

15.2.4

FEB 07 1994

P. O. Box 467  
Homer, AK 99603  
February 2, 1994

Trustees  
EVOS Trustee Council  
645 G Street  
Anchorage, AK 99501

RE: Proposal 94092

Dear Trustees,

I am writing in opposition to Proposal 94092 regarding funding for the "Killer Whale Recovery Monitoring." While I fully support research that will facilitate the recovery of the killer whale population and analyze the effects of the oil spill on the population, this proposal is duplicative and prohibitively expensive.

There is a private non-profit research organization which has been conducting killer whale research in Prince William Sound for many years. I urge the Trustee Council to establish a process by which qualified non-profit organizations may receive funding from the EVOS Trustee Council to support research and other work which is in line with the Trustee Council's restoration goals.

Proposal 94092 does not provide any means for participation by Alaska's private non-profit research community. The cost of the process is inflated. The North Gulf Oceanic Society has been conducting the same research at at least one-third the cost of this proposal.

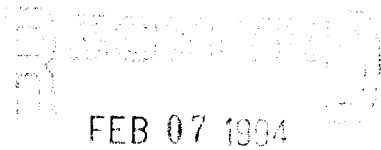
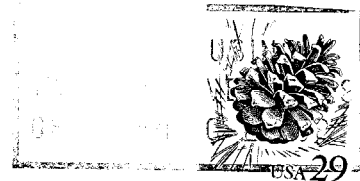
Funding proposal 94092 would be a waste of the valuable EVOS settlement monies and is in direct competition with professional and efficient ongoing whale research. I urge you to reject Proposal 94092.

Thank you for considering my views.

Sincerely,

*Sally Kabisch*  
Sally Kabisch

Kabisch  
P.O. BOX 467  
Homer, AK 99603



EXTRA WEIGHT OF MAIL  
NOT RECOMMENDED

Trustees  
EROS Trustee Council  
645 G Street  
Anchorage, AK 99501

## Notes of Decisions

Evidence 2  
Intent 1

## 1. Intent

Crime of forging signature of United States officer for purpose of authenticating any document includes element of fraudulent intent. *Levinson v. U. S.*, C. C.A.Mich.1931, 47 F.2d 470.

## 2. Evidence

Where, upon a petition for a writ of habeas corpus, the transcript of the record of conviction which accompanied the petition showed that the petitioner was indicted for forging the signature of C. Douglass Gray, register in bankruptcy, to the following receipt: "Harrisonburg, July 30, 1872. Received of J. D. Martin, by R. S. Parks, his attorney, the application, with necessary papers, for adjudica-

tion in bankruptcy of said Martin; also, \$50, amount of required deposit. C. Douglass Gray, Register" but the petitioner contended that the forging of this receipt was not a crime by any Act of Congress, as the paper whose forgery was charged was not a document which could be used in evidence in any proceeding by reason of its being authenticated by the official signature of the register, in dismissing the writ for the reason that the question could not be raised by means of the writ, but should have been taken by writ of error to some superior court, the court incidentally said that the receipt could be used in evidence, if genuine, for the purpose of showing the fact stated therein as against the signer in his official as well as private capacity. *Ex parte Parks*, Va.1876, 93 U.S. 18, 23 L.Ed. 787. See, also, *In re Parks*, D.C. Mich.1874, 18 Fed.Cas.No.10,765.

## § 506. Seals of departments or agencies

Whoever falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States; or

Whoever knowingly uses, affixes, or impresses any such fraudulent-ly made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description; or

Whoever, with fraudulent intent, possesses any such seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

June 25, 1948, c. 645, 62 Stat. 714.

## Historical and Revision Notes

Reviser's Note. Based on Title 18, U. S.C., 1940 ed., § 131 (June 15, 1917, c. 30, Title X, § 2, 40 Stat. 228).

Reference to persons causing, procuring, aiding or assisting was omitted as unnecessary as such persons are made principals by section 2 of this title.

In view of definitions of department and agency in section 6 of this title, words "department or agency" in first paragraph were substituted for "executive department, or any bureau, commission, or office".

Provision for 10 years' imprisonment was reduced to 5 years to conform to punishment provision in section 505 of this title, covering an offense of like gravity.

Minor changes in phraseology were also made.

Canal Zone. Applicability of section to Canal Zone, see section 14 of this title.

## Cross References

Government seals wrongfully used and instruments wrongfully sealed, see section 1017 of this title.  
Jurisdiction of offenses, see section 3241 of this title.  
Letters, writings, etc., in violation of this section as nonmailable, see section 1711 of this title.

## Library References

Costs § 2 et seq.  
Forgery § 7(1) et seq.

C.J.S. Costs § 1.  
C.J.S. Forgery § 17 et seq.

## § 507. Ship's papers

Whoever falsely makes, forges, counterfeits, or alters any instrument in imitation of or purporting to be, an abstract or official copy or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel for carrying on the coasting trade or fisheries of the United States, or a certificate of ownership, pass, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document granted by any collector or other officer of the customs by virtue of his office; or

Whoever utters, publishes, or passes, or attempts to utter, publish, or pass, as true, any such false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud—

Shall be fined not more than \$1,000 or imprisoned not more than three years, or both.

June 25, 1948, c. 645, 62 Stat. 714.

## Historical and Revision Notes

Reviser's Note. Based on Title 18, U. S.C., 1940 ed., § 129 (Mar. 4, 1909, c. 321, § 72, 35 Stat. 1101).

The words "passport" and "sea letter" were omitted as obsolete, in view of the Presidential proclamation of April 10, 1815, discontinuing the use of such passports and sea letters.

Mandatory punishment provisions were rephrased in the alternative.

Minor changes of phraseology were made.

Canal Zone. Applicability of section to Canal Zone, see section 14 of this title.

## Cross References

Certificate, license or document issued to vessels, officers or seamen, counterfeiting or forging, see section 2197 of this title.  
Provisions relating to recording, registry or enrollment of vessels, see Title 46, Shipping.

## Library References

Costs § 2 et seq.  
Forgery § 7(1) et seq.

C.J.S. Costs § 1.  
C.J.S. Forgery § 17 et seq.

CLERK'S OFFICE  
MAR 30 10 27 AM '59

RECEIVED  
EXON VALDEZ OIL SPILL  
MAR 30 1959  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE

# Manager admits mistake

Continued from page A-1

prohibited by state regulations, officials said.

Two weeks after the contract was signed, state Department of Administration Deputy Commissioner Eleanor Andrews issued a series of sharply worded memoranda declaring that the contract was invalid. She said in one letter she also had suspicions that more extensive problems had developed at the Anchorage Pioneer Home.

"I have recently become aware of some questionable management practices and reported administrative irregularities at the Anchorage Pioneer Home," Andrews wrote.

In a memo dated Aug. 15, Andrews said problems related to the Anchorage institution had been brought to her attention several weeks earlier by Legislative Auditor Gerald Wilkerson.

She said she "dispatched Pioneer Benefits administrative personnel to Anchorage to investigate questions raised, but that level of review has not been as in-depth as I feel necessary."

Because of her doubts, Andrews assigned the department's internal auditor to "thoroughly investigate the Golden Days Publications contract and any other management practices needing clarification or suggestions for improvement."

In addition, the Division of Legislative Audit has begun an extensive probe at the Anchorage Pioneer Home.

Both the department internal auditor and the legislative auditors are ordered to keep Andrews abreast of developments as they proceed.

Andrews also sent a letter to McKee, who is employed as a door guard at the Pioneer Home.

"You are requested to cease any fund raising... Herndon did not have the authority to enter into such an arrangement, nor does he have the authority to open a joint bank account," Andrews wrote.

Among those receiving copies of Andrews' letters was assistant Attorney General Jim Baldwin in Juneau, who said he had been contacted by the deputy commissioner as soon as she learned of the contract's existence.

Baldwin said he advised Andrews to "get a letter out right away" to prevent the parties involved from accepting any money on behalf of the home or the state.

In such situations, Baldwin said the state government cannot accept responsibility for funds lost by private citizens because there would be no legitimate contract allowing any fund-raising transactions to occur. Baldwin said the Herndon-McKee pact was "totally improper. It's certainly not the kind of contract a state employee should be authorizing."

Andrews did not return calls placed by The Times on Friday. A person answering the phone said McKee had gone camping.

In a telephone interview, Herndon said he had made a mistake in signing the agreement with McKee and allowing the plan to proceed from the beginning.

McKee had presented the idea to Herndon about two months before the contract was actually signed, Herndon said, adding that he hadn't paid much attention to the details.

"I got talked into something

here at a time I was very busy and I just didn't think the thing through," Herndon said.

Herndon said he objected to assertions there were fiscal irregularities at the Pioneer Home and that he expected no further problems to be uncovered in the auditing process, which he expects will continue for two weeks.

Responding to Baldwin's comment that the contract was improper, Herndon said, "He's

right. I was not aware the state could not accept money from that kind of source."

The Anchorage Pioneer Home, located at 923 W. 11th Ave., is one of five such institutions operating in the state. Designed to offer nursing home facilities for Alaska's senior citizens, the facilities — in Sitka, Fairbanks, Palmer, Ketchikan, Kotzebue and Anchorage — house about 600 persons.

**Scruples II**  
PRESENTS A

## Country Extravaganza

### ALASKAN TOUR '83

at the  
**International Banquet House**  
TWO SHOWS

**September 13th & 14th 7:30**  
**Tickets are on sale now**


at the  
INTERNATIONAL BANQUET HOUSE, SILVA SADDLE & BUCK STOVE (IN WASILLA)  
PALMER VIDEO CASH INC.  
RESERVED SEATS '25" GENERAL '22"

also appearing in  
JUNEAU SEPT. 12th, Centennial Hall - FAIRBANKS SEPT. 15th, Hering Auditorium  
IN ASSOCIATION WITH Western Airlines & KYAK RADIO


Students  
Senior Citizens  
Military **\$18.50**

General admission  
I.D. needed

With each  
ticket sold  
We pledge 50¢ to  
M.D.A.



**DAVID FRIZZEL**



**THE ALASKA RAILROAD**  
60 AND GOING PROUD  
1 9 2 3 - 1 9 8 3

## CELEBRATE ALASKA RAILROAD WEEK

### SEPTEMBER 11-17, 1983

★ EXHIBITS ★ MODEL RAILROAD SHOW ★ EXCURSION TRAIN

Celebrate with us as The Alaska Railroad commemorates its 60th Anniversary with a gala week of special events. From 8:00 a.m. to 5:00 p.m. each day the Anchorage depot will feature a major historical exhibit provided by the Anchorage Fine Arts and Historical Museum. The exhibit highlights the railroad's history and honors the people who made history happen. In addition a local model railroad club will operate a model rail empire that will delight children of all ages! It's free and the public is invited!

