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BIGHTS RESERVED

14.02.43

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178

AGENDA

Exxon Valdez Oil Spill Trustee Council
Public Advisory Group
Fifth floor conference room
441 West 5th Avenue, Suite 500, Anchorage, Alaska

Monday, December 10, 2001 - 10 AM – Public Advisory Group meeting

DRAFT

PURPOSE:

- 1. FY 2002 Deferred Projects
- 2. GEM: Scientific and Technical Advisory Committee and Subcommittees

Monday, December 10 – Public Advisory Group meeting

National Oceanic and Atmospheric Administration

10:00 am	Welcome/roll call Approval of July 18 Meeting Summary Executive Director's report	Chuck Meacham, Chairman Doug Mutter, Federal Designated Officer Molly McCammon, Executive Director	
11:00	PUBLIC COMMENT		
11:15 <i>11:30</i> 12:00 рм	FY 2002 Deferred Projects Herring of Marine Mannals LUNCH ON YOUR OWN	Molly McCammon/Bob Spies GHRY THOMAS	
1:00	FY 2002 Deferred Projects, continued		
2:00	GEM: Scientific and Technical Advisory Committee and Subcommittees Program Advisory Committee	Molly McCammon/Phil Mundy Molly McCammon/Doug Mutter	
4:30	Future PAG meetings: - next meeting - field trip destination and date		
5:00	Adjourn		
	Federal Trustees State Trus U.S. Department of the Interior Alaska De U.S. Department of Agriculture Alaska De	stees partment of Fish and Game partment of Environmental Conservation	

Alaska Department of Law



DRAFT

Tuesday, December 11 – ARLIS Tour and Trustee Council meeting

8:30-9:30 AM	Tour of ARLIS – PAG and TC invited
10:00	Trustee Council meeting
11:00	PUBLIC COMMENT
noon	LUNCH ON YOUR OWN Trustees in Executive Session
1:00	Trustee Council meeting continues
5:00	Adjourn
5:00-6:30	Open House

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Meeting Summary

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

B. DATE/TIME: July 18, 2001

C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE:

Name	Principal Interest
Torie Baker	Commercial Fishing
Chris Beck	Public-at-Large
Gary Fandrei	Public-at-Large
Brett Huber	Sport Hunting & Fishing
Dan Hull	Public-at-Large
James King	Conservation
Chuck Meacham, Chair	Science/Academic
Pat Norman	Native Landowner
Stan Senner	Environmental
Ed Zeine	Local Government

E. NOT REPRESENTED:

Name	Principal Interest
Chris Blackburn	Public-at-Large
Dave Cobb	Public-at-Large
Bud Perrine	Aquaculture
Gerry Sanger	Commercial Tourism
Stacy Studebaker	Recreation Users
Chuck Totemoff	Forest Products
Martha Vlasoff	Subsistence
John Harris	Alaska State House of Representatives (ex officio)
Loren Leman	Alaska State Senate (ex officio)

F. OTHER PARTICIPANTS:

Name	Organization
Patty Brown-Schwalenburg	Chugach Regional Resources Commission
Barat La Porte	Patton Boggs
Molly McCammon	Trustee Council Staff
Phil Mundy	Trustee Council Staff
Doug Mutter	Designated Federal Official, Dept. of the Interior
Cynthia Brady	Dept. of the Interior
Chip Demarest	Dept. of the Interior
Sandra Schubert	Trustee Council Staff

Veronica Christman Cherri Womac Bill Hauser Jeff Short (via telecon) John Hall Gordon Robilliard Trustee Council Staff Trustee Council Staff Alaska Department of Fish and Game National Oceanic and Atmospheric Administration Taiga Resource Consultants

G. SUMMARY:

The meeting was convened July 18 at 8:40 a.m. by Chuck <u>Meacham</u>. Roll call was taken, a quorum was present. The April 4, 2001, meeting summary was approved.

Molly <u>McCammon</u> provided a status report on current Trustee Council activities. A report to Congress is being prepared (due September 30, 2001) describing the Trustee Council's plans for future administration and management of *Exxon Valdez* Oil Spill (EVOS) funds. This report was required by the legislation enabling transfer of EVOS trust funds from the Federal Treasury. She noted that the current make-up of the Council would probably continue until at least 2006, during which time the EVOS litigation remains open.

<u>McCammon</u> reported that collaboration agreements were being pursued with other research fund organizations, such as the North Pacific Research Board (NPRB) and the Pacific Salmon Treaty. The Denali Commission has a model agreement they are looking at.

The Trustee Council offices are moving in September to the Chamber of Commerce building in Anchorage. The current lease is up and the new building owners are moving in, thus necessitating the move. The NPRB may co-locate with the Trustee Council.

She discussed the status of trust fund investments (mailed to PAG members). The status of investments can be found on the Alaska Department of Revenue web site. At a recent conference on foundations she learned that the average payout of monies from trust funds was 5%. The Trustee Council plans a 4-1/2% payout.

<u>McCammon</u> discussed the Habitat Protection program (information mailed to PAG members). Final payments on some of the large parcels will be occurring until 2002. The Karluk River project with Koniag is yet to be signed. Some 7,865 acres in small parcels have been (mostly) purchased. It is not clear what will happen to the remaining small parcel funds if not all the purchases on the table are made. The trial pilot project with the Alaska Conservation Foundation and The Nature Conservancy is still not signed, but should be shortly.

Jeff <u>Short</u> reported on the lingering oil project. Three-fourths of the over 8,000 pits at 96 sites have been dug and the project is on schedule. The purpose is to quantify the beaches with remaining oil contamination and estimate the amount of remaining oil. They are focused on the most heavily oiled areas of Prince William Sound. Random samples are taken in the immediate tidal zone and just above the tide line. Ten percent of the pits dug had oil. Of those, 6% had subsurface oil (similar to the original crude) and 4% had surface oil (hardened)- and usually not both. The oil seemed to extend to the low intertidal zone. This is more oil

than they expected to find. Mobilization is probably low, with only localized impacts. Additional analyses will be made.

Veronica <u>Christman</u> updated the group on the archeology project. In 1999 \$2.8 million was awarded to Chugachmuit to develop a regional repository, local display capabilities in eight communities, and traveling exhibits for EVOS artifacts recovered in the Prince William Sound and Cook Inlet areas. The repository in Seward is set to open in March 2002. The local display capabilities are in various stages of proposal, design and construction and should be completed by the end of 2003. The traveling exhibit plan and design is expected in 2002.

Cherri <u>Womac</u> briefed the group on revised State travel rules and procedures (see handouts). Contact her if there are questions about PAG member travel.

<u>McCammon</u> summarized the July 17, 2001, PAG Gulf Ecosystem Research and Monitoring Program (GEM) workshop session. The group generally agreed that one "program advisory committee" with expanded public, community, and scientific representation was preferable to several advisory committees. Some details were discussed but no consensus reached. The role of additional science advisors should be peer review, not a separate formal committee, and the PAG suggested there be no separate community advisory committee. The chief scientist function should be in one person, on staff. A mix of paid and volunteer peer review was deemed most practical. Data and information management is very important and more than one staff person will likely be required. More flexibility is needed now for deciding the importance of the question of "normal agency management" versus "work caused by the spill."

<u>McCammon</u> noted that the GEM document (Review Draft July 6, 2001 version) is still a rough draft. There will be a meeting next week with agency representatives to discuss the draft and the Trustee Council will meet August 6 to review it. The goal is to have a draft document to the National Research Council (NRC) by mid-September, when they meet in Seattle. The GEM document is available on the EVOS web site at: www.oilspill.state.ak.us. An Executive Summary will be written soon.

