets nest, but nonetheless murrelets may not recover from EVOS if their forage fish base is unprotected.

But more than protecting individual species that use the ocean, there is growing recognition of the need to protect critical marine habitat (as on land), and new tools are available to achieve this goal. For example "essential fish habitats" are recognized under the Magnuson-Stevens Fishery Conservation and Management Act; Congress has created many Marine Sanctuaries; and the Alaska State Legislature has recognized the need for Critical Habitat Areas. Regardless of whether such areas are ever formally designated and protected, EVOS research and monitoring can provide natural resource managers and stakeholders with information on the sensitive areas, times, and processes in the life histories of injured species and the ecosystem. Bottlenecks to productivity and use will be identified by further research and monitoring. This information then provides a basis to set conservation priorities and guide management decisions affecting marine and coastal resources. For example, identification of overwintering habitats for juvenile Pacific herring could indicate the need for special measures to protect water quality in these areas.

Resource Management

The Restoration Plan (p. 25) recognizes that if information is inadequate resource managers may have to unduly restrict human uses of marine resources or take management actions that inadvertently reduce the productivity and health of a resource. In a world where pressures on marine resources will only increase, resource managers need increased understanding of marine ecosystems in order to set conservation priorities and make informed management decisions.

One recent example is the regulation pending before the North Pacific Fishery Management Council to preempt the startup of commercial harvests of forage fish, such as sand lance and capelin, which are harvested agressively elsewhere in the world. Forage fish are prey for everything from big fish, such as pollock, to seabirds and marine mammals, and abundant stocks of forage fish are needed to maintain a healthy marine ecosystem. In the future, measures to protect declining and threatened species, such as Steller sea lions, which depend on forage fish, may profoundly affect commercial fishing practices. By identifying root causes of population declines, long-term monitoring and research can identify preventative measures and reduce or obviate the need for restrictions on human uses.

One of four main goals of the Alaska Research Plan, developed under the Regional Marine Research Act of 1991, is to "distinguish between natural and human-induced changes in the marine ecosystem". This goal requires extended investigations of physical and biological factors that affect recruitment, growth, and survival of key marine species. Not coincidentally, these same approaches are essentially embraced and supported through the Council's science program. The Sound Ecosystem Assessment (SEA) project, for example, is developing dynamic models of salmon and herring recruitment that could enormously improve our ability to manage these major fishery resources over the long-term. Knowledge of natural influences on productivity and populations improves predictability for managers and commercial interests (e.g., the herring fishery), while knowledge of human influences and their interactions with natural change enable us to adjust expectations and human activities accordingly.

To reap the full benefits of this monitoring and research program, it will be necessary to sustain this work over a long term. In the case of cyclic oceanographic phenomena (e.g., movement of the Aleutian Low Pressure system), only work sustained over decades can begin to identify and fully interpret these processes and their ecological consequences. The current EVOS science program, for example, has benefited beyond measure from the fact that the Alaska Department of Fish and Game and the National Marine Fisheries Service have continuous data sets from shrimp trawls going back to the early 1950s. With these data, investigators in the Council's Alaska Predator Ecosystem Experiment (APEX) have documented in detail a major ecological shift in the composition of the coastal marine biota of the Gulf of Alaska in the late 1970s. This information has been crucial in interpreting the present status of marine bird and marine mammal populations in the northern Gulf of Alaska.

A Management Partnership

Making new knowledge about marine ecosystems available does not ensure its efficient utilization by program managers, resource managers, or stakeholders. To be successful, monitoring and research results must be continually evaluated by its designers and users. The program must be adjusted in response to new information, and the new information must be transferred to resource managers and stakeholders for application. It is imperative that resource managers and stakeholders be directly involved in designing the program. Their participation in the development of periodic invitations to submit proposals, project evaluations, and workshops on monitoring and research results is essential. In addition, the

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program staff (see below) should include a person whose job would be to remain abreast of resource management issues and options and to assist in transferring program findings relevant to those management needs.

The current EVOS restoration program has catalyzed significant increases in multi-institutional cooperation. For example within the large ecosystem projects there is participation by state and federal agency personnel, academics from several universities, private nonprofit organizations, and consulting firms. The use of the Restoration Reserve to support a long-term monitoring and research program is an opportunity to build on this high degree of cooperation and go beyond what any of these institutions can reasonably undertake, much less sustain, as a matter of normal institutional operation and agency management. The result should be more consistent, better informed resource use and management. The efficiencies that can be obtained through improved interagency coordination and communication are probably reason enough to support such a program.

GUIDING PRINCIPLES

It is premature to propose the detailed structure of a long-term monitoring and research program. After consideration of the issues involved, however, it seems that a successful program would embrace the following concepts and essential features:

(1) The Restoration Reserve should be managed as an inflation-proofed endowment, with only a conservative fraction of the income available for expenditure. Clearly, restoration needs will extend over many years, and it is only through stable, long-term funding that the Council can fulfill its ultimate goal, which is restoration of a "healthy, productive, world-renowned ecosystem;"

(2) The size of the fund is a policy decision, but a serious, ecosystembased research and monitoring program would require on the order of \$4-5 million annually (inclusive of administrative and other costs, such as public information);

(3) Geographically, there is need for long-term marine research and monitoring throughout coastal Alaska. If the annual available funding is on the order of \$4-5 million, however, an effective program must be geographically focused. The northern Gulf of Alaska area would be appropriate scale to encompass the important oceanographic and biological phenomenona. Going farther afield (e.g., adding the Bering Sea)would quickly be spread the available funds far too thinly;

(4) The program must be designed and operated as a long-term endeavor. Program priorities and commitments should be set on a multiyear basis (e.g., 3-5 years), with scientific oversight and periodic evaluation (5) The program must be administered by a core professional staff that is not directly affiliated with any particular agency or agenda, as is true in the current EVOS restoration program;

(6) Whether or not the Council continues to exist in its current form is a matter of policy not science. However, there must be provision for leadership and input from resource agencies as well as from marine resource stakeholders (e.g., industry, native groups, conservation organizations, academic community) and the public;

(7) The program must be of the highest scientific caliber, with ongoing outside peer review and participation by the best scientists from a variety of institutions (agency, academic, industry, consulting, nongovernmental organizations);

(8) The program must be useful to managers and stakeholders, with active participation of local people in design, evaluation, and application of results;

(9) The program should take advantage of different institutions, facilities and capabilities throughout the region, including the University of Alaska (e.g., Kodiak Fisheries Center), the Alaska SeaLife Center, Prince William Sound Science Center, Auke Bay Laboratory, etc. These institutions should contribute expertise, services, and funds to the program as well as, in some cases, receive funds to carry out elements of the program;

(10) It is essential, however, that the program strive to carry out work that individual cooperating institutions (especially government agencies) are not capable of or are unable to carry out: The current Trustee Council policy of not supporting "normal agency management" must be retained. This program must be greater than the sum of its parts. Individual institutions may be able to carry out parts of the long-term monitoring and research, but implementation of a comprehensive, long-term, and well integrated program will not be possible without something like the Restoration Reserve for support;

(11) The program must be coordinated, and, where appropriate, directly coupled with other marine monitoring and research endeavors (e.g., GLOBEC: Global Oceans Ecosystems Dynamics; NOAA's Fisheries Oceanography Cooperative Investigation Program, FOCI), some of which may be on-going and others which may be of more limited duration. Working

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cooperatively with these other program will provide important opportunites to leverage our efforts beyond what our base program could support;

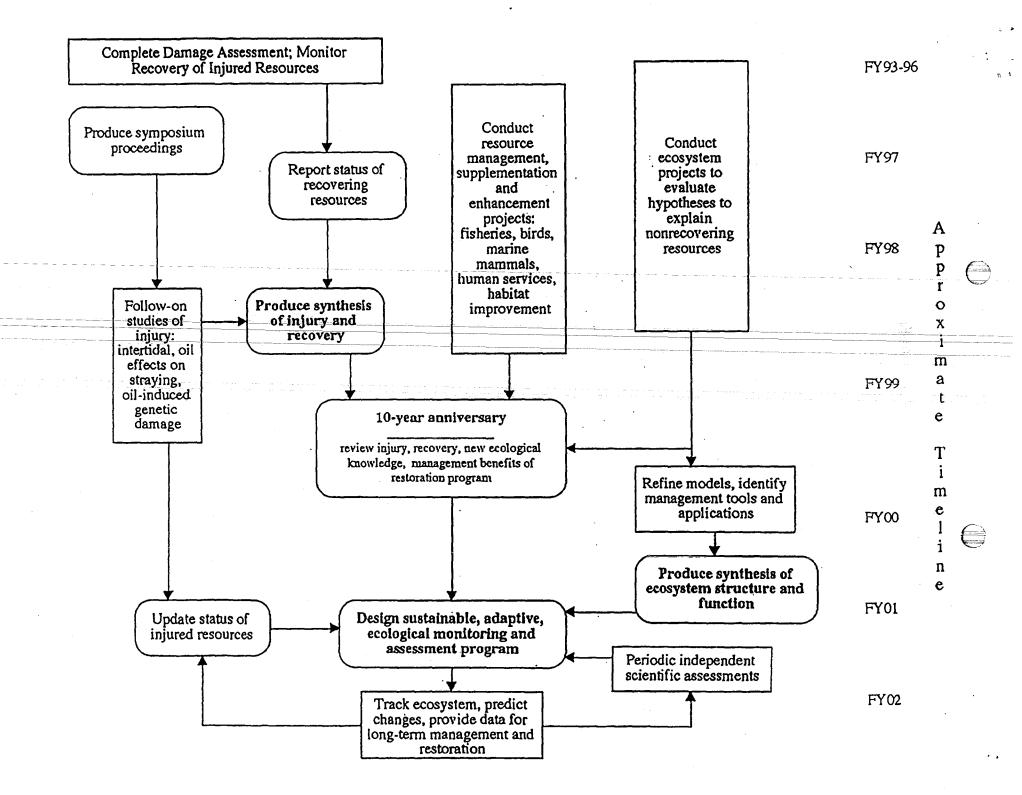
(12) In addition to coordination and active cooperation, this program should provide a forum or vehicle for jointly evaluating, setting, carrying out, and synthesizing marine science priorities and results, along the lines of what Congress intended in the Regional Marine Research Act, but focused on the northern Gulf of Alaska;

(13) There must be public accountability and active interpretation and dissemination of information for the public, perhaps through the school systems and other institutions with educational functions (e.g., Alaska SeaLife Center);

(14) It is essential that provision be made for participation by students, who are cost-effective sources of energy and labor, fresh ideas, and enthusiasm. Such provision could range from stipends and support for graduate student research to continued sponsorship of something like the Youth Area Watch, which involves junior high and high school students from the spill area.

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DRAFT OPTIONS

USE OF THE RESTORATION RESERVE FUND

Background

Following the settlement between the United States and State of Alaska and Exxon in the fall of 1991, the governments embarked upon development of a plan to guide restoration of the resources and services injured by the 1989 oil spill. There had never been a restoration effort of this magnitude attempted before. In addition, the full extent of the injury from the spill was still not known. The Trustees were reluctant to initiate full-scale restoration activities in the absence of an overall coordinated effort embodied in a restoration plan. A major public outreach effort was held in 1992 and 1993, with the publication of what was referred to as the "brochure" and public meetings in all communities in the spill region.

A draft restoration plan was adopted in November 1993 to guide restoration decisions until a final plan could be completed. The draft plan was distributed for public review, public meetings were held, and a Final Environmental Impact Statement prepared, leading to approval of the final *Restoration Plan* in November 1994.

The final *Restoration Plan* provides for establishment of a Restoration Reserve in order to ensure restoration activities would have a source of funding following the final payment from Exxon Corporation in September 2001. This component of the Plan was developed on the assumption that complete recovery from the *Exxon Valdez* oil spill will not occur for decades, based on the lengthy life cycles of salmon and herring, and the slow recovery of a number of resources, such as murres, harbor seals, sea otters and herring. The *Restoration Plan* states:

"Only through long-term observation and, if necessary, restoration actions, can these resources be restored. Moreover, to understand the effect of these injuries on the ecosystem and to take appropriate restoration actions on an ecosystem basis will require actions well into the future."

The *Restoration Plan* also contemplated some form of long-term endowment to support restoration needs. According to the *Restoration Plan*:

"It is anticipated that \$12 million will be allocated to the Reserve each year, subject to the Trustee Council's annual restoration funding process. The Trustee Council intends these funds to be available for restoration in the years following the last payment into the trust

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fund by Exxon in the year 2001. However, because all restoration needs through the year 2001 are not yet known, the Trustees must have the flexibility to use the reserve to fund restoration projects that are clearly needed and cannot be funded by other means. Therefore, while the Council expects the principal and interest from the reserve to be available following Exxon's last payment, the Trustee Council may, following a finding of need, use the principal or interest retained within the fund before that time If at least \$12 million is placed into the reserve each year through 2001, \$108 million or more plus interest would be available for funding restoration after Exxon payments end. Funds from the Restoration Reserve could potentially benefit any resource or service injured by the oil spill. All expenditures from the Restoration Reserve must be consistent with the requirements of the Court Settlement."

Since adoption of the *Restoration Plan*, the Trustee Council has authorized five deposits of \$12 million into the Restoration Reserve.

It is now time to once again review the basic assumptions for which the Reserve was established, and then decide what is appropriate for future uses of these funds. For that reason, the Trustee Council has directed staff to begin a public review process to develop options and recommendations for the future of the Reserve.

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DRAFT OPTIONS

This paper presents a number of options for the use and management of the Reserve Fund. The purpose of the options is to help people visualize the possibilities offered by the Reserve Fund and the implications of different decisions.

Please review these draft options. Comments on the following issues would be most helpful:

- 1. Do the draft options represent a reasonable range of possibilities? Do you recommend additional options?
- 2. What changes would you suggest in the draft options?
- 3. What additional information do you think would help the Trustee Council and the public evaluate the options?

ASSUMPTIONS

The draft options make the following assumptions about the principal in the Reserve Fund in 2002, the rate of return and the long-term inflation rate:

Principal:	\$150 million
Nominal rate of return:	7.5%
Long-term inflation rate:	3.5%
Inflation-adjusted rate of return:	4.0%

Available to spend each year		\$6 million
Available to spend each year	(\$100 million endowment):	\$4 million
Available to spend each year	(\$ 50 million endowment):	\$2 million
A sustable to smand each woon	(\$150 million or on 10 month)	\$22 million

Available to spend each year (\$150 million over 10 years): \$22 million Available to spend each year (\$ 50 million over 10 years): \$7 million

The best estimate of the size of the principal in the Reserve Fund in 2002 is between \$140 million and \$150 million. However, rather than use a range, the higher figure is used. Assumptions about the nominal rate of return (7.5%) and the long-term inflation rate (3.5%) are conservative. These assumptions produce an inflation-adjusted rate of return of 4.0%, which is also the target set by the Alaska Permanent Fund Board of Directors in 1996. If the high growth and low inflation of recent years continue beyond the year 2002, the actual returns of the Reserve Fund could be considerably higher than those cited in the draft options.

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"BUILDING BLOCKS" FOR THE DRAFT OPTIONS

The Trustee Council is evaluating six principle issues in considering draft options: use, location, term, governance, administration and public advice. Please consider whether the following list is complete.

Use:	Research/monitoring foundation
	Additional large parcel acquisitions
	Additional small parcels
	Endowed university chairs
	Community-initiated general restoration projects
Location:	Limited to the spill area
	Northern Gulf of Alaska (a slightly enlarged version of the spill area)
	Marine regions anywhere in Alaska (with priority given to the spill area)
Term:	Perpetual (inflation-adjusted endowment)
	Fixed (e.g., 10 or 20 years)
	rixed (e.g., 10 of 20 years)
Governance:	Trustee Council in its present form
	New board with resource agencies, Native representatives, other
	stakeholders and scientists serving as trustees (with or without
	concurrence by the Trustee Council)
	Existing public or private nonprofit foundation board
Administration:	Downsized version of the current Restoration Office
	Another existing government agency
	Private foundation
Public Advice:	Public Advisory Group in its present form
	Public Advisory Group with different size and makeup
	Public outreach but no Public Advisory Group

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Possible options addressing each of these issues are outlined below.

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Use

Marine Research Program

A fund or foundation would be created for the purpose of supporting marine research and monitoring. The foundation could either be a perpetual, inflation-adjusted endowment, or a declining balance fund with the goal of expending all funds within 10-20 years.

-Additional Large Parcel Acquisitions Habit Protection

The Trustee Council's large parcel acquisition program has either acquired or is negotiating to acquire nearly 650,000 acres of lands from willing landowners in the spill area. The only other private landowners that have identified themselves as willing sellers are Lesnoi, for Cape Chiniak Lands (2,700-18,000 acres); and Chugach Alaska, which owns surface and subsurface estates in the spill area, but is only interested in land exchanges and not in the outright sale of any of their lands. In addition, more lands on Afognak Island are available beyond those under negotiation for the \$70 million currently allocated by the Trustee Council for an Afognak acquisition. There are also other private landowners within the spill area, including CIRI, Port Graham Corporation, and the Chignik Corporations which have not indicated interest in participating in the Council's large parcel program.

Small Parcels Habit Protection

The Trustee Council's Small Parcel Acquisition Program has been very popular with acquisitions to date totaling nearly 7,000 acres. One possibility is to give a set amount of funds to a private organization (e.g., The Nature Conservancy, the Conservation Fund, or the Trust for Public Lands) to manage as an endowment and use the interest for small parcel acquisitions that meet Trustee Council criteria for restoration and are of public interest.

\$2 mil. per chair

daunt n Endowed Upiversity Chairs lund operations. Thair can be littled to location of research

For many years, the possibility of using the Reserve Fund to endow university chairs has been discussed and strongly advocated by some people. Alternatives for endowed university chairs include: using the entire principal to endow university chairs; endowing no university chairs; or endowing several chairs, requiring matching capital contributions, appointments in both social and natural sciences, and "extension" responsibilities for each appointee.

Community-Initiated Restoration Projects

These would include projects generally proposed by spill-area communities such as local stewardship programs, archaeological restoration and improved resource management tools.

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O Location

Spill Area

The "spill area" region is the one identified on the map in the *Restoration Plan* and identified by the Trustee Council as the geographic region affected by the 1989 oil spill.

Northern Gulf of Alaska

This region is essentially the spill area, but slightly enlarged to encompass additional marine waters that are part of the spill area ecosystem.

Alaska-wide marine regions

Given that so many marine issues are similar or related throughout the state's marine waters, this option would allow for the ability to fund marine research throughout the state.

🕴 Term

Fixed

This would result in a declining balance account, whereby a large program would occur with a set end point. (For example, a 10-year, 15-year, or 20-year term could be chosen.)