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**SPECIAL COMMEMORATIVE POSTER**

The fifth annual commemorative poster featuring the Alaska Railroad will go on sale beginning at 10:30 a.m. September 11. The 18-color collectors' edition poster is the work of Alaska artist Susan Ogle - who will host an autograph party in the Anchorage depot prior to the departure of the Sunday excursion. Posters will be on sale in the depots at Anchorage, Denali Park and Fairbanks. A second autograph party will be held from Noon to 1:00 p.m. Wednesday September 14th. In addition, author Ken Brovald will be present on Sunday to autograph copies of his best selling "Alaska's Wilderness Rails" book about the contemporary Alaska Railroad.

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**RIDE A SPECIAL TRAIN INTO HISTORY**  
**SUNDAY - SEPT. 11, 1983**

Come ride with us on an excursion into Alaska's colorful transportation past. Our special train will leave Anchorage at 11:30 a.m. and return at 6:00 p.m. The route is along our scenic line to Palmer where the train will pause for two hours for a tour of the Alaska Historical and Transportation Museum. Hot dogs and refreshments will be available on the grounds. This is an outstanding opportunity for a family fun adventure - complete with an inexpensive train ride. Share the excitement of railroading blended with the colorful past of our state's transportation systems. It's all in one day of fun Sunday September 11th during ALASKA RAILROAD WEEK!

Fare: \$10.25 per person. Tickets on sale at the Anchorage depot between 7:00 a.m. and 1:30 p.m. Monday through Friday. Saturday ticket hours 4:00 a.m. - 1:30 p.m.

Call 265-2494 for additional info

• **THE ALASKA RAILROAD - 19**

Associated Press

Atlanta — A judge set Sept. 21 as a new execution date for a convicted murderer Friday, hours after the convict's stay of execution was vacated by a federal appeals court.

Georgia Attorney General Mike Bowers said he was "pleased" with the ruling, and added it raised "a significant likelihood" that Smith would die in September or October.

The 11th U.S. Circuit Court of Appeals lifted the stay of execution it granted John Eldon Smith

on Aug. 23. In a 2-1 ruling, the court said, "Smith has not shown that the federal court could consider the merits of this claim under the existing legal authorities."

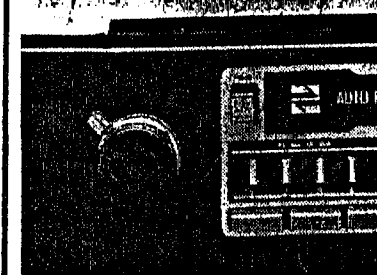
After the ruling, Superior Court Judge C. Cloud Morgan set the new execution date. Smith's execution, if conducted, would be the first in Georgia since Oct. 16, 1964.



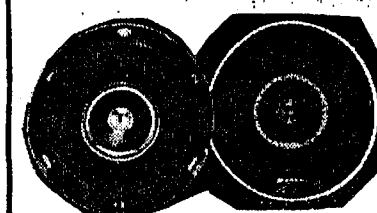
## SANY

### Clearance

Car, Cassette, Decks, AM/FM



FT-C70	\$22
FT-C38	\$13
FT-C120	\$25
FT-V92	\$23
FT-X140	\$32
FT-50	\$5
FT-C28	\$8
FT-2200	\$30
FT-590	\$42



SP-96  
SP-9036  
SP-9046  
SP-772  
SP-42  
SP-40  
SP-69A

**ALL HAVE FU**  
**Subject to**  
**no rail**



**3200 DENALI**  
**One Block South**

Anch Times  
9-10-83

## Candidate Bio Charles McKee

- Age: 40
- Occupation: None
- Party affiliation: Undecided
- What kind of car do you drive: None
- Last book read: King James version of Bible
- Favorite movie: None
- Hobbies: Seeking justice
- 1993 Annual income: None

Mayoral campaign as soapbox works just fine for candidate Charles McKee.

"The current treasury seal is a fraud," McKee said summarizing the key issue of his campaign. "That means we're not using legal tender."

McKee, 40, usually accompanied by a long, knotted walking stick, has become a familiar figure at school board and assembly hearings. His speeches on the illegality of the modern monetary system and its relationship to various world conspiracies has left members of both bodies speechless at nearly every public hearing in the last few years.

Under Mayor McKee, Anchorage would pioneer the unheard-of concept of city-printed tender after rejecting the money issued by the federal government. The city would crack down hard on insurance agents who McKee believes "run everything and take all our money."

He offered no specifics on how he would carry out such projects.

McKee said he was a commercial fisherman before a 1987 work-related accident. He said his current profession is "trying to collect on the entire insurance industry."

McKee is using his own money during the campaign, even though the notes are issued by the U.S. Treasury.

"I'm using it strictly under duress," he said.

# City / State

Anch Times  
9-16-83

•Obituaries  
•Tell It to Bud  
•The Blotter  
•Comics

B

## Pioneer Home fund raiser vows to continue

by Pat O'Brien  
Times Writer

An ex-employee of the Anchorage Pioneer Home said Thursday he is proceeding with plans to collect money for residents of the institution, even though his former bosses declared last month the man has no authority to do fund-raising work for the home.

State Department of Administration officials said in August that a contract signed by Pioneer Home manager David Herndon on July 28, giving Charles McKee permission to raise money on behalf of the home, was invalid.

McKee was a door guard at the home until last week, when his temporary status expired.

The officials said Herndon had no authority to let McKee solicit donations or establish a joint bank account in the name of the Anchorage Pioneer Home.

But, to the chagrin of Pioneer Benefits' Division officials, McKee has made public a copy of a second contract signed on Aug. 4, which he contends is legal and binding on the state.

"I'd like to see the statute in regards to that being invalid," McKee said. "Until I do, I'm going to consider it legal."

State officials found the original July 28 contract so improper that they immediately assigned investigative auditors to look into the pact as well as other faulty management processes within the Anchorage home.

An investigation of the Anchorage Pioneer Home operation by the Division of Legislative Audit began last week, officials said earlier.

The Aug. 4 contract — with language only slightly different from the first document — was drafted with the assistance of George Michael, a top Pioneer Benefits' Division official, McKee said.

Michael was reportedly sent to Anchorage from Juneau to find out why Herndon had signed a contract with McKee. Michael's boss, Pioneer's Division Director Lou Keller, said the second contract resulted from "unfortunate advice."

"He's certainly persistent," Keller said of McKee. Keller said Herndon had been admonished "that we do not do business under any circumstances with an employee. It's absolutely not a valid contract."

Keller said the "state would disclaim any responsibility" for money lost by private donors who gave money to any unauthorized collector.

Documents that surfaced earlier in the matter included a sharply worded memo written by Eleanor Andrews, deputy commissioner of administration,

after she learned of the July 28 McKee-Herndon contract.

That contract gave McKee permission to seek donations for the home through his Golden Days Publications Co. For his services, McKee was to be allowed to keep 50 percent of the money he raised. He also was allowed to open the joint bank account.

The Aug. 4 contract — notarized by another Pioneer Home employee and signed by Herndon — omits the bank account reference, but essentially leaves intact the provisions of the earlier covenant.

McKee said he intends to re-publish copies of old Fairbanks newspapers and include new paid advertisements from local firms on the pages. Earlier this week, he said the plan would net about \$10,000, after expenses.

Half the money would go to residents of the home and half would be used to

buy computer equipment to be donated to the Anchorage school district, McKee said.

However, Herndon said McKee had told him from the beginning of their negotiations, that he intended to keep half the money for himself.

"It was only later on, when the contract came into question, that he suggested he was going to give the money to the school district," Herndon said Thursday.

McKee contests Herndon's statement.

"I didn't tell him I had the other agreement," to donate equipment to the school district. "It was going to be something I wasn't even going to announce. I was just going to buy the computers, give them to the schools and write it off on my income tax," McKee said, adding that it was something like donating to a church.

## Former state officials testify on Knik crossing

by Al Campbell  
Times Valley Bureau

Wasilla — Two retired senior state officials differed Thursday over the best Matanuska-Susitna corridor for the Matanuska-Susitna end of the proposed Knik Arm crossing.

Ted Smith and Maurey Wilson were among eight people making formal presentations here as the consulting group for the crossing ended its first phase of public hearings on the question of the best overall route.

Wilson is the former director of the Alaska Department of Transportation and Public Facilities.

Smith is the former director of the Alaska Department of Transportation and Public Facilities.

Jack Allen, project manager

way would eliminate that problem, Wilson said.

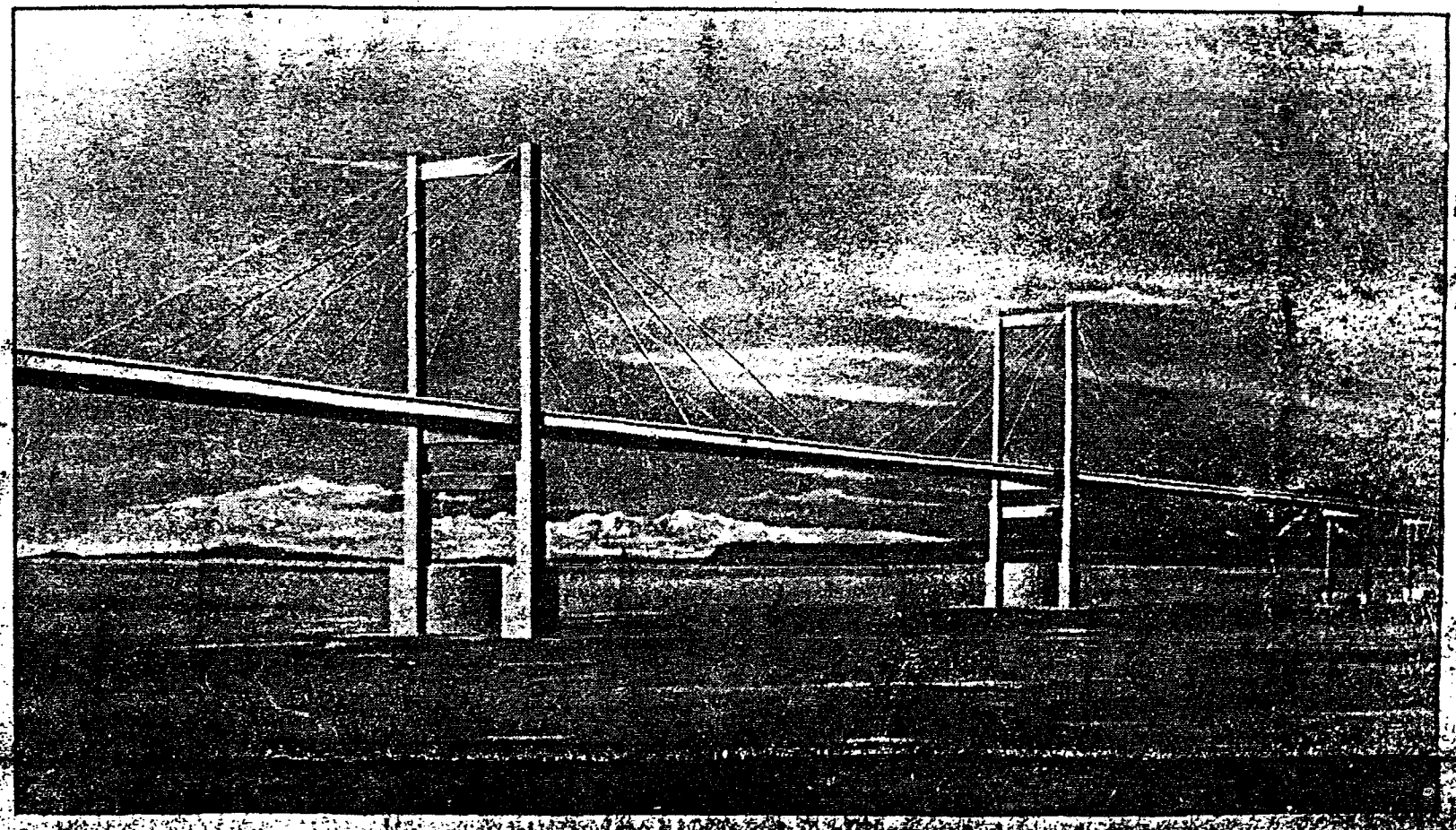
Wasilla Mayor Harold Newcomb defended the Wasilla-Knik route, suggesting that the success of the crossing as a revenue source depended on further development at the Mat-Su end.