<u>McCammon</u> and Phil <u>Mundy</u> briefly went through the GEM document chapter-by-chapter. Dan <u>Hull</u> stated that (in Chapter 1) the program short-term benefits should not be undersold and he questioned how GEM would be institutionalized within natural resource management agencies. Pat <u>Norman</u> stated that results needed to be related to the management of resources. In discussing Chapter 3, <u>Meacham</u> said that they need to include considerations from the recent lingering oil project. Stan <u>Senner</u> said more references were needed. <u>McCammon</u> noted that Chapter 5 was long and may become an appendix with a summary of it substituted as the chapter. <u>Senner</u> stated that, in Chapter 6, the central hypothesis is less useful than the questions in section 6.2. Norman wondered (in Chapter 9) how the GAP analysis could relate to making better resource harvest decisions. Chris <u>Beck</u> suggested they be more specific about strategies to obtain application of the research. <u>Senner</u> recommended showing managers how they can benefit. <u>Mundy</u> suggested reading Chapter 10 to get a flavor for the GEM concept. There was general agreement that the document was complex and that a simple summary version was required. The session was opened for public comment. Patty <u>Brown-Schwalenburg</u> commented about the EVOS community involvement program. She noted that communities were compiling a list of priority injured species, five pilot projects for tribal natural resource plans were in process, long-term stewardship of resources was being discussed with communities, a guide for preparing village natural resource programs will be developed, a region-wide natural resources plan is being completed, and a paper concerning the proposed \$20 million community fund is being revised. When asked about the NRC's proposed GEM committee structure, she replied that they believed one committee was better to encourage interaction. She also noted that community facilitators were not getting enough money to make the program worthwhile. A separate community fund could help keep staff and offices operational in communities.

<u>McCammon</u> noted that the over \$10 million in proposals was received to address a budget cap of \$6.5 million for the FY 2002 Work Plan (draft mailed to PAG members). The clusters of projects have been revised to be more in keeping with the GEM concept. She and <u>Mundy</u> reviewed the clusters following Spreadsheet A, Executive Director's Preliminary Recommendations. PAG members had questions on these projects:

Sea ducks-<u>Norman</u> questioned whether harlequin ducks and scoters are safe to eat given that they feed in the intertidal zone where residual oil is being found.

Ships of opportunity-<u>Hull</u> suggested that this be done in Prince William Sound as well.

Herring projects-<u>Hull</u> and Torie <u>Baker</u> stated that herring were important in the ecosystem and felt more herring projects should be undertaken. <u>Mundy</u> responded (see handout) that not all areas needing research received proposals. <u>McCammon</u> said they would have a teleconference with Fish and Game and Chief Scientist, Bob Spies, to further discuss this issue. <u>Hull, Baker</u> and <u>Meacham</u> said they would like to participate.

Pink salmon-<u>Hull</u> questioned what work would be done in place of dropped pristane projects. <u>Mundy</u> responded that other variables needed examining before returning to pristane studies.

Sockeye salmon-<u>Norman</u> asked that sockeye salmon lakes on the southern Kenai peninsula be added to project 02649. <u>Mundy</u> said that if this project had successful results, and if the proposed lakes met the study criteria, they might be added later (he will discuss with the Principal Investigator).

<u>McCammon</u> said that this winter a review of injury and recovery objectives would take place. The annual EVOS symposium will be held in January 2002.

The group discussed the possibility of a PAG field trip next year.

The meeting adjourned at 3:20 p.m.

H. FOLLOW-UP:

- 1. <u>McCammon</u> will send to PAG members the draft of the Report to Congress.
- 2. <u>McCammon</u> will add one PAG field trip to the FY 2002 budget. PAG members are to think about what/where they would like to visit next spring or fall.
- 3. PAG members are encouraged to submit detailed comments on the GEM document to the Trustee Council as soon as possible via email to: restoration@oilspill.state.ak.us.
- 4. <u>McCammon</u> will arrange a teleconference to discuss herring projects for FY 2002. <u>Hull, Baker</u> and <u>Meacham</u> will participate.

I. NEXT MEETINGS: PAG, tentatively the week of December 10, 2001 Trustee Council, August 6, 2001, 8:30 a.m.

J. ATTACHMENTS: (Handouts, for those not present)

- 1. Travel Summary
- 2. State of Alaska Travel Regulations
- 3. FY 2002 EVOS Budget for Public Information, Science, Administration
- 4. GEM Overview Figure
- 5. Schubert Memo on Possible Models for PAG
- 6. Mundy Memo on Herring Research Options
- 7. Changes in Executive Director's Recommendation (FY 2002 work plan)

K. CERTIFICATION:

PAG Chairperson

Date



THE SECRETARY OF THE INTERIOR

WASHINGTON

SEP 2.8 2001

Honorable Richard B. Cheney President of the Senate United States Senate Washington, D.C. 20510

Dear Mr. President:

In accordance with the requirements of Public Law 106-113, and on behalf of the federal and State of Alaska trustees for the natural resources injured by the 1989 *Exxon Valdez* oil spill, I am submitting the attached report to Congress.

Sincerely,

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(identical letter to Dennis Hastert, Speaker of the House, copies to appropriate committee chairmen and ranking members)

Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax:907/276-7178



Report to Congress

In November 1999, Congress provided new authority (App. C, Section 350, Public Law No. 106-113, 113 STAT. 1501A-207-8, Attached), permitting the United States and the State of Alaska to invest the joint federal-State Exxon Valdez oil spill settlement funds outside the U.S. Treasury. Subsection (7) of this provision conditions the continuation of this authority beyond September 30, 2002 upon submittal of a report to Congress by September 30, 2001 recommending "a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received." The Trustee Council believes that the current structure is the most effective and appropriate at this time, and recommend its continuance through at least 2006.

Background

The Memorandum of Agreement and Consent Decree in United States v. Alaska, A91-081 CV (August 28, 1991) ("MOA") provides that the United States and the State of Alaska ("the Governments") shall establish a joint trust fund to receive, hold, disburse and manage all natural resource damage recoveries obtained by the Governments under the Clean Water Act arising out of the Exxon Valdez oil spill. Under the MOA, the joint trust fund is to 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." MOA at 10. Pursuant to a series of orders entered by the District Court for the District of Alaska, the joint trust fund monies were held in the Court Registry Investment System (CRIS) in Houston, Texas. Monies held in the CRIS were limited to investments in Treasury securities and incurred high fees.

In 1997, the Trustee Council sought federal legislation to provide more latitude in their investment choices available and the opportunity to reduce fees. In 1999 Congress enacted Section 350 allowing the EVOS joint trust funds to be deposited in a federal account within the Department of the Interior or in other accounts outside the United States Treasury.

In 2000, the Trustee Council carefully evaluated whether to use this statutory authority, and after careful deliberation and adoption of a set of Investment Policies, with the approval of the United States District Court for Alaska, decided to deposit the funds with the State of Alaska for investment by the Department of Revenue, Treasury Division. That deposit was made in October 2000.

Trustee Council

Under the terms of the MOA, the federal and State governments are co-Trustees for the injured natural resources. The Governments' Memorandum of Agreement and Consent Decree, August 29, 1991, serves as the guiding document for the use of the settlement funds and assigns the task of restoration to three federal and three State Trustees:

<u>State</u> Commissioner Department of Fish and Game <u>Federal</u> Secretary Department of the Interior

Commissioner Department of Environmental Conservation Administrator National Oceanic and Atmospheric Administration

Attorney General Department of Law Secretary Department of Agriculture

Subsequently, the Trustees established the *Exxon Valdez* Oil Spill Trustee Council as the authority responsible for implementation of the restoration of the spill region. The federal trustees have designated officials primarily based in Alaska to represent them on the Trustee Council.

Restoration Reserve

As part of its Restoration Plan adopted in November 1994, the Trustee Council established a Restoration Reserve and has annually placed a portion of the annual payments received from Exxon into that account. Those payments, plus interest and additional unspent funds, are expected to total approximately \$150 million in October 2002. The Reserve will be used to fund a long-term monitoring and research program for the spill-affected region, as well as a small habitat protection program.

Public comment

In 1998 and 1999 the Trustee Council asked the public to comment on how best to use the Restoration Reserve funds in the future. More than 2400 responses were received, and most addressed the issue of future use of the funds. The public was also asked about future governance of the funds, and whether the Trustee Council should stay in existence or whether some new entity should assume management of the trust funds. Out of more than 2400 responses, only 265 commented on governance. Of those, about half recommended keeping the current Trustee Council and about half suggested a new board.

The Trustee Council's 17-member Public Advisory Group was also asked to comment on this issue. Although they took no formal action, the general consensus was to support the current Trustee Council makeup for the immediate future, and consider a new entity at some later date.

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We appreciate the opportunity to provide this information to the Congress. Additional information concerning the matters in this report or the *Excon Valdez* Oil Spill restoration program may be obtained the Trustee Council's Executive Director, Molly McCammon, at (907) 278-8012.

Adopted by the Trustee Council as the duly authorized representatives of the Excon Valdez Oil Spill Trustees.