Perpetual, inflation-adjusted endowment

This type of an account would be similar to the Alaska Permanent Fund, which provides for long-term investment of funds, inflation-proofing and would be permanent.

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Governance

Present Trustee Council

The current Trustee Council could continue to exist and make decisions.

New Board

A new board could be the primary decision-making body. Representatives could include any or all of the following: state and federal agencies with resource management responsibilities, stakeholders, including Native representation and scientists. Questions to consider include whether recipients of the trust funds should make the funding decisions, or should the board be made up completely of those who would not receive the funds? Should the existing Trustee Council have to concur with the board's decisions? Or should the existing Trustee Council be disbanded?

6 Administration

Restoration Office

The current Restoration Office could continue to exist, but at a much smaller size. It could continue to be housed within the Alaska Department of Fish and Game for administrative purposes and the staff would report to an executive director, who reports to all six trustees.

Another existing agency

Support activities could be provided by staff from another appropriate state or federal agency.

Private foundation

All administrative functions could be taken over by the private foundation. How and what level of public accountability would be appropriate?

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O Public Advice

Current Public Advisory Group

The existing Public Advisory Group (PAG) has 17 members representing 12 interest groups, plus 5 public-at-large, plus 2 ex officio members from the State Legislature. The PAG could continue to meet four times a year, plus one field trip to the spill area.

Public Advisory Group with different size and makeup

The PAG concept and function could be retained but with different membership to either reduce costs or increase participation of other interests and probably meet less frequently.

Public outreach, no Public Advisory Group

All meetings would be public. Public input could be welcomed and responded to, but without an official advisory group.

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Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: **Trustee Council Members**

Molly M&Gammon FROM: Executive Director

SUBJECT: Archaeological Repositories

September 29, 1997 DATE:

The purpose of this memorandum is to brief you on the issue of archaeological repositories in Prince William Sound and lower Cook Inlet. On the agenda for the October 3 Trustee Council meeting is group discussion of the various options before the Council for archaeological restoration. As you know, through the community planning effort, the eight affected village councils have recommended that the Trustee Council commit \$4 million towards building individual repositories in each of the communities. I have also been asked to further develop one additional concept for your consideration. This proposal would direct me to invite comprehensive proposals that include a single regional repository, traveling exhibits and the construction of new or renovated community facilities to accommodate displays and other interpretive materials. This proposal is based on the assumption that the Council cannot justify the use of trust funds to construct eight separate archaeological repositories, although certainly the display facilities could be converted to repositories at some time in the future if the community obtained funding from another source.

I believe it is important for the Trustee Council to indicate to the villages in the near future the Council's position on the issue of individual repositories versus a regional facility. Unfortunately, the only meeting date and location possible for the next several months is Juneau on October 3 A number of community facilitators and representatives would like the opportunity to speak directly with you on this issue, which is very important to them. For that reason, I would recommend that the Council limit itself on October 3 to discussion only or possibly a "tentative" decision if there is consensus, allow for community facilitator review at their October 21 meeting as well as Public Advisory Group review at its November 4-5 meeting, and then make a final decision at your December meeting. The meeting on October 3 will be teleconferenced and will include a public comment period. One Trustee (Deborah Williams) will be in Anchorage.

> Federal Trustees U.S. Department of Interior National Oceanic and Almospheric Administration Alaska Department of Law

State Trustees Alaska Department of Fish and Game U.S. Department of Agriculture Alaska Department of Environmental Conservation Trustee Council September 29, 1997 Page 2

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To assist you in your discussion on October 3, I would like to highlight the key milestones in this process:

March 1993 The Trustee Council agreed to contribute \$1.5 million towards construction of the Alutiiq museum for the purpose of storing archaeological artifacts from the Kodiak Island archipelago and to protect sites from further damage by educating the public.

January 1994 The Trustee Council asked the Department of Natural Resources develop a plan for involving local communities in the restoration of archaeological resources (Project 94007A). The final report (12/95) recommended a regional repository and local display facilities.

April 1995 The Chugach Heritage Foundation submitted three proposals to plan and design repositories and train village residents to operate them.

- August 1995 The Trustee Council authorized \$206,300 for the Chugach Heritage Foundation to plan for community-based archaeological restoration projects (Project 96154) and rejected the other two proposals.
- April 1996 Chenega Corporation requested funds for an archaeological repository in Chenega Bay (Project 97277). The Trustee Council deferred a decision on this project until completion of Project 96154. The Corporation no longer intends to construct a local repository.
- November 1996 The final report for Project 96154 was released. It recommended that the Trustee Council contribute \$4 million toward the construction of an artifact repository in each of the eight villages in the planning area.
- February 1997The FY 98 Invitation discouraged proposals for repositories until
the Council decides whether to invite proposals for that purpose.
- March 1997 The Public Advisory Group met on the issue of archaeological restoration and asked for additional information from the affected villages.

Trustee Council September 29, 1997 Page 3

April 1997

In response to a letter I sent to village councils at the PAG's and Council's direction, most of the village councils in the Chugach region and Seldovia reiterated their support for repositories in each village.

August 1997

Chugach Alaska Corporation (CAC) requested \$2.3 million to develop an artifact repository and cultural center in Seward for the Chugach region, develop traveling exhibits and improve village facilities to accommodate the exhibits. CAC recently negotiated a lease with the city of Seward for the railroad depot and have committed the expenditure of \$500,000 from corporation funds on renovation of the facility. A public hearing will be held on October 13. Chenega Corporation has also indicated their intent to become partners with CAC in the new cultural center. Since the CAC proposal was submitted, the Council received a letter from the corporation reiterating its support for individual community repositories as the preferred option. They clarified that their proposal was only submitted if the Council chose not to support that scenario.

I would like to describe further what the *Restoration Plan* says about this issue, the findings and recommendations of the final report for Project 96154, and instructions in the invitations for FY 97 and FY 98.

Restoration Plan. In the Restoration Plan, the Trustee Council acknowledged the restoration value of archaeological repositories and the display of archaeological exhibits in communities. One of the restoration strategies is as follows:

Protect sites and artifacts from further injury and store them in appropriate facilities. Archaeological sites and artifacts could be protected from further injury through the reduction of looting and vandalism, or the removal of artifacts from sites and storage in appropriate facilities. Opportunity for people to view or learn about the cultural heritage of people in the spill area would also provide protection by increasing awareness and appreciation of cultural heritage and would replace services lost as a result of irretrievable damage to some artifacts. (*Exxon Valdez Oil Spill Restoration Plan*, November 1994, p. 39)

Final Report of Project 96154. This report identifies 1,489 spill-related catalogue entries (artifacts and scientific samples) from Prince William Sound and lower Cook Inlet. The total storage requirement for these items is estimated at 400 cubic feet,

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Trustee Council September 29, 1997 Page 4

which could be accommodated in a 100 square-foot space. The report also evaluates eight facility scenarios and recommends that the Trustee Council authorize about \$4 million to construct repositories in each of the eight villages in the planning area, described as "Scenario One."

The other option before the Trustee Council would invite proposals for a combination of Scenario Two (local display facilities), Scenario Six (new regional repository), and Scenario Eight (traveling exhibits).

FY 97 and FY 98 Invitations. Because the Trustee Council has not yet decided whether to invite proposals for archaeological repositories in the Chugach region, the Restoration Office has discouraged potential applicants from submitting proposals for these types of facilities. The *FY 97 Invitation* discouraged proposals for archaeological repositories because Project 96154 was still underway. The *FY 98 Invitation* stated:

The Trustee Council is considering whether to invite proposals for facilities to store and display archaeological artifacts recovered as a result of the spill cleanup, damage assessment and restoration. If the Council decides to invite proposals for these types of facilities, a separate invitation will be issued. (*Invitation to Submit Restoration Proposals for Federal Fiscal Year 1998*, February 15, 1997, p. 23)

Attachment

mm/raw

cc: Restoration Work Force

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Council"), after extensive review and after consideration of the views of the public and in response to strategies identified in the <u>Restoration Plan</u>, resolve to direct the Executive Director of the Trustee Council ("Executive Director") to:

1. Inform the communities in the Chugach and lower Cook Inlet regions (Valdez, Cordova/Eyak, Chenega Bay, Tatitlek, Seward/Qutekcak Native Tribe, Seldovia, Port Graham and Nanwalek) that the Council respects their desire to have artifact repositories in their villages, but cannot justify the use of trust funds to construct eight separate local repositories to provide long-term curatorial services for the small number of spill-related artifacts that have been recovered from the Chugach region.

2. Invite comprehensive proposals to be submitted by April 15, 1998 that include all three of the following types of projects to restore injury to archaeological resources:

(a) **Establishment of a single regional repository** to house and display spillrelated artifacts. This could either be a new or an existing facility. The proposed facility must meet at least the following conditions:

(1) adequate physical plant and professional staff to provide long-term curatorial services for spill-related artifacts;

(2) a commitment, supported by financial resources other than trust funds, to programs in the local communities as well as the overall region that would restore or

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DRAFT (Revised 9/29/97)

protect archaeological sites and artifacts as replacements for those injured in the spill;

(3) the potential to produce adequate revenues to cover future

operating costs or a commitment (e.g., resolution from a corporate board of directors or a dedicated endowment) to assure the long-term operation of the facility;

(4) a reasonable degree of support from affected entities in the region;

and

(5) a cost not to exceed 1,000,000.

(b) The construction of new or renovated community facilities to display exhibits pertaining to spill-related archaeological resources. The request may not exceed \$200,000 per community. In the future these facilities could be converted to repositories using non-Trustee Council funds.

(c) The development of traveling exhibits of spill-related archaeological materials for display in community facilities in the spill area. The request may not exceed \$200,000.

Approved by the Council at its meeting of ______, 1997, held in Anchorage, Alaska, as affirmed by our signatures affixed below:

DRAFT (Revised 9/29/97)

THE CHUGACH REGIONAL RESOURCES COMMISSION RESOLUTION NO. 97-05

ENDORSEMENT OF LOCAL ARCHEOLOGICAL REPOSITORIES IN THE COMMUNITIES OF CHENEGA BAY, NANWALEK, EYAK, PORT GRAHAM, SEWARD, TATITLEK AND VALDEZ.

- WHEREAS, the Chugach Regional Resources Commission (CRRC) is the natural resources development and economic development commission for the Chugach Native Region and is comprised of seven commissioners appointed by the governing bodies of Chenega Bay, Nanwalek, Eyak, Port Graham, Qutekcak, Tatitlek, and Valdez; and
- WHEREAS, the CRRC constituency is comprised of Alutiiq people who have a impenetrable cultural connection with our land and ancestors, including archeological finds within our region; and
- WHEREAS, the seven governing bodies that comprise CRRC are charged with protecting, educating, preserving, and maintaining cultural values and traditions within our communities; and
- WHEREAS, the Exxon Valdez Oil Spill Trustee Council is holding a meeting in Juneau, Alaska on October 3, 1997, of which one of the items on the agenda is archeological repositories within the regions of Prince William Sound and Lower Cook Inlet; and
- WHEREAS, the community residents of the Prince William Sound and Lower Cook Inlet cannot, because of financial costs, attend the Trustee Council meeting in Juneau to testify *in person* on this matter that we feel resolutely about.

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NOW THEREFORE BE IT RESOLVED that the seven governing bodies within the Chugach Native Region that comprise CRRC fully endorse and support the following.

- 1. The planning and construction of an archaeological repository within the communities of Chenega Bay, Tatitlek, Cordova, Valdez, Port Graham, Nanwalek, and Seward.
- 2. The management and operation of the archeological repositories be the sole responsibility of the communities and all decisions regarding the local repositories be left for the local governing bodies to decide.
- 3. That the final decision of the Exxon Valdez Oil Spill Trustee Council to fund a regional repository or local repositories not be made until a Trustee Council meeting is held in Anchorage where it would be financially feasible for representatives of our communities to attend in person.
- 4. That the Trustee Council listen to and act upon the unified voice of all oil spill affected communities within the Prince William Sound and Lower Cook Inlet and support the wishes of the Native people who have resided within the region for over 7000 years.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Chugach Regional Resources Commission, do hereby certify that the Board of Directors is composed of 7 members, of whom 5 members were present at a regulary scheduled Board of Directors meeting on September 24-25, 1997, that the foregoing resolution was adopted by an affirmative vote of 5 members, 0 against, 0 abstaining, and that the foregoing resolution has not been rescinded or amended in any way.

ATTEST:

Secretary/Treasurer

Date

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> Contains Part I Cultural Resources and Restoration Options and Part II Concept Design for Local Facilities

Chugach Development Corporation Contract No. R10-96

for

Exxon Valdez Oil Spill Trustee Council United States Forest Service, Lead Trustee Agency Department of Interior, Cooperating Agency Alaska Department of Natural Resources, Cooperating Agency

November 1, 1996

PART I - EXECUTIVE SUMMARY

The Comprehensive Community Plan provides an opportunity for communities in Prince William Sound and Lower Cook Inlet to present local public comment on the restoration of archaeological resources impacted by the Exxon Valdez oil spill. Of paramount importance to the local communities, and notably the federally recognized tribes of the Chugach Region, is the permanent restoration of the EVOS collections to the local communities most closely associated with the cultural and archaeological remains. State and federal agencies are interested in developing restoration options along State and federal laws and guidelines and the EVOS Trustee Council's restoration objectives and strategies. Numerous restoration options have been identified by over forty participant organizations interested in cultural resource management in the project area. These are discussed in terms of possible facility options and program options. Eight facility scenarios highlight various perspectives on the long-term curation of the EVOS collections including storage and display. Program options are considered a lower priority and depend somewhat on the selection of a facility scenario. The Comprehensive Community Plan recommends that State and federal agencies and the EVOS Trustee Council support the preferred plan which provides for the EVOS collections from the Chugach region to be stored and displayed in seven or eight local communities with curatorial services provided by a regional repository organization. A concept design including costs for facilities associated with this scenario and other scenarios is presented in Part II.

PART I - ACKNOWLEDGEMENTS

The Comprehensive Community Plan could not have been developed without the participation of local communities including city and tribal governments, local and State museums, Native corporations, State and Federal agencies, the EVOS Trustee Council Office and other participant organizations. Please see the names associated with the participant organizations in section 4.0. for a list of individuals participating in the project. Special thanks goes to those who provided requested information as well as substantive and insightful comments which helped in the development of the plan. Any errors in this plan are the responsibility of the author who attempted to present the community interests of Prince William Sound and Lower Cook Inlet in this plan.

Location:	Fairbanks Anchorage Kodiak Valdez Tatitlek Cordova	Chenega Seward Nanwalek Port Graham Seldovia Homer
Scale	Project Area Chugach Regional Local Community	
Building Type	Repository only Repository within a lat Display only	rger facility (i.e. multi-use facility)
Organization	State Repository	
······································	Federal Repository Tribal Repository Private Repository	

Of the variables listed above, several facility options have been identified by participant organizations to act as possible repositories for the EVOS collections (Figure 4). Of these, eight different scenarios have been outlined for the purpose of discussion.

Scenario One: "Regional Repository" Organization with Local Repository Facilities.

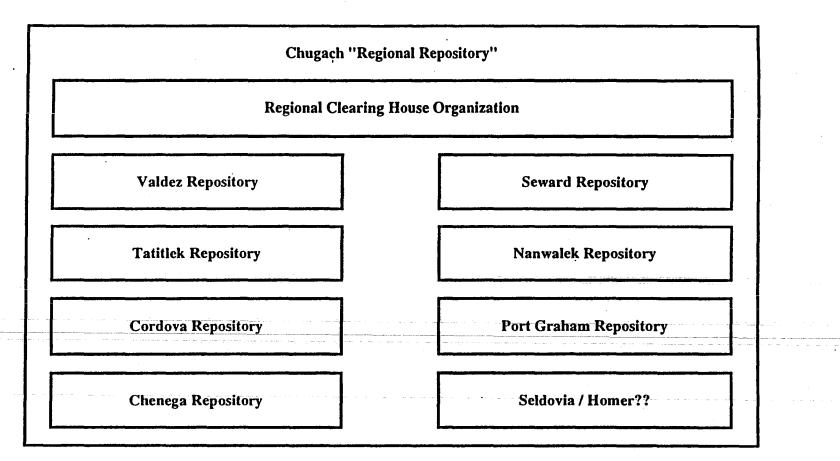
Scenario One provides for the curation of the EVOS collections by one Regional Repository Organization at seven local Native owned and/or operated repository facilities in the Chugach Region and possibly one local facility in Seldovia/Homer. The Regional Repository Organization would be governed by representatives of all participating communities and other interested parties. This would likely involve the establishment of a new nonprofit organization or possibly the use of an existing non-profit organization such as Chugachmiut (which is governed by the Chugach tribal councils and associations), the Chugach Heritage Foundation or some other non-profit organization.

The local facilities might be described as one "regional repository" divided into seven or eight locations in the sense of a university with seven or eight campus locations throughout the Chugach region and possibly Kachemak Bay (Figure 5). These component repositories might be located in new or renovated buildings. The local repositories might also be located in a variety of types of facilities including various multi-use or single-use facilities (Figures 6 and 7). For example, it is proposed that the component repository in Chenega would be located in a new multi-use building which also houses office space for other village council or corporation functions. The component repository in Port Graham might also be located in a new multi-use building which provides space for a cultural center in addition to the repository. In contrast, the component repository in Nanwalek might be located in a renovated single-use building. Other communities would also have component repositories in new or renovated facilities as outlined in Figure 7.

The Regional Repository Organization would initially operate out of existing regional facilities. Various training programs would be coordinated with participating organizations with emphasis on local museums, the new repositories and other available local facilities. The Alaska Native Heritage Center, to be constructed in the near future, might also provide a location for the Regional Repository Organization. Program and technical assistance would be coordinated with other regional and statewide organizations as well.

Distribution of EVOS Collections

Collections would be divided by site collections and housed in the repository with the closest community affiliation (Figure 3). Regional collections would be managed locally according to "stewardship zones" yet to be worked out. Displays would also be developed for all communities, including possible rotating displays. Duplicate records for the BVOS collections would also be stored at the University of Alaska Museum (or archive) and/or the Chugach regional clearinghouse offices. Figure 5. Chugach "Regional Repository" Organization Concept as Outlined in Scenario One and Scenario Two

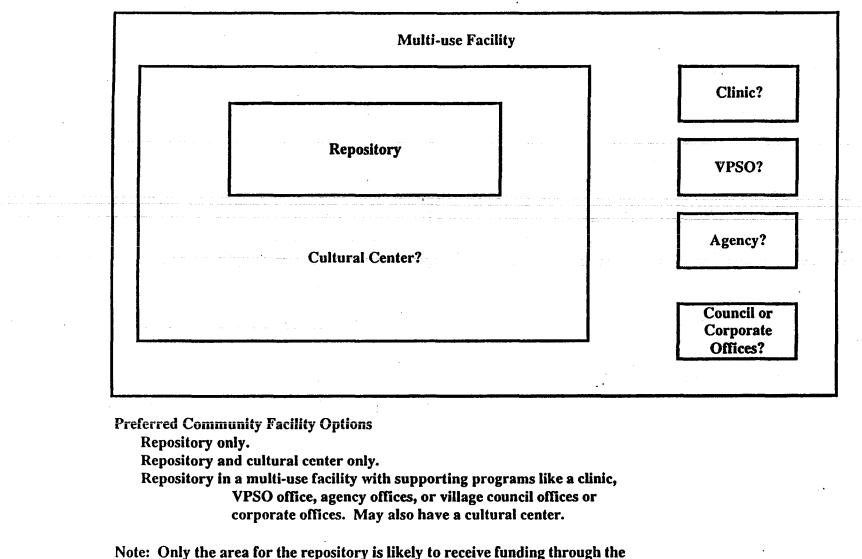


Preferred Facility Option

One Chugach "Regional Repository" in the sense of an organization.

