

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

> Teleconference Thursday, February 10, 2000 1:00 - 5:00 p.m.

DRAFT

PURPOSE:

1. Discussion of public advice and community involvement in the Gulf Ecosystem Monitoring (GEM) program.

Thursday, February 10

| 1:00 p.m. | Welcome/roll call Approval of October 26, 1999 Meeting Summary | Chuck Meacham, Chairman |
|-----------|--|---|
| 1:05 | GEM: Community Involvement Use of fishermen for monitoring GLOBE Citizen's water-quality monitoring CRRC natural resource managers and Lac du Flambeau tribal programs Options - discussion | George Rose Elena Sparrow, UAF Bob Shavelson, Cook Inlet Keeper Patty Brown-Schwalenberg, CRRC |
| 1:30 | Public Comment | |
| 3:10 | Update on recent Council and Restoration Office activities | Molly McCammon Executive Director |
| 3:30 | GEM: Public Advice Requirement of settlement and charter Options (brainstorming and discussion) | Doug Mutter, DOI |
| 5:00 | Set next meeting Adjourn | |



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Meeting Summary

- A. GROUP: Exxon Valdez Oil Spill Public Advisory Group (PAG)
- **B. DATE:** February 10, 2000
- C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE:

Chuck Meacham (Chair) Torie Baker* Chris Beck* Pamela Brodie Sheri Buretta Chip Dennerlein* Dan Hull Jim King Brenda Schwantes* Bruce Bruseth for John Harris* Science/Academic Commercial Fishing Public-at-Large Environmental Subsistence Conservation Public-at-Large Public-at-Large Public-at-Large Alaska State House of Representative (*ex officio*)

E. NOT REPRESENTED:

Rupert Andrews Dave Cobb Stacy Studebaker Charles Totemoff Ed Zeine Senator Loren Leman vacant vacant Sport Hunting and Fishing Public-at-Large Recreation User Native Landowners Local Government Alaska State Senate (*ex officio*) Aquaculture Commercial Tourism

F. OTHER PARTICIPANTS:

Molly McCammon Sandra Schubert Phil Mundy Joe Hunt Hugh Short

George Rose

Elena Sparrow Patty Brown-Schwalenberg Trustee Council, Executive Director Trustee Council, Project Coordinator Trustee Council, Science Coordinator Trustee Council, Communications Coordinator Trustee Council, Community Involvement Coordinator Memorial University of Newfoundland, Marine Institute University of Alaska Fairbanks Chugach Regional Resources Commission Bob Shavelson Doug Mutter Cherri Womac Cook Inlet Keeper Designated Federal Office, Dept. of Interior Trustee Council Restoration Office Staff

G. SUMMARY:

1. Community Involvement Efforts

George <u>Rose</u> presented the Newfoundland and Labrador Inshore Sentinel Survey, a program of fishers and scientists working together to improve stock assessments. It uses local knowledge and scientific methods to sample designated sites and favored personal fishing sites of local fishermen. Participating fishers are trained at Memorial University in St. Johns. Time series data of catch rates by fishing gear throughout the region are collected (the original target was cod, but other species are also recorded). Oceanographic data is also collected. The data enhances any other data being collected by the Dept. of Fish and Ocean Sciences. The data is entered by the University and discussed with the sentinel fishers before being provided to the Dept. Funding originally came from federal government, but program costs are now offset by selling catches. The program began mid 90's and is designed to continue long term. It is year-round program, even in areas closed to commercial fishing. The initial start up cost was high, but to keep it going is modest.

Two challenges facing the program are overcoming the skepticism of some scientists and ensuring the data is incorporated into the stock assessment process.

1:30 p.m. - Public Comment - none

Dr. Elena <u>Sparrow</u> provided information about the Global Learning and Observations to Benefit the Environment (GLOBE) program. The mission of this international program is to enhance individuals' environmental awareness, increase scientific understanding of the earth and improve student achievement in science and math. The program is implemented through primary and secondary schools. Teachers are trained and provided materials (an instrument kit); grant funds support the training and kit purchase. Students collect data near their schools and report their data through the Internet. They are currently doing a study on changes in the length of the growing season. There are 62 GLOBE schools in Alaska, three in the spill area: Kodiak High School, and in Nanwalek and Port Graham.

Bob <u>Shavelson</u> gave an overview of the Cook Inlet Keeper water quality monitoring program. Located in Homer, they are a part of the National Alliance of Keepers. The program began with \$200,000 in funds from a legal settlement. They conducted public meetings and looked into a variety of other programs, before settling on a citizen-based water quality monitoring program. The program, which was developed with the advice of a Technical Advisory Committee and a Citizens Advisory Panel, includes strenuous quality control protocols and has been approved by both DEC and EPA. Monitors are required to participate in a four-part training program and an annual refresher course. Each site is monitored by a team. This allows for coverage during work, vacation, or illness. Sites are located near people's homes in fresh estuaries. The sites must be convenient to get monitors to be consistent in their sampling. Data collected is submitted to EPA and DEC - the data parameters parallel the US Clean Water Act. The program began as a pilot in Kachemak Bay and has now expanded to other locations in the Cook Inlet watershed, including Kenai River, Anchorage bowl, and Mat-Su. Annual cost of the program is roughly \$150,000-200,000. The money comes from EPA, DEC and private foundations. They will soon link to Internet and GIS. The program has been in existence for four years.

Patty <u>Brown-Schwalenberg</u> summarized duties and responsibilities of Chugach Regional Resources Commission (CRRC) natural resource managers in several communities in the spill area. She also outlined how CRRC is planning to expand the program, including a plan for CRRC to eventually facilitate all the natural resource and environmental programs for the region.

There are seven tribes in the Chugach Region. The Tatitlek program (example provided in a handout) is based on the Lac du Flambeau Tribe's (located in Wisconsin) program. The first steps are a Memorandum of Understanding for management/data collection and a regionwide natural resource plan.

Molly <u>McCammon</u> advised the PAG that the "Invitation to Submit Restoration Proposals for Federal Fiscal Year 2001" is at the printer. The Council is seeking proposals to develop conceptual prototypes of community-based marine monitoring programs.

Chris <u>Beck</u> asked if the Council is looking for clarification or just to flush out a concept and how it would take effect.

Dan <u>Hull</u> thinks tour boats and commercial traffic in PWS could collect samples because they go through sound on a regular schedule. Commercial fishermen could count spawners in fall.

Torie <u>Baker</u> agrees marine environment monitoring is needed, and said the challenge is to ensure managers use the data collected.

Chip <u>Dennerlein</u> suggests a partnership with lodge operators interested in eco-tourism for monitoring, e.g., support facilities for people, use commercial guides.

Chuck <u>Meacham</u> encouraged moving ahead with the invitation for community monitoring. The opportunities are limitless.

<u>Beck</u> said the Alaska Wilderness, Recreation and Tourism Association (AWRTA) wants to submit a proposal and coordinate with CRRC to include an education element.

<u>McCammon</u> reminded the PAG the Trustee Council is not thinking in specifics at this point. They are looking at the concept. The concept is a key element in Gulf Ecosystem Monitoring program (GEM). GEM is in need of partners to make it happen.

<u>Dennerlein</u> said agencies may need to add a science outreach coordinator to assist in program guidance.

2. Update on Trustee Council activities

McCammon gave an update on Trustee Council activities.

- Investments: The Trustee Council is working on transition of funds from court to another entity.
- Invitation to Submit Restoration Proposals for Federal Fiscal Year 2001 is due out February 15, 2000.
- Habitat: Discuss future of a habitat program. Koniag, Karluk/Sturgeon negotiations are in progress. The Trustee Council requested a list by June 15 of small parcel commitments over next two years. An updated Habitat Status Report will be sent to the PAG.
- Continue planning for GEM. On March 3, 2000 a new draft will be available on the web. GEM goes to the NRC in April. A draft with recommendations and responses will be out in the fall 2000. The Council will accept comments on GEM anytime. It is an ongoing process.

3. Future public involvement

Doug <u>Mutter</u> provided an overview of documents governing the PAG including the Memorandum of Agreement signed in 1991 which calls for establishment of a PAG, FACA guidelines on public notice, etc., the PAG Charter signed by the Secretary of the Interior in 1997 which anticipates continuation of the PAG to January 2002, and the PAG's Background & Guidelines. Membership nominations and renewal of the charter are due again in October 2000. It will be the last PAG under the current program. Copies of the sections mentioned will be provided to the PAG with the summary.

McCammon offered the following for discussion:

Can you have meaningful public involvement without a PAG? If no, how should PAG be structured in the future? How should it be run? Is there a need for separate PAGs for habitat and for GEM? Should it be smaller? Should the make up change?

Sandra <u>Schubert</u> offered information she had gathered on other organizations' advisory groups. The Marine Mammal Commission has an Alaska Native advisor in addition to a scientific advisory group. The North Pacific Fisheries Management Council and the Arctic Research Commission also have citizen advisory councils. <u>McCammon</u> asked whether the PAG should be kept the same for the next two years and change in October 2002.

Pam <u>Brodie</u> feels the role of the PAG has shifted from giving advice to receiving briefings. It would be appropriate to reduce or eliminate the PAG, but maintain an open public process. She thinks the PAG should be eliminated in the next two years or at least reduce the number of seats. If the PAG is kept, it should represent both habitat and science.

Meacham stated that the PAG budget has shrunk.

<u>Dennerlein</u> concurs with Pam. It has been good at scoping. There is a need for oversight, and a group that can provide a check and balance: agencies, peer review scientists, citizens.

<u>Beck</u> agrees with Chip. There are lots of decisions to be made in the next few years and the PAG can help steer the course. He asks that the Council look at other regional groups for a model to follow. Sandra will continue to do research on other advisory groups.

<u>Hull</u> feels a group like the PAG should continue. It may be more important now than ever. Can't advise on composition until know the focus of GEM. Advise the same PAG for both GEM and habitat, the benefits from sharing perspectives as one group are best.

Sheri <u>Buretta</u> thinks the PAG facilitates education among the various interest groups. It is better to meet face-to-face.