DAVE GIBBONS Alaska Region USDA Forest Service

CRAIG T LERY

Assistant Attorney General State of Alaska

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DRUE PEARCE Senior Adviser to the Secretary for Alaskan Affairs U.S. Department of the Interior

FRANK RUE

Commissioner Alaska Department of Fish and Game

Attachment

cc: Senator Ted Stevens Senator Frank Murkowski Congressman Don Young Governor Tony Knowles

JAMES BALSIGER Director, Alaska Region National Marine Fisheries Service

MICHELE BROWN Commissioner Alaska Department of Environmental Conservation

APPENDIX—H.R. 3423

H. R. 3423

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I-DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal. cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$646,218,000, to remain available until expended, of which \$2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$2,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$646,218,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities, and of which \$2,500,000, to remain available until expended, is for coalbed methane Applications for Permits to Drill in the Powder River Basin: Provided, That unless there is a written agreement in place between the coal mining operator and a gas producer, the funds available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease: Provided further, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, \$292,282,000, to remain available

113 STAT. 1537–131

Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the Snoqualmie National Forest, as adjusted by subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

SEC. 348. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));".

SEC. 349. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order No. 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof.

SEC. 350. INVESTMENT OF EXXON VALDEZ OIL SPILL COURT RECOVERY IN HIGH YIELD INVESTMENTS AND IN MARINE RESEARCH. (1) Notwithstanding any other provision of law and subject to the provisions of paragraphs (5) and (7), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in United States v. Exxon Corporation, et al. (No. A91-082 CIV) and State of Alaska v. Exxon Corporation, et al. (No. A91-083 CIV) (hereafter referred to as the "Consent Decree"), may be deposited in—

(A) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the "Fund") established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154; 43 U.S.C. 1474b);

(B) accounts outside the United States Treasury (hereafter referred to as "outside accounts"); or

(C) both.

Any funds deposited in an outside account may be invested only in income-producing obligations and other instruments or securities that have been determined unanimously by the Federal and State natural resource trustees for the Exxon Valdez oil spill ("trustees") to have a high degree of reliability and security.

(2) Joint trust funds deposited in the Fund or an outside account that have been approved unanimously by the Trustees for expenditure by or through a State or Federal agency shall be transferred promptly from the Fund or the outside account to the State of Alaska or United States upon the joint request of the governments.

(3) The transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of the district court under the Consent Decree or the Memorandum of Agreement and Consent Decree in United States v. State of Alaska (No. A91-081-CIV) over all expenditures of the joint trust funds.

(4) Nothing herein shall affect the requirement of section 207 of the dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for the incremental cost of "Operation Desert Shield/

113 STAT. 1537-203

[U.S. Statutes-At-Large pagination is not available. These page numbers are supplied for the convenience of the reader] Desert Storm" Act of 1992 (Public Law 102-229; 42 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a Federal agency must be deposited into the Fund.

(5) All remaining settlement funds are eligible for the investment authority granted under this section so long as they are managed and allocated consistent with the Resolution of the Trustees adopted March 1, 1999, concerning the Restoration Reserve, as follows:

(A) \$55 million of the funds remaining on October 1, 2002, and the associated earnings thereafter shall be managed and allocated for habitat protection programs including small parcel habitat acquisitions. Such sums shall be reduced by—

(i) the amount of any payments made after the date of enactment of this Act from the Joint Trust Funds pursuant to an agreement between the Trustee Council and Koniag, Inc., which includes those lands which are presently subject to the Koniag Non-Development Easement, including, but not limited to, the continuation or modification of such Easement; and

(ii) payments in excess of \$6.32 million for any habitat acquisition or protection from the joint trust funds after the date of enactment of this Act and prior to October 1, 2002, other than payments for which the Council is currently obligated through purchase agreements with the Kodiak Island Borough, Afognak Joint Venture and the Eyak Corporation.

(B) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of—

(i) marine research, including applied fisheries research;

(ii) monitoring; and

(iii) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

(6) The Federal trustees and the State trustees, to the extent authorized by State law, are authorized to issue grants as needed to implement this program.

(7) The authority provided in this section shall expire on September 30, 2002, unless by September 30, 2001, the Trustees have submitted to the Congress a report recommending a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. Upon the expiration of the authorities granted in this section all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.

SEC. 351. YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91-378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, up to \$1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of

113 STAT. 1537-204

PUBLIC ADVISORY GROUP CHARTER & GUIDELINES

Basic Elements	Current PAG Charter	Current PAG Guidelines (additional information, if any)	New PAC, for discussion
Official Designation	EVOS Public Advisory Group		GEM Program Advisory Committee
Objective	"Advise the trustees 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, & allocation of available funds; planning, evaluation, & conduct of injury assessments; planning evaluation & conduct of restoration activities; & the coordination thereof." NOTE: The language in the charter comes from the MOA & Consent Decree (paragraph V.A.1). *	Also advise TC & Restoration Office on operation of restoration program & related activities, including process for obtaining public input	Provide broad program and policy guidance to TC & staff on overall development & progress of GEM; take an active role in setting priorities & ensuring the overall program is responsive to public interests & needs
Duration	PAG continues to 9/30/02 unless extended by unanimous written consent of the TC; however, current charter doesn't expire until 12/7/02, which is 2 years after it was filed		Ongoing
Number of Members	17	17 voting members + ex officio	20

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charter

Member Representation	Members represent the following interests: aquaculture, commercial fishing, commercial tourism, conservation, environmental, forest products, local government, Native landowner, recreation, science/academic, sport hunting/fishing, subsistence, and 5 public-at-large	Ex officio members are one each from State House of Representatives & State Senate; TC has discretion to appoint other ex officio members	5 scientists and 15 community & stakeholder representatives; need to decide whether to designate specific seats
Member Selection Criteria	Knowledge of region, people, or economic/ social activities of the spill area, or expertise in public lands/resource management		
Member Selection Process	Nominations accepted from any source; TC recommends to Trustees; Trustees select; DOI Secretary appoints	Nominees must submit a resume and conflict of interest statement; if vacancy occurs, alternate serves if willingif not willing, repeat nomination process	
Member Term	2 years; reappointment allowed. TC may remove member for malfeasance, incompetence, or failure to attend to membership responsibilities		
Officers	Chair & vice-chair approved by TC	Chair & vice-chair elected by the voting membership & sent to TC for approval; 1-year term of office	
Alternates	Nominated by each PAG member; TC recommends to Trustees; Trustees select; DOI Secretary appoints		
Quorum		10 voting members	
Expenses	TC pays travel and per diem for meeting attendance	No expenses paid for ex-officio members	TC pays travel and per diem for meeting attendance
Number of Meetings	No less than 4 per year		At least 2 per year

Subcommittees	·	TC intent is that use of subcommittees be extremely limited & subject to TC approval; any subcommittee meetings must be publicly announced & record of meetings must be kept	
Interaction with TC	TC meeting agendas include period for PAG chair to report		
Administrative Support	Provided by TC's Executive Director		Provided by TC's Executive Director
FACA Officer	DOI		DOI
Other	All meetings open to public; public notice required; minutes must be kept; all procedures governing the PAG must be approved by TC	TC intent is that PAG not (a) seek public involvement except as specifically requested by TC, (b) be only spokespersons for specific interest, (c) filter/direct public comment	

* The MOA & Consent Decree (paragraph V.A.4) provides: "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."

Report on Information Needs and Collaboration Opportunities between GEM and Alaska Marine Conservation Organizations

Findings

This report summarizes research that took place from October 10 to November 28, 2001 on the future interactions between the GEM program and marine conservation organizations in Alaska. These organizations have programs focusing on environmental advocacy, environmental litigation, single species declines, management reform, and contaminants. General trends I found in interacting with these organizations were:

- 1. A strong, genuine interest in the GEM program.
- 2. An eagerness to get their hands on the information products the program will create.
- 3. A desire to establish a long-term relationship with the GEM program and staff.

Major informational needs of these organizations refer to certain habitats, locations, and species, especially how human activity affects these things. Several organizations requested information in the form of maps and simple graphics that show what is going on in a way that non-scientists can easily understand. Many groups requested an informational website about GEM including a program description and results from the projects in both interpreted and raw forms. Possible areas of collaboration with these organizations include dispersal of GEM information to the public and resource managers and keeping in touch with user groups of the resources studied by GEM. Many groups would like to see GEM support Marine Protected Areas for the purpose of scientific controls in the monitoring effort.