"Right now, the market is in the Palmer-Wasilla area," said Newcomb, a real estate developer.

Houston City Clerk Elsie O'Bryan said, however, that putting more traffic into Wasilla would aggravate an already serious problem there, and people living north of Wasilla should

not have to deal with congestion.

Also testifying here favored the form of crossing, contending that a quicker route between Anchorage and Mat-Su was long overdue, and should be



New sketch released by state officials shows how bridge might appear as it spans Knik Arm and links Downtown Anchorage with Point MacKenzie.





### FALL BLOOMS

Alice Puster of The Times

Poppies form an island of color at 16th Avenue and Lake Otis Parkway, with the Downtown skyline in the background.

The blossoms thrive on a small plot of land left over from a road-straightening project many years ago.

## Pioneer Contract prompts audit

by Pat O'Brien  
Times Writer

An unauthorized contract signed by the manager of the Anchorage Pioneer Home allowing an employee of the home to conduct fund-raising activities has triggered a special investigative audit of the facility, The Times has learned.

A notarized pact signed by manager David Herndon in late July gave one of his employees, Charles McKee, permission to publish promotional booklets for sale during September.

Said Herndon, who has been manager for two years, McKee was going to sell advertising in booklets which contained copies of old Fairbanks newspaper sto-

ries. From the proceeds of those ads, Herndon said McKee expected to raise up to \$5,000.

For his efforts, McKee, doing business as Golden Days Publications, was to receive 50 percent of the profits from any monies he raised. The other half of the profits was to be given to an association of residents at the home, Herndon said.

In addition, Golden Days was given the OK to open a joint bank account in the name of the Anchorage Pioneer Home, the contract said.

But the plan ran into trouble almost immediately because both the split-profits arrangement and the bank account are

See Manager, page A-4

Anch Times 9-10-83

## Inmates riot in Juneau

Times staff  
and Associated Press

Guards at the Lemon Creek state prison in Juneau locked the doors and let about a dozen inmates tear their dorm apart late Thursday night rather than risk a confrontation with the prisoners.

Five inmates suffered minor injuries in the riot, which went on for about five hours and caused an estimated \$20,000 in damage, Alaska State Troopers reported.

"They started destroying everything that was in there," said

Partly cloudy  
today and Sunday



Weather, page A-5

Sunday daylight — 12 hrs. 19 min.  
Sunrise ..... 5:56 a.m.  
Sunset ..... 7:25 p.m.

Sunday tides  
High ..... Low  
10:02 a.m. 30.9 ft. 4:22 a.m. 1.6 ft.  
10:12 p.m. 31.5 ft. 4:36 p.m. 1.7 ft.

### Index

Alaska life ..... E-1

15.2.4

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

*OFFICE OF THE COMMISSIONER*

P.O. BOX 107005  
ANCHORAGE, AK 99510-7005  
PHONE: (907) 762-2483  
FAX: (907) 562-4871

February 2, 1994

Mr. John Pipkin  
P.O. Box 8033  
Chenega Bay, AK 99574

Dear Mr. Pipkin,

As a former member of the Exxon Valdez Oil Spill Restoration Team and Deputy Commissioner of the Department of Natural Resources, I appreciate your concern about the direction and effectiveness of restoration efforts following the Exxon Valdez Oil Spill. We all would like to see restoration proceed in a manner that best benefits the resources and services injured by the oil spill. I certainly appreciate your taking the time to express your concerns and convey your ideas for improving restoration activities to Carol Fries. She has conveyed your concerns to me and also to Jim Ayers, the Executive Director of the Exxon Valdez Oil Spill Restoration effort.

Since your conversation with Carol Fries several events have taken place which may address some of your concerns. Many projects which are designed to benefit the salmon and herring fisheries have been funded by the Exxon Valdez Oil Spill Trustee Council. Perhaps more importantly, the Trustees are looking at the oil spill area from an ecosystem perspective, attempting to more fully understand the health of Prince William Sound and the Gulf of Alaska so that all injured species will have a healthy ecosystem which is so necessary for their support and restoration. Studies and restoration projects with specific objectives that will support this approach are currently being developed and implemented.

I also appreciate your concerns regarding the impact of the bottom fishing industry on the species injured by the oil spill. This industry is managed by the Alaska Department of Fish and Game and the National Marine Fisheries Service, NOAA. These agencies are involved in fisheries management issues and permitting. I strongly feel direct contact with these agencies would be the most effective means of calling attention to your concerns. While your proposal to have restoration funds purchase a percentage of the outstanding bottom fishing permits merits consideration, it may not be possible within the legal constraints imposed by the judge who approved the Exxon Valdez Oil Spill settlement.

I encourage you to continue to express your opinions in writing to the Trustee Council and their Executive Director and to attend Trustee Council meetings (in person or via teleconference), expressing your opinions and concerns during the public comment periods. The Trustees are very interested in knowing how the residents of the area impacted by the spill feel about the proposed projects and the health of the area.

**RECEIVED**

MAR 14 1994

EVOSTRUSTEE  
COUNCIL

Thank you again for making your opinions known. Please do not hesitate to contact the Trustee Council or this office should you have further questions or concerns.

Sincerely,



Marty K. Rutherford  
Deputy Commissioner

cc: James R. Ayers, Executive Director  
Exxon Valdez Oil Spill Restoration

Governor Walter J. Hickel



15.24

## Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Craig S. Harrison  
Vice Chair for Conservation  
4001 North Ninth Street #1801  
Arlington, Virginia 22203

January 26, 1994

RECEIVED  
FEB 06 1994

James Ayers, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

### Re: Support of Appeal of Old Harbor Native Corporation

Dear Mr. Ayers:

These are the comments of the Pacific Seabird Group (PSG) regarding the work of the Habitat Protection Working Group. PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG draws its members from the entire Pacific Basin, and includes biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird populations and refuges, and individuals with interests in marine conservation. PSG has hosted symposia on the biology and management of virtually every seabird species affected by the Exxon Valdez oil spill, and has sponsored symposia on the effects of the spill on seabirds.

Although PSG has commented on the use of the trust funds at every opportunity, and despite the fact that PSG has consistently supported habitat acquisition (and has provided the Trustee Council with a detailed list of seabird islands to be purchased by letter dated August 6, 1993, including those at issue in this appeal), PSG had no notice of the Habitat Working Group meeting on June 7-8, 1993. The settlement documents that established the trust fund require the Trustee Council to "establish procedures for meaningful public participation." PSG is deeply concerned that it has not had a meaningful opportunity to participate in the deliberations of the Habitat Protection Working Group.

PSG supports the appeal of Old Harbor Native Corporation concerning the ranking of its parcel in the Sitkalidak Strait area by the Habitat Protection Working Group. PSG recognizes the

enormity of your task, the time pressures that you operate under, and the high quality of much of your habitat and ecosystem assessment. Nevertheless, PSG urges the Trustee Council and the Habitat Protection Working Group to reconsider two factors in the ranking of Old Harbor's lands in the Sitkalidak Strait area. The first factor is parcel design. The second relates to full use of existing data on the Sitkalidak Strait in the scientific literature.

## I. ECOSYSTEM APPROACH TO PARCEL DEMARCATION

PSG supports the Trustee Council's emphasis on an ecosystem approach to land acquisition. However, the dividing of Old Harbor's Kodiak National Wildlife Refuge inholdings (parcels OLD02 and OLD03) from its Alaska Maritime NWR inholdings across Sitkalidak Strait, and the further division of the inholdings into large parcel/small parcel categories fragments an intact ecosystem that should encompass both shores of Sitkalidak Strait, and the seabird colonies in the Strait.

To summarize PSG's concern, the current parcel boundaries exclude the Kodiak Native corporation with the most productive and abundant seabird habitat from a "high priority" land owner status in a system supposedly weighted toward seabirds as injured species. PSG agrees with Old Harbor Native corporation's appeal that its land holdings deserve to be looked at as one ecosystem in the case of the current parcels OLD02, OLD03, the Sitkalidak Strait seabird colonies, and the north eastern shore of Sitkalidak Island that were oiled with the rest of the Kodiak Archipelago.

We suggest that ownership patterns and size should always take secondary priority to an ecosystem approach, particularly when an identifiable ecosystem is owned by one land owner. For example, in several cases regarding seabird colonies, other rankings in the Kodiak Archipelago do reflect an ecosystem approach, such as AJV03, AK104 and KONO1 where the parcel's injured seabird scores are higher because of adjacent nearshore rocks and islets which serve as seabird colonies and essential habitat areas when combined with the adjacent shoreline. Also in parcel KONO2, both shores of Uyak Bay are counted because the identified injured species clearly use both shores of the parcel, as they do in Sitkalidak Strait. PSG supports this application of ecosystem parcel scoring to the nearshore rocks/islets and both shores of Sitkalidak Strait.