<u>Meacham</u> sees possibility for separate PAGs for habitat and science. A role for the PAG under GEM could be to ensure community involvement is more integrated into the process. PAG should be modified to be more effective, though he isn't sure how. Noted the PAG budget reduced from \$113,000 in FY 99 to \$21,000 FY 00.

<u>Dennerlein</u> thinks the PAG should continue for major decisions, such as GEM, investments, and habitat.

Brenda <u>Schwantes</u> thinks term limits should be set on membership to encourage "new blood" and maybe different interest groups.

Mutter says trends are toward collaboration and inclusion.

Baker suggests staggered terms.

<u>McCammon</u> indicated the PAG is not the only connection to public involvement. The Council and staff have never viewed the PAG as the only meaningful way to have public participation. The Trustees have benefited from using the PAG as a sounding board.

<u>Beck</u> says a formal body forces a more reflective attitude, much better than a forum (such as public hearings) where you simply make your pitch.

<u>Dennerlein</u> says function should come before form. Need to know function of PAG before can debate its structure. Suggests possibly one PAG for both science and habitat, but with specialized committees that would come together at times.

<u>Hull</u> suggested an earlier meeting than April 5, to review GEM before it goes to the National Research Council (NRC).

H. FOLLOW-UP:

The PAG will meet by teleconference March 15, 2000 9:00 a.m. to 1:00 p.m. for another GEM review and discussion on possible options for PAG make-up. Sandra <u>Schubert</u> will also explore other advisory group options.

I. NEXT MEETINGS:

February 29, 2000 -1 p.m. Trustee Council teleconference, Restoration Office, Anchorage

March 15, 2000 - 9 a.m.-1 p.m. Public Advisory Group teleconference, Restoration Office, Anchorage

March 16, 2000 - 1 p.m. Trustee Council meeting, NMFS conference room, Juneau July 19, 2000 - 7 p.m. public comment on FY 2001 Draft Work Plan, Restoration Office, Anchorage

July 20, 2000 - 8:30 a.m. Public Advisory Group meeting, EVOS Office, FY 2001 Draft Work Plan

J. ATTACHMENTS:

1. Tatitlek Village IRA Council Traditional Natural Resource Management Program

2. Excerpts from MOA, PAG Charter, and PAG Background & Guidelines

K. CERTIFICATION:

PAG Chairperson

Date

THE *GLOBE* PROGRAM

Global Learning and Observations to Benefit the Environment

- The GLOBE Program is a hands-on science and education program that unites students, teachers, and scientists from around the world in study and research about the dynamics of the Earth's environment. Hundreds of thousands of GLOBE students in over 7500 schools in more than 80 countries are taking important environmental measurements and reporting their data for use by scientists. There are 62 GLOBE schools in Alaska.
- The goals of the GLOBE Program are:

- to enhance the environmental awareness of individuals worldwide,
- to increase scientific understanding of the Earth, and
- to improve student achievement in science and mathematics.
- The GLOBE Program is implemented through a worldwide network of primary and secondary schools. GLOBE students:
 - take environmental measurements at or near their schools,
 - report their data through the Internet to the GLOBE data archive,
 - create maps and graphs to analyze GLOBE data sets, and
 - collaborate with scientists and other GLOBE students around the world.
- GLOBE students have reported data from almost 4 million science measurements in the areas of Atmosphere/Climate, Hydrology, Soils and Land Cover/Biology. These global data sets are made freely available via the Internet to the world science community and to the students themselves for scientific research, student-scientist partnerships, and worldwide school-to-school collaborations.
- Age-appropriate environmental science educational materials have been developed by scientists and educators as a resource for GLOBE teachers. Professional development workshops enable GLOBE teachers to guide their students in taking measurements according to scientific protocols, in using the Internet to report and analyze scientific data, and in creating partnerships among students at GLOBE schools around the world.
- GLOBE is an interagency program of the National Oceanic and Atmospheric Administration, National Aeronautics and Space Administration, National Science Foundation, Environmental Protection Agency, and Departments of Education and State. Implementation in the United States depends upon the efforts of almost 100 state and local partner organizations.
- Broad international participation is integral to the design of the GLOBE Program. Bilateral agreements establish partnerships between the United States and its international partners which are then responsible for designing program implementation in their own countries. GLOBE web site is at http://www.globe.gov

Some quotes from Alaska Native students involved in GLOBE: "The things I like best about GLOBE was that we had to use our hands on such things as measuring trees and oxygen testing of the water. This is the best science class I ever took in my life." "I liked digging the pit because I learned about the horizons in the soil". "I liked doing the weather observations, checking the temps and logging the info in". "What I liked most was the Hydology unit". "Yes I would recommend GLOBE to other students. It made me look at my environment differently." "It's a fun program learning about the environment. "

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GLOBE is the basis for a new environmental monitoring program in Alaska involving K-12 students in climate change research and using Native observations to support and extend knowledge about the local environment. Project summary is on a separate page. For more information contact Dr. Elena Sparrow (Alaska GLOBE Coordinator) at <u>ffebs@aurora.uaf.edu</u> or (907)474-7699.

GLOBAL CHANGE EDUCATION USING WESTERN SCIENCE AND NATIVE OBSERVATIONS

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PROJECT SUMMARY

The overall goal of the proposed project is to provide Alaska teachers and students opportunities to engage in original global change research and to promote global change education in Alaska. The specific objectives of this program are to:

- Provide teachers and students the opportunity to conduct research locally, participate in global environmental research projects, and translate scientific research into meaningful classroom activities.
- Enhance student achievement in science, math and technology through large scale data collection and research experience in environmental science.
- Partner teachers and students with scientific and cultural mentors and expand the learning community to include scientists, community members, other teachers and students.
- Use Native observations relevant to the local environment to motivate student interest in science, support and extend their knowledge to the global environment and their awareness of global change.
- Develop a model for integrating long-term research projects in the classroom by using local observations for scaffolding and extension of knowledge.

Alaska spans 591,004 square miles, approximately one fifth the size of the United States, with a relatively small population spread throughout its expanse. Schools in rural sites have issues of isolation, variable resources/expertise, curricula, teaching strategies, and often are not reflective of the culture and community in which they are operating. Hence, there is a need to make science education more relevant for Native students by genuinely tapping into the knowledge base existent in the community. There is a need to support active student involvement in science concept development, data collection, and application of knowledge in the real world by scaffolding with locally relevant observations and knowledge. The topic of global change lends itself nicely to such integration.

Most global change issues throughout the world, such as climate change is also of local importance in our resource-rich state. Global warming is expected to be of greater magnitude in high latitude areas such as Alaska. A warmer climate could cause the melting of permafrost, sea ice, snow, and glaciers, all prominent features of the Alaskan environment. Permafrost underlies most of the state. Extensive sea ice occurs along Alaska's western and northern coasts. Climate warming is believed to be the main cause of rising sea level, half of which is attributed to glacier melt. These conditions could impact the environment, including the habitats of plants, fish, and animals. Climate changes could impact not only ecosystems, but also the subsistence lifestyle of Alaska's indigenous people. Alaskans need to be well educated about these high priority global change environmental issues in order to make well-informed choices, prepare for consequences of global change alterations, and take mitigating steps. Alaskans, as well as people from other regions, need to realize that we are affected by what happens worldwide, and that what happens locally and regionally, in turn, has global implications.

The Global Learning and Observations to Benefit the Environment (GLOBE) Program's procedures will be used to engage teachers and students in large scale, long-term data collection and analysis, and use of computer technology. Research experience for teacher participants will begin during the two-week professional institute and continue when they go back to work with their students on ongoing global change research relevant to Alaska. Teachers and students will be encouraged and guided to not only conduct GLOBE measurement protocols but also to expand their studies to include locally significant observations and knowledge from local experts. Teachers/students will be linked to mentor scientists/elders.

The project will share on a statewide, national and global level, the educational experiences, new concepts developed and model(s) which effectively blend western and Native/local approaches and understanding in the study of climate and other global change issues, and model(s) for integrating research and data collection in the classroom.

Newfoundland and Labrador INSHORE SENTINEL SURVEY

Fishers and Scientists Working Together



What is the Sentinel Survey?

The inshore sentinel survey is a fisheries science program in which experienced, professional inshore fishers work with scientists from the Department of Fisheries and Oceans (DFO) to gather information on groundfish stocks, particularly cod, off the coasts of Newfoundland and Labrador. Fishers and scientists have taken on the shared tasks of gathering, analyzing and interpreting data for use in fish stock assessments and other biological and oceanographic studies. Their ultimate goal is to improve understanding of the health and dynamics of fisheries resources. Through the sentinel survey, inshore fishers are trained in scientific data collection methods and work with DFO scientists to gather information from over 110 sites around Newfoundland and Labrador. These data are making a valuable contribution to stock assessments and are helping to monitor cod stock recovery in Northwest Atlantic Fisheries Organization (NAFO) Divisions 2J3KL and 4R and Subdivisions 3Ps and 3Pn.

How did the Sentinel Survey begin?

Since the late 1980s, DFO scientists have held regular consultations with inshore fishers on how to gather and interpret inshore cod fisheries data and incorporate it into fish stock assessments. Prior to this, many fishers had suggested that trends they observed in the inshore fishery might serve as indicators of the overall health of cod stocks. There were, however, few formal ways to collect the detailed catch, fishing effort and biological information from around Newfoundland and Labrador and weave it into DFO's assessment processes.

In 1991, the informal consultations between DFO and fishers developed into a formal working relationship through the Northern Cod Science Program (NCSP). Under the Fisheries Evaluation Project of NCSP, inshore commercial fishers and DFO scientists worked together to develop methods of collecting data and on the actual gathering of information around Newfoundland and Labrador. The declaration of cod fishing moratoria in 1992 and 1993, however, halted the traditional commercial inshore fishery and slowed the growth of this cooperative effort between fishers and scientists.

Contact between the two groups continued after commercial fisheries closed. Fishers and scientists recognized that recovery of cod stocks would require careful monitoring and continued study. For nearly three years, they worked on a plan to implement a monitoring and sampling program. In February 1995, a pilot sentinel survey was implemented in Northwest Atlantic Fisheries Organization Subdivision 3Ps on the south coast of Newfoundland. In the summer of 1995, the program was expanded into a full-scale network of fishers and scientists throughout Newfoundland and Labrador.