Scientifically, these groups are concerned that GEM adopt certain scientific methods, communicate to avoid duplication, and integrate traditional native ecological knowledge into the program. Several organizations were also concerned that funding does not only go to the agencies of the Trustee Council, but that other credible projects from different research groups receive fair and equal consideration.

Most groups would like to be informed and updated about GEM projects regularly either directly or through umbrella groups like the Alaska Oceans Network. A userfriendly website, quarterly newsletters, and workshops are the preferred methods for direct communication. Most conservation groups have little to no familiarity with GEM unless they have been directly involved with the Trustee Council in the past. Even those that have the GEM Program Document have not read it due to time constraints and its dense writing style.

This report summarizes specific information about 8 Alaska-based environmental organizations and 9 National/International environmental organizations. The information comes from interviews, Internet research, and literature about the organizations. For each organization, this report provides information about funding, staff, geographic scope, familiarity with GEM, possible collaboration with GEM, information needs, and preferred methods of communication.

Alaska-based Organizations

Alaska Conservation Foundation

Summary of organization: Raises funds, gives grants, and creates programs to protect Alaska's ecosystems and promote sustainable livelihoods.

Programs: Funds Alaska Oceans Network and Alaska Community Action on Toxics Staff: 8 office staff, 22 Trustees.

Grants/Programs Budget: \$2.4 million in FY00.

Scope: All of Alaska, both marine and terrestrial.

High familiarity with GEM program.

Collaboration opportunities

- Steering other groups toward GEM that might benefit from the program.
- Sponsoring training for other groups to use the GEM database.
- Getting other groups to use GEM's info (Data distribution and advertising).

Major GEM concern: Easy to access, user-friendliness of database. Communication

- Website
- Newsletter

Information provided by David Wigglesworth. http://www.akcf.org

Alaska Oceans Network

Summary of organization: Newly-created ACF program consisting of a volunteer association of conservation, fishing, and Alaska Native groups. Seen by many groups

as conduit between conservation organizations and scientific researchers.

Issues/concerns: Protecting the North Pacific, groundfish SEIS,

5 issue-oriented staff

Budget: \$750,000/yr from Packard and Oak Foundations

Scope: North Pacific; general due to broad membership base

Medium familiarity with GEM program (have document but haven't read it) Collaboration with GEM

- Data distribution
- Community outreach

Information Needs:

- Website would be the most useful for them
- Interesting, well-presented visual graphics, not the typical scientific graphs
- Clarification on "regime shifts"

Communication:

- Emails are preferred way of communicating
- Organized, informative emails about what's new at GEM
- Present opportunities to get involved
- Links to graphics and maps

Info provided by Karen Dearlove and Francine Bennice. http://www.alaskaoceans.net

Alaska Community Action on Toxics

Summary of organization: Administered by ACE, they protect human health from toxic contamination from industry and the military, often focusing on environmental justice.

Programs: Water Quality Protection, Pesticide Right-to-Know, Northern Contaminants and Health, Military Toxics and Health

6 staff including researchers and community organizers

Key issues: contaminants, pesticide dispersal, bioaccumulative toxics

Geographic scope: Alaskan terrestrial, aquatic, and marine environments. Collaboration

Sharing information about contaminants

Information needs:

- Use of reports/maps of known contaminant areas
- Contaminant levels and their ecosystem and human health effects
- Synergistic effects of contaminants, effects on species (immunological, neurological, behavioral)
- Cumulative effects of long-range contaminants

Information provided by Pamela Miller.

http://www.akaction.net

Eastern Kenai Peninsula Environmental Action Association (EKPEA)

Summary: Small, local organiztion in Seward aiming to facilitate effective individual

and group action on environmental issues affecting the Eastern Kenai Peninsula.

Not familiar with GEM

Information requested

- Maps of species present at various times in Resurrection Bay (i.e. orcas, salmon)
- Pre-spill baseline data estimates for Eastern Kenai

Concerns

Impact of tourism activities on Eastern Kenai marine environment

• Don't want location of archaeological sites available to public

Information provided by Mark Luttrel.

Alaska Center for the Environment (ACE)

Summary: This is the largest membership-based environmental organization in Alaska.

Their main issue is public lands protection, but they are also active in public water issues, especially watersheds. Member of the Prince William Sound Alliance.

7,000 paying members in Alaska.

Low familiarity with GEM.

9 full-time year round employees plus summer interns and volunteers Annual Budget: \$750,000/yr.

Information needs:

- Watershed interaction with the marine environment.
- Contaminants.

Communication

- Would best be done through Pat Lavin at the PWS Alliance.
- Updates through a newsletter.

Website database.

Information provided by Randy Virgin, Executive Director. http://www.akcenter.org

Alaska Marine Conservation Council (AMCC)

Summary of organization: community-based marine conservation group dealing with

fishing issues, habitat protection, wildlife declines, public outreach, and research Key Issues: Steller sea lion, bycatch, sustainable fishing, groundfish SEIS Geographic scope: Alaska's oceans, especially coastal/nearshore environments 10 staff, 15 members of Board of Directors including fishermen, subsistence harvesters, marine scientists, conservationists, small-business owners.

Conservation GIS Support Center (Alaska Conservation Alliance)

Summary: Provide conservation-related GIS services for ACA members and outside

conservation groups at a subsidized rate. Strive for unbiased data presentation. 2 staff, both full-time GIS experts

Funding: Receive software and licensing at a reduced rate from ESRI, some income from map products, and funding from ACA and EcoTrust

Scope: anything mappable that relates to conservation Collaboration:

- Data sharing, especially in ESRI formats compatible with GIS.
- Could provide maps of processes described in GEM.
- Could train GEM staff about GIS (showing fast, efficient ways to express data).
- All their maps can be used free of charge in GEM publications as long as they receive credit (these are available on their website: www.akvoice.org/GIS).

Communication:

- Periodic newsletters or emails providing updates.
- They would like to see a highly organized website where data is easy to find. Information provided by Jason Geck.

Trustees for Alaska

Summary: Non-profit environmental public interest law firm formed in response to North Slope oil and pipeline construction. Used to be an advocacy group, but now provide

legal support to conservation groups regarding administrative and legal processes.

Has been around for 25 years.

Staff: 8 lawyers plus support staff

Low familiarity with GEM.

Funding: Foundations and private donations.

Key Issues: Anthropogenic effects on the marine environment, especially fisheries. Geographic scope: Alaska to the north and west of Prince William Sound. Information needs

- Effects of fisheries and evaluation of different management approaches.
- Comparison of fished to unfished areas.

• Would like to see natives and TEK involved in monitoring programs Communication

User friendly website for non-scientists with interpreted data.

- Workshops
- Newsletters

Information provided by Jack Sterne, Staff Attorney. http://www.trustees.org

National/International Organizations with Alaska Offices

National Wildlife Federation

Summary: The Alaska office is one of ten regional offices throughout the U.S. Their goal is to protect fish, wildlife, and the wilderness character of wild lands nationwide. 7 full-time staff plus volunteers/interns

Funding: \$250,000/yr from west coast foundations

Low, but basic familiarity with GEM

Key issues

- Establishing a terrestrial wilderness designation for the Copper River Delta
- Establishing Marine Protected Areas in Prince William Sound (seek federal management).

• Formed and chair the Prince William Sound Alliance Needs from GEM:

- Information by species (range, migrations, life history, interspecies interactions)
- Information by location (general and detailed, similar to yahoomaps.com)
- General information about Prince William Sound
- "State of the Gulf' workshop (summary by scientists in layperson's terms) Possible Collaboration:
 - Jointly creating a "keeper" program to monitor Prince William Sound.
 - Public awareness of PWS biology.
 - Disseminating GEM monitoring results to public.
 - Work on the re-opener case with Exxon for unanticipated spill damages.
- Communication:
 - Newsletters
 - User-friendly website

Information provided by Pat Lavin http://www.nwf.org

The Wilderness Society

Summary of organization: Founded in 1935, The Wilderness Society is a 175,000member nonprofit organization dedicated to the creation of a nationwide network of wild lands through public education, scientific analysis, and advocacy. They work with federal agencies on planning, especially concerning the human component of management, such as Limits of Acceptable Change.

Key Issues: Federal law and policy, oil/gas development, marine sanctuary issues Geographic scope: Nationwide. In Alaska, mostly Prince William Sound and Glacier Bay.

4 issue-oriented staff at Anchorage office.