## II. EXISTING LITERATURE ON SITKALIDAK STRAIT SEABIRD HABITAT

PSG's interest in the Old Harbor appeal is underscored by our desire that policy-makers use all available biological data when making important habitat protection decisions. In reviewing

the supporting documentation of the Exxon Valdez Large Parcel Rankings, we were pleased that the Catalogue of Alaskan Seabird Colonies by Sowls et al. (1978) was used to provide a comprehensive look at the seabird resources of Alaska, including the oil spill region.

In considering the Sitkalidak Strait appeal, we urge the Habitat Protection Working Group to review the updated figures of seabird colonies available from the Alaska Maritime National Wildlife Refuge System office in Homer, as well as other published studies of seabirds in the Sitkalidak Strait. These include Baird and Moe (1978); Baird and Hatch (1979); Forsell and Gould (1981); Gould et al. (1982); USFWS (1988); Zweifelhofer and Forsell (1989), and the unpublished results of transects and observations conducted last summer by of the Kodiak National Wildlife Refuge by Zweifelhofer (1993).

All seven sources demonstrate that not only are the seabird colonies in Sitkalidak Strait critical nesting and feeding habitat for oil spill injured species, but they also are among the most studied and well documented seabird colonies in Alaska.

Sincerely,



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- Baird, P. A., R. A. Moe. 1978. The Breeding Biology and Feeding Ecology of Marine Birds in the Sitkalidak Strait Area, Kodiak Island, 1977. In Environmental Assessment of the Alaskan Continental Shelf Annual Reports 3:323-525.
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- Zweifelhofer, D. C., D. J. Forsell. 1989. Marine Birds and Mammals Wintering in Selected Bays of Kodiak Island, Alaska: A Five-Year Study.
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Hunton & Williams  
P.O. Box 19230  
Washington, DC 20036

**TO:**           **Name:**         James Ayers/ Ron Bruyere  
                **Firm:**         Exxon Valdex Oil Spill Restoration Team  
                **Location:** Anchorage, Alaska  
                **Telecopy Number:** 907-276-7178

**No. Pages** 4 **Including Cover**

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FEB 02 1994

Mr. Jim Ayers, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

January 26, 1994

Dear Mr. Ayers,

After reading a recent article in the Seward Phoenix Log on the newest changes in the mission of the Seward Sea Life Center I am compelled to share with you my disappointment and frustration relating to the development of this program. I am even more distressed at the recent recommendations of the trustees chief scientist for the 1994 workplan.

Since 1989 I have been involved in the development and promotion of an ecosystem research program for Prince William Sound. This system was one of the most severely damaged in the Exxon tragedy, and the long term monitoring of the interrelated biological systems became the driving force behind the programs developed by the Prince William Sound Science Center. This is a relatively closed system that is affected by a wide variety of natural and man induced changes in the environment. Recognizing the significant impacts that the big spill would have on the system we immediately began promoting a long term ecosystem monitoring approach for proposed science in the impacted area. In recognition of this obvious direction of research, Senator Ted Stevens and his staff included provisions for an Oil Spill Recovery Institute in OPA 90 (Oil Spill Prevention Act), to develop a 10 year program to monitor and research impacts of the spill. The governing board was to be regionally representative, and was also to have agency representation to assure the coordination of science, but more importantly, THE PEOPLE of the affected regions were to be directly involved so that the program could be responsive to the needs of the residents of the affected regions.

When the trustees program was created this local accountability became the victim of an agency feeding frenzy. The priority for funding of programs became the task of the agencies themselves, and with local accountability eliminated, peer review of proposals forgotten, and a virtually unlimited supply of funds, self service became the order of the day. Gone were the dreams of a shared data base and locally accessible information. Gone was the dream of empowering the local populations through locally accessible science. Gone was the capacity to coordinate the various agency scientists so that data gathering and field work could be conducted in such a way as to save on administration and support services.

Instead of looking at and recognizing the differences in the impacted areas, the concept of MEGA SCIENCE was embraced.

Now we have the Seward Sea Life Center metamorphosising into an ecosystem research center, ready to take all the money for all the work for all the areas, so that it meets the guidelines of the trustees to receive funds from the spill. Because of the open embrace of the sea life park in its last manifestation by senior staff and trustees, the back rooms are abuzz with deal cutting to get in on the newest proposal. It's time to stop. It's time to take a new look at what we need to accomplish, and fairly recognize the differences in needs in all the regions affected by the spill.

We in Prince William Sound would not presume to tell the people in the Seward and North Gulf Region how best to use the research funds to help in their recovery from the spill. Nor do we feel we can decide how the Kodiak and Island chain would best be served. We do know what we want; fair access to the process. Our mission has not changed for over five years, but our requests for a fair audience and consideration have fallen on ears deafened by the roar of politics as usual.

It is time for the trustees to take a hard look at the differences in the affected regions, to recognise them and make provisions for the people to participate in the planning and prioritization of the science programs in each. Kodiak, Seward, and Prince William Sound all have science facilities capable of providing the logistical support for locally responsive programs. The Trustees should embrace these existing facilities, regionalize the science, and use the Oil Spill Recovery Institutes advisory board to begin to make the science into something that answers locally relevant questions while providing quality science to the agencies.

The Prince William Sound Ecosystem Planning Group, consisting of Fishermen, Agency Representatives, Scientists, and Citizens have recently completed a Sound Ecosystem Assessment Program that has undergone peer review and been strongly endorsed by an international team of leading scientists at a symposium organized by the planning group using funds provided by the trustees. This is a first step in the right direction, but the process must continue, and it must remain locally responsive. Similar programs for the Seward North Gulf area, and the Kodiak and Island chain areas should begin, with local oversight and trustee support. The direction is clear if politics are left aside.

Sincerely,



Robert J. Kopchak  
Hunter / Gatherer  
Commercial Fisherman  
Boardmember

Prince William Sound Science Center  
c.c. Governor Wally Hickle

P.O. Box 1126  
Cordova, Alaska  
99574

15.2.4

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF PARKS & OUTDOOR RECREATION**

KENAI AREA  
BOX 1247  
SOLDOTNA, ALASKA 99669  
PHONE: 262-5581

January 7, 1994

*Exxon Valdez* Oil Spill Trustee Council  
645 G St.  
Anchorage, Ak.99501

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FEB 02 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Dear Trustee Council Members,

The Alaska Division of Parks and Outdoor Recreation, Kenai Area, would like to comment on your Exxon Valdez Restoration 1994 Draft Work Plan proposals. The following projects merit your support and funding:

**Project 94217. Prince William Sound Recreation Implementation Project.** This worthwhile project has contributed greatly to our knowledge of user attitudes and needs for restoration throughout Prince William Sound in the areas of recreation services and resources. This project should be funded to completion.

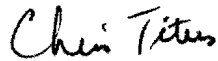
**Project 94216, Gulf of Alaska Recreation Plan Development.** We would like to see the Council hold to their commitment of carrying out this project in the Gulf of Alaska as they did in PWS. The need to bring together the far-flung communities and users of the outer Kenai coast and Kodiak Island is a difficult task. It will require dedicated resources and skilled people to make these communities, groups and individuals of this area affected by the spill sufficiently informed and included in the restoration of lost or injured recreation services. We have a strong desire to work together with our neighbors of the state parks on the Kenai coast, but have no physical or financial means to do so. Our lack of ability to meet and consult on oil spill issues greatly increases the disparity and confusion on how restoration money will be spent around the Gulf of Alaska. By providing funding for this project, a major

stumbling block for communities to work together will be, at least, partially removed.

We also strongly support **Projects 94419, Leave No Trace Education Program; and Project 94420, Recreation Information Center at Portage.**

Thank you for your time and serious consideration of these programs. You have a most difficult job before you and we appreciate your efforts.

Sincerely,

A handwritten signature in cursive script that reads "Chris Titus".

Chris Titus  
Superintendent, Kenai Area



15.2.4

**UNIVERSITY OF WASHINGTON**  
**SEATTLE, WASHINGTON 98195**

College of Ocean & Fishery Science  
School of Fisheries HF-15  
Ph. (206) 685-2984  
Fax (206) 685-3275

31 January 1994

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FEB 01 1994

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

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Gentlemen:

A colleague of mine has given me a copy of their *Draft 1994 Work Plan* for EVOS restoration and in it I noticed that a project entitled "*Herring Spawn Deposition and Reproductive Impairment*" (#94166) has been approved for funding. Since this title is the same as that which I submitted to the Council several years ago and recently inquired about, I was surprised that I was not notified of the award. In October of 1993 I wrote to the Council requesting information on this same proposal and was assured that I would be notified in early December following the Council's deliberations which were to take place during the last week of November. Since I did not hear from the Council at that time I assumed that my project was not funded; however, it appears that the Reproductive Impairment study was approved, but that I was not notified.

Because I have spent a great deal of time working for the State of Alaska on the EVOS over the past four years as a project peer reviewer, investigator and expert witness for the State, I find it difficult to understand why I do not receive any of your mailings (including the new Draft Work Plan), I am not informed as to the status of my proposals, and my research proposal is approved but I am not notified.

I would appreciate it if you could clarify this matter for me so I can begin to plan my future research or take any other action which might be necessary. Thank you for your consideration.

Sincerely,



Richard M. Kocan, Ph.D.  
Professor, Aquatic Toxicology

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RECEIVED  
JAN 31 1994

January 29, 1994

TO: EVOS Trustees Council

FR: Rick Steiner, Cordova

RE: Page 2

Thursday, January 27, 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

The Cordova Times

## Eyak to resume logging this spring

By Sören Wuerth

The Cordova Times

The Eyak Corp. told its shareholders that its timber company will resume clear-cutting coastal rainforest near Orca Narrows this spring under a three-year logging plan in which 45 million board feet of timber is expected to generate about \$30 million in revenue, according to members of the Native corporation.

During two recent informational meetings, shareholders said board members told them the money earned from the clear-cuts would be enough to pay off logging contractor Sound Development and other corporate debts, while giving a total of \$5 million to Eyak Corp.'s members, said Glen "Dunc" Lankard, a shareholder and spokesman for the Eyak Traditional Elders Council.

"The did not have an alternate plan for logging, their best case scenario is that they might break even," Lankard said. Lankard also said he presented flip charts with several blank spaces to try to sort out the financial position of his corporation.

"I'm sure (Eyak Corp.'s timber contractor) Sher-

stone's board and the management are working toward that end," Brian Lettich, the corporation's general manager, said in early January.

Last September, Sound Development laid off nearly all of its employees after Eyak Corp. officials announced Sherstone Inc., the corporation's subsidiary and timber owner, was so financially strapped, it was considering bankruptcy as an option.