What is the role of inshore fishers in the Sentinel Survey?

Because of their knowledge of fishing grounds and their experience observing the seasonal movements of fish. commercial fishers are the primary data collectors for the sentinel survey. In accordance with historical fishing practices, fishers identify where the fish are found on the fishing grounds and use traditional fishing gear to collect samples. While the entire survey can run throughout the year, individual sentinel crews fish for a maximum period of 15 weeks based on the times they would traditionally fish.

Sentinel survey participants are determined by a random draw of eligible applicants. Those selected for the survey undergo a six-week accredited training program at the Marine Institute of Memorial University of Newfoundland. During field and classroom training, sentinel



Training at Northwest Atlantic Fisheries Centre

fishers cover topics including oceanography, resource management, presentation skills, computer training and survey and sampling methods. These topics assist them in learning the theory and techniques of gathering scientific data. At the same time, participants have the opportunity to teach scientists about many aspects of fishing and the fishery which help in the interpretation of sentinel survey data.

For the sake of scientific data quality, sentinel participants are expected to remain with the survey over a number of years. This is to ensure that, from year to year, survey results reflect what is happening with stocks and are not due to changes in fishing practices from the use of different enterprises. When fish stocks recover to the point where commercial fisheries re-open, the need for accurate data from the fishery will be more important than ever. Fishers and scientists therefore anticipate that most sampling activities will continue once fisheries re-open. Sentinel participants are expected to form a core of fishers who will continue to provide data to DFO once they resume commercial fishing activities.

What information is collected in the Sentinel Survey and what happens with these data?

The fish caught in the sentinel survey serve as a source of raw data for stock assessment purposes. When sampling, sentinel fishers note details such as the number of fish caught per day, the time taken to catch those fish, and the location and water depth where the gear was set. Fish lengths are measured and samples of otoliths (ear bones) are collected to help determine their ages.

The sex and maturity of each fish is determined and recorded at the time of measuring. Maturity information allows scientists to plot spawning times and locations. The gills are examined for parasites and stomach contents are described. Examining stomach contents provides information on what fish are eating at different times of the year. When water conditions are favorable, live fish are tagged and returned to the water. Tagging studies increase understanding of fish migration.

Many sentinel crews freeze whole fish and transport them to the DFO laboratory at the Northwest Atlantic Fisheries Centre in St. John's for detailed biological analysis. There the fish are dissected and each organ is weighed and analyzed. From this, the physical condition of the fish can be determined.

Throughout the geographic range of the survey, participants use electronic recording equipment called CTDs to measure the depth, temperature and salinity of water. Since these factors can affect the distribution of fish and survival of eggs, it is important to monitor short and long-term trends. Because of their possible influence on cod stocks, environmental data such as wind, tides and the presence of food and predators are also recorded.



Newfoundland and Labrador Sentinel Survey Sites

What types of fishing gear are used in the inshore Sentinel Survey?

Fishers use cod traps, gill nets, long lines, hand lines or any combination of these depending on what they would normally use during a commercial fishery.

How many fishers and communities are involved in the inshore Sentinel Survey?

More than 200 fishers from approximately 110 communities are involved in the Newfoundland and Labrador inshore sentinel survey.

Is there an opportunity for the public to discuss the results of the Sentinel Survey with DFO?

After the data have been analyzed, public meetings are held around Newfoundland and Labrador. These meetings give DFO, fishers and communities the opportunity to discuss the results and exchange ideas on what has been observed during the course of the survey. A sample of 100 fish is measured from each cod trap catch. The remaining fish are released. All fish caught with gill nets, long lines and hand lines are landed. The entire catch is measured and examined by the fishers and the data are recorded. The fish are then sold by fishers' organizations to licensed fish buyers or processors. The revenues from fish sales are used to offset project costs.



Public meeting in Blaketown, Trinity Bay

For information on the sentinel survey call (709) 772-0410 or write:

Communications Branch Department of Fisheries and Oceans Newfoundland Region P.O. Box 5667 St. John's, Newfoundland A1C 5X1

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What happens to the fish caught in the

Measuring fish

Sentinel Survey?

TATITLEK VILLAGE IRA COUNCIL TRADITIONAL NATURAL RESOURCE MANAGEMENT PROGRAM

Purpose (Mission Statement):

To develop a tribal natural resource management program that provides for the highest possible level of involvement of the Native Village of Tatitlek in the management of the natural resources and environmental that its members have utilized since time immemorial - in a way that recognizes and respects the traditions and values of the community.

Work Plan:

- 1. Inventory and update existing data relative to:
 - a) traditional use areas (specifying crucial habitat areas and prioritize if necessary)
 - b) management strategies, listing by resource and by traditional use area
 - c) land ownership and regulations or restrictions that may apply
 - d) Obtain ALL existing subsistence harvest and use data currently held by the Alaska Department of Fish & Game, Subsistence Division
- 2. Provide technical training and education in the following areas:
 - a) Computer basics
 - b) Geographic Information Systems (installation, development, implementation and maintenance)
 - c) Traditional harvest data collection, conducting population assessments, developing comprehensive land use plans, developing natural resource management plans, prioritization of the importance/use of subsistence resources, inventory of existing subsistence resources, development of conservation codes and ordinances, etc.
 - d) Integrated Resource Management Planning
 - c) Developing cooperative working relationships and MOAs with state and federal agencies and village corporation
- 3. Develop funding strategy
 - a) Identify funding sources
 - b) Match funding sources with activities in the work plan
 - c) Submit funding proposals to specific funding agencies
- 4. Develop and implement Memorandums of Agreement with village corporation and state/federal agencies for natural resource management activities in and around Tatitlek's traditional use areas. In initial discussions with landowners, tribal natural resource management personnel should recognize that corporation responsibilities and resource management objectives, and tribal council values differ. Respect must be given to the values and management philosophies of each entity. The Memorandum of Agreement should integrate the tribal natural resource management program's goals and objectives with those of the corporation, where necessary, and negotiate compromises, if possible.

Funding Sources:

- 1. Bureau of Indian Affairs (P.L. 93-638)
- 2. Administration for Native Americans
- Exxon Valdez Oil Spill Trustee Council
 Congressional Appropriations
- 5. Department of Education
- 6. \$13 million federal subsistence management funding
- 7. Tatitlek Corporation

PAGE 03

Role of Funding Sources:

- 1. Bureau of Indian Affairs
 - a) Training
 - b) Geographic Information Systems
 - c) Code and Ordinance Development
 - d) Traditional data harvest collection
- 2. Administration for Native Americans
 - a) Basic Program Development utilizing information from tribal programs/models already in place
 - b) Code and Ordinance Development
 - c) Geographic Information Systems
- 3. Exxon Valdez Oil Spill Trustee Council

- 4. Congressional Appropriations
 - a) Development of technical management capabilities of tribal programs in order to actively participate in the management of subsistence resources on public lands
 - b) Development of memorandums of agreement for management of subsistence resources on village corporation lands and public lands
 - c) Development of internship agreements for natural resource management training
- 5. Department of Education
 - a) Technical training workshops
 - b) Vocational technical training
- 6. \$13 Million Federal Subsistence Management Funding
 - a) Technical training
 - b) Development of memorandums of agreement for management of subsistence resources on public lands
 - c) Project specific natural resource management activities
- 7. Tatitlek Corporation
 - a) Management of natural resources on Tatitlek Corporation lands
 - b) Development of internship program where tribal natural resource specialists work oneon-one with Tatitlek Corporation land managers to gain technical experience necessary to assist them in developing their management skills.

Identification of Future Needs and Programs:

1. Develop proposals to pertinent state/federal agencies for management of specific resources

2. Closure of traditional harvest areas to commercial and sport harvests where commercial/sport

- harvests negatively impact traditional harvests through tribal codes and ordinances
 - 3. Provide for subsistence harvests where allowed
 - 4. Co-management of resources with state/federal management agencies.
 - 5. Identification of Resource Use
 - 6. Resource Management and Research

Identification of Future Needs and Programs (continued):

- Regional Planning and Management
 Environmental Health and Safety Issues
- 9. Community Development
- 10, Community Infrastructure
- 11. Local Management
- 12. Conservation Law Enforcement
- 13. Water and Air Quality Programs

DRAFT

Port Graham Natural Resources Five Year Plan

Prepared by:

Patty Brown-Schwalenberg, CRRC and Paul McCollum

Prepared for:

Port Graham Village Council

November, 1999

Table of Contents

- 1. Executive Summary & Recommendations
- 2. Background
- 3. Program Ideas
- 4. "Vision" Ideas
- 5. Research Areas
- 6. Research Ideas
- 7. Upland Forests
- 8. Shore
- 9. Bay
- 10. Oceanic Influence

Appendix

- 1. List of Sensitive Areas
- 2. Potential Funding Sources
- 3. List of Interested Persons and Groups
- 4. Sensitive Area and Potential Research Project Area Map
- 5. Map of Port Graham Watershed

Executive Summary

The Port Graham Natural Resources Project will work closely with the Port Graham community to further develop and modify as necessary, this comprehensive five year plan. This plan is intended to serve as a living document for the purpose of providing formal goals, objectives and guidelines for the operation of the Natural Resources Program. This important program will be a coordinated effort involving a partnership between the Port Gaham Village Council and the Chugach Regional Resources Commission.

The principle natural resource types are: Animals

1) Marine Fish, including Salmon, Halibut and various bottom fish;

- 2) Marine Mammals, including seals, sea lions and sea otters
- 3) Marine Invertebrates, including Octopus, Chiton (Bidarkis) and Clams;
- 4) Fresh Water Fish, including dolly varden trout;
- 5) Land Mammals, including Moose, Black Bear and Goats
- 6) Birds, including ducks, geese and other marine and migratory birds.

Habitat

- 1) the Upland Forest region, which includes the forests
- 2) the Shore region, including the complete Port Graham water shed's intertidal region and wetlands;
- the Bay region, including all of the Port Graham water body and outer Kachemak Bay;
- 4) the Oceanic Influences, which includes all oceanographic areas/processes which influence the Port Graham, Kachemak Bay/Lower Cook Inlet area.