Familiarity with GEM: Aware of its history, but not up to date with current status. Collaboration Opportunities:

- Watchdog group to ensure that federal agencies integrate GEM science into their policies
- Synthesizing GEM information so it is applicable to resource managers.
- Making sure agencies monitor beaches and watersheds.

• Using GEM data to help agencies establish Limits of Acceptable Change. Information Needs:

- Separating human impacts from natural changes.
- Copy of the GEM program document.
- Interpreted information for resource managers who are not scientists.

• Would like to see GEM coordinate with Governor's Coastal Management Plan. Communication methods:

- Email updates.
- Website about what's new at GEM
- Annual conferences in March.

Information provided by Eleanor Huffins. http://www.wilderness.org

Earthjustice Legal Defense, Inc.- Alaska Office

Summary of Organization:

- Environmental law firm practicing litigation and other forms of advocacy.
- Represent other conservation groups in the courtroom.
- 9 offices nationwide, about 5 lawyers per office plus support staff
- Roughly 1/3 of Alaska office resources focuses on marine environment
- Key issues: fishing, ESA listings, and oil development; current focus is litigation with NMFS forcing a SEIS on North Pacific groundfisheries

Needs from GEM:

- Identifying scientific experts to use as evidence/expert testimony
- Access to specific raw data

• Interpretation of research papers and current scientific knowledge Possible involvement with GEM:

- Involvement in decisions regarding projects to request and to fund
- Setting information needs priorities

• Involvement with all phases of GEM, formal and informal Communication

- Need to know what GEM does on an ongoing basis (general newsletter)
- Need to communicate on a more sophisticated level about topics relevant to them
- Would like to be involved with regular meetings between GEM and the conservation community
- Emails, conference calls, meetings, workshops all would be helpful to them
- Communicating through AON

Concerns

- Equal representation of conservation groups in the PAC
- GEM asks questions not just for resource managers and scientists, but also for conservation groups

• GEM should access a broader scientific community than just Alaskan scientists that have a lot of history here

Information provided by Eric Jorgansen and Janis Searles. http://www.earthjustice.org

Pew Charitable Trusts

Summary: Charitable foundation supporting advocacy efforts to solve environmental problems. Much effort goes to marine environments, though relatively few in Alaska. They do not fund research unless it specifically helps solve an environmental problem. Key issues: Federal fisheries reform, funding advocacy groups.

Fund AMCC, AOC, Earthjustice, Ocean Conservancy, SeaWeb, Oceana, and several others.

Communication: Rely on NGOs and the press as filters to alert them of problems. Information provided by Jay Nelson, Program Officer. http://www.pewtrusts.com

Pew Oceans Commission

National group of 18 distinguished Americans intending to review U.S. ocean policies and submit a report and plans to Congress in 2003.

Key Issues/Concerns: coastal development, unintended consequences of fishing, pollution, climate change, aquaculture, invasive species.

Has a short life (only one year left)

Information provided by Jay Nelson.

Oceana (formerly Poseidon)

Summary: Newly forming marine conservation NGO of international scope funded in part by Pew Charitable Trusts.

Key Issues: Still unclear, but most likely will begin with sea lion issues. Also, will identify gaps in current advocacy efforts.

Alaska office to open January 2002.

25 employees nationwide, 5 will be in Alaska

Information provided by Jay Nelson from Pew Charitable Trusts.

Ocean Conservancy (formerly Center for Marine Conservation)

Summary: Nationwide marine conservation non-profit that has been around for 30 years. Their focus is on marine mammals, dolphin-safe tuna, ocean wilderness, and sustainable fisheries.

Key Issue in Alaska: Marine Protected Areas (MPAs)

Funding: Endowments, donations, and membership. Steady funding.

Geographic scope: Nationwide. In Alaska, focus on Prince William Sound and Glacier Bay.

Low familiarity with GEM, though some staff know a lot about the Trustee Council. Possible Collaboration areas:

- Finding information gaps and synthesizing information about Prince William Sound.
- Supporting advocacy efforts for MPAs (esp. for herring/rockfish research)

Information needs:

- Overlay maps of critical habitat with management regimes in those areas.
- Information on management and jurisdiction of the different areas of GEM research.
- Provide a forum so agencies can provide information on management regimes.
- Effects of fishing.
- Prefer that GEM research and monitoring focuses on specific key areas so it is not spread too thin and produces in-depth useful information.

Communication:

- Website
- Newsletter
- Workshops including one on possible Marine Protected Areas.

Information provided by Whit Sheard and Martin Robards.

http://www.oceanconservancy.org

World Wildlife Fund

Summary: International major environmental group seeking to define and protect areas of high biodiversity throughout the globe.

Key Issues: biodiversity loss, fishing, education, outreach, habitat conservation, oil development.

Geographic Scope: Bering Sea and Chukotka Peninsula in Russia.

No familiarity with GEM

Collaboration opportunities:

- Not likely to see much collaboration
- Could provide information on climate change and its effects on the Bering Sea.
- May use GEM as model process for public involvement and a resource for marine wildlife trends.

Communication: They prefer to interact with us through AON.

Information provided by Margaret Williams.

http://www.worldwildlife.org

National Audubon Society- Alaska Office

Summary: This is a highly credible and respected conservation group focused on the protection of natural ecosystems, emphasizing birds, other wildlife, and their habitat. They do this through science-based advocacy, education, and on-the-ground conservation projects.

4 full-time staff, composed of biologists and birders.

\$400,000/year budget in AK, about 15-20% going to marine-related issues.

High familiarity with GEM.

Key Issue:

 Important Bird Areas (IBAs) project, identifying key areas for birds (Cook Inlet and Bering Sea)

Collaboration opportunities

 IBAs: Audubon could provide information on good places to monitor seabirds, while GEM could help identify and monitor the IBAs. • Citizen Science: involving residents in gathering useful scientific data. Hosting training workshops for bird identification.

Information Needs:

- Bird data gathered in offshore areas.
- GEM-sponsored monitoring at IBA sites

Communication:

• Website with summary/highlight information containing the ability to follow up on data of interest, obtain the data, and speak to researchers.

Information provided by Stan Senner.

http://www.audubon.org/chapter/ak/ak

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska P.O. Box 939 Cordova, Alaska 99574 / Telephone (907) 424-3447 / Fax (907) 424-3430

November 30, 2001

EVOS Trustee Council 1689 C Street, Suite 100 Anchorage, AK 99501-5151

SENT VIA FACSIMILE TO 907.276.7178

Dear Members,

As the oldest fishing organization in the state, Cordova District Fishermen United also sadly has the distinction of representing fishermen in the spill-impacted area of Prince William Sound. As such, we feel uniquely qualified to impress upon you our strong support for work such as the project proposed by Ken Adams and Ross Mullins which attempt to provide direct benefits to the fishing communities so radically impacted by the *Exxon Valdez* spill. We sincerely believe that there must be a focused effort by EVOS and others involved in research in the Gulf and Prince William Sound to develop and fund projects, which produce practical and accessible results that provide direct benefits from improved management, and predictive capabilities to the oil spill impacted communities dependent upon marine resources.

While the SEA program has advanced our understanding of how the marine ecosystem in PWS functions in many ways, practical and affordable applications of this knowledge to improve resource management have fallen short of the original objectives of the program. This continues to be a significant source of discontent and frustration with the EVOS process within the fishing community in Prince William Sound. Ken and Ross' proposal represents the type of focus that must be incorporated into any EVOS-funded projects - and especially GEM - so that research, restoration and monitoring provide more direct and practical benefits to marine resource dependent communities.

We hope that scientific review and discussions with the PAG, which includes representatives from the fishing community, will lead to your support and funding

for the kinds of projects that Ken and Ross have proposed, both now and in the future.

We look forward to discussing our recommendations to you in greater depth should you desire. Please don't hesitate to contact us if we may be of any assistance.

Sincerely,

Sue aspelund

Sue Aspelund Executive Director

cc: EVOS PAG

6. PROGRAM MANAGEMENT: PUBLIC ADVICE, SCIENTIFIC GUIDANCE, AND DATA POLICIES

In This Chapter

 Discussion of a reconstituted Program Advisory Committee to provide public advice

Description of the process for inviting, reviewing, approving, and adopting projects

Preliminary descriptions of the processes for getting advice from experts and the public

Preliminary data management and information transfer policies

6.1 Public Advice

The importance of public participation in the Trustee Council process, as well as establishment of a public advisory group to advise the trustees,

was specifically recognized in the *Exxon Valdez* settlement and is an integral part of the agreement between the state and federal governments. Figure 6.1 illustrates the role of public participation in the GEM program.