Sound Development recently sued Sherstone claiming, among other things, a breach of contract.

Lettich said, by logging, the corporation is seeking a return for its shareholders.

"The only reason they are going ahead is to make a profit," Lettich said. "Otherwise they would've had to shut down."

Last year, Sound Development cut down 14 million board feet from forests near Cordova, president and owner Perry Beecher said in September.

John Johnson, the chairman of Eyak Corp.'s board of directors, referred specific questions on Sherstone's logging plan to Sherstone.

Sherstone's board president Luke Borer said he had no comment.

Gentlemen,

When all is said and done with the EVOS Restoration process, that is when all the scientific publications have been tucked away all nice and neat on some obscure library shelf, and career oil spill bureaucrats and university professors have long since retired, it is without question that the clearcutting of the coastal forests of southeastern PWS will be looked at as the most avoidable, and thus tragic mistake that you, as trustees of the natural resources damaged by the spill, ever made. That's quite a legacy.

The blame will be placed by historians squarely where it lies - with all three State Trustees, and, surprisingly, with the U.S. Department of Interior for queering the deal, and I think all of you know that. I am truly sorry for having to make such a condemnation, but it is really time for some utterly candid honesty.

EVOS Trustees Council  
Page 2.

Our goal for habitat acquisition/oil spill restoration has never been, should never be, will never be to put Native Corporations out of the business of sustainably developing their land.

When it got down to the fine print in your negotiations with Eyak, that is virtually what you had demanded. Our vision -that is those many of us that live here, work here, subsist here, and sleep here - was and is to use restoration money to help the village corporations redirect their very legitimate economic development efforts from the quick-and-easy short-term focus that we are so used to, to the long-term, sustainable development dream we aspire toward.

There are easy ways to deal with the public access issue, the issue of specific restrictions in the heads of the bays, and to provide for shareholder land use requirements, and all of you know it. If you had wanted the deal, it was there for the making.

Most people in PWS have no real problem with you buying a bunch of rocks, grass, and alder thickets on Kodiak - those areas are certainly worth protecting too. But for that to take precedent over the protection of the last remaining refuge of the northern margin of coastal temperate rainforest, without question one of the most threatened ecosystem types in the world, is obviously absurd.

I guess I have nothing else to say on this, except that I think there still might be a deal to be had here, if you get right on it.

Sleep well.

**COMMENT SHEET  
EXXON VALDEZ RESTORATION  
1994 DRAFT WORK PLAN**

You are invited to share your ideas and comments on the Draft 1994 Work Plan. You may use this tear sheet to present your views. If needed, use the space on the back or attach additional sheets. Please fold, staple, and add a postage stamp. Thank you for your interest and participation. **Comments must be postmarked by January 14, 1994.**

Dear Oil Spill Trustee Council

I would like to see you  
support the following proposals for your  
1994 Draft Work Plan Project 941345

Salmon Spawning Escapement on the Lower  
Kenai Peninsula, Project 94421 Common Stock  
Hatchery Restoration and Project 34139

Salmon Instream Habitat and Stock Restoration  
I feel very strongly about restoring  
these areas to the production levels  
they were at prior to the Oil Spill.

One other Project I  
endorse is funding for the Paint  
River Fish Stocking on the Paint  
River on the west side of Lower  
Cook Inlet.

Thank You

Bradford Chrislain



Additional Comments:

----- (fold here) -----

Return Address:

Place  
Stamp  
Here

Brad Chisholm

Box 1585

Homer AK 99603

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JAN 31 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

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

Attn: Draft 1994 Work Plan



UNIVERSITY OF ALASKA STATEWIDE SYSTEM

202 BUTROVICH BLDG.  
FAIRBANKS, ALASKA 99775-5560  
PHONE: 474-7311  
FAX: 474-7570

Jerome B. Komisar

President

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JAN 31 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

January 30, 1994

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

Dear Trustees:

The University of Alaska fully supports the ecosystem approach to Exxon Valdez Oil Spill (EVOS) restoration outlined in the paper prepared for the Trustees in support of the improvements to the Institute of Marine Science at Seward (Project #94199). This approach is consistent with the research approach often used within the School of Fisheries and Ocean Sciences, and provides the greatest opportunity for broad participation and integration of many research groups, agencies, and interested constituencies within the EVOS region.

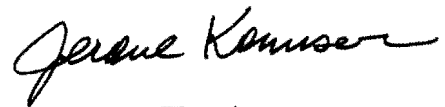
Improvements in the facilities in Seward are essential to fully implement a ecosystem-based monitoring and restoration program. With enhanced facilities, the Institute of Marine Science in Seward will provide the focus for marine mammal and sea bird studies. Much of the primary fisheries work is done in Kodiak and Soldotna, and intertidal work in Cordova and Kasitsna Bay. The proposal before you envisions a great deal of coordination and integration in these programs. As a complement to the Seward facility, modest upgrades will be sought for the facilities in Kodiak and Cordova so that they can serve most efficiently and effectively as multi-agency centers for the research and monitoring in those regions.

In addition to adequate facilities, the most crucial element in the success of the ecosystem approach to the restoration of the EVOS region will be the availability of financial resources for conducting research and monitoring projects. A proposal for a research endowment was submitted to the EVOS Public Advisory Group and the Trustees in July. This proposal (copy attached) outlines the need for establishment of a research endowment that will provide funding for studies of the coastal system that will require decades not years. The continuum of study required to meet the objectives of the settlement necessitates the establishment of a research fund to be used to support projects far into the future.

I appreciate the support the Trustees have shown for establishing an integrated approach to the research and monitoring of the ecosystem affected by the Exxon Valdez oil spill. I believe that the University of Alaska, in coordination with state and federal agencies, and with private groups and individuals in the region, can make a significant contribution to the restoration of injured resources of this magnificent region.

I urge you to give your support to the proposal for improvements to the Institute of Marine Sciences at Seward. The laboratory and research facilities planned for the Institute in Seward are not currently available in Alaska, and the completion of this project will allow greatly enhanced basic and applied research opportunities relating to status of marine mammals and sea birds in the EVOS region. At the same time, I ask that you carefully consider proposals for additional facility enhancements in Cordova and Kodiak, and that you consider the establishment of a research endowment or a research reserve to adequately support the work that must be done to assure the long-term monitoring and restoration of the EVOS resources.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerome Komisar", with a stylized flourish at the end.

Jerome Komisar  
President

cc: UA Board of Regents  
UAF Chancellor Joan Wadlow

July 7, 1993

TO: Members of the Exxon Valdez Oil Spill Public Advisory Group

FROM: Ken Adams, Prince William Sound Aquaculture Corporation  
Ron Dearborn, Regional Marine Research Board  
Bill Hall, Prince William Sound Aquaculture Corporation  
Theo Matthews, United Cook Inlet Drift Association  
Jerome Komisar, University of Alaska  
Arliss Sturgulewski

SUBJECT: Establishment of a Marine Research Endowment

*Jerome Komisar*

On June 16, 1993, the six authors of this memorandum met to discuss the urgent and compelling need to initiate and maintain long-term studies of the coastal ecosystem and resources adversely impacted by the Exxon Valdez Oil Spill (EVOS).

Given the extended time it takes for coastal ecosystems to rebound after disasters, the need for long-term studies is evident. If there is any doubt about this one need only recall the experience of the massive earthquake that struck the Prince William Sound region in 1964. The ecological succession in the marine system triggered by that disaster was still proceeding when the Exxon Valdez catastrophe took place 25 years later.

The only way to ensure that essential long-term studies are conducted is through the establishment of a permanent endowment for that purpose. Although each of us would have written this letter somewhat differently, and there needs to be much more work given to the details of the proposal, this memorandum is submitted by the six of us.

We ask that the **Exxon Valdez Oil Spill Public Advisory Group** strongly support the establishment of a **Exxon Valdez Marine Research Endowment**. This Endowment would be created through the investment of a significant portion of the revenues from the \$900,000,000 civil settlement. The Endowment's earnings would be used to support long-term basic and applied research.



## UNIVERSITY OF ALASKA

The purposes of the Endowment would be to:

1. Provide for the development of a comprehensive research plan that would serve to maximize the use of research funding by ensuring coordination of the research projects supported by the Endowment and by coordinating, as far as is possible, Endowment supported research with research supported from other sources.
2. Provide funding for research projects that serve to implement the terms and purposes of the Federal/State Memorandum of Agreement (MOA) with respect to natural resource damage recovery in the EVOS area and in accordance with the Endowment's comprehensive research plan.

The goals of the research projects supported by the Endowment would be to:

1. Provide a complete understanding of the coastal ecosystem of the EVOS impacted area and, derivatively, Alaska's coastal ecosystems in general. This is an essential first step if the public is going to be able to ensure the natural quality and productivity of the region over the centuries. Alaskans were unprepared to adequately assess the damage caused by the Exxon Valdez spill or to put into place mitigating programs because of insufficient baseline information. Alaskans should never be in that position again.
2. Support the research necessary to improve our understanding and management of the EVOS area fisheries.
3. Support the research in critical habitat in the EVOS area necessary to preserve the mammalian, avian and piscine populations.

A full understanding of the impact of the Exxon Valdez Oil Spill areas ecosystem including the State's most productive fisheries cannot be obtained over the ten year payment cycle framed by the civil settlement. Long-term studies of the coastal system require decades not years. The continuum of study required to meet the objectives of the settlement necessitates the establishment of a research endowment fund, the earnings of which would be used to fund research projects far into the future.

## UNIVERSITY OF ALASKA

We propose that the *Exxon Valdez Marine Research Endowment* be established over the course of the next eight years, by encumbering \$30,000,000 per year from the civil settlement for immediate and long-range research. We propose that about \$7,000,000 be used in each of the eight years, with the remaining \$23,000,000 being placed in a restricted account to form a permanent endowment. After the first eight years, when the Endowment's principal would be approximately \$184,000,000 plus earnings, the research program would be supported by the earnings from the permanent endowment.

These Endowment funds would be held and invested by the University of Alaska Foundation according to the standards followed in investing the Foundation's other restricted funds. The UA Foundation has an excellent track record in managing investments -- out performing other State investments to a significant degree. Management fees would be limited to the commercially competitive rate, and earnings from the fund would be used exclusively to support the purposes of the Endowment.

The Endowment will be governed by a Board of Trustees. Members of the Board would represent the interests of Alaska's people, particularly those residing in the EVOS area, and it would be composed of people representing conservation and utilization of the natural resources in the EVOS area.