- * Individual repositories or display facilities in each community, run by the communities.
- * Clearing house organization on a regional basis.





EVOS Trustee Council. Communities need to provide for the ongoing operations and maintenance for any facility, including building maintenance and professional staffing.

Part I - Page 72

Figure 7. Proposed Local Repositories within the "Regional Repository "Organization

Community	Building Type	Components	Construction	Use		
Valdez	multi-use	repository, cultural center tribal office, other?	new	repository / display		
Tatitlek	multi-use	repository, cultural center tribal office, other?	new or renovate	repository / display		
Cordova	multi-use	repository, cultural center new or renovate tribal office, other?		repository / display		
Chenega multi-use repository, cultural center new tribal office, agency, other?		new	repository / display			
Seward	multi-use	repository, cultural center tribal office, other?	new or renovate	repository / displa		
Nanwalek	single use	repository	renovate existing structure	repository / display		
Port Graham	multi-use	repository, cultural center	new	repository / display		
Kachemak B	ay in CIRI Regi	on				
Seldovia - 1 (SNA)	multi-use	repository, corporation office, tribal office, other	addition of repository to existing structure	repository / display		
Seldovia - 2 (Museum)	single use	repository	new or renovate	repository / display		
Homer	none	n/a, interest in working with local communities.	n/a	n/a		

Note that some areas of proposed multi-use facilities will not be considered for funding from the EVOS Trustee Council.

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Scenario One may be considered in light of the criteria outlined in section 5.2.

Criteria I. Public Resources Within the Project Area.

Scenario One addresses public resources within the project area only.

Criteria 2. EVOS Archaeological Restoration Objectives and Strategies. Scenario One addresses the EVOS archaeological restoration objectives and strategies by providing a means to preserve artifacts and scientific data by storing them in appropriate local facilities. Scenario One enhances the overall preservation and protection of archaeological resources by incorporating local support (financial and other) and substantial local interest in preservation efforts, and through direct local participation in collections management. Increased local awareness and appreciation of both the cultural and archaeological importance of the resources together with increased local management of the resources will aid in the EVOS restoration strategy.

Criteria 3. EVOS Sites and Collections

Scenario One addresses EVOS archaeological sites and collections in the project area only. All collections discussed in this plan are from the Chugach Region including Prince William Sound and the Kenai Peninsula.

Criteria 4. State and Federal Laws and Guidelines and AAM Accreditation Procedures.

Scenario One is structured to comply with all State and Federal Laws and Guidelines and AAM Accreditation Procedures.

Building Requirements and Environmental Conditions

Repositories would meet all building codes and environmental conditions.

Projected Staffing and Qualifications

Governance of the Regional Repository Organization would be provided through an association of tribal councils and other interested participant organizations. Administration of the organization and repositories would include professional staff for the Regional Repository Organization and trained local facility and collection managers in the communities. It is expected that training will be required at the local level.

Criteria 5. Regional and Local Community Support and Involvement

Support - Interest and Endorsement

A Chugach Regional Repository Organization, with independent Native-owned-and-run repositories or display facilities in each of the seven Chugach communities and possibly one in Seldovia/Homer, is the preferred option, especially by the Chugach Native participant organizations. Representatives of the Chugach tribal councils and associations and various Chugach regional organizations voiced their support for Scenario One during the planning conference for the *Comprehensive Community Plan* held in March 1996. Representatives from several other participant organizations also supported the development of the local community facilities to house the EVOS collections and are interested in working closely with the local centers and a Regional Repository Organization.

One of the benefits of Scenario One is that it is a locally developed plan for the long-term preservation of local and regional cultural / archaeological resources. It would involve the support (financial and other) of both local and regional communities including the tribal councils and associations and local businesses (i.e. Native corporations) and regional Native organizations. This is an important component in the long-term management of cultural resources, especially if it to be done at a local level. There is also a desire to work with museums and other associations for technical support and other long-term preservation interests.

Support - Resource Support

Chugach organizations have expressed regional and local community support for Scenario One in the form of personnel, in-kind services, financial assistance and donations of land. Village councils and corporations have expressed their willingness to undertake the longterm operation and management of the facilities as well as contribute toward the development of the facilities and regional organization.

Cooperative Associations

The Regional Repository Organization would work closely with local museums in Valdez, Cordova, Seward and Homer and other interested State-wide organizations to establish and maintain the new facilities and associated programs. For example, cooperative associations might be sought with organizations such as the Alaska Native Heritage Center, the Arctic Studies Center and the University of Alaska Museum for training programs and other functions associated with the regional clearinghouse. Technical assistance and closer local ties could be promoted between the local repositories and the larger museums.

Long-term Commitment

The Native organizations, who are the primary sponsors of this scenario, have expressed their interest in making the long-term commitment for the operation and maintenance of the "Regional Repository". Their combined resources which include resources of the tribal governments, tribal associations, regional and local for-profit corporations and regional non-profit organizations are well suited to provide for the curation of the Native EVOS collections *in perpetuity*.

Locating the component repositories in multi-use facilities in the local communities also provides benefits to the local repositories in terms of long-term operation and maintenance of the entire facility. It also enhances the local use and enjoyment of the EVOS collections by the repository's proximity to other more highly used community facilities.

Criteria 6. Public Use and Enjoyment of the Resources.

Public use and enjoyment of the cultural / archaeological resources is an important component of this scenario. Native communities have expressed concern about their access to the archaeological resources from the Chugach region and the need to restore the collections to the region and local communities. This is similar to the claim made by Natives from Kodiak who claimed artifacts from the Kodiak region for curation at the Alutiiq Cultural Center and Repository. Scenario One provides the additional benefit of insuring greater local use and enjoyment of the collections by the local Chugach communities. It also addresses the concerns of the five federally recognized tribes in the Chugach region and the broader Chugach community. Local communities including communities with both Native and non-Native residents have also expressed their interest in the restoration of the collections to the region and local communities. It is felt that the cultural resources of the region continue to play an important role in the cultural heritage of the region. Curation of the collections in Fairbanks, Juneau, Anchorage or Kodiak would severely limit access to the collection by Native and non-Native residents of Prince William Sound and the Kenai Peninsula most closely affiliated with the Native collections. Curation at any of these facilities outside of the region would not satisfy Chugach Native concerns about the restoration of the collections.

Curation of the collections by the an organization such as the Regional Repository Organization would ensure that these collections were on display in the local communities and not simply in museum storage. Traveling displays of the EVOS collections, originating in the Chugach region and organized by the local residents, would likely provide an important new perspective for the general public in contrast to displays generated outside. Traveling displays might also include destinations outside of the region to reach a broader public. General public use and enjoyment of the resources would also be provided for by public access to the collections and access for scholarly research. Scholarly research would also be enhanced by access to other Chugach collections from the same archaeological sites which are expected to be curated locally in the future and/or accessed through the Regional Repository Organization.

Criteria 7. Alternatives.

Scenario One may be contrasted to the other scenarios for facility options presented in the plan.

Criteria 8. Detail

Additional detail would be provided in actual project proposals.

Criteria 9. Costs

Generally, the costs associated with the initial construction or renovation of facilities and some associated training, educational and or protection programs would be funded through the EVOS Trustee Council and other sources, notably resources available to the Native organizations. The long-term operation and maintenance of the facilities, costs associated with administering the Regional Repository Organization, and costs associated with curation of the EVOS collections *in perpetuity* would be the responsibility of the Regional Repository Organization and specifically the participating Native organizations.

Costs associated with potential facilities are discussed elsewhere in the plan.

The EVOS Trustee Council has indicated that Chenega, Port Graham, English Bay and Chugach Alaska corporations received awards from the Trans-Alaska Pipeline Liability Fund for damages to sites containing cultural and archaeological materials on corporation lands. The Council considers these TAPL Fund awards to be potential sources of funding for excavation and curation of archaeological resources in these communities or for the Chugach region.

Summary

Scenario One is the preferred community option because it 1) addresses the community and tribal concerns about restoring Chugach cultural resources in the EVOS collections to the local Chugach communities and the region, 2) provides curatorial services to maintain the records and artifacts for all of the EVOS collections through the regional organization, 3) provides greatest flexibility and backup both at the local and regional level for curation *in perpetuity*, and 4) promotes the greatest local involvement including the individual communities, and technical and professional affiliations.

Scenario One is also preferred because similar facilities with curation capabilities in all communities would provide the greatest flexibility for the curation of the EVOS collections *in perpetuity*. Curatorial services would be provided by one organization, the Regional Repository Organization. This organization would work with communities and other cultural resource institutions to address local concerns and interests, assist in region-wide training, and the interests of the general public including researchers. The component repositories in each community would provide the same foundation for all communities for other restoration programs such as local site protection programs (i.e. site stewardship or monitoring programs), access to EVOS documentation and educational opportunities. Scenario One would also engage all communities in same long-term responsibility for the Regional Repository Organization and curation facilities.

Scenario-Two: "Regional Repository" Organization with Three Local Repositories and Four or Five Local Display Facilities.

Scenario Two is similar to Scenario One in that it provides for the curation of the EVOS collections by one Regional Repository Organization. It differs from Scenario One in that the EVOS collections are housed at three local Native owned and/or operated repository facilities and four display facilities in the Chugach Region and possibly one local display facility in Seldovia/Homer.

Similar to Scenario One, the Regional Repository Organization would be governed by representatives of all participating communities and other interested parties. This would likely involve the establishment of a new non-profit organization or possibly the use of an existing non-profit organization such as Chugachmiut (which is governed by the Chugach tribal councils and associations), the Chugach Heritage Foundation or some other non-profit organization.

Exxon Valdez Oil Spill Trustee Council

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



Habitat Protection Program: Large Parcels Status Report September 29, 1997

The *Exxon Valdez* Trustee Council funds the acquisition of land to protect the habitat of injured resources and services. The goals of habitat protection are to prevent additional injury to resources and services while recovery is taking place and to provide a long-term safety net for these resources.

In 1992, the Restoration Office evaluated 16 large parcels (over 1,000 acres) that were imminently threatened by development. In March 1993, the Restoration Office contacted 90 owners of large parcels in the spill area. Thirty-two landowners expressed interest in having their land considered for acquisition and 850,000 acres of land were subsequently evaluated.

As of September 1997, the Council has spent \$185.4 million to protect 420,640 acres of land. **Table 1** summarizes the status of land acquisitions. Eight large parcels have been purchased, including inholdings in Kachemak Bay State Park, land adjacent to Seal Bay/Tonki Cape on Afognak Island, commercial timber rights on land along Orca Narrows, a parcel on Shuyak Island, and lands formerly owned by Akhiok-Kaguyak, Inc., Old Harbor Native Corporation, Koniag, Inc., and Chenega Corporation.

Purchase of three additional large parcels is pending. On May 20, 1997, the U.S. Department of the Interior and English Bay Corporation signed a purchase agreement for 32,537 acres of land in Kenai Fjords National Park. In August 1996, the Council authorized funds to acquire interests in 68,888 acres owned by Tatitlek Corporation. The corporation's board of directors has indicated a willingness to make the offer, but acquisition of this parcel depends on a vote of the shareholders of the corporation. In July 1997, the Council and The Evak Corporation Board of Directors agreed to protect 75,425 acres of land. The agreement is subject to a shareholder vote.

Negotiations continue with Afognak Joint Venture and Koniag, Inc. On May 9, 1997, the Trustee Council authorized an offer of up to \$70 million (including interest) for the purchase of certain lands owned by Afognak Joint Venture. Port Graham Corporation has officially withdrawn from any further negotiations at this time.

Lesnoi, Inc., has offered to sell 18,220 acres of land at Cape Chiniak south of Kodiak. No agency has been willing to accept possible ownership of these lands, and thus the nomination fails to meet threshold criteria.

Table 1. Status of Large Parcel Acquisitions (Sept. 29, 1997)

		1 A A A A A A A A A A A A A A A A A A A			
		•	Total Price	Trust	Othe
Parcel Description		Acreage	(Incl. Interest)	Fund	Sources
Acquisitions Complete		420,640	\$230,199,333	\$185,449,333	\$44,750,00
Kachemak Bay State Par	k Inholdings	23,800	\$22,000,000	\$7,500,000	\$14,500,00
Seal Bay / Tonki Cape		41,549	\$39,549,333	\$39,549,333	\$
Orca Narrows (timber rig	hts)	2,052	\$3,650,000	\$3,650,000	\$(
Akhiok - Kaguyak, Inc.		118,674	\$46,000,000	\$36,000,000	\$10,000,000
Old Harbor ²		31,609	\$14,500,000	\$11,250,000	\$3,250,000
Koniag (fee title)		59,689	\$26,500,000	\$19,500,000	\$7,000,000
Koniag (limited term ease	ement)	57,082	\$2,000,000	\$2,000,000	\$(
Shuyak Island		26,665	\$42,000,000	\$42,000,000	\$0
Chenega		59,520	\$34,000,000	\$24,000,000	\$10,000,000
Purchase Agreements Sig	ned	32,537	\$15,371,420	\$14,128,074	\$1,243,34
English Bay		32,537	\$15,371,420	\$14,128,074	\$1,243,34
Offers Accepted		144,313	\$80,010,800	\$70,010,800	\$10,000,00
Tatitlek ³		68,888	\$35,010,800	\$25,010,800	\$10,000,00
Eyak⁴		75,425	\$45,000,000	\$45,000,000	\$
	SUBTOTAL:	597,490	\$325,581,55 3	\$269,588,207	\$55,993,34
Vegotiations Continuing	· <u>·····</u> ······························	46,300			
Afognak Joint Venture ⁵		46,300	\$70,000,000	\$70,000,000	
Koniag (fee title) ⁶					
	TOTAL:	643,790			
legotiations Halted					
Port Graham					•
i on Oranam					

¹ For the acquisition of Kachemak Bay State Park inholdings, funding from other sources consists of a State of Alaska contribution of \$7 million from the Exxon plea agreement and \$7.5 million from the civil settlement with the Alyeska Pipeline Service Company. For all other parcels, funding from other sources consists of a Federal contribution from the Exxon plea agreement. ² As part of the protection package, the Old Harbor Native Corporation agreed to protect an additional 65,000 acres of land on Sitkalidak Island as a private wildlife refuge.

³ The price offered includes \$2,010,800 in lieu of interest over a two-year pay period. Purchase agreement is subject to a shareholder vote.

⁴ Purchase agreement is subject to a shareholder vote.

⁵ The Trustee Council authorized an offer of up to \$70 million (including interest) for the purchase in fee of parcels AJV-3A, AJV-7, the eastern half of AJV-8 and AJV-1, with the acquisition of AJV-1 following a limited harvest planned and approved in cooperation with the state and federal governments. Acreage figures are estimates.

⁶ Negotiations concern fee title to the 57,082 acres that are now under a limited conservation easement.

Acquisitions Complete

Kachemak Bay. In August 1993, the state acquired surface title to 23,800 acres of private inholdings within Kachemak Bay State Park on the Kenai Peninsula. This acquisition protects a highly productive estuary, several miles of anadromous fish streams and intertidal shoreline and upland habitat for bald eagles, marbled murrelets, river otters, and harlequin ducks. The Council contributed \$7.5 million to this purchase and the State of Alaska contributed \$7 million from the Exxon plea agreement and \$7.5 million from the civil settlement with Alyeska Pipeline Service Company.

Seal Bay and Tonki Cape (Afognak Island). In November 1993, the state purchased surface title to 41,549 acres on northern Afognak Island. This mature spruce forest is adjacent to highly productive marine waters, includes anadromous fish streams, and provides excellent habitat for bald eagles and marbled murrelet nesting. The Council authorized \$39.5 million (including interest) for this purchase. In 1994, the Alaska State Legislature designated these lands as the Afognak Island State Park.

Orca Narrows Subparcel. In January 1995, the federal government purchased from the Eyak Corporation commercial timber rights on 2,052 acres of land in Orca Narrows. This parcel is near Cordova in Prince William Sound and contains anadromous fish streams, active bald eagle nests and favorable habitat for marbled murrelet nesting. The Council authorized \$3.65 million for this acquisition.

Akhiok-Kaguyak. In May 1995, the federal government agreed to purchase from Akhiok-Kaguyak, Inc., surface title to 76,211 acres of land and conservation easements on 42,463 acres, for a total of 118,674 acres. These lands are within the Kodiak National Wildlife Refuge. The Council contributed \$36 million to this acquisition and the federal government contributed \$10 million from the federal restitution fund, for a total purchase price of \$46 million.

Old Harbor. Also in 1995, the federal government purchased from the Old Harbor Native Corporation surface title to 28,609 acres of land and the corporation donated a conservation easement on 3,000 acres. These lands are within the Kodiak National Wildlife Refuge. In addition, the Old Harbor Native Corporation agreed to preserve 65,000 acres of land on nearby Sitkalidak Island as a private wildlife refuge. The Council contributed \$11.25 million to this acquisition and the federal government contributed \$3.25 million from the federal restitution fund, for a total purchase price of \$14.5 million.

Koniag. In November 1995, the federal government purchased from Koniag, Inc., surface title to 59,689 acres of prime habitat for bear, salmon, bald eagles, and other

Page 3

species in the Kodiak National Wildlife Refuge. This agreement protected an additional 57,082 acres under a nondevelopment easement through the year 2001. The nondevelopment easement includes land along the Karluk and Sturgeon Rivers. The Council contributed \$21.5 million to this acquisition and the federal government contributed \$7 million from the federal restitution fund, for a total purchase price of \$28.5 million.

Shuyak Island. In December 1995, the Council approved \$42 million (including interest) to purchase from the Kodiak Island Borough surface title to 26,665 acres of prime habitat on Shuyak Island, at the northern tip of the Kodiak archipelago. The Kodiak Island Borough agreed to commit \$6 million from the land sale to expansion of Kodiak's Fishery Industrial Technology Center.