Recommendation 1:

Initiate a natural resources data inventory collection project to document all local priority subsistence uses and important natural resources. This project will characterize the principle resources, their associated biological communities and habitats, and provide appropriate documentation to ensure the information is useful for future research, monitoring and education programs.

The natural resource data inventory project will provide information useful in identifying and/or establishing priority projects and programs. These might include invertebrate and vegetation communities that reflect pristine or degraded conditions, or bays that serve as nursery areas for pink and sockeye salmon fry and other valuable species. Through this inventory and data collection effort, local and regional natural resource managers can assess resource usage, changes over time and identify resources and areas-at-risk from development or other perturbations. Other applications include management planning, review of proposed resource use or extraction plans and permits, oil spill response and damage assessment.

All local natural resources will be cataloged and assembled in a data base ranked by general and specific resource type, usage, a qualitative state analysis and a quantitative state analysis. Relevant associated behavioral patterns, patterns of use, habitats and

3

PAGE 08

shoreline vegetation, wetlands, substrate type, species use and community composition, and human-made shoreline structures should be documented. Documentation should include a standard form for ease of entry into database as well as simplicity and common sense categorization.

Recommendation 2:

Implement a Port Graham Natural Resources Monitoring Program. The goal for the Port Graham Natural Resource Monitoring Program is "to identify and track short-term variability and long-term changes in the resource quality, quantity, integrity and biodiversity of of each resource type and species. The trending will also include representative terrestrial or estuarine ecosystems and coastal watersheds for the purposes of contributing to effective wholistic natural resource management. This program will provide data necessary for species and site and inter-site specific baseline studies, trend analyses and impact assessment.

Recommendation 3:

Attempt to initiate a five-year study of local pink and sockeye salmon ecology to better understand the near shore and far shore marine and oceanographic influences which effect the survival of these important species. This project would improve existing knowledge of the survival mechanisms of pink, and sockeye salmon in the Port Graham and Nanwalek shore region and additionally the South Eastern Lower Cook Inlet. The main goal of this study will be to sample outmigrating salmon smolts for growth, marks (thermal marks or coded wire tags), stomach contents (for prey species identification) and timing (days since release or outmigration). By sampling these variables the study will document the growth rate and outmigration timing of these two important salmon species. Opportunistic sampling of smolts will occur when feasible with hopes of learning important staging areas and preferred beach habitat for both species. Plankton and sea surface temperature records will be collected for possible future correlation's with observed growth. Both pink and sockeye salmon are essential components of the subsistence and commercial fisheries in the Port Graham and English Bay drainage's (Port Graham Subdistrict). An internship program will be developed from the local schools and the Port Graham Hatchery to facilitate educational and training opportunities on local fisheries and natural resources research activities.

Recommendation 4:

Establish intertidal and subtital monitoring plots and stations for the purpose of evaluating potential shellfish enhancement and possibly mariculture applications.

Recommendation 5:

Develop a local natural resources curriculum with the local village schools. Work with the Port Graham Hatchery and Port Graham Natural Resources Program and village elders with valuable traditional knowledge of local natural resource harvesting, preparation and cultural significance to initiate a study plan including internships, lab practicums for science and biology classes, field trips and education's presentations and games for the purposes of providing local natural resource education, traditional

CHUGACH REGIONAL

PAGE 09

knowledge of cultural natural resources and vocational training in natural resource management, protection, production or research.

Recommendation 6:

Conduct a modeling project to develop a three-dimensional model linking physical oceanographic processes to biological oceanographic processes such as recruitment and migration.

Recommendation 7:

5

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Example of Other Potential Activities

Upland forests

A. Monitoring

- 1. Land use changes: Changes in the forest structure due to logging and a slightly increased urbanization in the Port Graham area have led to recent land-use changes. These studies would examine the effects of those changes over the long-term.
- 2. Paleo-records: By studying paleontological records scientists can determine historic and prehistoric land usage and species composition.
- 3. Changes in prey base/ecosystem composition: These studies would monitor the composition of the forest ecosystem, so that changes over time can be observed. They would also examine the impacts of change on the ecosystem structure and composition. Specifically, how do changes in the forest structure affect the prey base that is available, and how does this affect the ecosystem structure and composition.
- 4. Hydrology: The movement of water in the forest areas, such as streamflow and groundwater movement would be monitored.

B. Directed Studies

- 1. Nutrient/energy flows: These studies would examine how nutrients and energy flow between the organisms of the forests. This type of information is very valuable in understanding the functional composition of a system.
- 2. Impacts of logging/fire: These are all forces which can cause profound change in the forest structure and land-use patterns. Studies can be conducted to examine the effects of those changes on the forest, the animals that live in the forest, and the intertidal/nearshore habitats through run-off.
- 3. Impacts of increased urbanization: Studies to examine how increased urbanization impacts the Upland Forest region of Port Graham.
- 4. Soil transport: Studies the impacts of soil transport and movement on the forests. This can include erosion effects.
- 5. Stream/nearshore sediments: Studies about what types of sediments are present, what those sediments support, and what their role is in the ecosystem.
- 6. Water quality/Hydrology: Studies that examine the hydrology of the forests, including the quality of the water present, streamflow, and groundwater.

C. Stakeholder Interactions

- 1. Urbanization: What impacts do people have on the forests as urbanization increases?
- 2. Education: How will educating the public have an impact on how the public interacts with the forests?
- 3. Pollution: What are the effects of pollution on the forests?

Shore

- A. Monitoring
 - 1. Permanent intertidal plots: These allow for long-term monitoring of community composition and response to environmental change.
 - 2. Pollution monitoring/Mussel watch: Monitor for the presence of pollution. Can be used to determine long-term changes in pollution amounts and type.
 - 3. Nutrient/energy flows: Monitors food-web interactions and how energy and nutrients are passed through the food-web.
- **B.** Directed Studies
 - 1. Habitat changes: What are the effects of habitat changes on the organisms of the intertidal region?
 - 2. Recruitment studies: How does recruitment occur, what are the annual/interannual recruitment rates, how does recruitment change, and how does this affect populations?
 - 3. Competition/ Predation studies: How does competition and/or predation effect intertidal community structure?
 - 4. Human encroachment effects: What is the effect of increasing human activities on the intertidal areas?
 - 5. Winter die-off: What are the effects of winter cold spells on the intertidal communities?
 - 6. Biological/physical factors of shore areas: What are the biological and physical factors present in the intertidal areas and how do they affect intertidal structure and populations?
 - 7. Food webs: How do energy and nutrients flow through the intertidal system?
 - 8. PSP research: Studies on Paralytic Shellfish Poisoning; what causes it, how to know if it is present, is there any way to prevent it.
 - 9. Archeological/Anthropological studies: Studies about historic and pre-historic conditions in the intertidal region and how humans utilized the region.

C. Stakeholder interactions

- 1. Public relations: How does a public relations campaign effect the way stakeholders regard and use the intertidal region?
- 2. Health and human safety: What is needed to insure the health and safety of the public when interacting with the intertidal region?
- 3. Two-way interaction/Link between natural resource managers or aides and the public: Two-way communication is needed between the public and natural resource program to determine what the priority needs of the public are. This communication will also help to ensure that the public knows and understands the natural resource activities and trending, quantitative or qualitative status of general and specific animals and or habitats that are being assessed or conducted in the region.

7

Bay

- A. Monitoring
 - 1. Inner Bay vs. Outer Bay monitoring: Port Graham consists of an inner and an outer bay region. The two regions require separate monitoring systems.
 - 2. Pollution: How much and what types of natural resource are present in the Bay and how do they change annually and inter-annually?
 - 3. Monitor the influence of the ocean on:
 - A. Inner/outer bay:
 - B. Currents/transport/nutrients
 - C. Zooplankton
 - D. Phytoplankton/chlorophyll
 - 4. Inorganic/Organic suspended solids: What is suspended in the waters of the bay and how does this effect physical and biological processes in the bay?
 - 5. What is the spatial scale for these studies? This is important because local patterns may be quite different from the patterns that persist on a larger scale in the bay.

B. Directed Studies

- 1. Seasonal phytoplankton productivity and coupling to benthic/pelagic communities: How does the phytoplankton/benthic coupling process work in Port Graham?
- 2. Marine/Terrestrial nutrient exchange: What kind of nutrient exchange is occurring between the marine and terrestrial environments; what role does this exchange play in the ecosystem of the bay?
- 3. Studies to examine the different populations of the bay, including:
 - A. Crab/Shrimp
 - B. Flatfish/halibut
 - C. Seabirds/prey fish
 - D. Marine mammals
 - E. Predator/prey interactions: How the different populations interact in predator/prey relationships.
 - F. Recruitment and population dynamics
- 4. Freshwater input: What is the freshwater input to the bay from glaciers and streams and what effects do they have on the ecosystem of the bay?
- 5. Chemical composition of sediments: Testing is needed to determine the chemical composition of the sediments of the bay.
- 6. Circulation study: A fundamental and very important study is needed to determine circulation patterns in the bay.
- 7. Biophysical model formulation: Information should be gathered so that a model can be developed to study biophysical factors from a modeling standpoint.
- 8. Geology: Background levels of heavy metals should be determined so that it is possible to know if changes are occurring.
- C. Stakeholder Interactions
 - 1. Vessel traffic: How do boat traffic, fishing activities, and other on-the-water activities influence the Port Graham?
 - 2. Pollution: What is pollution like within Port Graham and how is this related to stakeholder use?

Oceanic Influence

A. Monitoring

- 1. Current meters: Devices that are deployed over the long-term to monitor currents and provide data for models. This is an essential tool for assessing current patterns that influence Port Graham. Understanding such patterns is a first step in understanding the environment of Port Graham.
- 2. Remote sensing: Using satellites and other remote sensing tools to monitor weather, phytoplankton blooms, sea surface temperature, and other oceanographic processes. Understanding basic oceanographic processes in the region is an essential background for other scientific studies.
- 3. Nutrients/Phytoplankton/Zooplankton: Concentrations and abundance monitored to determine when, where, and amounts in the ocean areas that influence food webs in Port Graham.
- 6. Sea surface temperature: Monitored by remote sensing and by physical measurements.