The Board of Trustees would be responsible for defining research needs and developing the comprehensive marine research plan within the context of the EVOS settlement agreement. As part of the development of the plan, the governing board will include regional research plans developed by regional fisheries research boards. These regional fishery research boards could be organized around the existing regional planning teams established pursuant to AS 16.10.375, expanded to include other interests.

The Trustees, in turn, would submit the proposed projects for independent peer review in order to receive information on their merit and relevance to the comprehensive research plan. The Board of Trustees would select for funding only those research proposals that are determined to be most responsive to the needs and goals of the plan.

Research proposals will be accepted from all sources including employees and units of federal and state government. Among the publicly supported units would be the University of Alaska, the Alaska Department of Fish and Game and the Qualified Regional Aquaculture Associations formed under AS 16.10.380.

UNIVERSITY OF ALASKA

As you can tell, much more thought has to be given to the structure of the Board, its composition, and the selection and appointment of Trustees. Greater attention must also be given to the management of the Endowment in terms of ensuring that the interests of the public and the terms of the MOA are considered in the Board's deliberations. With the strong support of the Public Advisory Group for the concept, these details will be worked out.

The importance of establishing an *Exxon Valdez Marine Research Endowment* cannot be overemphasized. Studies of coastal ecosystems necessary for the restoration of marine resources take far more time than would be available if we have to stay with the remaining eight year horizon of settlement payments. Eight years, in regard to coastal biology, is a very short time, and short-term studies alone cannot do justice to the enormous value of Alaska's coastal legacy.

-0-

cc: Exxon Valdez Oil Spill Trustees



15.2.4  
Jerome B. Komisar  
President

**UNIVERSITY OF ALASKA STATEWIDE SYSTEM**

202 BUTROVICH BLDG.  
FAIRBANKS, ALASKA 99775-9900  
PHONE: 474-7311  
FAX: 474-7870

January 30, 1994

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

**Dear Trustees:**

The University of Alaska fully supports the ecosystem approach to Exxon Valdez Oil Spill (EVOS) restoration outlined in the paper prepared for the Trustees in support of the improvements to the Institute of Marine Science at Seward (Project #94199). This approach is consistent with the research approach often used within the School of Fisheries and Ocean Sciences, and provides the greatest opportunity for broad participation and integration of many research groups, agencies, and interested constituencies within the EVOS region.

Improvements in the facilities in Seward are essential to fully implement a ecosystem-based monitoring and restoration program. With enhanced facilities, the Institute of Marine Science in Seward will provide the focus for marine mammal and sea bird studies. Much of the primary fisheries work is done in Kodiak and Soldotna, and intertidal work in Cordova and Kasitna Bay. The proposal before you envisions a great deal of coordination and integration in these programs. As a complement to the Seward facility, modest upgrades will be sought for the facilities in Kodiak and Cordova so that they can serve most efficiently and effectively as multi-agency centers for the research and monitoring in those regions.

In addition to adequate facilities, the most crucial element in the success of the ecosystem approach to the restoration of the EVOS region will be the availability of financial resources for conducting research and monitoring projects. A proposal for a research endowment was submitted to the EVOS Public Advisory Group and the Trustees in July. This proposal (copy attached) outlines the need for establishment of a research endowment that will provide funding for studies of the coastal system that will require decades not years. The continuum of study required to meet the objectives of the settlement necessitates the establishment of a research fund to be used to support projects far into the future.

I appreciate the support the Trustees have shown for establishing an integrated approach to the research and monitoring of the ecosystem affected by the Exxon Valdez oil spill. I believe that the University of Alaska, in coordination with state and federal agencies, and with private groups and individuals in the region, can make a significant contribution to the restoration of injured resources of this magnificent region.

I urge you to give your support to the proposal for improvements to the Institute of Marine Sciences at Seward. The laboratory and research facilities planned for the Institute in Seward are not currently available in Alaska, and the completion of this project will allow greatly enhanced basic and applied research opportunities relating to status of marine mammals and sea birds in the EVOS region. At the same time, I ask that you carefully consider proposals for additional facility enhancements in Cordova and Kodiak, and that you consider the establishment of a research endowment or a research reserve to adequately support the work that must be done to assure the long-term monitoring and restoration of the EVOS resources.

Sincerely,



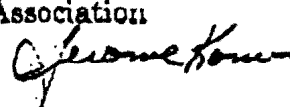
Jerome Komisar  
President

cc: UA Board of Regents  
UAF Chancellor Joan Wadlow

## UNIVERSITY OF ALASKA

July 7, 1993

TO: Members of the Exxon Valdez Oil Spill Public Advisory Group

FROM: Ken Adams, Prince William Sound Aquaculture Corporation  
Ron Dearborn, Regional Marine Research Board  
Bill Hall, Prince William Sound Aquaculture Corporation  
Theo Matthews, United Cook Inlet Drift Association  
Jerome Komisar, University of Alaska   
Arliss Sturgulewski

SUBJECT: Establishment of a Marine Research Endowment

On June 16, 1993, the six authors of this memorandum met to discuss the urgent and compelling need to initiate and maintain long-term studies of the coastal ecosystem and resources adversely impacted by the Exxon Valdez Oil Spill (EVOS).

Given the extended time it takes for coastal ecosystems to rebound after disasters, the need for long-term studies is evident. If there is any doubt about this one need only recall the experience of the massive earthquake that struck the Prince William Sound region in 1964. The ecological succession in the marine system triggered by that disaster was still proceeding when the Exxon Valdez catastrophe took place 25 years later.

The only way to ensure that essential long-term studies are conducted is through the establishment of a permanent endowment for that purpose. Although each of us would have written this letter somewhat differently, and there needs to be much more work given to the details of the proposal, this memorandum is submitted by the six of us.

We ask that the Exxon Valdez Oil Spill Public Advisory Group strongly support the establishment of a *Exxon Valdez Marine Research Endowment*. This Endowment would be created through the investment of a significant portion of the revenues from the \$900,000,000 civil settlement. The Endowment's earnings would be used to support long-term basic and applied research.

## UNIVERSITY OF ALASKA

The purposes of the Endowment would be to:

1. Provide for the development of a comprehensive research plan that would serve to maximize the use of research funding by ensuring coordination of the research projects supported by the Endowment and by coordinating, as far as is possible, Endowment supported research with research supported from other sources.
2. Provide funding for research projects that serve to implement the terms and purposes of the Federal/State Memorandum of Agreement (MOA) with respect to natural resource damage recovery in the EVOS area and in accordance with the Endowment's comprehensive research plan.

The goals of the research projects supported by the Endowment would be to:

1. Provide a complete understanding of the coastal ecosystem of the EVOS impacted area and, derivatively, Alaska's coastal ecosystems in general. This is an essential first step if the public is going to be able to ensure the natural quality and productivity of the region over the centuries. Alaskans were unprepared to adequately assess the damage caused by the Exxon Valdez spill or to put into place mitigating programs because of insufficient baseline information. Alaskans should never be in that position again.
2. Support the research necessary to improve our understanding and management of the EVOS area fisheries.
3. Support the research in critical habitat in the EVOS area necessary to preserve the mammalian, avian and piscine populations.

A full understanding of the impact of the Exxon Valdez Oil Spill areas ecosystem including the State's most productive fisheries cannot be obtained over the ten year payment cycle framed by the civil settlement. Long-term studies of the coastal system require decades not years. The continuum of study required to meet the objectives of the settlement necessitates the establishment of a research endowment fund, the earnings of which would be used to fund research projects far into the future.



15.2.4

Kimberly Seator  
P.O. Box 7114  
Nikiski AK

99635

Jan 24, 1994

EVOS Trustees Council  
645 "6" Street  
Anchorage, AK  
99501

Dear EVOS Trustees Council,

This letter is to encourage you to continue funding for Project No. 94504 and Project No. 94255 and No. 94258 to aid restoration of Kenai River Sockeye salmon. I feel these restoration projects are extremely important and I fully support the continuation of their funding.

Thank you,

Kimberly Seator

1512.4

# Cordova Aquatic Marketing Association, Inc.

(907) 424-3458  
Fax (907) 424-3661

P.O. Box 359  
CORDOVA, ALASKA 99574

RECEIVED

January 24, 1994 JAN 28 1994

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

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Members of the EVOS Trustee Council:

CAMA supports your funding EVOS Project Description 94230: **"Sound Ecosystem Assessment (SEA) - An Ecosystem Study for Prince William Sound."**

The SEA study was produced in a joint effort of user groups, managers, and scientists from the Prince William Sound region. Our objective is "to develop, advocate, and communicate the most effective ecosystem research plan for Prince William Sound."

As the dismal fish returns of the past few years exhibit, something has gone wrong with Prince William Sound. SEA intends its research to give answers to the question of what has caused the changes in Prince William Sound and the North Gulf of Alaska.

The situation in Prince William Sound affects not only the commercial fishermen who harvest the resource, but the local communities and all user groups of the area.

CAMA supports funding the SEA projects for the 1994 field season. It's time we begin taking positive, responsible action in Prince William Sound.

Sincerely,

CAMA Board of Directors

*Bud Perrine*

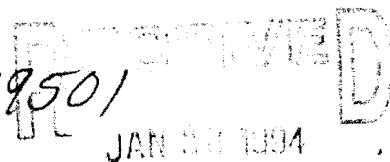
Bud Perrine  
CAMA Vice President

mr/1-24-94

**CAMA**  
**P.O. Box 359**  
**Cordova, AK 99574**



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



EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

COMMENT SHEET  
EXXON VALDEZ RESTORATION  
1994 DRAFT WORK PLAN

You are invited to share your ideas and comments on the Draft 1994 Work Plan. You may use this tear sheet to present your views. If needed, use the space on the back or attach additional sheets. Please fold, staple, and add a postage stamp. Thank you for your interest and participation. **Comments must be postmarked by January 14, 1994.**

Report was received on Jan 20th

Please send project description for  
No 94320 Ecosystem Study (p342)

To: Sharon Saari  
PO Box 1018  
Middleburg VA 22117

Comments:

I see the ADFEG is still  
walking away with all the  
money and projects for salmon!

I now would like to see  
some new ideas and research  
on restoration of bird popu-  
lations which were harmed.  
Perhaps open up to proposals  
from professional ornithologists  
not just FWS personnel.

Additional Comments:

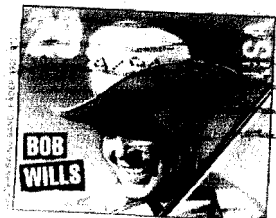
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Return Address:

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

Attn: Draft 1994 Work Plan



# UNITED FISHERMEN OF ALASKA

15724

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

January 20, 1994

RECEIVED  
JAN 25 1994

Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Dear Trustee Council Members:

United Fishermen of Alaska (UFA) is the umbrella organization for regional fishing organizations in the state of Alaska. The general mission of UFA is to pursue issues of concern to all commercial fishermen in Alaska.