As part of the purchase agreement for lands on Shuyak Island, the Council authorized up to an additional \$1 million to purchase small parcels within the Kodiak National Wildlife Refuge that have been acquired by the Kodiak Island Borough as a result of the property owners' failure to pay borough taxes. These parcels are about 10 acres in size and occupy key waterfront locations along Uyak Bay on Kodiak Island. They are embedded in two highly ranked large parcels approved as part of the Koniag purchase agreement.

Chenega. On June 25, 1997, the Chenega Corporation transferred to the State of Alaska surface title to 16,268 acres of land in Prince William Sound and also transferred to the U.S. Forest Service surface title to 20,968 acres of land and a conservation easement on an additional 16,268 acres. The total acreage to be protected is 59,520. Public access will be allowed on all the land in the conservation easement except 3,330 acres on the southern portion of Chenega Island in the vicinity of the original Chenega village site. Two parcels to be acquired in fee simple, the Eshamy Bay and Jackpot Bay parcels, are among the highest ranked parcels in the oil spill area. The Council contributed \$24 million to this acquisition and the federal government contributed an additional \$10 million from the federal restitution fund, for a total purchase price of \$34 million.

Purchase Agreements Signed

English Bay. In February 1997, the Council authorized funds for the purchase from the English Bay Corporation of land within the Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge. Surface title to 32,537 acres of land will be acquired for a cost of \$15.37 million, with Council contributing \$14.13. The federal trustees agreed to provide to \$1.24 million from the federal criminal restitution funds for the purchase of the reserved access rights on a majority of the lands to be acquired and for costs related to the acquisition. Certain access rights for hunting, fishing and gathering

activities will be reserved and retained by the English Bay Corporation. The English Bay Corporation has offered to commit \$500,000 from its proceeds at closing to establish a special cultural conservation fund to survey, protect, curate and interpret archaeological sites and cultural artifacts which are associated with the lands to be acquired.

Offers Accepted

Tatitlek. In late 1996, the Council authorized \$23 million (plus \$2,010,800 in lieu of interest over a two-year pay period) for an agreement to purchase 68,888 acres from Tatitlek Corporation. An additional \$10 million would come from the federal restitution fund, for a total of \$35 million. The agreement includes acquisition of surface title to 31,490 acres of land and conservation easements on 37,398 acres. Two of the parcels in which interests will be acquired, Bligh Island and Two Moon Bay, were respectively the third and fourth highest ranked parcels in Prince William Sound. The offer includes timber-only conservation easements on the north shore of Port Fidalgo and on land at Sunny Bay.

Eyak. In July 1997, the Council authorized \$45 million to purchase 75,425 acres from The Eyak Corporation. The agreement includes surface title to 55,357 acres of land in eastern Prince William Sound, conservation easements on an additional 6,667 acres and timber easements on 13,401 acres. The package will protect habitat in the wooded shoreline areas of Nelson Bay, Eyak Lake and Hawkins Island, much of it visible from the City of Cordova. The package also includes Port Gravina, Sheep Bay and Windy Bay, which are considered among the most valuable parcels in Prince William Sound for recovery of species injured by the spill. Most of the land would be administered as part of the Chugach National Forest. One small tract would be managed by the State as part of the existing Canoe Passage State Marine Park.

Negotiations Continuing

Afognak Joint Venture. In May 1995, the Council authorized up to \$70 million for an offer to purchase from Afognak Joint Venture surface title to an estimated 46,300 acres on northern Afognak Island. The property consists of seven dispersed parcels, some of which are adjacent to or near the previously acquired Seal Bay parcel, one of which is adjacent to Shuyak Strait, and one of which is in the western part of Afognak Island.

Koniag. The Council is interested in acquiring fee interest in the 57,082 acres covered by the limited term nondevelopment easement acquired in November 1995, and has agreed to maintain unobligated funds totaling \$16.5 million for this purpose. The nondevelopment easement includes land along the Karluk and Sturgeon Rivers and expires on December 2, 2001.

			· · · · · ·	
Table 1	Status of Small Parcel	Acquisitions a	and Offere (C	1007
	Status of Small Farcer	π uuisiliuiis a		(0, 20, 1337)
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				,
Parcel ID	Description	Acres	Value	Status
Acquisitions Co	mplete	3,423.2	\$12,705,700	
PWS 11	Horseshoe Bay	315.0	\$475,000	
PWS 17, 17A-D	Ellamar Subdivision	33.4	\$655,500	
PWS 52	Hayward Parcel	9.5	\$150,000	
KEN 10	Kobylarz Subdivision	20.0	\$320,000	
KEN 19	Coal Creek Moorage	53.0	\$260,000	
KEN 29	Tulin Parcel	220.0	\$1,200,000	
KEN 34	Cone Parcel	100.0	\$600,000	
KEN 54	Salamatof Parcel	1,377.0	\$2,540,000	•
KEN 55	Overlook Park	97.0	\$244,000	
KEN 148	River Ranch	146.0	\$1,650,000	
KEN 1005	Ninilchik	16.0	\$50,000	
KEN 1006	Girves Parcel	110.0	\$1,835,000	
KEN 1014	Grouse Lake	64.0	\$211,000	
KEN 1015	Lowell Point	19.4	\$531,000	
KEN 1038	Roberts Parcel	3.3	\$698,000	
KEN 1049	Mansholt Parcel (Kenai River)	1.6	\$55,000	
KAP 98	Pestrikoff Parcel (Sitkalidak Strait)	80.0	\$128,000	
KAP 99	Shugak Parcel (Kiliuda Bay)	160.0	\$155,200	
KAP 101	Haakanson Parcel (Sitkalidak Strait)	80.0	\$52,000	
KAP 103	Kahutak Parcel (Sitkalidak Strait)	40.0	\$66,000	
KAP 105/142	Three Saints Bay	88.0	\$168,000	
KAP 114	Johnson Parcel (Uyak Bay)	55.0	\$154,000	•
KAP 115	Johnson Parcel (Uyak Bay)	65.0	\$110,500	
KAP 131	Matfay Parcel (Kiliuda Bay)	40.0	\$68,000	
KAP 132	Peterson Parcel (Sitkalidak Strait)	160.0	\$256,000	
KAP 135	Capjohn Parcel (Kiliuda Bay)	70.0	\$73,500	
Purchase Agree	ment Signed	3,390.0	\$4,137,000	······
Kenai Natives Aş	soc. Package (Stephanka/Moose R.)	3,253.0	\$4,000,000	
KAP 91	Adonga Parcel (Sitkalidak Strait)	137.0	\$137,000	
Offers Under Re	view	450.5	\$3,100,400	
KEN 1009	Cooper Parcel	30.0	\$48,000	
KEN 1034	Patson Parcel	76.3	\$375,000	Discussions continue.
KEN 1060A-D	Green Timbers (Homer Spit)	68.7	\$422,100	Contingent on conserv.easements.

KE	(Homer Spit) 38.0 \$615,000 Contingent on conserv.eas	ements.
KA	ulik River 56.0 \$213,000 Willing to sell a larger pack	age.
KA	agoon 21.5 \$146,000 Willing to sell a larger pack	age.
KA	(Uyak Bay) 160.0 \$281,300 Discussions continue.	
Ко	s \$1,000,000 Appraisals underway (45 p	arcels).
		5 p

TOTAL: 7,263.7 \$19,943,100

* The owners of Baycrest (KEN 12) and Deep Creek (KEN 1001) have rejected offers to acquire their parcels.

Small Parcel Status Report October 20, 1997

Page 3

Table 2. Parcels Under Consideration* (Oct. 20, 1997)

Parcel ID	Description	Acres	Comments
PWS 05	Valdez Duck Flats (USS 349 & 448)	42.0	Appraisal submitted to landower.
PWS 06	Valdez Duck Flats (USS 447)	24.7	Appraisal submitted to landower.
PWS 1010	Jack Bay	942.0	Appraisal on hold pending changes in title to be conveyed.
KEN 1039	Oberts Parcel (Big Eddy)	31.7	Appraisal approved.
KEN 1040	Oberts Parcel (Honeymoon Cove)	4.2	Appraisal approved.
KEN 1041	Oberts Parcel (Peterkin Hmstd.)	30.0	Appraisal approved.
KEN 1051/52	Salamatof Native Assn. (Kenai NWR)	26.8	Parcel has been reappraised.
KEN 1062A-C	Homer Spit Fishing Hole	3.0	
KEN 1070.	Trust for Public Land (Homer Spit)	2.6	
KAP 145	Termination Point	1,028.0	Appraisal submitted to landower.

TOTAL: 2,135.0

* Perl Island (KEN 149) and Fleming Spit (PWS 1027) are no longer under consideration.

** The owners of The Triplets (KAP 22), Cusack Parcel (KAP 118) and Karluk (KAP 150) are unwilling to sell their parcels.

Small Parcei Status Report October 20, 1997

Table 3.	Small Parcel	Nominatio	ons (July	1995 to October 1997	′*)

Parcel ID	Description	Acres	Sponsor	Rank
Prince Willia	am Sound (PWS)	122.0		
PWS 1045	Dennis Parcel (Valdez Duck Flats)	4.3	No sponsor	Below threshold criteria.
PWS 1056	Blondeau Parcel (Valdez)	100.0	ADNR	Low
PWS 1068	Lowe Parcel (Latouche Island)	2.7	No sponsor	Below threshold criteria.
PWS 1072	Willis Parcel (S. of Cordova)	15.0	No sponsor	Below threshold criteria.
PWS 1077		1.5	No sponsor	•
Kenai Penir	nsula (KEN)	864.5		
KEN 1030	Anchor River	127.8	No sponsor	Below threshold criteria.
KEN 1032	Matson Parcel (Ninilchik River)	7.4	ADFG	Low
KEN 1035	Mullen Parcel (Kenai River)	8.5	ADNR/ADFG	Low
KEN 1036	Weilbacher Parcel (Kenai River)	28.7	ADNR/ADFG	Low
KEN 1037	Coyle Parcel (Kenai City Boat Dock)	26.0	No sponsor	Below threshold criteria.
KEN 1042	College Estates (Kenai River)	56.0	ADNR/ADFG	Low
KEN 1043	College Estates (Kenai River)	77.9	ADNR/ADFG	Low
KEN 1044	Breeden Parcel (Kenai River Flats)	25.0	ADNR/ADFG	Low _
KEN 1046	Pollard Parcel (Kasilof River)	155.0	ADFG	Low
KEN 1047	Calvin Parcel (Kasilof River)	76.8	ADFG	Below threshold criteria.
KEN 1057	Lowe Parcel (Kenai River)	22.0	ADNR	Low
KEN 1059	Grubba Parcel (Kenai River)	26.7	ADNR/ADFG	Low
KEN 1063	Eaton Parcel (Ninilchik Boat Harbor)	11.0		Low
KEN 1064	Lindle Parcel (Lower Kasilof River)	10.0	ADFG	Low
KEN 1066	Moore Parcel (Killey River)	30.0	ADFG	Low
KEN 1067	Fiore Parcel (Kenai River)	7.2	ADFG/ADNR	Low
KEN 1069	Wards Cove Packing Co. Parcel (Chisik Is.)	29.7	No sponsor	Below threshold criteria.
KEN 1070	Homer Spit, W. side	2.6	ADNR	Low
KEN 1071	Ellis Parcel (Kenai River/Cook Inlet)	43.0	No sponsor	Below threshold criteria.
KEN 1073	Cufley Parcel (near Baycrest, Homer)	9.3	No sponsor	Below threshold criteria.
KEN 1074	Gatz Parcel (Anchor River)	80.0	ADFG	Low
KEN 1075	Meridian Park Parcel (Bear Creek)	3.9		
Kodiak/Alas	ska Peninsula (KAP)	1,844.0		
KAP 1050	Christiansen Parcel (Sitkalidak Str.)	159.0	USFWS	Low
KAP 1054	Christiansen Parcel (Kiliuda Bay)	160.0	USFWS	Low
KAP 1058	Leisnoi Parcel (Long Island)	1,462.0		
KAP 1065	Arneson Parcel (Alf Is./Uyak Bay)	63.0	USFWS	Low
	TOTAL:	2,830.5		

* These parcels have been nominated since publication of *Comprehensive Habitat Protection Process: Small Parcel Evaluation & Ranking, Volume III,* Supplement July 15, 1995.

PROJECTS DEFERRED BY TRUSTEE COUNCIL / FY 98 WORK PLAN

		Lead		Funded	Decision		
Proj. No.	Project Title	Agency	Proposer	8/6/97	Decision Deferred		Process for Review
98064	Monitoring, Habitat Use, and Trophic Interactions of Harbor Seals in Prince William Sound	ADFG	K. Frost/ADFG	\$150.0	\$157.5	Review of recovery status of harbor seals and results of studies to date	Review meeting Nov. 12-13, Restoration Office (Castellini, Frost, Riedel, Schell)
98131	Chugach Native Region Clam Restoration	ADFG	P. Brown- Schwalenberg/ CRRC	\$82.1	\$197.9 ,	Pending award of contract to operate shellfish hatchery; also need final approval of	If contract awarded to CRRC (decision expected October), Chief Scientist and Restoration Office will
				· · · · ·	•••	DPD and budget (submitted June 1997)	review DPD, budget, and FY 97 progress; no meeting planned
98162	Investigations of Disease Factors Affecting Declines of Pacific Herring Populations in Prince William Sound	ADFG	G. Marty/UC Davis; R. Kocan /Univ. Wash., C. Kennedy & A. Farrell, Simon	\$465.7	\$51.7	Evaluation of FY 97 work on herring pound fishery	PI will submit memo of FY 97 results in October; no meeting planned
	<u>a na serie de la serie de </u>		Fraser Univ.	· · · · · · · · · · · · · · · · · · ·			
98163	APEX: Alaska Predator Ecosystem Experiment in Prince William Sound and the Gulf of Alaska	NOAA	D. Duffy/UAA	\$1,899.5	\$118.5	Review of FY 97 data relating marbled murrelet productivity-index to	Memo submitted by Pl October 15; under review by Chief Scientist
						hydroacoustic data on forage fish	
	Assessment, Protection and Enhancement of Salmon Streams in Lower Cook Inlet	ADFG	W. Meganack, Jr./Port Graham Corporation		\$135.4	Review of FY 97 results	PI will submit report in October with FY 97 survey data and plans for FY 98 enhancement/protection efforts; Chief Scientist will review; no meeting planned
98286	Elders/Youth Conference on Subsistence and the Oil Spill	DOI	B. Henrichs /Native Village of Eyak	\$0.0	\$111.1	Submittal and review of budget and DPD, which is to include summary of FY 97 effort	Once submitted, DPD and budget will be reviewed by Chief Scientist and Restoration Office; no meeting planned
98289-BAA	Status of Black Oystercatchers in Prince William Sound	NOAA	S. Murphy/ABR, Inc.	\$0.0	\$80.4	Availability of funds	No further information required

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PROJECTS DEFERRED BY TRUSTEE COUNCIL / FY 98 WORK PLAN

Proj. No.	Project Title	Lead Agency	Proposer	Funded 8/6/97	Decision Deferred		Process for Review
98314	Homer Mariner Park Habitat Assessment and Restoration Design Project	ADNR	E. Bechtol/City of Homer	\$0.0	\$102.1	Availability of funds	Proposer will examine possibility of phasing project over two years
98320	Sound Ecosystem Assessment (SEA)	ADFG	T. Cooney, et al/UAF	\$2,332.6	\$50.8	Review of FY 97 results of Herring/TEK component	Seitz will submit maps, methods, and plan for FY 98 effort by 11/21/97; Chief Scientist and Restoration Office will review; Seitz will make presentation to TEK Advisory Group Dec. 9
98338	Survival of Adult Murres and Kittiwakes in Relation to Forage Fish Abundance	DOI	J. Piatt/USGS	\$0.0	\$76.1	Review of results of pilot study of subcutaneous radio tags	PI will submit memo of FY 97 results by 10/31/97; Chief Scientist will review; no meeting planned
98339 ··· ^{···} · ··	Prince William Sound Human Use and Wildlife Disturbance Model	USFS	K. Murphy, L. Suring/USFS	\$0.0	\$139.2	Availability of funds	Proposer will work with DOI/NPS liaison to answer Trustee Williams's question about expanding model beyond PWS

Summary:	Approved by Trustee Council in August:	\$13,079.1
	Total request for deferred projects:	<u>\$1,220.7</u>
	TOTAL:	\$14,299.8
	FY 98 Work Plan target:	\$14,000.0

C

Field Trip Summary

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

B. DATE/TIME: September 10-11, 1997

C. LOCATION: Kodiak Island, Alaska

D. MEMBERS IN ATTENDANCE:

Name Rupert Andrews, Chairman Torie Baker Chris Beck James King Chuck Meacham Eleanor Huffines Brenda Schwantes Stacy Studebaker Howard Valley

E. NOT REPRESENTED:

Name Pam Brodie Sheri Buretta Dave Cobb Chip Dennerlein Mary McBurney Chuck Totemoff Nancy Yeaton Vacant Mark Hodgins (*ex officio*) Loren Leman (*ex officio*)

F. OTHER PARTICIPANTS:

Name Bill Hauser Joe Hunt Molly McCammon Doug Mutter Hugh Short Lisa Thomas Cherri Womac Bruce Wright Principal Interest Sport Hunting and Fishing Commercial Fishing Public-at-Large Public-at-Large Science/Academic Commercial Tourism Public-at-Large Recreation Users Forest Products

Principal Interest Environmental Public-at-Large Local Government Conservation Aquaculture Native Landowners Subsistence Public-at-Large Alaska State House Alaska State Senate

Organization

AK Department of Fish and Game Trustee Council Staff Trustee Council Executive Director Designated Federal Officer, Dept. of Interior Trustee Council Community Liaison U.S. Geological Survey Trustee Council Staff National Oceanic and Atmospheric Administration

G. KODIAK OPEN HOUSE:

Linda Freed Jerome Selby Brian Himelbloom Jeff Richardson Judy Lucas Susan Baker Woody Koening Kathy Streveler Linda Himelbloom RaeJean Blaschka **Emeliana** Valdez Cassie Bravo Tommy Johnson Mary Forbes **Bob** Pfutyccnreter Ron Riemer **Dustin** Dooley Jonathan Schafler Margaret Roberts **Roger Blacmett** Jim McCullough Steven Honnold Hans Tschersich Herta Tscherich Claire Holland Henry Hagemey Lacey Berns Elise DeCola David Nesheim Cliff Stone

KIB Community Development Director **KIB** Mayor University of Alaska-Kodiak Kodiak Daily Mirror Chiniak Chiniak Chiniak Gustavus Kodiak Kodiak Kodiak Kodiak Kodiak Kodiak Kodiak KIB Kodiak FWS-Kodiak Kodiak Kodiak ADFG-Kodiak **ADFG-Kodiak** Kodiak Kodiak ADNR-Kodiak Kodiak Kodiak Kodiak Lesnoi Inc., Kodiak

Kodiak (representing Alan Austerman)

Issues Raised:

--Linda Freed outlined spill prevention and contingency planning efforts in the Borough --Ron Riemer discussed the Kodiak Island marine waste management project --Jerome Selby urged completion of the AJV, Koniag and Termination Point sales and the Long Island sale; he asked that Lesnoi lands at Chiniak be examined for possible sale, that the waste management project be followed up, and that the restoration reserve be a research fund for the spill area (with the Trustee Council to be replaced by some other entity)

--Education of local people is a key to preventing small spills and chronic pollution

--Possibility of contamination on Long Island

--Possibility of contamination at Chiniak

--Chiniak residents want the Trustees to purchase Lesnoi lands to stop timber harvest --Margaret Roberts asked about funding for PSP testing, education of local people on cultural values, and she asked that a separate committee be set up to run the reserve --What about the expenditure of EVOS money in New York? --They support Termination Point acquisition as a priority --Can EVOS fund a project for sea lions in the harbor?