B. Directed Studies

- 1. 3-D modeling link to biological model: Information would be gathered to develop a 3-dimensional model linking physical oceanographic processes to biological processes such as recruitment and migrations.
- 2. Fresh water inflows: What are the effects of freshwater inflows from glaciers and streams?
- 3. Local circulation studies: Studies to determine the local circulation patterns, including tidal driven currents and gyres.
- 4. Historical data: What does the historical record show about the effects of the ocean on local weather and ocean patterns?
- 5. Paleoclimatology: Can be used to examine long-term changes in climate and ocean patterns.

9

CHUGACH REGIONAL

PAGE 14

Potential Funding Sources

- 1. EVOS/Trustees
- 2. CRRC
- 3. ANA
- 4. LTER/LMER proposals: long-term ecological/marine research. Once a LTER/LMER station is established it is often possible to renew grants and to attract related grants for further research. These proposals are for large research projects, often with collaboration between several researchers.
- 5. GLOBEC
- 6. OSRI

student internships

small grants in ecology

graduate fellowships

small grants for oil spill education and restoration program community education program: 12 to 20 thousand per year science planning workshops ocean circulation studies

7. North Pacific Research Board: will fund research involving the Gulf of Alaska to the

Arctic. It will probably become available during the 1999 fiscal year and has a \$160 million endowment.

8. National Oceanographic Partnership Program: requires that proposals be a cooperative effort involving academia/industry/government agencies. A clear partnership must be shown between at least two of these parties. It can be used to develop/demonstrate coastal and open ocean observational technology and to develop regional scale coastal and open ocean prediction systems that integrate existing systems. Monitoring is an important aspect of research conducted under this program and the research must show some practical use.

9. NOAA: Funding is available through several NOAA programs including:

NERR

CEMES

NURP

NOPP

Sea Grant

Cooperative Institute for Coastal and Estuarine Environmental Technology 10. Coastal Marine Institute/Mineral Management Service: requires matching funds and

cannot use federal funds as the match. MMS also has a shared resources program 11. US Geological Service Biological Resources Division

12. Cook Inlet RCAC

13. Forest Service

14. US Fish and Wildlife Service

15. Environmental Protection Agency

- 16. Native corporations
- 17. Alaska Department of Fish and Game

18. Student opportunities/interships

Pratt Museum in Homer

Port Graham Natural Resources Program Goals and Objectives

The Port Graham Natural Resources Program emphasizes its natural resources as being an inseparable part of our traditional and cultural heritage. Building on the foundation of our historical perspective with new science, the natural resources program seeks to preserve and enhance the historical healthy attitude of respect and responsible stewardship of our natural resources. By continuing to respect each other and recognizing that each village resident brings strength to this program as well as the community, the natural resources program seeks to facilitate and promote individual and community involvement in the management, responsible development and understanding of the natural resources in and around the Port Graham area.

• Assess community natural resource priority issues.

- Develop and implement a structured process to document, follow through and report on community priority issues and concerns.
- Create and develop open channels of input and information sharing from village residents, elders and others who are interested in natural resource issues or local traditional ecological knowledge.
- Facilitate and promote individual and village involvement in natural resource issues and management.
- Analyze and summarize all available local natural resource data.
- Help protect and defend the natural resources in and around the Port Graham watershed and surrounding marine waters.
- Promote environmentally sound use of natural resource species and their associated habitats.
- Provide education, public information and community outreach to local citizens on natural resource issues and information.
- Provide education for local children and others about our traditional ways and the nature of our dependence on our natural resources.
- Utilize local traditional ecological knowledge and cultural traditions to help develop a natural resource program that is meaningful and efficient for our subsistence lifestyle.

PAGE 16

 Conduct community meetings and presentations to provide program updates and information as well as solicit and document input from all participants.

- Record community input on flip charts at meetings or on community natural resource survey forms, summarize and enter into the tribal natural resources data base.
- Develop a local natural resource management plan (NRMP) and coordinate with other natural resource agencies and CRRC to assist in the development of a region wide NRMP and land use plan.
- Summarize and distribute natural resource information to the council and the community including population estimates, subsistence and resource use inventories and scientific data.
- Provide education on important natural resources of the area.
- Work with the school and provide monthly classroom presentations and projects.
- Develop a comprehensive record of traditional ecological knowledge regarding each species and resource of interest including each contributor's comments on historic populations and characteristics over time.
- Contribute information to the village newsletter about the natural resources and the salmon hatchery program.
- Improved community awareness
- Passing on traditions
- Improves potential for self government
- Better education of opportunities for younger generation in natural resource issues
- Long term employment opportunities
- A cleaner and healthier environment
- Better collaboration with other stakeholders
 - Exercise of sovereignty and self determination
 - Promotes community allegiance
 - Helps enable sustainable community development
 - BIA
 - National Marine Fisheries Service
 - Village Corporation
 - Native American Fish and Wildlife Association (Alaska Chapter)

• Conduct wildlife, fish and subsistence inventories and habitat assessments

PAGE 18

POSITION DESCRIPTION

| TITLE: | Port Graham Natural Resource Specialist |
|-------------|---|
| DEPARTMENT: | Natural Resources |
| SUPERVISOR: | Tribal Administrator, Port Graham Village Council/ CRRC Executive Director |

CLASSIFICATION: Non-exempt

NATURE OF WORK:

This position is established to perform duties of a skilled natural resource technician in a variety of tasks that support the village natural resources program. Primary duties include data collection, contract and lease monitoring, reconnaissance, property line location, review, preparation, implementation, coordination, and development of the village natural resource and environmental programs. This position requires some travel, and widely varied work environments, including remote physical areas, high altitudes, dangerous animals, and some degree of physical danger. Assignments will be performed with direct supervision and guidance. The incumbent will require the use of initiative and creativity in accomplishing tasks. This position requires the operation of a motor vehicle. Applicants must have a valid state driver's license.

SPECIALIZED EXPERIENCE:

Candidates must have some specialized experience or the ability to obtain experience that is directly related to the described duties or other experience and education that has equipped the incumbent with particular knowledge, skills, and abilities identified to successfully perform the work.

MAJOR RESPONSIBILIES:

- Assess community natural resource priority issues and follow through on those concerns.
- Create and develop open channels of input and information sharing from village residents, elders and others who have local traditional ecological knowledge.
- Analyze all available natural resource data including population estimates, public use inventories and pollution data and record on a data base format and summarize so that local people can understand and provide input.
- Follow village policies and procedures
- Complete appropriate training programs as assigned
- Collect data and report findings to village council
- Conduct traditional harvest surveys
- Assist in the implementation of natural resource and environmental management policy and operating procedures for the village
- Develop tribal capabilities to conduct natural resource management activities
- Follow safety procedures and work safely
- Assess field situation related to natural resources and environmental health activities
- Contribute and maintain a positive and safe work attitude

- Assist village council and lands committee in developing and expanding comprehensive land use plans, codes, and ordinances
- Coordinates tribal resource management efforts with other agencies
- Serve as principle coordinator and contact person for all tribal environmental programs
- Administer village contract, leases and permits for compliance

<u>OUALIFICATIONS:</u>

Knowledge of federal and state regulations. Skill and ability to communicate effectively bothe in writing and orally. Ability to establish and maintain effective working relationships. Knowledge of personnel, fiscal, property and purchasing guidelines and procedures. Knowledge of safe work procedures. Experience or ability to learn computers and other office machines. Ability to work in a small office working environment.

SUPERVISORY CONTROLS:

Position functions under the direct supervision of the Chief.

GUIDELINES:

Written and oral guidelines provide specific instruction for processing field and office data. General guidelines are provided by Port Graham Village Council and land committee adopted policies and manuals. Grant and contract requirements. While these guidelines are general, the supervisor may adopt a new design or methods to comply with village needs.

PHYSICAL DEMANDS:

Incumbent must be in good physical condition. Field work involves rigorous outdoor climbing, boating, and flying under adverse weather conditions. Work may involve exposure to rigorous outdoor conditions, exposure to smoke and extreme environmental hazards.

COMPLEXITY;

The work may be performed on a small project up to highly complex projects involving large acreage, multiple agencies and numerous people.

WORK CONDITIONS:

Position will be part-time on a twelve-month appointment. Core hours of work are Monday to Friday from 9 AM to 3 PM with a one hour break period.

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| Attorney for the | State of Alaska | • | North State | |
| | UNITED STATES DISTRICT | DISTRICT OF ALASKA | COURT | |
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| UNITED STATES OF | AMERICA, | | | |
| | Plaintiff, | | được chiến thế | |
| V. STATE OF ALASKA, | | n an an Santaire Santaire Santaire Santaire | Civil Action A91-081 CV | No. |
| • | Defendant and Counterclaim | ant. | n an | |
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This Memorandum of Agreement and Consent Decree (MOA) is made and entered into by the United States of America (United States)



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and the State of Alaska (State) (collectively referred to as the Governments).