UFA understands that the Trustee Council's structure and process are in a transitional period as the damage assessment projects are closed out and a comprehensive restoration plan is developed. We welcome the changes that have taken place.

In light of these changes, UFA would like to emphasize the need for fisheries resource projects as part of a comprehensive ecosystem research and restoration plan. In Kodiak, Cook Inlet, and Prince William Sound, for example, there is evidence that long-term damages to the fisheries resources as a result of the Exxon Valdez oil spill may just now be appearing. Restoration of these resources, as well as the various services which depend upon them, is vital to the health of the environment, communities, and economies of the whole spill impacted area. Moreover, it is important that the Trustees make a commitment to long-term funding for fisheries resource projects such as an endowment in order to achieve the goals of a comprehensive research and restoration plan.

UFA fully endorses the Trustee Council's support for the ecosystem-based planning process initiated by the coalition of user groups, scientists, and resource managers in Prince William Sound. We believe that the efforts of this group provide a template for research and restoration in other regions of the spill impacted area. UFA is following the progress of the Prince William Sound group with great interest and request that the Trustee Council take positive action on the proposals developed by the planning process.

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fisherman's Association • Alaska Trollers Association • Area K Seiners Association  
Bering Sea Fishermen's Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen  
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kenai Peninsula Fishermen's Association  
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Peninsula Marketing Association  
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Seafood Producers Cooperative  
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association  
United Cook Inlet Drift Association • Western Alaska Cooperative Marketing Association

Exxon Valdez Oil Spill Trustee Council  
January 20, 1994  
Page Two

The EVOS settlement has provided us with the opportunity to make a positive and long lasting contribution to resource use and management in the state of Alaska. We at United Fishermen of Alaska look forward to being a part of that decision-making process.

Thank you for your consideration of UFA's concerns.

Sincerely,

  
Jerry McCune  
President

cc: George Frampton, Undersecretary  
Department of the Interior  
Bruce Botelho, Attorney General, State of Alaska  
Carl Rosier, Commissioner, ADF&G  
John Sandor, Commissioner, ADEC  
Steve Pennoyer, Director, NMFS - Alaska Region  
Mike Barton, Regional Forester  
USDA Forest Service - Alaska Region  
UFA Board of Directors



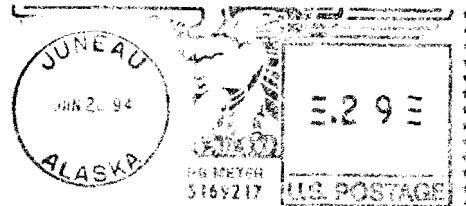


## UNITED FISHERMEN OF ALASKA

211 FOURTH ST., SUITE 112  
JUNEAU, ALASKA 99801

RECEIVED  
JAN 23 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL



Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

# ALASKA STATE LEGISLATURE

Senator Georgianna Lincoln



State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3732  
Fax (907) 465-2652

Committees:  
Transportation  
Labor and Commerce  
Administrative Regulation Review

Minority Whip  
Bush Caucus Chair

## DISTRICT R

Alatna  
Allakaket  
Aniak  
Anvik  
Arctic Village  
Beaver  
Bettles  
Big Delta  
Birch Creek  
Canyon Village  
Central  
Chalkyitsik  
Chenega Bay  
Chickaloon  
Chicken  
Chistochina  
Chitina  
Chuathbaluk  
Circle  
Copper Center  
Copperville  
Cordova  
Crooked Creek  
Delta Junction  
Dot Lake  
Dry Creek  
Eagle  
Evansville  
Fort Greely  
Fort Yukon  
Gakona  
Galena  
Glenallen  
Grayling  
Gulkana  
Healy Lake  
Holy Cross  
Hughes  
Huslia  
Igigig  
Ilamna  
Kakhonak  
Kaitag  
Kenny Lake  
Koyukuk  
Lake Minchumina  
Lime Village  
Livengood  
Lower Kalskag  
Manley Hot Springs  
McCarthy  
McGrath  
Medfra  
Mendeltna  
Mentasta  
Minto  
Nabesna  
Nelchina  
Newhalen  
Nikolai  
Nondalton  
Northway  
Nulato  
Paxson  
Port Alsworth  
Rampart  
Red Devil  
Ruby  
Shageluk  
Sheep Mountain  
Slana  
Sleetmute  
Stevens Village  
Stony River  
Sutton  
Takotna  
Tanacross  
Tanana  
Tatitlek  
Tazlina  
Telida  
Tetlin  
Tok  
Tolsona  
Tonsina  
Tuluksak  
Tyonek  
Upper Kalskag  
Valdez  
Venetie  
Whittier  
Wiseman

January 17, 1994

Exxon Valdez Trustee Council  
645 G Street  
Anchorage, AK 99501

Dear Trustee Council Members:

In advance of the upcoming Exxon Valdez Trustee Council, it is important to let you know of my concerns for Prince William Sound. As you are aware, the disastrous fishing seasons in Prince William Sound led to dire financial conditions for many individuals and businesses causing a domino effect. I believe the situation is deserving of a special block of time on your agenda.

The failed herring run and the disastrous pink salmon run indicate that urgent research and monitoring of the Sound are necessary to determine the causes of the problem and seek solutions. The PWS Fisheries Ecosystem Research Planning Group is making progress in these areas and I know you are supportive of their efforts. I also endorse these efforts and ask for your continued support.

However, the above mentioned efforts are not enough. The hatcheries in Prince William Sound have suffered severe financial setbacks due to the poor fish returns. As you know, they depend on the returning fish to fund their cost-recovery program. Without the necessary returns, they have had to dip into their operating funds to make their loan payments and thus are experiencing a budget shortfall for the current year. I strongly urge the Trustee Council to grant Prince William Sound Aquaculture Association and Valdez Fisheries Development Association a one time allocation of funds to cover operations through the 1994 spring fry releases.

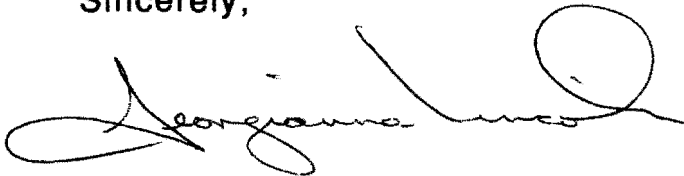
RECEIVED  
JAN 24 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

It is my understanding the terms of the Exxon Valdez Settlement Agreement are specifically targeted to restoration of injured resources. The hatcheries in Prince William Sound are appropriate entities to receive funding through the settlement agreement due to the fact they are able to restore an injured resource.

Please notify my office if there is need for further efforts on my behalf to ensure this project is funded. In addition, I would appreciate a copy of the draft agenda for your next meeting as soon as it is available.

Sincerely,

A handwritten signature in black ink, appearing to read "Georgianna Lincoln". The signature is fluid and cursive, with a large loop at the end.

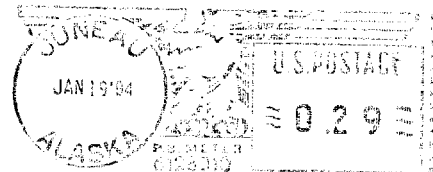
Senator Georgianna Lincoln

GL/al

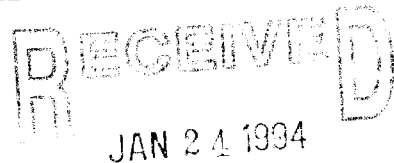
**Senator Georgianna Lincoln**

ALASKA STATE LEGISLATURE  
STATE CAPITOL

JUNEAU, ALASKA 99801-1182



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



EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

99801-3451 91



15.2.4

**Telecopy Number: (202) 778-2201**

FROM: Name: Craig S. Harrison, Esq.  
Extension: 202-778-2240  
Special Instructions: Hard copy will follow by mail.  
Operator: \_\_\_\_\_ Date: 01/21/94  
Time: \_\_\_\_\_

(For confirmation or assistance with problems, call 202/955-1611)

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## Pacific Seabird Group



---

DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

---

Craig S. Harrison  
Vice Chair for Conservation  
4001 North 9th Street #1801  
Arlington, Virginia 22203

January 21, 1994

James Ayers, Executive Director  
Exxon Valdez Oil Trustee Council  
645 G Street  
Anchorage, Alaska 99501

**Re: Comments on Draft 1994 Work Plan**

Dear Mr. Ayers:

This letter contains the Pacific Seabird Group's (PSG) comments on the draft 1994 Work Plan (December 1993). PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG draws its members from the entire Pacific Basin, and includes biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird populations and refuges, and individuals with interests in marine conservation. PSG has hosted symposia on the biology and management of virtually every seabird species affected by the Exxon Valdez oil spill, and has sponsored symposia on the effects of the spill on seabirds.

PSG cannot meet the January 14, 1994 deadline for comment. PSG's chair George Divoky did not receive the draft 1994 Work Plan until January 10, 1994, and I received it a few days later. PSG wants to remain actively involved with the restoration process and to share its experience regarding the biology and management of seabirds, but we cannot function effectively when the Trustee Council gives us only a few days to review a lengthy work plan that involves complicated issues. Moreover, extremely short deadlines cause us to truncate our internal review process.

## I. Project 94041 (Removal of Introduced Predators)

The removal of introduced predators is PSG's highest priority in the 1994 Work Plan. The Canadian Wildlife Service has taken an approach similar to this project and is using funds from the Nestucca oil spill to restore seabird habitat in the Queen Charlotte Archipelago, British Columbia, by removing introduced rats and raccoons. PSG has suggested for several years that the best means to restore Alaska's seabird populations would be to remove rats, foxes and other alien creatures from colonies and former colonies. This project would begin this task by focusing on Chernabura and Simeonof Islands, which are close to what the Trustee Council defines to be the oil spill area.<sup>1/</sup> We agree that this project will greatly benefit local populations of common murres, black oystercatchers, pigeon guillemots and other species, including some not injured by the oil spill.

We disagree with the Trustee Council's statement that "it is not known whether the birds that nest on these islands migrate into the spill area." Virtually all the bird species killed in the spill are migratory birds. While we may not be able to produce an oiled bird that was banded on Chernabura or Simeonof Islands, it seems highly unlikely that common murres throughout their range in the Gulf of Alaska and the Aleutian Islands are not genetically linked. Indeed, banding studies of alcids indicate that substantial numbers of young birds prospect for breeding sites long distances from their natal colony, often at much greater distances than the distance from the Shumagin Islands to Prince William Sound. Colonies outside the Trustee Council's definition of the oil spill area are a source of birds that can and will recolonize damaged colonies. PSG objects to the Trustee Council using a highly questionable assumption as a means to limit the restoration of seabirds.