H. LARSEN BAY OPEN HOUSE:

Doug Mutter, Chairman Torie Baker Brenda Schwantes James King Lisa Thomas Terry Tavel Kevin Hartwell Martha Randolph Marilyn Arneson Virginia Squartsoff Joan Squartsoff Designated Federal Officer, Dept of Interior PAG, Commercial Fishing PAG, Public-at-Large PAG, Public-at-Large U.S. Geological Survey videographer videographer Anton Larsen Corp. Larsen Bay Larsen Bay

Issues Raised:

--Shareholders of Koniag did not get to vote on the land sales to the Trustee Council

--No EVOS money is being spent in Larsen Bay

--They do not know what is going on with EVOS projects

--They want to stop the next Koniag sale of lands in the area

--They want to de-merge from Koniag

I. OLD HARBOR OPEN HOUSE:

Molly McCammon, Chairman	Trustee Council Executive Director
Chris Beck	PAG, Public-at-Large
Chuck Meacham	PAG, Science/Academic
Eleanor Huffines	PAG, Commercial Tourism
Joe Hunt	Trustee Council Staff
Hugh Short	Community Involvement Coordinator
Jody Seitz	Coastal Currents
Daniel Zatz	videographer
Roy Corral	photographer
Rick Berns	Old Harbor
Mary Haakanson	Old Harbor
Craig Mishler	ADF&G Anchorage
Sven Haakanson, Sr.	Old Harbor
Emily Bigioli	Old Harbor
George Inga, Sr.	Old Harbor
James A. Nestic	Old Harbor
Polly Inga	Old Harbor
Carl Christiansen, Sr.	Old Harbor

CarlChristiansen, Jr. Jeff Peterson Harold Christiansen, Sr. Tony Azuyak, Sr. Old Harbor Old Harbor Old Harbor Old Harbor

Issues Raised:

--Problems with contamination of local waters - household hazardous wastes, waste oil, raw sewer, scrap metal. Kodiak Waste Management Plan project is a good way to deal with these issues. Can money be obtained for local training?

--What is status of EVOS small parcels?

--Harbor seals are increasing, there is lots of hunting, and they are now getting involved with Harbor Seal Commission

--Want Youth Area Watch like Prince William Sound's

--20-25 local salmon seine permits in Old Harbor

--Want tourism to increase slowly, to plan for it, so they can keep the benefits locally. They want an infrastructure in place before tourists arrive.

--IFQs were a loss. Halibut charter boats - moratorium as of April 1997. There could be a loss there too. They are also concerned about draggers.

--Library at school is getting organized and upgraded. Information about Russian history.

--PSP in clams is increasing. Kodiak Island uses more clams per capita than anywhere else. Mainly use a beach at Sheep Island.

--Observations: lots of feed, small fish. Lots of new birds - "giant robins". Salmon are deeper and not jumping. Skin is colored but the meat is fresh.

--Community met with Terry Garcia of NMFS when he visited in August.

--Rockfish - Russian Old Believers from Afognak came down to fish these.

--Asked for a research project to check the ocean after a dragger goes through.

The group also toured museum housed by Russian Orthodox priest. Many old items - could probably be better protected if they were in climate controlled cabinet.

J. PORT LIONS OPEN HOUSE:

Bruce Wright, Chairman	National Oceanic and Atmospheric Administratioin
Howard Valley	PAG, Forest Products
Rupert Andrews	PAG, Chairman, Sport Hunting and Fishing
Pauline Allen	Chugach Regional Resources Commission
Ivan Lukin	Port Lions
Wayne Lukin	Port Lions
Brad Ares	Port Lions
Mark H. Barthson	Port Lions
Alvin Mullan	Port Lions
Students	Port Lions School

The community is relatively new. It was established after the earthquake. Several new homes are going in and the city government continues to sell lots at reasonable prices to help raise

funds. Crescent Lake is stocked by ADF&G with sockeye and coho salmon. The sockeye run was excellent and everyone who wanted to was able to fill their smokers and freezers. The coho run was not as good, but there were several fish below barrier falls in Crescent River. There is very little fishing pressure on the coho.

The berry year was good and the bears were not much of a problem unless you ventured out at night (not recommended). One community hall has been replaced and another is slated for replacement. Twenty-two Port Lions' residents attended the meeting, eight were high school students with their teacher. The handouts were very popular, especially the wildlife series and Restoration Update. The school and community had already received the seal video and they have watched it at least once. At the end of the meeting most people stayed to watch the video again. Most people had a comment.

Issues Raised:

--Wanted a fish bypass for Crescent Lake

--Fish bypass may change the use of the fishery

--Several people were very interested in the Restoration Reserve and wanted to be kept informed, to receive the newspaper on the Reserve, and to be placed on the TC mailing list

--Only one resident (village police officer) commented on land issues and was opposed to the lands being purchased by the TC to go to USFWS. "They already have locked up too much land."

--Several questions were asked about cleanup contingency plans, and especially training for the local residents

--Some think tourism may be important to their community in the future

--Several people thanked us for coming to the community, and wanted us to do so again to discuss the Reserve and to keep them updated

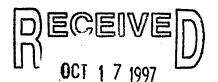


The National Outdoor Leadership School Alaska Branch PO Box 981, Palmer, Alaska 99645-0981 907-745-4047 Fax 907-745-6069 Don Ford Branch Director

Molly McCammon Executive Director Exxon Valdez Oil Spill Trustee Council 645 G Street Suite 401 Anchorage, Alaska 99501-3451

Re: Restoration Reserve

October 15, 1997



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Dear Molly,

I am in the final hours before my departure south, so excuse the brief nature of this note. Unfortunately, I will be in the field during the Restoration Reserve Workshop next month but I would encourage the PAG to consider the following thoughts during the discussions.

Integration of Research in Management Decisions. Torie Baker's letter dated September 21st spoke to this well. The value of the EVOS research in the spill areas is undeniable; yet, the use of research within the existing management structure is a concern that should be addressed.

Impact of Recreation and Tourism on Recovery of the Ecosystem.

I believe that human impact is a factor constraining long term ecosystem recovery. The level of acceptable change needs to be addressed, in particular, the cumulative impacts of increased traffic volumes on injured resources. EVOS could play a significant role in supporting future research and planning efforts to diminish this imminent threat.

Value of Education

Both cultural and scientific education programs provide people the knowledge and the passion to fight for the long term preservation of these fragile ecosystems. Through the Reserve, the oil spill could continue to provide educational opportunities for communities well into the future.

Again sorry for the quick notes. These are simply ideas to consider when the PAG discusses the scope of the Restoration Reserve.

Sincerely,

1 and

Eleanor Huffines

October 1, 1997

via fax 276-7178 and mail

Molly McCammon Executive Director EVOS Trustee Council 645 G. Street, Suite 401 Anchorage, AK 99501

re: "trick or treat" this Halloween

Dear Molly,

Thankyou for your September 19, 1997 response on behalf of the Council to my letter of April 5, 1997. It was, unfortunately, entirely unsatisfactory. That the Trustee Council is unable to completely and genuinely answer these few relatively straightforward questions, which are of course only a starting point for the sorts of questions that need answered, further supports my contention that a thorough, comprehensive review of the government's NRDA/Restoration process for the Exxon Valdez Oil Spill needs to be conducted. A few observations are in order.

First, it is important to note that none of your response conveyed any information whatsoever from anything that could be considered to be "an independent review" of the sort you suggest you have already conducted. These were simply your and the Council's conclusions about the process - hardly the comprehensive, independent assessment you contend has been conducted and is unnecessary. My questions were specific to what your independent review had concluded - I already know what you and the Council think about all of this. If you have conducted such a review, where are the results?

Next, from the information you provided, it is simply impossible for the public, or the court for that matter, to objectively determine how well you are doing in complying with the various consent decrees under which you are operating. Perhaps most telling was your lack of response to my request for "an itemized list of exactly what restorative management decisions have been made based on your research, by which agency, and at what date. Please attach copies of each and every such decision." Although you assert that your research "has played or is playing a direct role in recovery of injured resources" (as, of course, you state many times in attempts to justify these enormous expenditures), you provide not one single piece of documented evidence to support this, as I had requested. This is to confirm that the Trustee Council is unable to document one single management decision by a natural resource management agency in the oil spill region based specifically on results of your research.

This brings up the next point, which is your answer to my question asking for "the total amount of public funds expended to date on government EVOS research." Your answer that "for the period ending March 31, 1997, a total of \$79.5 million has been expended on EVOS research, monitoring, and general resoration activities" - is far from the actual amount. My request was for the total amount - that is, from March 1989 - to date spent on government EVOS research. This total amount should actually reflect all of the presettlement research, which probably amounts to approximately \$150 million of the \$173 million of reimbursements (although you are unable or unwilling to give me an exact figure), all of the \$25 million you have spent constructing your aquarium in Seward (an expenditure which you purport is solely for research), and several million dollars for your administration and management of this enormous "science" program. Molly McCammon Page 2.

I also recall a substantial amount of money provided directly by Exxon to the Trustees back in 1989 or 1990 for your research program that is not accounted for in your figure. The total amount actually spent by the government on EVOS research to date - my exact question - then, is over \$260 million, or over three times the answer you gave. Such attempts to mislead the public are rivaled perhaps only by Exxon itself.

In answer to your question as to whether I would like to review the inventory of equipment purchased with EVOS funds that is in custody of the government agencies, the answer is yes - that is one of the things I specifically asked for - "please provide me with your review's itemized accounting of all such expenditures, including all equipment that has been purchased using EVOS funds."

You are unable or unwilling to provide me with an itemized account of all reimbursements taken by the government agencies out of the settlement, instead sending me off on yet another "hunting expedition" to your clever, professionally elusive government lawyers. As this public money - over \$1/6 Billion - was taken directly out of the settlement, one would expect that such an accounting exists and would be readily available.

Regarding your answer to my question of "exactly how much money did you spend on efforts that would reasonably be considered to be normal agency responsibilities", in all honesty, I simply do not believe that it is the judgement of the Trustee Council that "none of the settlement funds has gone to fund activities that could be described as 'normal agency management'." In fact, you will no doubt recall a dialog regarding this issue, on the public record, at one Trustee Council meeting awhile back in which one of the Council members admitted that, of course, a substantial percentage of Trustee Council expenditures went for normal agency activities, and that a policy on this should be developed. I believe that it is widely understood and acknowledged by even your own agency scientists that much of the research done with Trustee money - population censusing and assessment, etc. - is what would normally be considered to be "normal agency management." I believe many of these people would admit this under oath or anonymously to an independent reviewer.

Your answer to my question concerning "agency bias, conflict of interest, duplication of effort, openenss and competetiveness of the RFP process, and general fairness in the conduct of your research program since March, 1989" was simply that you now have a process in place by which you award research contracts to private companies, universities and non-profit corporations. This is rather obvious, but again sidesteps the question and provides little guidance to future Trustee Councils regarding what pitfalls to look out for, what to avoid.

In answer to my question regarding how much money you have provided in overhead to your own agencies, you provide only a complex matrix of percentages and formulas from which it would be difficult for the public to derive even an approximate answer to this question. My question was precisely how much money you have provided in overhead, not what the various rates charged are. Again, the Trustee Council is apparently either unwilling or unable to provide this information. Molly McCammon Page 3.

Your rationale for not responding to my questions regarding the NRDA program is that these "are entirely matters of speculation and opinion and are not appropriate for comment by the Trustee Council, only one member of which was even a Trustee during the time these decisions were made." It may be that these are matters of speculation and opinion, but any comprehensive review of the process would be able to provide an analysis of those speculations and opinions, and subsequently the review's conclusions regarding the NRDA program. Keeping in mind that you have reimbursed your agencies over \$1/6 Billion of public funds for this program, and that none of it has been accounted for in any genuine and detailed way whatsoever to the public, it seems that these "matters of speculation and opinion" are of genuine interest. Further, your assertion that it is not appropriate that the Trustee Council comment on this because "only one member of which was even a Trustee during the time these decisions were made" is simply ludicrous. The legally mandated Trustee agencies of this process are the same today as they were in 1989, and there has to be some collective knowledge and responsibility for the NRDA process within the respective Trustee Council agencies. A legitmate review would assemble and make sense out of this collective knowledge. Your lack of response on this issue further obviates the need for a comprehensive review. Further, this precise argument will be used twenty years from now regarding you folks - those Trustees weren't even around "during the time these decisions were made", so, as your rationale follows, how could they possibly know anything about what went on back there in the 1990's way up in Alaska? Again, another reason for a comprehensive, detailed review.

As you are aware, the Trustee agencies are under a court order to conduct this program with a "meaningful public process." Further, your Restoration Plan categorically states that:

The public and the scientific community will be provided timely access to all levels of restoration information. In addition to the status report, more detailed information will be made available to scientists and the interested public in a timely manner and in an easily usable form.

That it took the Trustee Council over five months to respond to my information request can hardly be considered "timely", even in government circles. But far more importantly, that your ultimate response did not provide most of the information I requested can indicate only one of two possibilites - either you do not have the information and analyses I have requested, or that you wish to conceal this information from the public. In the first instance, a thorough review of the sort I have been requesting and you have been opposing for over four years now would obviously be warranted. In this case, if the Trustee Council had recognized the constructive nature of this request when I first made it (my letter to Senator Stevens of February 12, 1993, copied to the Trustees) and subsequently many other times, and then moved ahead with a genuine effort to sponsor a truly credible, independent review of the entire Trustee program, 1989 until present, you would be able to provide me and other interested public with detailed answers to at least these questions "in a timely manner and in an easily usable form." Molly McCammon Page 4.

Your acknowledgement of this need in your March 22, 1995 letter to The Coastal Coalition was encouraging:

Various Council members have discussed during the past year the possibility of commissioning a historical review of the Exxon Valdez Oil Spill NRDA process and development of the Trustee Council. Such a review would be conducted both from the perspective of 'process' and 'science' in order to document the lessons learned in the event of another oil spill. This is especially appropriate given the length of time since the spill and the potential for losing much of our historical knowledge.

This was subsequently discussed, at my request, during a Trustee Council meeting, and at least one of your council members concurred:

the comments we heard here might be something we want to look at as we prepare for the tenth anniversary because, as I mentioned earlier, that is an opportunity for the Council to demonstrate accountability, and maybe really look at how we can prepare material that II provide assurances to the public in a very open-profiled way of just what has happened over the past seven years

This again was encouraging, but the Council's subsequent lack of further action on this is, to say the least, extremely discouraging, and raises great suspicion regarding the sincerity of any of the Council's public statements.

The second possibility mentioned above - that the Trustee Council wishes to conceal this information from the public - is obviously contrary to your restoration plan and to the court order. I have to hope that this is not the case.

The U.S. District Court concluded in response to a motion we put in front of it in March, 1995, that although the government's compliance with the terms of the settlement is a matter of great public interest and that the Council's activities "should be scrutinized", the court felt that it lacked the authority to order a review such as we had requested. We continue to feel that the court is in error in this regard - that it not only has the authority, but in this extraordinary case it also has an overriding public responsibility to order the monitoring of compliance with the various EVOS/government consent decrees, particularly since none of the parties to the consent decrees seems willing to initiate such a process. We feel strongly that the court does have the power to monitor and enforce the settlement it approved, even absent an intervenor such as ourselves regardless of standing.

The court suggested that we go to Congress with this request, which we did. Senator Stevens explored the notion with you folks, and again you aggresively opposed such a review. So the situation we are left with here is this: for one of the most damaging industrial disasters in history, neither the judicial (yet), the legislative, or you, the administrative branches of our government agree to conduct a comprehensive critical analysis the most extensive attempt in human history to mitigate the environmental damage caused by an industrial disaster. Now that's one for the history books, isn't it? I am certainly glad that it is your names that will be associated with such opprobrium, not mine. Molly McCammon Page 5.

I have general admiration for all of you as people. And, you are to commended for the fact that finally, after many years of haggling, the governments have accomplished some amount of habitat protection in the spill region out of the billion dollar settlement. But when history looks at the entire opportunity presented by the Exxon Valdez, and contrasts what the responsible government "Trustees" did and did not accomplish. I am convinced that the true and ultimate tragedy of this event will be clear - and that is the government's inability, even for just one extraordinary instance, to place the interests of an injured ecosystem above all else. Even with a billion dollars, extraordinary public support and a court mandate to do just this, the government Trustees proved ultimately incapable of operating solely or even primarily in the interest of aiding the recovery of this severely damaged ecosystem. Instead you folks placed the political interests of a few at a higher priority, leading to such perverse initiatives as the construction of tourist aquariums; massive, intrusive, and for the most part useless science projects; various economic development projects; projects to increase human access, use, and disturbance of an already disturbed ecosystem; waiting for coastal habitat to be clearcut and then "protecting" it; etc. And all in the name of "ecosystem restoration?"

And while you may feel that your now predictable, off-the-shelf, metronomic rhetoric about your "wonderful" process has successfully hypnotized the general public and media and anesthetized their rational cognition of this situation, I think you will eventually find otherwise. I suspect the main reason the government is so resistant to review of its EVOS program is that, if you do it yourselves, it will quite appropriately be seen as just more of the same old rhetoric - not independent, not credible, not trustable. On the other hand, if you initiate a truly independent, comprehensive, and credible review, it will be somewhat critical. And, for those fearful of criticism, this is probably seen as a "no-win" situation. Your opposition can only mean that you are afraid of the outcome. It is obvious that you folks are not quite as confident about your program as you pretend.

On the contrary, the ultimate winner by conducting a critical analysis and evaluation of this entire effort is, of course, society and the environment. If the government Trustees of this oil spill remain so afraid to acknowledge their failings along with their successes, then where are we left for the next such environmental disaster? Saying that all of this has now been taken care of because "NOAA has new NRDA regulations" is simply laughable. It is about as believable as Alyeska saying they had a great contingency plan back in 1989.