WHEREAS, Section 311 of the Clean Water Act, 33 U.S.C. § 1321, establishes liability to the United States and to States for injury, loss, or destruction of natural resources resulting from--the discharge of oil or the release of hazardous substances or both and provides for the appointment of State and Federal Trustees;

WHEREAS, the United States and the State are trustees and/or co-trustees for natural resources injured, lost or destroyed as a result of the EXXON VALDEZ Oil Spill (Oil Spill);

WHEREAS, Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607, the National Contingency Plan, 40 C.F.R. § 300.615(a), and the Natural Resource Damage Assessment Regulations, 43 C.F.R. § 11.32(a)(1)(ii), provide a framework for and encourage the state and federal trustees to cooperate with each other in carrying out their responsibilities for natural resources;

WHEREAS, the Secretaries of the United States Departments of the Interior and Agriculture and the Administrator of the National Oceanic and Atmospheric Administration (NOAA), a bureau of the United States Department of Commerce, have been designated trustees (the Federal Trustees) for purposes of the Clean Water Act, 33 U.S.C. § 1321, and CERCLA, 42 U.S.C. § 9607, and otherwise have statutory responsibilities related to the natural resources injured, lost or destroyed as a result of the Oil Spill, and the United States Environmental Protection Agency (EPA) has been designated by the President of the United States to coordinate restoration activities on behalf of the United States;

WHEREAS, the Commissioners of the State Departments of ... Environmental Conservation and Fish and Game and the Attorney General of the State of Alaska have been designated trustees for purposes of the Clean Water Act, 33 U.S.C. § 1321, and CERCLA, 42 U.S.C. § 9607, and otherwise have statutory responsibilities relating to the natural resources injured, lost or destroyed as a result of the Oil Spill;

WHEREAS, the United States Coast Guard, an agency of the United States Department of Transportation, is the predesignated Federal On-Scene Coordinator (FOSC) to direct response efforts and to coordinate all other efforts at the scene of the Oil Spill, pursuant to the Clean Water Act, 33 U.S.C § 1321, and the National Contingency Plan, 40 C.F.R. § 300, and is coordinating its efforts with the Federal Trustees in accordance with the National Contingency Plan;

WHEREAS, the State Department of Environmental Conservation is the State On-Scene Coordinator (SOSC) to direct containment and cleanup of discharged oil pursuant to AS 46.04.020;

WHEREAS, the United States Department of Justice (Justice) and the Department of Law for the State of Alaska (Law) have constitutional and statutory responsibility for litigation management and specifically for prosecuting claims for damages for injury, loss or destruction to the natural resources affected by the Oil Spill;

WHEREAS, all of the above state and federal entities have determined that it is in furtherance of their statutory and trust responsibilities to ensure that all injuries, loss or destruction to state and federal natural resources are fully compensated and to ensure that such compensation is used in accordance with law;

WHEREAS, the United States has brought this action against the State, and the State has asserted counterclaims in this action against the United States, with respect to their respective shares in any recoveries for compensation for natural resource damages resulting from the Oil Spill;

WHEREAS, recognizing their mutual desire to maximize the funds available for restoration of natural resources, the United States and the State have determined that entering into this MOA is the most appropriate way to resolve their claims against one another in this action, and that the terms of this MOA are in the public interest and will best enable them to fulfill their duties as trustees to assess injuries and to restore, replace, rehabilitate, enhance, or acquire the equivalent of the natural resources injured, lost, or destroyed as a result of the Oil Spill;

NOW THEREFORE, in consideration of their mutual promises, the United States, acting through the United States Departments of the Interior, Agriculture, Transportation, and Justice, NOAA, and EPA, and the State of Alaska, acting through the State Departments of Fish and Game, Environmental Conservation, and Law (together "the Governments") have agreed to the following terms and conditions, which shall be binding on both Governments, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I.

JURISDICTION

The Court has jurisdiction over the subject matter of the claims set forth in the United States' Complaint and in the State's Counterclaim and over the parties to this MOA pursuant to, among other authorities, 28 U.S.C. §§ 1331, 1333, and 1345, and section 311(f) of the Clean Water Act, 33 U.S.C. § 1321(f).

II.

DEFINITIONS

For purposes of this MOA, the following terms shall have the meanings specified in this paragraph:

A. "Base Allowed Expenses" means (1) reasonable, unreimbursed costs obligated or incurred by either the United States or the State on or before March 12, 1991, for the planning, conduct, evaluation, and coordination, and oversight ofnatural resource damage assessment and restoration pursued by the Governments with respect to the Oil Spill, and (2) reasonable, unreimbursed costs obligated or incurred by the State on or before March 12, 1991, for experts and counsel in connection with the preparation of the Oil Spill Litigation.

B. "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601 <u>et seq</u>. as amended.

C. "Clean Water Act" means the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251-1376, as amended.

D. "Joint use" means use of natural resource damage recoveries by the Governments in such a manner as is agreed upon by the Governments in accordance with Article IV of this MOA.

E. "National Contingency Plan" means the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300.

F. "Natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Magnuson Fishery Conservation and Management Act of 1976) and/or the State.

G. "Natural resource damage recovery" means any award, judgment, settlement or other payment to either Government which is received as a result of a claim or demand for Base Allowed Expenses or for damages for injury, destruction, or loss of natural resources arising from the Oil Spill and for costs incurred by the State for experts and counsel in connection with the Oil Spill Litigation. The term includes, without limitation, all recoveries upon claims for natural resource damages under the Clean Water Act, the Trans-Alaska Pipeline Authorization Act,

- 6 -

state and federal common law, state statutes, admiralty law, state and federal right-of-way lease covenants and any recoveries for natural resource damages obtained from or in connection with a civil proceeding or criminal restitution, unless the parties otherwise agree that criminal restitution recoveries can be separately managed by either government consistent with this MOA. The term also includes all interest accrued on any such recoveries. Natural resource damage recovery excludes any reimbursement or other recovery by either Government for response and cleanup costs, lost royalty, tax, license, or fee revenues, punitive damages, federal or state civil or criminal penalties, federal litigation costs and attorney fees.

H. "Oil Spill" means the grounding of the T/V EXXON VALDEZ on Bligh Reef in Prince William Sound, Alaska on the night of March 23-24, 1989, and the resulting oil spill.

I. "Oil Spill Litigation" means any past, present, or future civil judicial or administrative proceeding relating to or arising out of the Oil Spill.

J. "Response and cleanup costs" means actual, unreimbursed response and/or cleanup costs incurred by either Government in connection with the Oil Spill, as certified for payment by the Federal On-Scene Coordinator or the State On-Scene Coordinator.

K. "Restore" or "Restoration" means any action, in addition to response and cleanup activities required or authorized by state or federal law, which endeavors to restore to their prespill condition any natural resource injured, lost, or destroyed



as a result of the Oil Spill and the services provided by that resource or which replaces or substitutes for the injured, lost or destroyed resource and affected services. Restoration includes all phases of injury assessment, restoration, replacement, and enhancement of natural resources, and acquisition of equivalent resources and services.

L. "Trustees" means the officials now or hereafter designated by the President of the United States and the Governor of the State of Alaska to act as trustees, for purposes of CERCLA and the Clean Water Act, of natural resources injured, lost or destroyed as a result of the Oil Spill.

III.

EFFECT OF ENTRY OF MOA

Upon approval and entry of this MOA by the Court, this MOA shall constitute a final judgment between the United States and Alaska in accordance with its terms. The MOA is entered for the sole and exclusive benefit of the Governments and does not create any rights or privileges in any other parties.

IV.

CO-TRUSTEESHIP

A. The Governments shall act as co-trustees in the collection and joint use of all natural resource damage recoveries for the benefit of natural resources injured, lost or destroyed as a result of the Oil Spill.

B. Nothing in this MOA shall be deemed an admission of law or fact by either Government concerning ownership, right, title,

- 8 -

or interest in or management or control authority over natural resources or the right to recover for injury to such resources. Except in matters concerning or relating to enforcement of this MOA, the Oil Spill Litigation, or the settlement of claims relating to the Oil Spill, the Governments agree that this MOA may not be used by one Government against the other for any reason.

C. Nothing in this MOA shall be construed to affect or impair in any manner the rights and obligations, if any, of any entities or persons not parties to this MOA, including without limitation:

1. The rights and obligations, if any, of Alaska Native villages to act as trustees for the purposes of asserting and compromising claims for injury to, destruction of, or loss of natural resources affected by the Oil Spill and expending any proceeds derived therefrom;

2. The rights and obligations, if any, of legal entities or persons other than the United States and the State who are holders of any present right, title, or interest in land or other property interest affected by the Oil Spill;

3. The rights and obligations, if any, of the United States relating to such Alaska Native villages and the entities or persons referred to in subparagraph 2 above.

ORGANIZATION

1:0

A. <u>General Provisions</u>

1. All decisions relating to injury assessment, restoration activities, or other use of the natural resource damage recoveries obtained by the Governments, including all ... decisions regarding the planning, evaluation, and allocation of available funds, the planning, evaluation, and conduct of injury assessments, the planning, evaluation and conduct of restoration activities, and the coordination thereof, shall be made by the unanimous agreement of the Trustees. Such decisions, on the part of the Federal Trustees, shall be made in consultation with EPA.

2. The Governments shall cooperate in good faith to establish a joint trust fund for purposes of receiving, depositing, holding, disbursing and managing all natural resource damage recoveries obtained or received by the Governments. The joint trust fund shall be established in the Registry of the United States District Court for the District of Alaska or as otherwise determined by stipulation of the Governments and order of the court.

3. If the Trustees cannot reach unanimous agreement on a decision pursuant to paragraph A.1. of this Article, and either Government so certifies, either Government may resort to litigation in the United States District Court for the District of Alaska with respect to any such matter or dispute. At any time, the Governments may, by mutual agreement, submit any such matter or dispute to non-binding mediation or other means of conflict resolution.

4. Within 90 days after their receipt of any natural resource damage recovery, the Trustees shall agree to an organizational structure for decision making under this MOA and shall establish procedures providing for meaningful public participation in the injury assessment and restoration process, which shall include establishment of a public advisory group to advise the Trustees with respect to the matters described in paragraph V.A.1.

B. Injury Assessment and Restoration Process

1. Nothing in this MOA limits or affects the right of each Government unilaterally to perform any natural resource injury assessment or restoration activity, in addition to the cooperative injury assessment and restoration process contemplated in this MOA, from funds other than natural resource damage recoveries as defined in paragraph G of Article II.

2. Nothing in this MOA constitutes an election on the part of either Government to adhere to or be bound by the Natural Resource Damage Assessment Regulations codified at 43 C.F.R. Part 11.

3. Nothing in this MOA shall prevent the President of the United States or the Governor of the State of Alaska from transferring, pursuant to applicable law, trustee status from one official to another official of their respective Governments; provided that, in no event shall either Government designate more

- 11 -

than three Trustees for the purposes of carrying out the provisions of this MOA. The designation of such substitute or successor Trustees by either Government shall not affect the enforceability of this MOA.

C. Role of the Environmental Protection Agency

The Governments acknowledge that the President has assigned to EPA the role of advising the Federal Trustees and coordinating, on behalf of the Federal Government, the long-term restoration of natural resources injured, lost or destroyed as a result of the Oil Spill.