The existing Public Advisory Group (PAG) has 17 members representing 12 interest groups and the public at large, as well as two ex-officio members from the Alaska Legislature. The charter for this group must be renewed in January 2003. At that time, it would be appropriate to change the makeup of the PAG to include the participation of additional interests. Preliminary input from the current PAG and from some of the community facilitators representing tribal interests calls for a reconstituted Program Advisory Committee (PAC), representing a broad range of stakeholder interests and communities and including a number of scientists with broad vision and stature.

One possible scenario is a group of 20, with five scientists and 15 community and stakeholder representatives. A decision would need to be made on whether specific seats would be formally designated. This group would meet at least twice a year and provide broad program and policy guidance to the Trustee Council and staff on the overall development and progress of the GEM program. The group would take an active role in setting priorities and ensuring that the overall program is responsive to public interests and needs. Figure 6.1. This figure describes the decision-making and management structure for implementing the GEM Program Document and the GEM Monitoring and Research Plan. Information and guidance flows between the Trustee Council and the Program Advisory Committee, the Scientific and Technical Advisory Group, and the public at large, through the executive director and staff. The six-member Trustee Council makes all funding, programmatic, and policy decisions. All decisions must be unanimous. The Council relies on its executive director and staff to ensure that decisions are implemented, and that the advice and review from the PAC, the technical and scientific committees, and the public are organized and summarized to assist the Council's decision-making. The Program Advisory Committee, formally recognized under the Federal Advisory Committee Act (FACA), would consist of stakeholders, scientists, and community representatives and meet together at least twice a year to provide advice and feedback to the Trustee Council on the overall direction of the program, including proposals to be funded. The committee would take an active role in setting priorities and ensuring that the overall program is responsive to public interests and needs. The PAC is not intended to be the only conduit for public input. Additional public advice would be sought on a regular and formal basis from the general public at large, including public notice of all meetings, regular opportunities for public comment, and public hearings, etc. The Scientific and Technical Advisory Committees provide key technical review and advice for the program, both from the "bottom up," using a group of subcommittees organized by habitat and other functions (e.g., data management), and the "top down," the core committee composed of subcommittee chairs and other distinguished scientists and technical experts. The committees would help develop testable hypotheses, identify core variables and monitoring stations, and assist with peer review of proposals as needed. The core committee ensures that the program is comprehensive across all habitats in working to answer the central questions and hypotheses.



Recommendations for Citizen Volunteer Monitoring Models November 7, 2001

The objective of this report is to suggest several citizen volunteer monitoring programs that may serve as models to be presented at the January 2002 GEM program workshop on nearshore monitoring. Several hundred programs currently exist in North America at many scales from individual schools and communities to nationwide. Through the course of this research, I evaluated roughly 40 programs throughout North America. The programs were evaluated based on applicability to the oil spill affected region in the Gulf of Alaska, success in motivating long-term volunteers, validity and usability of data by scientists and resource managers, and size of the programs. From these, I selected 8 recommendations, including a program based on indigenous tribal monitoring and a newly formed large-scale monitoring council. The recommended models reflect a diversity of approaches to nearshore monitoring based on geographic area, ecological variables tested, organizational structure, and degrees of volunteer responsibilities. The following is a list of the recommended programs including a synopsis and contact information for each:

Chesapeake Bay Citizen Monitoring Program

This program seems promising because it has been around for over 15 years and has been successful at integrating data into state reports. In 1992, citizen-generated data were used to make water quality assessments on waterbodies not previously covered by the state. Full time coordinators work to maintain the program, implement projects and motivate volunteers. An important motivator is the documentation of the use of data to the volunteers. With new software developed for the program, volunteers send data to a central computer and can look for trends in their data. All data are also sent on disk to the Chesapeake Bay Program Office in Annapolis where it is accessed by state agencies. The data management program is now being distributed to new monitoring programs around the nation. Also, the watershed coordinator system was developed as a way of decentralizing management tasks. The 100-site monitoring network in Virginia was divided into 10 smaller units each containing approximately 10 monitors. Ten volunteer watershed coordinators act as managers taking requests, troubleshooting, acting as liaisons to the Virginia Coordinator and most importantly, managing the data generated by the watershed group.

Key Points

- Volunteer citizen monitoring in Chesapeake Bay and its watersheds
- 150 volunteers at 110 sites
- Measure physical, chemical attributes and integrate wildlife observations
- Monitor submerged aquatic vegetation
- Use software that monitors can use to check trends in their data.
- Data integrated into Virginia 305b report to EPA and Congress
- Formed in 1985

1

Contact Information: Chesapeake Bay Citizen Monitoring Program Marcy Judd, Virginia Citizen Monitoring Program Coordinator P.O. Box 1981 Richmond, VA 23216 804-775-0951/804-775-0954 Fax

TexasWatch

Of the programs researched Texas Watch seemed to be one of the most comprehensive and successful. The program has integrated data into management decisions, formed an extensive training and quality control program, and coordinated monitoring over a large geographic scale. Volunteers monitor a wide variety of habitats from rivers, creeks, ponds, and lakes to bays, bayous, and estuaries. Over 300 groups have been trained in Texas Watch to date. These groups range in size from one person monitoring a single site to groups whose members monitor more than 50 sites. Volunteers range from third-graders to senior citizens, from individuals to groups like the Girl Scouts and the Sierra Club. Volunteer data that meets the requirements of a Quality Assurance Program is sent to the Texas Natural Resource Conservation Commission (TNRCC) database to be used to support and enhance professionally collected data. The TNRCC will use the quality-assured volunteer data for comparison with water quality standards and in trend analysis, for identification of water quality conditions and concerns requiring TNRCC action, and as baseline information in the Total Maximum Daily Load (TMDL) development process.

Key Points

- Volunteer citizen monitoring of waters throughout Texas
- Estuaries, rivers, bays
- 40% of volunteers are teachers
- 3-phase training program and a complete monitoring plan
- Consists of 1-2 hours of monitoring once each month for at least one year
- Quality Assurance Project Plan- volunteers must attend 2 QC sessions
- Lead partners help volunteers get started
- Volunteers must buy kits (\$275-300)
- Located at Southwest Texas University (SWT)
- Formed in 1991, funded by Clean Water Act

Contact Information:

http://www.texaswatch.geo.swt.edu/monitoringx.htm Texas Watch SWT Department of Geography ELA 375 601 University Dr. San Marcos, TX 78666 toll free 877 506-1401 email: texas_watch@geo.swt.edu Eric Mendelman (Program Coordinator) 512.245-1409

Baywatchers (Coalition for Buzzard's Bay)

This program is in its tenth year and has become a state and national model because of its extensive data sets. It is located in Massachusetts, south of Cape Cod. A major area of success is consistent coverage of monitoring sites by dedicated and enthusiastic volunteers. It is applicable to the GEM because the focus is on nearshore waters and harbors in an area with a highly irregular coastline. They also have learned to account for variation in the monitoring data caused by tides and weather. The region itself is highly influenced by nutrient loading and local land use, so these types of variables are the strength of the program. Educating the public is a major part of the program and they seem to have had much success in getting the word out about water quality issues. They have also assisted municipalities and resource managers obtain baseline water quality data, identify pollution sources, and evaluate clean-up efforts. Overall, it seems to be a solid program with many successes under its belt.

Key Points:

- The Buzzards Bay Water Quality Monitoring Program in Massachusetts
- Currently have 80 volunteers at 180 stations in 28 harbors
- Published a synthesis of monitoring from 1992-98 with specific information for each monitoring site.
- On-site weekly measurements dissolved oxygen, temperature, salinity, and water clarity)
- a few stations also sample for laboratory analysis of a series of nutrients (dissolved organic, dissolved inorganic nitrogen, particulate organic carbon and nitrogen, phosphate) and chlorophyll
- Send water samples to a lab (School for Marine Science and Technology at the University of Massachusetts)
- Formed in 1992

Contact information

http://www.savebuzzardsbay.org Tony Williams 508.999.6363 x203 williams@savebuzzardsbay.org

Estuary-Net

This program might be a valuable program for GEM because it is managed through NOAA and includes collaboration with local citizen monitors and high school teachers. It is a nationwide program focusing specifically on estuaries. Monitoring includes a wide array of physical, chemical, and biological variables. The main goal of the program is to develop collaborations among high schools, community volunteer water quality monitoring groups, local officials, state Coastal Zone Management (CZM) programs and National Estuarine Research Reserves (NERRS) to solve non-point source pollution problems in estuaries and their watersheds. The program is currently in place in six states throughout the lower 48. Possible limitations of the program as a model is that it serves almost exclusively high school teachers and does not have as many long-term data sets.