There are now, as you know, at least three National Academy of Sciences reviews of issues in Alaska being conducted - one on IFQs, one on CDQs, and one on Wolf Control. Another NAS review, of the Oil Spill Recovery Institute's evolving research program, is planned. But while each of these issues is important, even taken together they are not nearly as internationally significant as this historic attempt by the government to mitigate the environmental damage caused by the Exxon Valdez. Yet here you are, afraid to objectively account for the government's failures and missed opportunities along with your successes, afraid to imagine a different and potentially better way of doing all this the next time.

I have yet to retain an attorney in any of my dealings with you folks, as I had hoped that when you folks thought about it all and set aside your fears and prejudices and measured your potential courses of action against the highest standards of public trust and integrity, you would agree that this was the honorable thing to do. Apparently I was mistaken. At this point, I propose the following - unless I hear from you by the end of this month that is, by Friday, October 31, "Halloween" 1997 - that you intend to commission a truly independent, comprehensive, thorough, and critical analysis of the entire government NRDA/Restoration program on the Exxon Valdez Oil Spill, to be made readily available to the public by the 10th anniversary of the spill (March 24, 1999), I will explore and seek every possible legal remedy to this situation. I realize this may not worry you folks very much, as you have at your disposal countless skilled attorneys and virtually limitless resources. But the fact of the matter is that the government is legally vulnerable on certain parts of this, and I think you and you skilled attorneys know just where. Your feigned concern over the legality of examining pre-settlement activities and expenditures with settlement monies is absurd - these activities were funded by monies taken out of the settlement as reimbursements, and as such entirely subject to critical examination with settlement monies.

Keep in mind that at this point, this is the Trustee Council's choice, not mine. If the Council had stepped to the plate on this four years ago this entire issue would be over and done with long before now.

One final offer - in the interest of fostering your deliberation of this proposal, I offer to keep this communication confidential at this time. In the event you decide to go forward with a real review, I will applaud it publicly, and give all of you great plaudits for doing such a wonderful thing. It can be your idea, your initiative. If you choose this path, I would not want to be part of the review itself, but would insist on helping to define the scope and process for the review.

I must say, in closing, that I have wanted this Restoration process to succeed perhaps more than any other person I know. It genuinely saddens me that here, after 8 and 1/2 years, we are in such a situation. So what'll it be for trick-or-treat this Halloween folks - your continued **tricks** - on the public, the environment, the courts, and yourselves - or a refreshing **treat** - an honest and fair critical examination of your program? As usual, I will anxiously await you reply.

Sincerely,

Rick Steiner 9940 Nearpoint Dr. Anchorage, AK 99507

cc Honorable H. Russel Holland, U.S. District Court, District of Alaska

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

B. DATE/TIME: November 4-5, 1997

C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE:

Name Rupert Andrews, Chair **Torie Baker** Chris Beck Pam Brodie Sheri Buretta Dave Cobb (via telecon) James King Mary McBurney Chuck Meacham Chip Dennerlein **Brenda Schwantes** Stacy Studebaker **Chuck Totemoff** Howard Valley Mark Hodgins (ex officio)

E. NOT REPRESENTED:

Name Eleanor Huffines Nancy Yeaton Vacant Loren Leman (*ex officio*)

F. OTHER PARTICIPANTS:

Name Catherine Berg Veronica Christman Traci Cramer Carol Fries Dave Gibbons Chuck Gilbert Joe Hunt Laura Johnson Mark Kuwada **Principal Interest** Sport Hunting and Fishing **Commercial Fishing** Public-at-Large Environmental Public-at-Large Local Government Public-at-Large Aquaculture Science/Academic Conservation Public-at-Large **Recreation Users** Native Landowners Forest Products Alaska State House

Principal Interest Commercial Tourism Subsistence Public-at-Large Alaska State Senate

Organization Fish and Wildlife Service Trustee Council Staff Trustee Council Staff AK Department of Natural Resources U.S. Forest Service National Park Service Trustee Council Staff Chugachmuit AK Department of Fish and Game 14.2.29

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Barat LePorte Molly McCammon Rita Miraglia Doug Mutter Theresa Obermeyer Karl Pulliam (via telecon) Bud Rice Sandra Schubert Stan Senner Hugh Short

Claudia Slater Bob Spies (via telecon) Joe Sullivan Alex Swiderski Lisa Thomas Al Tyler Cherri Womac

Bogle and Gates Trustee Council Executive Director AK Department of Fish and Game Designated Federal Officer, Dept. of Interior Public Public National Park Service **Trustee Council Staff** Trustee Council Staff **Trustee Council Community Involvement** Coordinator AK Department of Fish and Game Chief Scientist, Trustee Council AK Department of Fish and Game AK Department of Law U.S. Geological Survey University of Alaska **Trustee Council Staff**

G. SUMMARY:

The meeting was opened November 4 at 8:30 a.m. by Rupert <u>Andrews</u>. After roll call, the summary of the July 16, 1997 meeting was approved.

Molly <u>McCammon</u> provided the Executive Director's report. She reported on the status of legislation to change management of EVOS accounts, which are held in the U.S. Court System. Some changes not desired by the Trustee Council are being proposed. The Trustee Council will meet December 18 to act on deferred projects for this year's work plan. A harbor seal workshop will be held November 12-13, 1997. Negotiations are underway for large parcel acquisitions with Afognak Joint Venture and with Koniag. An agreement was reached for acquisition of small parcels at Homer.

<u>McCammon</u> gave an overview of the restoration reserve planning process. Ideas for a research fund were put forward as early as September 1989. Arliss <u>Sturgulewski</u> and the PAG have put forward papers on the reserve concept. The Trustee Council has asked for a full public planning process at this time, to assist them in deciding what to do with the reserve, and how to do it. Public comments were solicited in this summer's newsletter (copies were distributed to PAG members).

Stan <u>Senner</u> reviewed the recovery status of injured resources. An official update was done in 1996, and another will be done in 1998. Several species appear to be recovering and will change status. The ecosystem has not recovered, and recovery of several species is yet unknown.

Veronica <u>Christman</u> provided a summary of the public comments on the reserve received to date (a summary was distributed to the PAG). Of 179 responses, 59 addressed all questions and 39 spoke in favor of a permanent research and monitoring program.

The session was opened for public comment. Karl <u>Pulliam</u> (via telecon) supported increased research and monitoring in the Cook Inlet/Kachemak Bay area, a project to compile information for the area, and support for efforts such as Cook Inlet Keeper and the National Oceanic and Atmospheric Administration's Estuarine Reserve program. Theresa <u>Obermeyer</u> offered comment and distributed a handout.

Bob <u>Spies</u> presented his thoughts on use of the reserve fund (a paper was distributed to the PAG). He and the core scientific peer review team propose a long-term research and monitoring program of the northern Gulf of Alaska, taking an adaptive, interdisciplinary, ecosystem approach. He estimates it will take \$4-5 million annually for an effective program, which should cooperate with other research efforts.

<u>McCammon</u> introduced presentations on remaining habitat protection opportunities (reports were distributed to the PAG). Dave <u>Gibbons</u> went over Forest Service options within Prince William Sound, noting Native shareholder homesites would be the major future opportunities-there are no small parcels. Chuck <u>Gilbert</u> discussed Park Service options, stating that Port Graham is not interested in selling any land, English Bay purchases are completed, and there are no small parcels. The coast along Lake Clark National park is a potential, but is involved in pending CIRI and village land deals. Mark <u>Kuwada</u> spoke about Department of Fish and Game possibilities, mainly small parcels along the Kenai River. Carol <u>Fries</u> discussed Department of Natural Resources interests, mostly Kenai River small parcels. Alex <u>Swiderski</u> mentioned that many small parcels become available over a period of time, ones that aren't available now may be at a later date. McCammon outlined Fish and Wildlife Service possibilities-mainly small parcels on Kodiak Island, Afognak Island parcels, and lands within the Kenai National Wildlife Refuge.

Hugh <u>Short</u> discussed community interests (see handout #1). Hearings will be held after January in all rural communities, as well as Anchorage, Fairbanks and Juneau. Local control of research, education and cultural projects are desired by most of the community facilitators, who represent Tribal Councils. Native internships were discussed. Native input into the process is desired.

Dave <u>Cobb</u> suggested that assisting resources over the long-term was important, a small advisory group of stakeholders could manage the funds, and that there were enough land acquisitions.

<u>McCammon</u> stated that the Trustee Council wants to present a range of options for the next round of public comment. There is still a mission tied to the injured resources that keeps the program close to the purposes outlined n the settlement.

Al <u>Tyler</u> outlined the endowed University chairs option. About \$2 million can support one endowed chair (salary and benefits only). The specific kind of chair can be identified, and the method of managing finances can be established. Jim <u>King</u> noted that funding research projects through the University also gives education to others. The Group discussed endowed chairs and where this option should be placed in the presentation of options. Tyler proposed adding the following language to the option: "The incumbent of an endowed chair would occupy the position for a fixed term (e.g., 5 years)." The possibility of funding a research institute was brought up. Allocation of fixed percentages of the fund was discussed. Increasing the amount going into the fund and allowing funds to be used for agency programs were also discussed. Leveraging funds with other research projects and perhaps establishing an overall research coordination group were ideas presented. Giving money to local foundations was put forth. Chuck <u>Meacham</u> suggesting deleting large parcel acquisition as an option since it would take too much of the fund to accomplish. Brenda <u>Schwantes</u> agreed, but Pam <u>Brodie</u> said that all options should be included for public discussion. Stacy <u>Studebaker</u> said that recreational amenities should be funded. Chip <u>Dennerlein</u> supports leaving large parcel acquisitions in the mix.

The PAG discussed and voted on the options to be included in the draft public discussion paper (distributed to the PAG).

USE: Item 1 should be called Ecosystem Research and Monitoring and should include the concept of coordination with other efforts, and the concept of terrestrial vs. marine components of the ecosystem should be given further thought. Passed unanimously

Item 2 should be called: Large Parcel Habitat Protection. Inclusion in the options paper passed by a vote of 8 to 6, with <u>Beck</u>, <u>Buretta</u>, <u>Cobb</u>, <u>Meacham</u>, <u>Schwantes</u>, and <u>Totemoff</u> opposing.

Item 3 should be called Small Parcel Habitat Protection. Passed, with 2 no votes from Totemoff and Buretta.

Item 4 should include the language <u>Tyler</u> presented (above), and include a clear definition along with the concepts of research and teaching. Passed with 1 no vote from Brodie, who said it should be in the research category.

Item 5 should be called Community-Based Restoration Projects, and should include recreational improvements, subsistence, tourism, marine pollution, and cultural elements. Passed unanimously.

An Item 6 was added: Public Education, Outreach, and Stewardship, which should include cooperative stewardship on public and private lands, translating research into forms managers and the public can use, enhanced management of public lands, providing grants to organizations working toward reserve fund goals, distribution of information, and public education, including internships and scholarships. Passed unanimously.

<u>Schwantes</u> suggested including a category called Other in each section so the public can add ideas. <u>McCammon</u> agreed to do this.

LOCATION: should focus geographically and not include the Alaska-wide option. Passed with 1 no vote by Mary <u>McBurney</u>.

TERM: as is, passed unanimously.

GOVERNANCE: Item 2 should be plural (New Boards), the University should be

included, and existing boards should be considered. Passed unanimously.

ADMINISTRATION: Item 3 should be changed to New or Existing Entity including public/private authority, non-profit, private foundation. Passed unanimously.

PUBLIC ADVICE: add an item to Public Outreach to use existing groups, since there are many advisory groups in existence, e.g., local fish and game, etc. Passed unanimously.

<u>Dennerlein</u> suggested including estimates of costs for all options. <u>McCammon</u> agreed to do this. <u>Dennerlein</u> also said that he felt Senator <u>Murkowski</u>'s actions regarding EVOS funding compromised the whole public process.

<u>McCammon</u> opened the discussion on archaeological restoration projects (distributed to the PAG). The Trustee Council plans to take action on this subject at their December meeting. Chugach Alaska withdrew their proposal for a regional repository, pending clarification of direction from the Trustee Council, although they are still moving forward with a cultural center in Seward together with Chenega Corporation. A draft resolution (distributed to the PAG) supports a single regional repository, 8 community displays, and construction of traveling exhibits. <u>Short discussed his meeting with community representatives</u>, Chugachmuit and Laura Johnson. Johnson said that communities endorse the local displays concept, but suggested more funds go there and reduced funding go to the regional repository, which could be an expansion of one of the local displays. This proposal is to go to the communities for their concurrence by the December meeting. <u>McCammon</u> noted that a key concern is who will support operations and how operating costs will be addressed. The PAG discussed this topic at length, in particular, the need for all parties to come together and use the best each has to offer to resolve this issue.

<u>McBurney</u> moved, second by <u>Meacham</u>, to request that the Trustee Council secure the services of a professional facilitator to help the profit and non-profit interests involved in cultural preservation/repository development to help develop an integrated plan for physical facilities and long-term operations. Passed with 1 no vote from <u>Schwantes</u>.

It was moved by <u>Meacham</u>, second by <u>Totemoff</u>, that the PAG supports the concept of the Trustee Council Resolution Regarding Additional Archaeological Repositories (Draft Revised 9/29/97), with the addition of the following to item #2, the first sentence: total not to exceed \$2.8 million. Also, the dollar amounts identified in items #2A, B, and C should be deleted. Passed unanimously.

<u>McCammon</u> asked if the PAG shared any of the concerns that were raised in Rick <u>Steiner</u>'s letter (distributed to the PAG). <u>Tyler</u> noted that <u>Steiner</u>'s opinions were his own, and not necessarily those of the University. No one expressed the same concerns. <u>Brodie</u> noted that she had concerns over NRDA reimbursements, but felt it was not worthwhile going back over them. Sheri <u>Buretta</u> raised a question about the EVOS Chief Scientist sitting on the SeaLife Center Board. Molly said that the Trustee Council had discussed that issue. Several said that <u>McCammon</u> should respond to the letter, but felt the letter resulted in unproductive use of resources.

Torie <u>Baker</u> stated that she was frustrated with the discussion of the reserve. She wants the PAG to be more creative on uses for the reserve. She agrees that more public input is desired. <u>Beck</u> agrees with her, and believes some scenarios for how the reserve could work would be useful. <u>McBurney</u> said she would participate in a small group on the reserve. <u>Brodie</u> thought that writing ideas down and distributing them would be useful. <u>Buretta</u> and <u>Valley</u> said it was a good session. <u>Meacham</u> requested the staff distribute an updated meeting schedule. <u>Studebaker</u> said she was eager to hear Trustee Council responses to ideas for the reserve. <u>Schwantes</u> feels that the public should be more involved and be able to look at all options. <u>Totemoff</u> said thanks for supporting the Chenega habitat project. Jim <u>King</u> thanked Dr. <u>Tyler</u> for attending, and feels the University can assist in managing research funds. <u>Cobb</u> agrees with <u>Baker</u> and the need to revisit the reserve question. <u>Andrews</u> agrees with <u>Studebaker</u>'s concerns over recreational stewardship projects. He thanked Cherri <u>Womac</u> for her logistical efforts for the fall field trip.

The meeting adjourned November 5, at 11:05 a.m.

H. FOLLOW-UP: As noted above

I. NEXT MEETINGS: Not set

J. ATTACHMENTS: (Handouts, for those not present)

- 1. Community Interests in the Restoration Reserve–Uses and Structure
- 2. October 22 letter to Senator Stevens re. EVOS Funds
- 3. November 4 letter to Senator Stevens re: EVOS Funds

K. CERTIFICATION:

PAG Chairperson

Date

Exxon Valdez Oil Spill Trustee Council

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

Community Interests in the Restoration Reserve - Uses and Structure

The following is a list of uses and a possible structure for the Restoration Reserve as recommended by the Community Facilitators. This list was compiled at the October 20, 1997 meeting held at the EVOS Restoration Office in Anchorage.

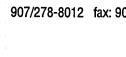
- Allocations directly to the village tribes to conduct projects in their region as they see fit. This may include such community action as pooling of funds to take on an extensive research project in a certain region or the formation of community-based cultural preservation projects.
- Cultural preservation projects. The oil spill has taken a huge toll on traditional methods of collecting sustenance from the land. Since the spill occurred in 1989, a half a generation of young Native children have been at least partly denied the tradition that has been prevalent in their culture for thousands of years. This trend can only be reversed by community leaders and those in the science community working together to restore the traditional resources and teach the youth what their ancestors have practiced for ages.
- End habitat protection. This issue has divided communities within the spill-area. The Community Facilitators that I have talked to feel that amount of money spent, and the amount of land acquired is enough and they cannot support any further acquisitions within the spill region.
- Land give-backs to communities. Many feel that the Trustee Council should allow stewardship of Native lands sold to the government by the Native people.
- Discontinue the Trustee Council in its' current form. A suggestion kicking around is to form
 a commission with 9 members. Represented on this commission would be community
 members (tribal and municipal), industries, and state and federal interests. The commission
 would oversee over four main areas of funding at the following percentages: Education, 25%;
 Enhancement, 20%; Restoration 30%; and Research, 25%. Members of the commission
 would break up into four committees overseeing an area of funding. On these smaller
 committees appointed public members would sit and provide "public input," but would only
 be an ex officio members. This structure would oversee a small professional staff and the
 principal of the Restoration Reserve would be depleted over a twenty-year period.

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

- Discontinue the current structure of the Public Advisory Group. Many feel that a smaller conglomerate of spill-affected stakeholders should be formed to give direction to the new organization that will be formed, possibly through the committee seats under the plan listed above.
- Restoration Reserve should be spent only in the spill area.
- Allocate funding to tribes to set up co-management agreements with state and federal agencies. This would allow for Native groups to use their expertise, along with the government expertise, to manage the resources that produces the best benefit of everyone.
- Native representation on the new structure with an equal voice and veto power.
- More money allocated to true, actual restoration many feel that funds should be used for such projects as direct shoreline clean-up on oiled beaches.
- Accountability of the scientific peer review this would ensure that the scientific projects are reviewed with all spectrums of representation on the panels; also ensuring that the projects are actually helping the restoration of the spill-area.
- The people in the communities would like to see the construction of laboratories within the communities. This could serve two purposes: first, it would allow researchers a shorter amount of travel and time when needing to use laboratories, and secondly, it would allow community members and researchers to build friendships, educational internships, and economic development within the communities.
- Research money from the Restoration Reserve should go towards PSP research.
- Scholarships and educational opportunities in the sciences for those in the spill-affected communities. This would allow those affected by the spill that chance to have a career that would allow them to research and protect the land and water where they live.
- An actual, dedicated amount of money paid out to each community based on population (at the time of the spill) and oil spill damage. This money would allow the communities to fund projects at their own discretion.
- Community Facilitators would like the governing body, whatever it may be, to let those whose area is most impacted by a land sale, or a research project, or whatever it may be, to have a larger voice, rather than allowing "outside" interests control policy.