VI.

DISTRIBUTION OF MONIES

A. Joint Use of Natural Resource Damage Recoveries

The Governments shall jointly use all natural resource damage recoveries for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources, except as provided in paragraph B of this Article. The Governments shall establish standards and procedures governing the joint use and administration of all such natural resource damage recoveries. Except as provided in paragraph B of this Article, all natural resource damage recoveries shall be placed in the joint trust fund for use in accordance with the terms and conditions of this MOA. Nothing in this MOA creates a right in or entitlement of

- 12 -

any person not a party to the MOA to share in any of the natural resource damage recoveries.

B. <u>Reimbursement of Certain Expenses</u>

1. The Governments agree that the following costs shall be advanced or reimbursed to each Government, at its election, out of any natural resource damage recoveries related to the Oil ... Spill and shall not be placed in the joint trust fund referred to in paragraph A: (1) Base Allowed Expenses; (2) reasonable unreimbursed costs jointly agreed upon by the Governments and incurred by either or both of them after March 12, 1991 for the planning, conduct, coordination, or oversight of natural resource damage assessment and restoration planning with respect to the Oil Spill or for restoration activities conducted under this MOA; and (3) other reasonable unreimbursed costs incurred by the State after March 12, 1991 for experts and counsel in connection with the Oil Spill Litigation provided that the total amount, in aggregate, deducted for such purposes shall not exceed \$1,000,000 per month and a total of \$40,000,000, and provided further that no such costs shall be deducted from any natural resource damages recovered as restitution in a criminal proceeding.

2. Solely for the purposes of the allocation of monies received by either or both of the Governments pursuant to any settlement(s) of the Governments' claims arising out of the Oil Spill, \$67 million shall be reimbursed to the United States for Base Allowed Expenses and for response and cleanup costs incurred by it before January 1, 1991, and \$75 million shall be reimbursed

- 13 -

to the State for Base Allowed Expenses and for response and cleanup costs incurred by it before January 1, 1991; provided that this subparagraph shall not affect or impair in any way the rights of either Government to recover any costs, damages, fees, or expenses through litigation.

14 -

3. The Governments further agree that any monies received by either or both of them pursuant to a settlement of claims arising from the Oil Spill that remain after the costs referred to in subparagraphs 1 & 2 have been reimbursed shall be allocated as follows: (1) first, to reimburse the Governments for their respective response and cleanup costs incurred after December 31, 1990, and for their respective costs of natural resource damages assessment (including restoration planning) obligated or incurred after March 12, 1991 and; (2) second, to the joint trust fund for natural resource damage recoveries referred to in paragraph A of this Article.

C. Except as otherwise provided in this MOA, the Governments agree that all natural resource damage recoveries will be expended on restoration of natural resources in Alaska unless the Trustees determine, in accordance with Article V, paragraph A.1.. hereof, that spending funds outside of the State of Alaska is necessary for the effective restoration, replacement or acquisition of equivalent natural resources injured in Alaska and services provided by such resources.

D. Nothing in this MOA shall be construed as obligating the

Governments to expend any monies except to the extent funds are appropriated or are otherwise lawfully available.

- 15 -

VII.

LITIGATION AND SETTLEMENT OF CLAIMS RELATING TO THE OIL SPILL

A. Agreement to Consult and Cooperate. The Governments, through the Departments of Law and Justice, agree to act in good faith to consult and cooperate with each other to develop a common approach to the Oil Spill Litigation, to the settlement of civil claims and restitution claims in connection with criminal proceedings: provided, however, that this MOA shall not in any way limit or otherwise affect the prosecutorial discretion of the State of Alaska or the United States.

B. Legal Work Product and Privileged Information. The Governments, through the Departments of Law and Justice, agree that, except as may otherwise be provided by separate agreement of the parties, they may in their discretion share with each other or with private and/or other public plaintiff litigants scientific data and analyses relating to the injury to natural resources resulting from the Oil Spill, the products of economic studies, legal work product, and other confidential or privileged information, subject to the following terms and conditions:

1. Each Government will take all reasonable steps necessary to maintain work product and other applicable privileges and exemptions available under the Freedom of Information Act, 5 U.S.C. § 552 <u>et seq.</u>, the Rules of Civil Procedure, and AS 09.25.110 et seq. 2. No Government may voluntarily share with another party information jointly prepared or prepared by the other Government without the prior express written consent of the other Government's legal counsel.

- 16 -

VIII.

SCIENCE STUDIES

The Governments shall continue to work cooperatively to conduct all appropriate scientific studies relating to the Oil Spill.

IX.

COVENANTS NOT TO SUE

A. Each Government covenants not to sue or to take other legal action against the other Government with respect to the following matters:

1. The authority of either Government to enter into and comply with the terms of this MOA.

2. The respective rights of either Government to engage in cleanup, damage assessment or restoration activities with respect to the Oil Spill in accordance with this MOA.

3. Any and all civil claims (including, but not limited to, cross-claims, counter-claims, and third partyclaims) it may have against the other Government arising from any activities, actions, or omissions by that other Government relating to or in response to the Oil Spill which occurred prior to the execution of this MOA, other than claims to enforce this MOA.

17 -

B. Solely for purposes of the Oil Spill Litigation and any other proceedings relating to the ascertainment, recovery, or use of natural resource damages resulting from the Oil Spill, each Government shall be entitled to assert in any such proceeding, without contradiction by the other Government, that it is a co-Trustee with the other Government over any or all of the natural resources injured, lost or destroyed as a result of the Oil Spill; and each Government covenants not to sue the other with respect to, or to take any other legal action to determine, the scope or proportionate share of either Government's ownership, rights, title or interest in or management, control, or trusteeship authority over any of the natural resources injured, ... lost or destroyed as a result of the Oil Spill.

C. Notwithstanding anything in this Article, each Government reserves the right to intervene or otherwise to participate in any legal proceeding concerning the claims of a third party with respect to the scope of either Government's Trusteeship and waives any objection to such intervention or participation by the other Government; provided that, in any such proceeding, neither Government may dispute that it is a co-Trustee with the other over the natural resources injured, lost, or destroyed as a result of the Oil Spill.

D. If the Governments become adverse to each other in the

course of the Oil Spill Litigation, this MOA shall nevertheless remain in effect.

E. Notwithstanding the covenants contained in this Article, if both Governments are sued by a Third Party on a claim relating to or arising out of the Oil Spill, the Governments agree to cooperate fully in the defense of such action, and to not assert cross-claims against each other or take positions adverse to each other. Each shall pay its percentage of liability, if any, as determined in a final judgment.

F. Notwithstanding the covenants contained in this Article, if one of the Governments is sued by a Third Party on a claim relating to or arising out of the Oil Spill, the Governments agree that the non-sued Government shall cooperate fully in the defense of the sued Government, including intervening as a party. defendant or consenting to its being impleaded, if necessary. If the non-sued Government thereby becomes a party to the action, the Governments agree not to assert cross-claims against each other, to cooperate fully in the defense of such action, and not to take positions adverse to each other. Each shall pay its percentage of liability, if any, as determined in a final judgment.

G. Notwithstanding Paragraphs E and F above, the Governments may assert any claim or defense against each other necessary as a matter of law to obtain an allocation of liability between the Governments. Any such actions shall be solely for the purpose of allocation of liability, if any, and neither Government shall

- 18 -

enforce any judgment obtained against the other Government pursuant to this paragraph.

RETENTION OF JURISDICTION

X.

19 -

This MOA shall be enforceable by the United States District Court for the District of Alaska, which Court shall retain jurisdiction of this matter for the purpose of entering such further orders, directions, or relief as may be appropriate for the construction, implementation, or enforcement of this MOA.

XI.

MULTIPLE COPIES AND EFFECTIVE DATE

This MOA may be executed in several counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument. This MOA shall be effective as of the -date it is signed by all the parties hereto.

XII.

INTEGRATION AND MERGER

A. This MOA constitutes the entire agreement between the United States and the State as to the matters addressed herein, and there exists no other agreement of any kind which is inconsistent with this MOA with respect to the subjects addressed in this MOA; provided, that the agreement reached among the Trustees as to disbursements of the original \$15 million paid by Exxon in April, 1989 shall remain in full force and effect.

TERMINATION

XIII.

20 -

This MOA shall terminate when the Governments certify to the Court, or when the Court determines on application by either Government, that all activities contemplated under the MOA have been completed.

XIV.

JUDICIAL REVIEW

This MOA creates no rights on the part of any persons not signatory to this MOA and shall not, except as provided in Article X, be subject to judicial review.

XV.

MISCELLANEOUS

A. This MOA can be modified only with the express written consent of the Parties to the MOA and the approval of the Court, except that the Parties may correct any clerical or typographic errors in writing without court approval.

B. Each undersigned representative of a Party to this MOA certifies that he or she is fully authorized to enter into this MOA and to execute and legally bind such Party to this MOA.

THE FOREGOING Memorandum of Agreement and Consent Decree among the United States of America and the State of Alaska is hereby APPROVED AND ENTERED THIS $\frac{28}{28}$ DAY OF $\frac{1991}{1991}$.

District of Alaska

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Honorable H. Russel Holland United States District Judge

cc: X. Bottini (AUSA) B. Herman (AAG-K)

FOR THE UNITED STATES OF AMERICA

Date: 119.27,191

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Barry M. Hartman Acting Assistant Attorney General Environment and Natural Resources Division U.S. Department of Justice

ant M- Gerron

Stuart M. Gerson S.C.S. Assistant Attorney General Civil Division U.S. Department of Justice

FOR THE STATE OF ALASKA

Date: aug 27, 1441

Charles E. Cole Attorney General State of Alaska Pouch K Juneau, Alaska 99811



CHARTER

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

- 1. <u>Official Designation</u>: Exxon Valdez Oil Spill Public Advisory Group.
- 2. Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of <u>United States of America v.</u> State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Group shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental⁻ Conservation. U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

- Planning, evaluation, and allocation of available funds;
- b. Planning, evaluation, and conduct of injury assessments;
- Planning, evaluation, and conduct of restoration activities;
- d. Coordination of a, b, and c.
- 3. Period of Time Necessary for the Group's Activities: By order of the District Court for the District of Alaska, the Public Advisory Group is to advise the Trustees, appointed to administer the fund established in settlement of <u>United States v. Exxon Corporation</u>, Civil Action No. A91-082, and <u>State of Alaska v. Exxon Corporation</u>, Civil Action No. A91-083, both in the united States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund is scheduled for September 1, 2001. It is expected that the need for the Public Advisory Group will continue until approximately January 1, 2002. Extension of the Group beyond such date is subject to the unanimous written consent of the designated trustees.