Key Points

- National Program of the National Estuarine Research Reserve System
- Integrate volunteer monitoring at the reserves by high school students
- Online website to submit and obtain data
- Data primarily provided by high school teachers
- Six states throughout the U.S. participate in the monitoring
- Parameters: water quality monitoring, macroinverebrate, intertidal, and submerged aquatic data

Contact Information:

http://inlet.geol.sc.edu/estnet.html North Carolina National Estuarine Research Reserve 135 Duke Marine Lab Road Beaufort, North Carolina 28516 Phone: (252) 728-2170 Fax: (252) 728-6273 E-mail: susan_lovelace@ncnerr.org

Arctic Borderlands Ecological Knowledge Co-Op

The Arctic Borderlands Ecological Knowledge Co-op has coordinated a community ecological monitoring program with Aklavik Gwich'in and Inuvialuit, Fort McPherson Tetlit Gwich'in, and Old Crow Vuntut Gwitchin for four years (96-97 to 99/00). Community monitors interview ~19 local experts in each community annually to ask what is changing in the environment and why. Hunters, fishers, and berry pickers share their observations and explanations of ecological change, focusing on weather, caribou, fish, berries, other animals, and community socio-cultural conditions. Local experts are selected by community renewable resource councils (e.g., Aklavik Hunters and Trappers Committee). 298 interviews have been completed. Interviews are coded, noting long-term trends, four-year observations, unusual findings, and interpretations of change and rules of thumb. The community monitoring program is a component of the Arctic Borderlands Ecological Knowledge Co-op's program, which draws on local knowledge and science to document and synthesize findings, and communicate about the effects of climate change, regional industrial development, and contaminants.

Key Points

- 4-year monitoring program incorporating 4 tribal communities in Northern Yukon
- Website with monitoring data combined with conventional scientific studies
- Emphasis on contaminants and food availability/quantity
- Topics monitored: weather, salmonberries, fish, porcupine caribou, ducks and geese, community social issues, and unusual or rare occurrences
- Members are representatives of Co-management boards and councils, Inuvialuit and First Nation Councils and Government agencies, Canadian and U.S. federal and territorial government agencies, Academic and research institutions in Canada and the United States

Contact Information:

http://taiga.net/coop/index1.html borderlands@taiga.net, manager@taiga.net

Lake Michigan Monitoring Coordination Council

This program is not ready to serve as a model for GEM at this point, but I felt it is worth including because it seems to be the only organization of its kind.

This organization is impressive because it integrates so many different groups into the citizen monitoring process. In addition to all levels of government, there is significant involvement by native tribes, user groups, and environmental communities. The program is based in the Lake Michigan basin, which is comparable in size to the oil spill affected region in the Gulf of Alaska and includes watersheds that feed it. The council addresses the full range of aquatic resources, including ground and surface waters, biology, chemistry and physical components. Samples collected are sent to a lab, which increases the accuracy and consistency of the methodology. Several states, including Maryland, Colorado and Arizona, have formed water quality monitoring councils to promote collaborative efforts aimed at facilitating the effective collection, interpretation, and dissemination of environmental monitoring data. The Lake Michigan Monitoring Coordination Council is the first such entity to be based on an ecosystem rather than political boundaries. A strength of the program is that it is divided into subgroups based on specific types of monitoring. Data from the program is used to guide more intensive sampling efforts by agency biologists. A major difference between LMMCC and GEM is that LMMCC does not have its own funding. Rather, it is a consortium of other individually funded organizations and agencies.

Key Points:

- 31 members (federal, state, tribal, local governments, watershed groups, volunteer & environmental communities, universities, private sector, and regulated communities)
- Ottawa, Chippewa, and Oneida Tribes participate
- Meets twice a year
- Coordinates and supports consistent, defensible monitoring methods in Lake Michigan basin
- Systematic, comparable approach
- Have industry sponsors to provide lab support to volunteer monitors
- Created a model watershed monitoring program that has been applied in 4 states
- Participates in annual "Lake Michigan State of the Lake" conferences
- Formed in 1999 (relatively recent)

Contact Information:

http://wi.water.usgs.gov/lmmcc/index.html

Gary Kohlhepp, email: kohlhepg@state.mi.us Surface Water Quality Division Michigan Dept. of Environmental Quality P.O. Box 30273 Lansing, MI 48909 Ph: 517-335-1289Fax: 517-373-9958

People for Puget Sound

This organization is the major group involved in citizen monitoring in the Pacific Northwest. They also participate in environmental advocacy, restoration projects, and Two of their programs seem especially relevant to GEM and represent different approaches to monitoring than those previously mentioned. The first is called Rapid Shoreline Inventory (RSI) which is a volunteer monitoring program gathering physical and biological information about shoreline and nearshore habitats on contiguous 150-foot segments of beach. Volunteers and staff hit the beach during extreme low-tide windows in order to gather information about eelgrass, invertebrates, and substrates that are not otherwise visible. RSI is a "fine scale" data set which nests very nicely within the state Department of Natural Resources' more generalized ShoreZone data set. Data is entered into GIS and publicly available on their website. The Rapid Shoreline Inventory provides the only data set that looks at both adjacent land use and the health of the beach.

The second program is called the Volunteer Salmon Habitat Restoration and Monitoring Program (VSHRMP). Through this program, People For Puget Sound is working with partners---agencies, tribes and other organizations---and volunteers to restore salmon rearing habitat in Seattle's industrialized Duwamish estuary and other locations around Puget Sound. From planting to monitoring to stewardship, the goal of the Volunteer Salmon Habitat Restoration and Monitoring Program is to assure the longterm success of estuarine restoration projects, especially those with Chinook runs.

Key Points:

- Regional citizen's organization
- Protects and restores land and waters of Puget Sound area
- Monitoring integrated into restoration projects
- Recruited thousands of members, volunteers, activists, and "Kids For Puget Sound."
- Work ranges from hands-in-the-mud habitat restoration to advocacy for the Sound in the halls of the legislature
- Hundreds of partnerships with other organizations
- Formed in 1991

Contact Information:

Kathy Fletcher (Executive Director) or Tom Dean (Restoration Coordinator) 911 Western Avenue, Suite 580 Seattle, WA 98104 phone: (206) 382-7007 fax: (206) 382-7006 e-mail: people@pugetsound.org http://www.pugetsound.org/

The Reef Environmental Education Foundation (REEF)

This program offers the opportunity to monitor fish and other organisms in the subtidal region of the nearshore habitat, an area not accessible without diving gear. REEF's mission, to educate and enlist divers in the conservation of marine habitats, is accomplished primarily through its Fish Survey Project. The REEF Fish Survey Project allows volunteer SCUBA divers and snorkelers to collect and report information on marine fish populations. The data are collected using a fun and easy standardized method, and are housed in a publicly-accessible database on REEF's Website. These data are used by a variety of resource agencies and researchers. Divers swim freely throughout a dive site and record every observed fish species that can be positively identified. The search for fishes begins as soon as the diver enters the water. The goal is to find as many species as possible so divers are encouraged to look under ledges and up in the water column. There is also a Living Reef program in Florida where divers monitor benthic invertebrates.