Exxon Valdez Oil Spill Trustee Council

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





November 4, 1997

The Honorable Ted Stevens Chairman U.S. Senate Appropriations Committee 522 Hart Office Building Washington, D.C. 20510

Dear Senator Stevens:

I received a copy of what has been described as the most recent language you are considering introducing on our behalf to the Commerce-State-Justice appropriations bill (attached). I have reviewed this draft language, and would like to reiterate several concerns that were expressed in an earlier letter from the Trustee Council.

First, all expenditures of the civil settlement funds received by the United States and State of Alaska must be consistent with the 1991 Memorandum of Agreement and Consent Decree. Although the most current language does expand the permissive uses of the interest accrued under the requested authority, which is laudable, these additional uses may or may not be consistent with the Consent Decree. We are concerned that they may raise expectations that the funds can be used for certain purposes, when in fact, they may not. In addition, habitat protection, which is important to many of the spill area communities, would continue to be precluded as a proposed use of the additional interest funds.

Second, we continue to be very concerned about the "grant" language. Your new language does add a provision giving federal trustees the authority to administer grants. It is likely that universities and state agencies could be awarded such grants from a federal trustee agency, although this circuitous routing of funds always results in additional overhead costs. However, this language still seems to preclude necessary research from being performed by federal agencies. Currently, a major portion of our program is being performed by scientists with the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey, Biological Research Division. No other entities are qualified to perform this type of research. Therefore, your proposed language would dramatically limit the type of marine research that could be accomplished with the interest funds. This is a major concern to the Trustee Council.

Third, the language calling for a proposal by 2001 to authorize in federal statute a board to administer the funds invested, interest received, and grants awarded may or may not be appropriate. We are in the midst of a public review process, and have yet to make recommendations or decisions about the future of the Trustee Council. Following this public process, we would be very pleased to present to you by 2001, a proposal for a future process for administration and expenditure of the funds deposited in the Restoration Reserve.

Again, we appreciate your support of our initial effort to increase the rate of return on the civil settlement funds. However, we continue to believe there are serious problems with the additional language you propose, and respectfully request that you seek only the original language requested by the State.

Sincerely,

Moley M' Cam

Molly McCammon Executive Director

Attachment

cc: Trustee Council Members

mm/raw

SEC. ____. EXXON VALDEZ SETTLEMENT INTEREST .-- Notwithstanding any other provision of law, upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds or any portion thereof, including any Interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent decree issued in United States v. Exxon Corporation, et al. (No. A91-082 CIV) and State of Alaska v. Exxon Corporation. et al. (No. A91-C83 CIV) (hereafter referred to as the "Consent Decree"), may be deposited in appropriate accounts outside the Court Registry, including the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the "Fund") established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Publ.L. 102-154, 43 U.S.C. 1474b) and such accounts outside the United States Treasury consisting of income-producing obligations and other instruments or securities of a type or class that have been determined unanimously by the federal and state natural resource trustees for the Exxon Valdez oil spill to have a high degree of reliability and security: *Provided*, That any joint trust funds in the Fund and any such outside accounts that have been approved unanimously by the trustees for expenditure by or through a state or federal agency shall be transferred promptly from the Fund and such outside accounts to the State or United States upon the joint request of the governments: Provided further, that the transfer of joint trust funds outside the Cout Registry shall not affect the supervisory jurisdiction of such District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in United States v. State of Alaska (No. A91-081-CIV) over all expenditures of the joint trust funds: Provided further, That nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the

Incremental Cost of "Operation Desert Shield/Desert Storm" Act of 1992 (Pub. L. 102-229, 43 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a federal agency must be deposited into the Fund *Provided further*. That any interest accrued under the authority in this section may be used only for grants for marine research and monitoring (including applied fisherles research) and for community and economic restoration projects (including projects proposed by the fishing industry and facilities); *Provided further*. That the federal trustees are hereby authorized to administer such grants; *Provided further*; That the authority provided in this section shall expire on September 30, 2002, unles:; by September 30, 2001 the trustees have submitted to the Congress a proposal to auth orize in federal statute a board to administer funds invested, interest received, and grants awarded from such interest.

Exxon Valdez Oil Spill Trustee Council

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



October 22, 1997

The Honorable Ted Stevens Chairman U.S. Senate Appropriations Committee 522 Hart Office Building Washington, D.C. 20510

Dear Senator Stevens:

As you know, we have asked for assistance in obtaining statutory language to clarify that the joint state-federal recoveries for natural resource damages caused by the Exxon Valdez oil spill may be invested outside the Registry of the U.S. District Court for Alaska. These trust funds would continue to be jointly managed by the United States and the State of Alaska through the procedures and for the purposes outlined in the 1991 Memorandum of Agreement and Consent Decree with Exxon entered by the U.S. District Court for Alaska (Consent Decree).

We seek this legislation for two reasons. First, an independent audit of Council activities found that the fees charged by the Court Registry Investment System are excessive, and we have not been able to obtain relief from the court system. Second, keeping the funds in the U.S. Treasury limits our investment potential and prevents us from maximizing revenues while still maintaining the safety of the investments.

We understand that you and Senator Murkowski are willing to seek this legislative change, but with limitations placed on how the interest obtained from investments made under this authorization could be used. In addition, the new authority would expire in 2002 unless the Trustees had submitted to Congress a proposal to authorize in federal statute a board to administer the remaining trust funds. While we are very appreciative of your interest in our programs and your support of many of the Council's activities, these restrictions cause us great concern.

The Consent Decree requires that the Exxon funds be used "for the purposes of restoring, replacing, enhancing, rehabilitating, or acquiring the equivalent of the natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources..." The Consent Decree is both authorized and in accordance with the requirements of Section 311(f)(5) of the Clean Water Act, 33 U.S.C. 1321(f)(5).

The Council is currently implementing a Restoration Plan adopted in 1994 that reflects a balance of restoration activities. These include habitat protection, research performed by state and federal agencies, universities, and private entities, subsistence projects, other restoration activities important to the spill area communities, and a reserve fund for restoration activities after 2002. Because of the long-term nature of the restoration process, the reserve fund was established to ensure that once the last settlement payment was received from Exxon, there would still be adequate funds needed for the restoration of the injured resources based on the scientific record available at that time. The Restoration Plan was subject to significant public review, including a full environmental impact statement. A process is in place for determining, with public input, specific projects on an annual basis. In addition, we are now in the midst of a fully advertised process asking the public how the Council's reserve fund, including interest earned on that fund, should be used. We are also asking the public what they think about the existing structure of the Trustee Council.

The limitations you propose would dramatically restrict the use of the interest to very narrow purposes, thereby precluding its use for other purposes for which the trust money may now be legally expended under the terms of the Consent Decree and applicable federal and state law. For example, the interest could not be used for subsistence restoration projects for Alaska Natives nor for such popular, community-initiated restoration projects as boardwalks along the trampled banks of the Kenai River, waste oil recycling centers that reduce marine pollution in Prince William Sound communities, and acquisition of tidelands on the Homer Spit important to the city of Homer's recreation and tourism needs.

We are concerned that placing these limitations on the use of a part of these trust funds will seriously undermine the confidence of the public that decisions made on the use of the trust funds are the result of an independent judgment based on sound science, taking into account the views of the public. Moreover, such limitations may also lead to wasteful litigation.

We should also note that the Trustee Council itself does not have either independent granting or procurement authority, but instead relies on the statutory authorities of one or more of the relevant State and federal agencies, primarily for procurements. It is unclear if any of these agencies have specific statutory authority to make grants as contemplated by the proposed amendment. In addition, the amendment would also appear to preclude necessary research from being performed with these funds by government scientists, or even the use of our existing procurement arrangements with scientists at the University of Alaska and elsewhere.

For these reasons, we believe that the amendment offered should not be adopted at this time and we respectfully request that you seek only the original language

requested by the State. If that is not acceptable, the Council wishes to withdraw the original request and prefers that no amendment be adopted at this time.

Sincerely, PHIL JANIK

Regional Forester Alaska Region USDA Forest Service

DEBORAH WILLIAMS Special Assistant to the Secretary of Interior for Alaska

FRANK RUE Commissioner Alaska Department of Fish and Game

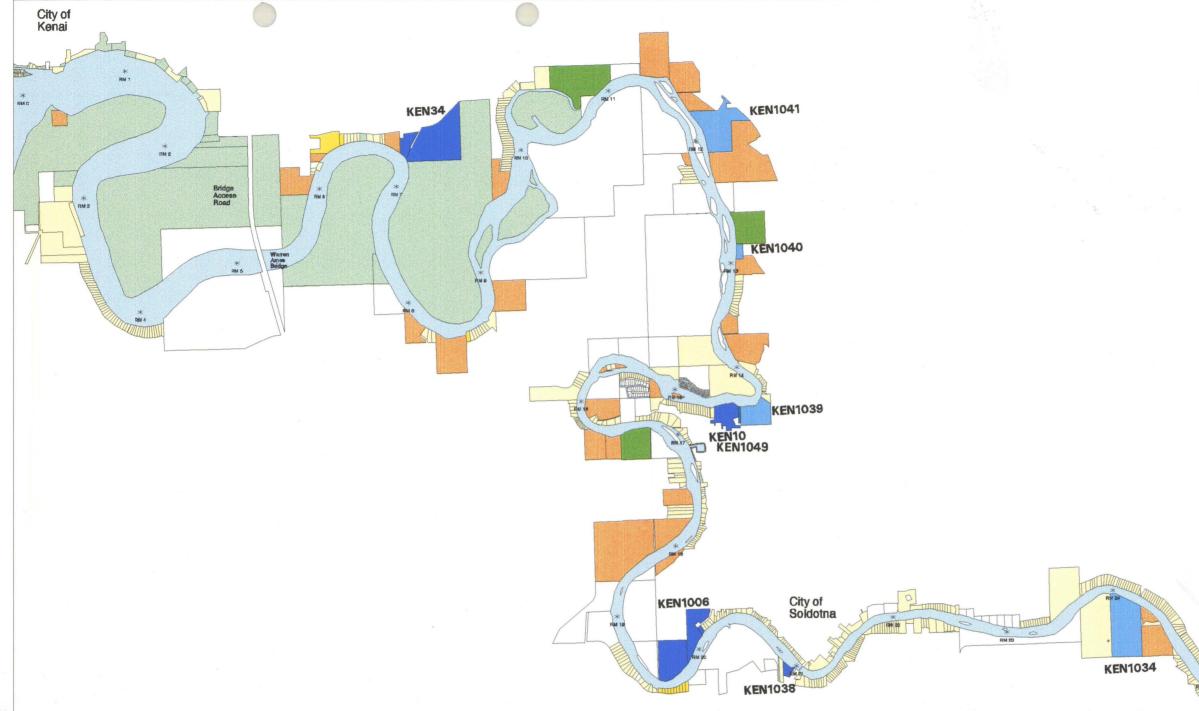
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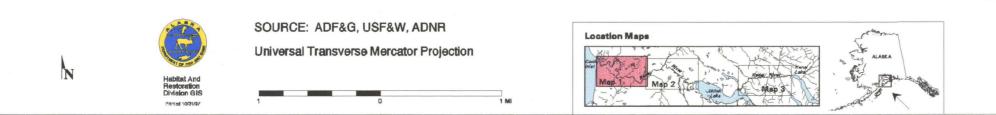
RUCE M. BOYEL

Attorney General

STEVEN PENNOYER Director, Alaska Region National Marine Fisheries Service

MICHELE BROWN Commissioner Alaska Department of Environmental Conservation

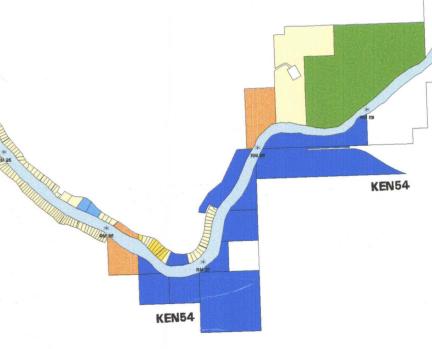


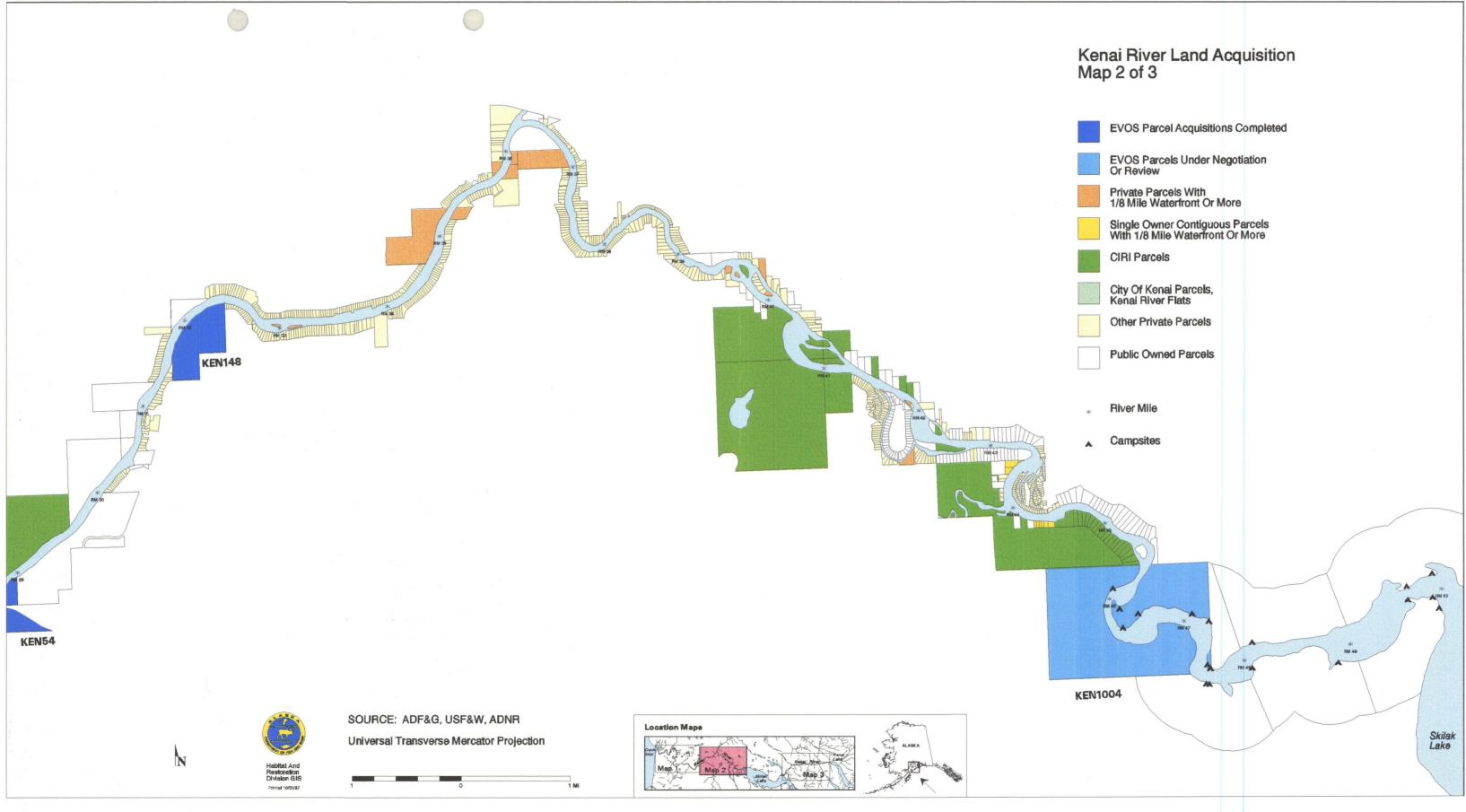


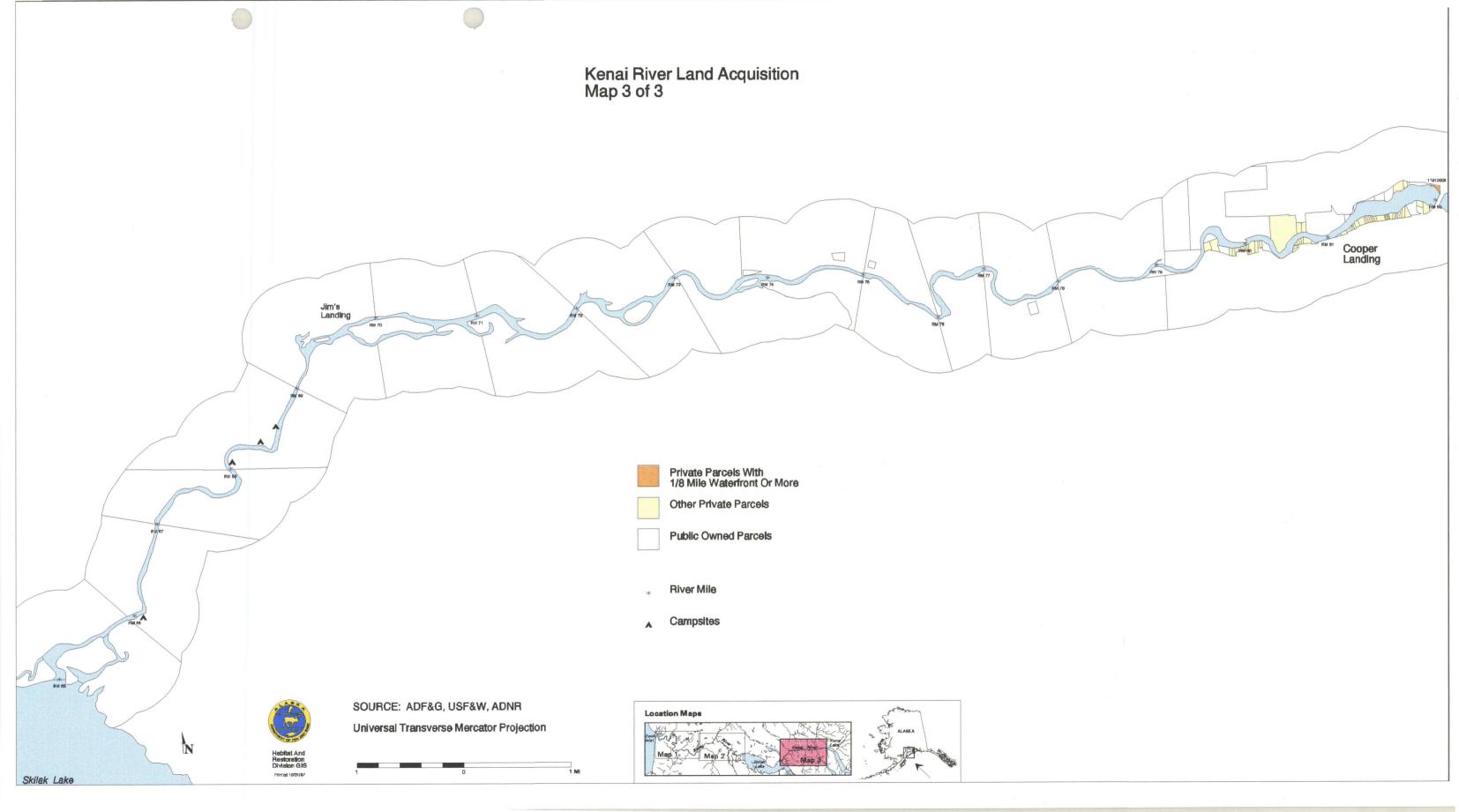
Kenai River Land Acquisition Map 1 of 3

EVOS Parcel Acquisitions Completed
EVOS Parcels Under Negotiation Or Review
Private Parcels With 1/8 Mile Waterfront Or More
Single Owner Contiguous Parcels With 1/8 Mile Waterfront Or More
CIRI Parcels
City Of Kenai Parcels, Kenai River Flats
Other Private Parcels
Public Owned Parcels

- * River Mile
- Campsites







National Parks and Conservation Association

rell provera

November 4, 1997

Dear Conferee:

As you consider the FY 1998 Commerce-State-Justice Appropriations conference report this week, the undersigned organizations urge you to reconsider a provision that would restrict how investment interest from the 1991 Exxon-Valdez oil spill settlement can be spent.