- 4. Official to Whom the Public Advisory Group Reports: The Public Advisory Group shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Group at Trustee Council meetings. Other members of the Group may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Group representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Public Advisory Group reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Group. The Designated Federal Officer is the Alaska Office of Environmental Policy and Compliances' Regional Environmental Assistant, or their designee.
- 5. <u>Administrative Support</u>: Administrative support for the Public Advisory Group shall be provided by the Trustee Council's Executive Director. The Executive Director shall prepare an annual budget for the Public Advisory Group. The budget shall provide the Public Advisory Group such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Group, from the joint fund established in the registry of the United States District Court for the District of Alaska in settlement of <u>United States v.</u> <u>Exxon Corporation</u> and <u>State of Alaska v. Exxon Corporation</u>.
- 6. <u>Public Advisory Group Membership, Selection, and Service</u>: The Public Advisory Group shall consist of 17 members, including a Chair and Vice-Chair.

a. Qualifications for Service - Members shall be appointed to represent the following interests: aquaculture; commercial fishing; commercial tourism; conservation; environmental; forest products; local government; Native landowner; recreation users; science/academic; sport hunting and fishing; subsistence; public-at-large (5).

> Representatives shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the Exxon Valdez oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration, as applicable.

- 2 -

 Nomination and Selection - Nominations for membership may be submitted by any source.
 From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trústees, the Secretary of the Interior appoints those selected by the Trustees.

c. Minimum Term - Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. The Trustees may remove a member or officer of the Public Advisory Group for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.

d. Officers.- The Public Advisory Group shall have a Chair and a Vice-Chair selected from the membership and approved by the Trustee Council in consulation with the members of the Public Advisory Group.

Alternates to Members - Nominations to designate an alternate will be submitted to the Trustee Council by each Public Advisory Group member. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may solicit additional nominations. The Trustee Council will forward its recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official Public Advisory Group member at a particular meeting and will have all the responsibilities of the member they represent.

7. Expenses: Travel, per diem and administrative support shall be borne by the Trustee Council using funds from the joint fund established in settlement of <u>United States v. Exxon Corporation</u> and <u>State of Alaska</u> v. Exxon Corporation. While away from home or regular place of business in performance of business of the Public Advisory Group, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable government rate. The estimated annual operating cost for the Group is \$153,400 including an estimated 1.1 staff years.

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- 3 -

- 8. <u>Public Advisory Group Meetings and Records</u>: The Public Advisory Group shall meet no less than four times per year.
 - All Public Advisory Group meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Group and any member of the public may speak at a Public Advisory Group meeting.
 - b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Group members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Public Advisory Group, shall be prepared and made available to the public through the Executive Director. The Chair shall certify to the accuracy of all minutes of the Public Advisory Group.
 - Meetings of the Public Advisory Group shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with As 44.62.310(e), AS 44.62.175 and 41 CFR 101-6.1015(b).

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

- e. All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council.
- 9. <u>Administrative Authority</u>: The Public Advisory Group functions are advisory only, and its officers shall have no administrative authority by virtue of their membership, except to recommend the Public Advisory Group budget needs to the Executive Director. The Trustee Council, through the Executive Director, shall procure all needed space, supplies, equipment, and support for the Public Advisory Group.

c.

d.

- <u>Termination Date</u>: The Federal Advisory Committee Act, 5 U.S.C. App., requires that the Public Advisory Group shall terminate two years from the date of filing of this Charter unless the Group is renewed before that date in accordance with the requirements of that Act.
- <u>Authority</u>: This Public Advisory Group is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.

Secretary of the Interior

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JAN 28 1997 Date Signed:

Date Filed:

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EXXON VALDEZ OIL SPILL

Public Advisory Group

Background & Guidelines

September 1996

17

Contents

| ۱. | Introd | uction | • • • • • • • | ••••• | •••• | page | e 1 |
|------|--|--|------------------------|-------------|-----------------|------|-----|
| | A. | Purpose | | | | • | |
| | В. | Authority | | | | | |
| | C. | Background | | | • | | |
| | D. | Intent | | | | | |
| | | | | | | | |
| 11. | Memb | ership | · · · • • • • • • • | • • • • • • | • • • • • • • • | page | 9 5 |
| | А. | Member Composition | | | | | |
| | в. | Eligibility | | | | | |
| | C. | Nomination and Appointment | - | | | | |
| | D. | Term and Removal | | | • | | |
| | E. | Officers | | | | | |
| | F. | Alternate Members | | 1 | | | |
| | G. | Filling Member Vacancies | • • | 1 | 1 | | |
| | | | 1 | | | | |
| 111. | Duties | | | ••••• | | page | 8 |
| | | | | : | | | |
| | Α. | Restoration Advice | | | | | |
| | в. | Program Operations | | | | | |
| IV. | Opera | tions | | | | page | 9 |
| | • | | | | | 1.0 | |
| | Α. | Designated Federal Officer | | : | | | |
| | в. | Quorum | | | | | |
| | C. | Presiding Officer | | | | | |
| | D. | Rules of Order | | | | | |
| | Ε. | Action/Rules of Voting | | | | | |
| | F. | Subcommittees | | | | | |
| | G. | Public Information | | | | | • |
| | | a b | | | | | |
| | н. | Records | | | | | |
| | н. I. | Amendment of Procedures | | | | | |
| V. | H. I. Meetir | Records Amendment of Procedures | | | | page | 11 |
| V. | H. I. Meetir | Records Amendment of Procedures | | | | page | 11 |
| V. | H. I. Meetir A. | Records Amendment of Procedures ngs | | | | page | 11 |
| V. | H. I. Meetin A. B. | Records Amendment of Procedures ngs | | | | page | 11 |
| V. | H. I. Meetin A. B. C. | Records Amendment of Procedures ngs Frequency Agenda Notices | | | | page | 11 |
| V. | H. I. Meetir A. B. C. D. | Records Amendment of Procedures ngs Frequency Agenda Notices Minutes | | | | page | 11 |
| ٧. | H. I. Meetin A. B. C. D. E. | Records Amendment of Procedures ngs Frequency Agenda Notices Minutes Public Participation | | | | page | 11 |
| V. | H. I. Meetin A. B. C. D. E. F. | Records Amendment of Procedures ngs Frequency Agenda Notices Minutes Public Participation Executive Sessions | | | | page | 11 |
| V. | H. I. Meetir A. B. C. D. E. F. | Records Amendment of Procedures ngs Frequency Agenda Notices Minutes Public Participation Executive Sessions | | | | page | 11 |

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February 13, 1997

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|-------|-------|--|
| VI. | Repor | ts |
| | Α. | Trustee Council |
| | В. | Annual Report |
| VII. | Suppo | ort |
| | А. | Administrative Director |
| | в. | Travel and Expenses |
| | C. | Non-PAG Events |
| VIII. | Appe | ndices |
| | Α. | Map of the Oil Spill Area |
| | в. | Forms and Formats |
| | C. | Charter |
| | D. | Basic Information for Members |
| | Е. | Federal Advisory Committee Act |
| | F. | Trustee Council Intent (excerpt from March 10, 1993 meeting) |
| | G. | State Travel Regulations |
| | н. | Process for Appointment of Members |
| | | |

NOTE: The ****** before a paragraph indicates procedures that are at the discretion of the Public Advisory Group.

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Process for Appointment of 1996-1998 Members of the Exxon Valdez Oil Spill Public Advisory Group

The term for all 17 members of the Public Advisory Group (PAG) ends February 13, 1997. The PAG Charter will be renewed as of October 22, 1996, and it is desired to have the twoyear membership synchronized with the two-year Charter period. The process for selecting PAG members for the next two-year session follows the process the Trustee Council used for the initial appointments and the last membership selection. This process is based upon the requirements set forth in the PAG Charter. The process involves notifying the public and compiling a list of potential nominees for Trustee Council consideration. Current members of the PAG are eligible for renomination and reappointment. The Trustee Council will review the nominations and recommend membership to the Trustees, and upon their approval, to the Secretary of the Interior for official appointment (the Department of the Interior is the designated Federal agency for ensuring compliance with the Federal Advisory Committee Act (FACA)).

> Nominations will be solicited using a wide range of media, including newspapers in the affected area, the <u>Federal Register</u>, the Trustee Council mailing list, public service announcements, flyers posted in communities in the affected area, the present PAG membership, and persons having expressed an interest in serving on the PAG. About 60 days should be allowed for response.

• The request for nominations will ask for information presented in the attached solicitation and instructions.

• The Trustee Council Office will compile a list of nominees and a summary of information about them, including name, address, telephone number; principal interest; group affiliations; who they were nominated/endorsed by; if their information packet is complete; and if additional information is required.

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- The Trustee Council will meet to review the nominees and make their unanimous recommendation for the membership.
- The nominees will be notified of the recommendations of the Trustee Council.
- Trustee Council recommendations will go to the Trustees. Upon their approval, the Designated Federal Officer will forward the information for recommended members to the Secretary of the Interior for official appointment. The Designated Federal Officer will also submit appropriate reports to the Federal government pursuant to the FACA.

After the appointment of Public Advisory Group members, members may submit nominees for alternates.

The process for the designation of alternates to PAG members, if members wish to designate voting alternates, will occur after PAG members have been appointed. PAG members may recommend an alternate for their position. All alternates must be approved by the Trustee Council. The information described on the attached for member nominees should be submitted to the Trustee Council. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may request additional nominations. The Trustee Council will forward their recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official PAG member at a particular meeting and will have all the responsibilities of the member they represent.

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