Key Points:

- Support from The Nature Conservancy (TNC) and guidance by the Southeast Fisheries Science Center of the National Marine Fisheries Service (NMFS).
- Monitor fish, invertebrates, and sea turtles with Roving Diver Technique
- Modeled after Great American Bird Count
- Enlist dive clubs to collect data on fish
- Data accessible on website by region
- Provide information on presence/absence data, relative abundance, species distribution, habitat comparison
- Several scientific papers have been produced using REEF data.
- Nationwide: Major areas include Florida, Pacific Northwest, Hawaii, and Baja California.
- The Project was developed in 1990

Contact Information:

Laddie Akins, Executive Director lad@reef.org P.O. Box 246 Key Largo, FL 33037 USA 305-852-0030 (phone), 305-852-0301 (fax) reefhq@reef.org http://www.reef.org

Other Links and Possible Models worth considering:

- Alaska Native Harbor Seal Commission http://www.ptialaska.net/~aksealmr/
- Alaska Native Science Commission http://www.nativescience.org/
- The Alaska Sea Otter & Steller Sea Lion Commission http://www.tassc.org/
- Cook Inlet Keeper http://www.inletkeeper.org/monitoring.htm
- Friends of Casco Bay http://www.cascobay.org/citizen_stewards.htm
- Hoosier Riverwatch http://www.ai.org/dnr/soilcons/riverwatch/
- Huron River Watershed Council http://comnet.org/local/orgs/hrwc/index.html
- Institute for Tribal Environmental Professionals <u>http://www4.nau.edu/itep/</u>
- The Izaak Walton League of America http://www.iwla.org/siteindx.htm

National Directory of Volunteer Monitoring Programs http://yosemite.epa.gov/water/volmon.nsf

- River Network http://rivernetwork.org/
- Tribal Environmental and Natural Resource Assistance Handbook http://www.epa.gov/indian/tribhand.htm

Salmon and Steelhead Habitat Inventory and Assessment Program (Washington) http://www.wa.gov/wdfw/hab/sshiap/dataptcl.htm • Citizen Science: involving residents in gathering useful scientific data. Hosting training workshops for bird identification.

Information Needs:

• Bird data gathered in offshore areas.

• GEM-sponsored monitoring at IBA sites

Communication:

• Website with summary/highlight information containing the ability to follow up on data of interest, obtain the data, and speak to researchers.

Information provided by Stan Senner.

http://www.audubon.org/chapter/ak/ak

THE CONSERVATION FUND

October 17, 2001

Carol Fries Commissioner's Office Alaska Department of Natural Resources 550 West 7th Avenue, Suite 1400 Anchorage, Alaska 99501

RE: Sitkalidak Island Land Exchange

Dear Carol,

BRAD A. MEIKLEJOHN ALASKA REPRESENTATIVE 9850 HILAND ROAD EAGLE RIVER, ALASKA 99577 (907) 694-9060 FAX (907) 694-9070

OCT 3 1 2001

EXXON VALUEZ ON SFILL TRUSTEE COUNCIL

I am writing on behalf of The Conservation Fund to comment on the Sitkalidak Island Land Exchange.

The Conservation Fund has had a sustained interest in land conservation throughout the Kodiak Island archipelago since 1992. Dr. Bob Putz was directly involved in many of the large parcel negotiations, while I have directed the purchase of fifty-three separate small parcel properties. We have worked closely with the Exxon Valdez Oil Spill Trustee Council on Kodiak Island projects and will continue to do so under the recently-signed Habitat Protection Grant Agreement.

Throughout our tenure on Kodiak Island we have maintained a strong interest in the protection of wildlife habitat on Sitkalidak Island. We believe that Paragraph 20b (iii) of the 1995 Agreement Between Old Harbor Native Corporation and the United States of America is the controlling document regarding conservation on Sitkalidak Island. Paragraph 20b iii directly addresses the conservation of Sitkalidak Island:

"Old Harbor Native Corporation agrees to convey to an appropriate entity, either a federal or state conservation agency, or an appropriate non-profit conservation organization, a conservation easement in perpetuity that reflects the objectives in Paragraph 20b."

The 1995 Agreement is unambiguous to the fact that Old Harbor Native Corporation (OHNC) would convey a perpetual conservation easement for the long-term conservation of Sitkalidak Island. Indeed, a number of the maps put out by the Trustee Council show Sitkalidak Island as being protected under a conservation easement resulting from the 1995 Agreement. However, to date the OHNC has not fulfilled its obligations under the 1995 Agreement and has not conveyed a conservation easement on Sitkalidak Island. The Conservation Fund has made numerous attempts to secure the conservation easement specified under the 1995 Agreement. In 1996 The Conservation Fund, in a gesture of goodwill, purchased and donated six sea kayaks to Old Harbor. From 1996 to 1998 The Conservation Fund brought tourism experts and conservation experts to Old Harbor to advise on ecotourism opportunities. In 1998 Dan Sakura, Dr. Bob Putz, and Richard Erdmann and I met with Walt Ebell and Roy Jones to discuss the conveyance of the conservation easement. At that meeting it became apparent that OHNC was not prepared to convey the easement without additional compensation.

It is our opinion that the Sitkalidak Island conservation easement was paid for under the 1995 Agreement and that no further compensation is due OHNC for the easement. OHNC has argued differently before the Trustee Council, claiming that OHNC will only convey a conservation easement on Sitkalidak Island if it receives additional "fair and reasonable compensation."

We believe that this background information on the Sitkalidak Island conservation easement forms the context for examining the merits of the proposed land exchange between OHNC and the State of Alaska. The easement and the exchange are linked together in Paragraph 20b of the 1995 Agreement. In a letter to Alex Swiderski dated September 17, 1998 OHNC agreed that the easement and exchange "be linked together and move forward in tandem." It is our understanding that the Trustee Council agreed to provide funding to execute the exchange provided that the easement and exchange moved forward as a package.

Old Harbor Native Corporation is represented by very talented counsel. We are concerned that OHNC has found an artful way to dodge its responsibilities under the 1995 Agreement. We are concerned that, instead of conveying the perpetual easement required under Paragraph 20b iii of the 1995 Agreement, OHNC now proposes a ten-year "standstill" agreement at a price of \$100,000 per year. Not only is there no basis for the \$100,000 figure, we are concerned that this figure further validates OHNC's unreasonable expectations of "fair and reasonable compensation" for an easement it has already been paid for. The path we are being led down is that if the ten-year standstill agreement is worth \$1 million, then certainly a perpetual easement is worth many millions more.

The Best Interest Findings document on the proposed exchange states that:

"OHNC has agreed that the lands acquired by OHNC along with the remainder of its lands on Sitkalidak Island would not be developed for a period of ten years from the date of the final exchange and to negotiate in good faith with the United States Fish and Wildlife Service to reserve a perpetual conservation easement on its holdings on Sitkalidak Island." According to counsel for OHNC, no documents have been drafted or executed which describe, define, or record either the standstill agreement or the perpetual conservation easement. Based on the lack of performance under the 1995 Agreement, we see no reason to take it on faith that a standstill agreement, not to mention a perpetual easement, will ever be forthcoming. The Old Harbor Native Corporation is attempting to move the goalposts.

While the proposed exchange may be worthy on its own merits, we can only support the exchange if a perpetual conservation easement is executed at or prior to the exchange. We do not feel that additional compensation for the easement is warranted. If the exchange is consummated prior to a perpetual conservation easement, any remaining leverage to secure the conservation easement will be lost.

We ask that the State of Alaska require the execution of a perpetual conservation easement on Sitkalidak Island as a specific condition of the proposed exchange.

Sincerely, Sr. J. Merly Brad Meiklejohn

Cc: Molly McCammon EVOS Trustee Council Pat Pourchot Marty Rutherford Walt Ebell, Esq. Dr. Bob Putz Glenn Elison Todd Logan Alex Swiderski Barry Roth

REGISTRATION FORM 2002 EVOS ANNUAL WORKSHOP JANUARY 22-25, 2002

MEETING LOCATION:

Egan Civic & Convention Center in downtown Anchorage (555 West 5th Avenue)

REGISTRATION:

All persons (including EVOS project principal investigators and Trustee agency staff) planning to attend part or all of the workshop must register with the Restoration Office by January 10. You can register by filling out the blanks below and returning this form or by contacting Brenda Hall at the numbers listed below. There is no registration fee.

Dates Will Attend: Jan. 22 , Jan. 23 , Jan. 24 , Jan. 25

Name:

Affiliation:

Mailing Address:

City, State, & Zip Code:

Phone:

<u>Fax:</u>

<u>E-mail:</u>

FILL IN BELOW IF YOU PLAN TO PRESENT A POSTER:

Poster Title (including EVOS project number, if applicable):

Poster Authors:

HOTEL ACCOMMODATIONS:

A block of rooms has been reserved at the Hilton Anchorage, which is located just one block from the Egan Center at 500 West 3rd Avenue. December 23 is the cut-off date for the special room rate of \$95 plus tax (single or double). To reserve a room call 1-800-245-2527 and ask for the *Exxon Valdez* Oil Spill Trustee Council special rate.

For more information contact:	Brenda Hall
	Exxon Valdez Restoration Office
	Phone: 907-278-8012
	Fax: 907-276-7178
	E-mail: brenda_hall@oilspill.state.ak.us



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