The provision was intended to increase the rate of return on monies in the settlement fund, a goal we support. Unfortunately, it goes one step further and states that interest accrued from the new investments may only be used for marine research grants and economic restoration projects grants proposed by the fishing industry. This language greatly narrows the goal of balanced restoration, as delineated in the 1991 Memorandum of Agreement and Consent Decree between Exxon and the U.S. District Court of Alaska, as well as the 1994 Restoration Plan approved by the Exxon Valdez Oil Spill Trustee Council.

Balanced restoration includes land acquisition, habitat conservation, research and monitoring, subsistence activities, mitigation projects in communities affected by the oil spill, recreation options, economic opportunities for fisherman and affected businesses, and a reserve fund for future projects. The conference report would override the Council's Restoration Plan-developed with extensive public review and input—and allow the federal government to dictate how the interest from Exxon Valdez settlement can and cannot be spent. Right now, the Council decides how to spend the settlement funds, including the interest.

We urge you to withdraw the FY 1998 Commerce-State-Justice Appropriations provision affecting the distribution of interest from Exxon Valdez settlement investments made outside the Court Registry, unless language prohibiting the use of this revenue for land acquisition is removed.

Sincerely,

National Parks and Conservation Association Alaska Wilderness League

National Audobon Society

Sierra Club Alaska Rainforest Campaign



1776 Massachusetts Avenue, N.W., Washington, D.C. 20036-1904 Telephone (202) 223-NPCA(6722) • Fax (202) 659-0650

🖞 🥵 BRININD WN REGYCERN MADER

NATIVE VILLAGE OF EYAK P.O. BOX 1388, CORDOVA, ALASKA 99574 TEL-907-424-7738/FAX-907-424-7738

November 3, 1997

Hugh Short Community Involvement Coordinator **EVOS** 645 G Street Anchorage, Alaska

Hugh

As I will be in Seattle on from the 4th through the 6th, attending an EPA "Tribal Conference on the Environment", I will be unable to attend, the Public Advisory Group meeting,

Our Tribe supports the recommendations that came out of the October 28, meeting on Artifact Repositories. We want more money spent on the local repositories, and less on the regional ones.

On the Restoration Reserve: We favor using this money to set up a permanent fund, with the earnings being used for actual restoration, not more purchasing land. A new board should be set up to manage this fund, which would include representatives from Tribal Governments.

Please see that everyone on the Public Advisory Group, gets a copy of this letter.

Sincerely yours

Bot Henry

Bob Henrichs President, Traditional Council Native Village of Eyak

cc:Dr. Lora Johnson cc: Patty Brown-Schalenberg





Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

October 31, 1997

The Honorable Frank Murkowski U.S. Senate 706 Hart Building Washington, DC 20510-0202

via facsimile: (202) 224-4349

Dear Senator Murkowski:

NOY 0 4 1997

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

I agree with your position that the Exxon Valdez Oil Spill (EVOS) Trustees Council may invest settlement money only if it agrees that none of the earnings will be used to acquire more land.

I represent one of the two legislative ad hoc seats on the EVOS advisory council. In my legislative capacity and as a member of the council, I have recommended that future investments be made in research rather than land acquisition. I have also discussed this with Molly McCammon, the Executive Director of the council.

Alaska will be poorer if the council is allowed to continue to buy more land at the expense of meaningful research that could keep Alaska at the forefront of marine science.

It has also disturbed me that the council continues to downplay its responsibility as a land holder to deal with the spruce bark beetle problem it inherits with land purchases. I don't believe that the council has done much planning with the property it has already acquired and that makes me less inclined to support future land purchases.

Thanks for the good work, Frank.

Sincerely

Senator Loren Leman

cc: Molly McCammon, Executive Director Exxon Valdez Oil Spill Trustees Arliss Sturgulewski 3301 "C" Street, Suite 520 Anchorage, Alaska 99503 (907) 561-5286 (907) 561-7683 (FAX)



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

October 29, 1997

Rupe Andrews, Chairman Public Advisory Group Exxon Valdez Trustee Council 645 G Street Anchorage, Alaska 99508

Dear Rupe:

It is my understanding that on November 4 and 5, the P.A.G. will be discussing the future of the Restoration Reserve. Since I will be traveling and unable to attend your meeting, I wanted to enter written comment into the record. I would appreciate your making my letter available to other members of the committee.

I was delighted to see in the August-September 1997 issue of the Exxon Valdez Oil Spill Trustee Council publication <u>Restoration Update</u>, that a request for public input to assist the Council in determining the long-term use of the Restoration Reserve was made. As the <u>Restoration Update</u> notes, the final payment to the Restoration Reserve is anticipated to be in 2001. The future of the estimated \$150 million reserve is, in my opinion, one of the major issues before the EVOS Trustee Council.

I have long shared a dream, together with many others, of an endowment to fund a long-term interdisciplinary research and monitoring program to provide the data for long-term management and conservation of the marine environment off the shores of Alaska. I am aware that the current uses of the Exxon Valdez oil spill funds are confined to the area of the gulf of Alaska and Prince William Sound from Yakutat to the Shumigan Islands. Though not covering the entire coastline of Alaska, what a magnificent beginning to carry and expand on the excellent work that has been done to date by the EVOS Trustee Council.

Although much work remains to be done on the specific details of how an endowment for marine research and monitoring should be established, a broad outline can be set forth. I see great value in a successor non-profit organization to the EVOS Trustee Council which would have representation from pertinent state and federal agencies and major public and native interests. I, personally, suggest a permanent endowment, inflation proofed, with annual dividends to finance an interdisciplinary research and monitoring program on a gulf-wide basis, along with coordination of all research taking place in the area. Ability to receive and expend federal, state and private dollars should be provided for and, indeed, encouraged. A small staff with access to a qualified peer science review team should be established.

Page 2 Rupe Andrews, Chairman Public Advisory Group Exxon Valdez Trustee Council October 29, 1997

Without question there will be many demands on the future of the Restoration Reserve, particularly for additional land purchases. Of the \$918 million total settlement, funds have been designated as follows: land purchases - 42%, restoration work - 23.2%, science - 19.6%, Restoration Reserve - 11.8%, and public information and administration - 3.4%.

I submit that a long-term integrated and targeted research and monitoring program, using the Restoration Reserve, is the very highest priority to protect and enhance our gulf ecosystem. We will have to use extraordinary skills to manage and conserve the marine environment so that we can continue to maintain a healthy and productive environment for multiple uses and users.

I want to thank you for the opportunity to give input at an early stage of the planning as to the ultimate use of the Restoration Reserve. I would greatly appreciate being advised of other opportunities to participate or make comment in planning the future of the Restoration Reserve. Good luck, Rupe, to you and members of the P.A.G. as you carry on your important deliberations.

Sincerely,

alion Strugelubhi

Arliss Sturgulewski

Schedule for Restoration Reserve Planning

Al op Nov. 5, 1997 (tent.) December 1997 Tr December 1997 St January 29–30, 1998 Di Rd Feb.– Mar 1998 Pr ar	taff meets with representatives of the University of laska, community facilitators and others to develop ptions for consideration. AG Work Session on Restoration Reserve. PAG comments on draft options. rustee Council decides which options to consider further. taff prepares brochure on options. iscussion of the Restoration Reserve at the 1998 Annual estoration Workshop. ublic workshops in the spill area, Fairbanks, Anchorage nd Juneau.
December 1997TrDecember 1997StJanuary 29–30, 1998DiRebRefFebMar 1998Piar	amments on draft options. rustee Council decides which options to consider further. taff prepares brochure on options. iscussion of the Restoration Reserve at the 1998 Annual estoration Workshop. ublic workshops in the spill area, Fairbanks, Anchorage
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Reb Mar 1998 Pr	estoration Workshop. ublic workshops in the spill area, Fairbanks, Anchorage
ar	
May 1998	
	lose of public comment period on Restoration Options.
· · · · · · · · · · · · · · · · · · ·	taff prepares report on public comments on Restoration ptions.
	AG reviews public comments on Restoration Options and akes recommendations to the Trustee Council.
	rustee Council makes a preliminary decision on the estoration Reserve and distributes it for comment.
	AG reviews the preliminary decision and makes a commendation to the Trustee Council
	rustee Council makes a final decision on the Restoration eserve.
-	iscussion of the Restoration Reserve at the 10th nniversary Symposium
-	hange laws, court orders and administration, if ecessary.
Oct. 1, 2002, or sooner Us	se of Restoration Reserve begins.

Key point for PAG involvement

DRAFT - Aug. 5, 1997

Exxon Valdez Oil Spill Trustee Council

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

907/278-8012 fax: 907/276-7178



Restoration Office Tentative Meeting Schedule

November 1997

4-5 PAG Workshop on Restoration Reserve and Archaeology Repositories12-13 Harbor Seal review

December 1997

- 10 RWF Meeting
- 18 Trustee Council Meeting, Anchorage Deferred Projects and Restoration Reserve Options
- 9 TEK Advisory Group

January 1998

26-28 SEA, NVP & APEX Reviews, Hotel Captain Cook 29-30 Annual Restoration Workshop, Hotel Captain Cook

February 1998

3-14 Genetics Review (2 days within this period) tentative dates

March 1998

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

Update: 10/31/97 rwf

NO. 96-9486

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 199.7

THERESA NANGLE OBERMEYER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR REHEARING REGARDING HER DENIED PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

> Theresa Nangle Obermeyer Petitioner Pro Per 3000 Dartmouth Dr. Anchorage, AK 99508-4413

Telephone:	(907) 278-9455
Fax:	(907) 278-9455

WHY RECONSIDERATION OF THE PETITION IS BEING SOUGHT

Earlier, in this court, through counsel, the petitioner had sought certiorari on her challenge to impermissibly overbroad probation conditions of the disorderly conduct regulation since, as applied, it punishes constitutionally protected rights. The issues framed in the initial petition to this court are reiterated below.

Reconsideration of this court's denial of Dr. Theresa Nangle Obermeyer's petition is being sought because the petitioner's probation was revoked after a second alleged commission of disorderly conduct initially charged as a new crime but that case was dismissed by the government. Under a lesser standard of proof, the disorderly conduct arose from the petitioner's attempt to merely attend a meeting of U.S. Senate Committee on Small Business chaired by U.S. Senator Kit Bond, Missouri, with Senator Ted Stevens, Alaska, on August 16, 1995. Dr. Obermeyer's misconduct only arose when she was detained and prevented from entering a public hearing because a federal security officer had wanted to "talk" to her beforehand.

The unpublished memorandum of U.S. Court of Appeals for the Ninth Circuit rejected petitioner's constitutional challenge that Section 101-20.305 is overbroad in violation of the First Amendment. They also rejected a due process challenge related to the district court's determination of a sentence in this case. That issue, which now appears moot, has not been presented.

Dr. Obermeyer has an extensive background in education at many levels and a Ph.D. from St. Louis University. She had become well known in Anchorage because of her volunteer service on Anchorage School Board 1990-1994 and her support of her husband's admission to Alaska Bar. Thomas S. Obermeyer, a member of Missouri Bar since 1990, has attempted to gain admission to Alaska Bar since 1984 without success. In the Matter of the Application of Thomas s. Obermeyer, 717 P.2d 382 (Alaska 1986) was published at 57 American Law Reports 4th 1195 (1987) in connection with an annotation entitled Failed Applicant's Right of Access to Bar Examination Questions and Answers, 57 A.L.R. 4th 1212 (1987).

On August 15, 1995 Dr. Obermeyer left a recorded message for Mr. John Murphy, U.S. Marshall, that she would be attending the public hearing

1 of 3

the next day. That same day, Fredalene Healy, Supervisor of GSA Security Office, Anchorage Federal Building, received an inquiry from Capitol Police because Dr. Obermeyer had faxed numerous documents to Senator Bond concerning her husband on August 11, 1995. Because of the inquiry by Capitol Police, Ms. Healy gave directions to GSA contract guard Jerry Klopp, Guardian Security, that he was to stop and detain Dr. Obermeyer from entering the public meeting to warn her that she was under observation by the police.

When Dr. Obermeyer arrived at Anchorage Federal Building on August 16, 1995 she asked for directions after she passed the metal detectors at the entrance. She then proceeded to walk through the building and take the elevator to the second floor where the meeting had already begun. After getting off the elevator, she turned to go down the corridor on her way to the hearing when she saw Mr. Klopp running toward her. The record is clear that Dr. Obermeyer was quietly and peacefully proceeding to the hearing before being detained.

Jerry Ward was attending the public hearing with Trefon Angasan and another person. As Mr. Ward approached the elevators, Dr. Obermeyer asked for his assistance in discovering why she was being detained. Mr. Ward intervened to the extent of asking Mr. Klopp why she could not attend the hearing and then took the elevator when it arrived.

Very soon, Ms. Healy arrived. Because Ms. Healy had seen Dr. Obermeyer ask for Mr. Ward's help, she informed Dr. Obermeyer that she would be arrested. Some physical contact occurred after that and is contradictory. The testimony shows that Ms. Healy placed her hand on Dr. Obermeyer's arm as which time Dr. Obermeyer withdrew. Then, contract guard Klopp handcuffed Dr. Obermeyer and she fell to the ground. Judge Enright's finding that Dr. Obermeyer "pushed Healy" failed to consider that Ms. Healy was the instigator of the physical interaction.

U.S. District Court Judge William B. Enright's finding that Dr. Obermeyer violated her probation and, therefore, sentenced her to 30 days in jail should be reversed. This is an abuse of discretion because the government presented insufficient evidence at trial to support a finding that defendant "willfully and knowingly" engaged in disorderly conduct based on being detained. Her presence at the elevator resulted from being forced towards the area of the elevators. Verbal protests and mere presence in the area of the

2 of 3

elevators did not amount to disorderly conduct because the regulation is overboard and violated a constitutionally protected right to freedom of speech and the related rights of assembly and association. This regulation has been applied previously to sanction those who set about to disrupt the affairs of government. In this case, the "disruption" was occasioned by a legally questionable detention of a citizen on her way to a public hearing.

The petitioner asks for reconsideration of her petition on this basis, relying on the arguments and authorities presented in the original petition presented by her counsel.

ISSUES PRESENTED

1. Whether evidence that appellant verbally responded to being detained by federal security officers and returned to the area of the elevators at the direction of the federal security officer is legally sufficient to find she engaged in disorderly conduct.

2. Whether the disorderly conduct regulation is overbroad since, as applied, it punishes constitutuionally protected rights.

DATED this 14th day of October, 1997,

Respectfully submitted,

angle Obermeyer horosa Theresa Nangle Obermeyer

Petitioner Pro Per

NO. 96-9486

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1997

THERESA NANGLE OBERMEYER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

SUPERSEDING ENTRY OF APPEARANCE

* * *

The Petitioner seeks to represent herself in seeking rehearing, and this court to allow her to substitute her appearance for that of the Federal Public Defender for the District of Alaska. She hereby enters her appearance.

DATED this 14th day of October, 1997.

Respectfully submitted,

angle Obermeyer

Theresa Nangie Obermeyer Petitioner Pro Per

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1997

THERESA NANGLE OBERMEYER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Petitioner, THERESA NANGLE OBERMEYER, pursuant to Rule 39 and 18 U.S.C. § 3006A(d)(6), asks leave to file the attached Petition for Rehearing Regarding Her Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit without prepayment of costs. and to proceed *in forma pauperis*. Petitioner was represented by the Federal Public Defender on appeal to the United States Court of Appeals for the Ninth Circuit and in her initial Petition to this Court.

WHEREFORE. Petitioner, pro per, respectfully prays that this Court grant leave to proceed in the Supreme Court of the United States in forma pauperis./////

DATED this 14th day of October, 1997.

Respectfully submitted,

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Theresa Nangle Obermeyer Petitioner Pro Per

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1997

THERESA NANGLE OBERMEYER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

CERTIFICATION

* * *

The Petitioner certifies that this Petition is restricted to the intervening circumstances of a controlling effect, not previously presented, and presented in good faith and with the honest belief that the attached letter gives very strong grounds for the relief requested in this Petition. This Petition is presented in good faith and not for the purpose of delay.

DATED this 14th day of October, 1997.

Respectfully submitted,

Dermeeper

Theresa Nangle Obermey Petitioner Pro Per

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 199 7

THERESA NANGLE OBERMEYER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

CERTIFICATE OF SERVICE

* * *

Theresa Nangle Obermeyer certifies that pursuant to Rule 29 she served the within Petition

for Rehearing, Superseding Entry of Appearance, Motion for Leave to Proceed in Forma

Pauperis, and Certification on counsel for respondent and the United States Supreme Court

by enclosing a copy thereof in an envelope, postage prepaid, addressed to:

Joseph Bottini Asst. U.S. Attorney U.S. DEPT. OF JUSTICE 222 W. 7th Avenue, 9, Rm #253 Anchorage, Alaska 99513-7567 Phone: (907) 271-5071 Fax: (907) 271-3224 Clerk of Court United States Supreme Court 1 First Street, N.E. Washington D. C. 20543 The Honorable Drew Darys Solicitor General Department of Justice Washington, DC 20530

v

DATED this 14th day of October, 1997.

Respectfully submitted,

Dermeyer heresc

Theresa Nangle Obermeyer Petitioner Pro Per

CERTIFICATE OF SERVICE

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