PSG hopes that the Trustee Council will expand its list of injured seabirds. According to the federal estimates published in 56 Federal Register 14687 (April 11, 1991), the government processed the following numbers of oiled birds: common murres (10,428 plus some of the 8,851 unidentified murres); harlequin ducks (213); marbled murrelets (612 plus some of the 413 unidentified murrelets); pigeon guillemots (614); and black oystercatchers (9). The Trustee Council often seems to limit restoration of seabirds to the five species that account for about 21,000 of the 35,000 birds that were processed. Restoration should include the species that account for the other 14,000 dead birds (the actual number of dead birds being an unknown multiple of 14,000).<sup>2/</sup> This project will help restore

---

<sup>1/</sup> PSG reiterates its strong objection to limiting seabird restoration to the geographic area that the Trustee Council has identified as the spill area. The Trustee Council has spent too much effort attempting to restore seabird colonies at infeasible sites within the spill area instead of planning for compensatory restoration in areas that may be far from the spill area.

<sup>2/</sup> As a reference point for this magnitude of injury to seabirds, the federal government is currently pursuing a major law suit involving the Apex Houston in central California concerning a spill that it alleges oiled or damaged about 4,200 seabirds (the actual number being an unknown multiple of 4,200).

many of the damaged species that the Trustee Council has ignored, including tufted puffins, cormorants, black-legged kittiwakes and ancient murrelets.


## II. Work on Damaged Seabirds that Are Not Recovering

PSG supports continued work on estimating the distribution and abundance of seabirds in Prince William Sound during spring and summer (Project 94159). We suggest that this work be expanded to include the entire spill area. PSG generally supports projects that focus on birds that apparently are not recovering, including black oystercatchers (Project 94020), common murres (Projects 94039 and 94040), harlequin ducks (Project 94066), marbled murrelets (94102), and pigeon guillemots (Projects 94506 and 94173). Because bird populations may be depressed due to disruptions in food supplies, we support the study for forage fish influence on injured species (Project 94163).

Finally, this seems an appropriate occasion for the Trustee Council to answer several questions that it posed in its requests for comment on restoration in 1992. Are federal and state agencies using their regulatory powers to modify human uses of resources or habitats that the spill injured? We noted in June 1992 that such efforts would not exhaust any of the restoration trust fund but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs. Have agencies curtailed the hunting seasons for sea ducks or harlequin ducks? What has been done to manage commercial fisheries to reduce the incidental mortality of marbled murrelets in drift gillnets (a violation of the Migratory Bird Treaty Act)? Has logging (both on government and private lands) been curtailed in uplands that are prime habitat for marbled murrelets or harlequin ducks?

PSG thanks the Trustee Council for this opportunity to lend its expertise and views on these important issues.

Sincerely,





RECEIVED  
JAN 25 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Comment Sheet

Exxon Valdez Restoration (907) 235-608

Leahy & Louis Cabana  
Box 607  
 Homer AK 99603

1994 Draft Work Plan (15.2.4)

Project 94345 - Improved. Management  
can increase population + benefit Lower Cook Inlet.

Project 94421 - We feel the species has  
upset the food source. This project  
would provide operating capital to continue hatchery  
operations in 1994.

Project 94439 - We Need this project.

What is this money for if its isn't to help  
restore the shores and the sea life, this is  
what got hurt in all this, not all these  
port harvest projects being proposed.

Our outside coast between Seward + Homer  
has seriously injured and we have very little of  
the dorys there and also the rest of the  
area from Prince William Sound, further east,  
Kachik Lake Lower + Upper Cook Inlet + Homer  
Areas. We in the area of Lower Cook Inlet  
have not had a profitable season since we  
1988. I got share of what fish there is goes left to raise  
I in early Lerby + Louis Cabana Box 607 Homer AK 99603

**Pacific  
Seabird  
Group**



---

DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

---

Craig S. Harrison  
Vice Chair for Conservation  
4001 North 9th Street #1801  
Arlington, Virginia 22203

January 21, 1994

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JAN 25 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

James Ayers, Executive Director  
Exxon Valdez Oil Trustee Council  
645 G Street  
Anchorage, Alaska 99501

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15.2.4  
**Cordova Aquatic Marketing Association, Inc.**

(907) 424-3458  
Fax (907) 424-3661

P.O. Box 359  
CORDOVA, ALASKA 99574

January 24, 1994

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

RECEIVED  
JAN 25 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Members of the EVOS Trustee Council:

CAMA supports your funding EVOS Project Description 94230: **"Sound Ecosystem Assessment (SEA) - An Ecosystem Study for Prince William Sound."**

The SEA study was produced in a joint effort of user groups, managers, and scientists from the Prince William Sound region. Our objective is "to develop, advocate, and communicate the most effective ecosystem research plan for Prince William Sound."

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CAMA supports funding the SEA projects for the 1994 field season. It's time we begin taking positive, responsible action in Prince William Sound.

Sincerely,

CAMA Board of Directors

*Bud Perrine*

Bud Perrine  
CAMA Vice President

mr/1-24-94

# Cordova Aquatic Marketing Association, Inc.

(907) 424-3458  
 Fax (907) 424-3661

P.O. Box 359  
 CORDOVA, ALASKA 99574

January 24, 1994

Exxon VALDEZ Oil Spill Trustee Council  
 645 G Street  
 Anchorage, AK 99501

JAN 25 1994

Members of the EVOS Trustee Council:

CAMA supports your funding Project Number 94421, Common Property Salmon Stock Restoration, in the Draft 1994 Work Plan. We request specifically that you fund fully the existing salmon enhancement and restoration system operated by Prince William Sound Aquaculture (PWSAC).

There is no doubt that Prince William Sound salmon fisheries are reeling under the stress of poor returns these past few years. All user groups are impacted by the loss of revenues. As a direct result of the loss of the resource, PWSAC's revenues have fallen seriously short of what is needed to maintain its restoration and enhancement plans.

The question of what has happened to Prince William Sound and its salmon returns is an important research puzzle that is now being acted upon. In the meantime, the salmon enhancement programs of PWSAC, which are vital to the economic health of our region, need financial support.

We ask that the EVOS Trustees will grant funds to repay the PWSAC debt to the State Aquaculture Revolving Loan Fund, as well as the funding requested for 1994. This action will contribute to helping both the resources and residents of Prince William Sound recover.

Sincerely,

CAMA Board of Directors

*Bud Perrine*

Bud Perrine  
 CAMA Vice President

*Mary Butzer*

Mary Butzer  
 CAMA Secretary

mr/1-24-94



January 12, 1994

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

Re: Draft 1994 Work Plan

Members of the EVOS Trustee Council:

I am writing in support of EVOS Trustee Council funding for Project number 94421, Common Property Salmon Stock Restoration, in the Draft 1994 Work Plan. In particular, I ask for full funding to maintain the existing salmon enhancement and restoration system operated in the Prince William Sound bioregion by the Prince William Sound Aquaculture Corporation (PWSAC).

Prince William Sound Salmon fisheries are distressed. During the ten years prior to 1989, the average annual return of all Salmon to the PWS management region was 22 million fish. Total natural and hatchery salmon returns have dwindled to 10.5 million in 1992 and 7.0 million in 1993, in response to ecosystem changes that require further investigation. The damaged salmon resources and the lost services provided by those resources have heavily impacted all user groups. Revenues to PWSAC, primarily dependent on sales of returning fish, have fallen far short of what is necessary to maintain its restoration and enhancement efforts.

While the extent of short- and long-term damage to the Prince William Sound ecosystem is still being assessed, it is more important than ever to the people of the region that the salmon enhancement programs be maintained to both restore and replace these lost resources and services. The economic viability of the entire Prince William Sound region will be devastated if the hatchery system is allowed to fail during this period of intense hardship.

Because of the depth of economic adversity in this region, it is also appropriate to ask the EVOS Trustee Council for funds to repay the PWSAC debt to the State Aquaculture Revolving Loan Fund, in addition to the funding request for 1994.

Please help the resources, people and communities of Prince William Sound recover. Thank you.

Sincerely,

Dennis Rose  
President

Cordova Chamber of Commerce

15,214  
**Cordova Chamber of Commerce**  
**First Street P.O. Box 99**  
**Cordova, Alaska 99574**  
**(907) 424-7260**

**COMMENT SHEET  
EXXON VALDEZ RESTORATION  
1994 DRAFT WORK PLAN**

15.2.4

You are invited to share your ideas and comments on the Draft 1994 Work Plan. You may use this tear sheet to present your views. If needed, use the space on the back or attach additional sheets. Please fold, staple, and add a postage stamp. Thank you for your interest and participation. **Comments must be postmarked by January 14, 1994.**

We are in favor of the monies being appropriated  
for the three mentioned projects in the  
Exxon Valdez Restoration 1994 Draft Work Plan

- 1) Project 94345 Salmon Spawning Escapement on  
Lower Kenai Peninsula
- 2) Project 94421 Common Stock Hatchery  
Restoration
- 3) Project 94139 Salmon Inlet/Habitat  
and Stock Restoration.

Sincerely

Mark Smith  
Lower Cook Inlet Seiner

Additional Comments:

------(fold here)-----

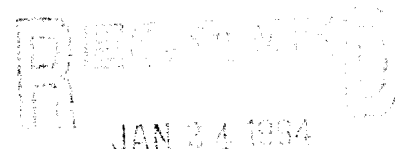
Return Address:

Mark Roth  
N 2225 Hwy EE  
Neosho WI 53059



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

Attn: Draft 1994 Work Plan





15.2.4

A-94-003

**THE AMERICAN BALD EAGLE FOUNDATION**

Post Office Box 49  
Haines, Alaska 99827-0049  
(907) 766-2736

1/28/94

Exxon Valdez Oil Spill Trustee Council  
Restoration Office  
645 "G" Street  
Anchorage, Ak. 99501

**RECEIVED**

FEB 07 1994

EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

Re: Endowed UAS Chair Proposal

Dear Trustees,

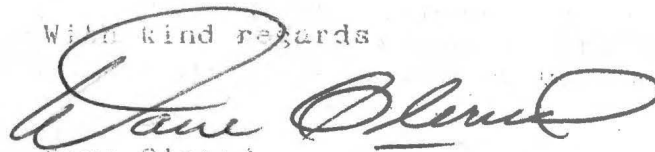
On February 27, 1993 the American Bald Eagle Foundation along with several other organizations submitted a proposal for funding endowed chairs for restoration and continued habitat research thru the University of Alaska. Our proposal was specific to U of A Southeast as the center for American Bald Eagle studies thru the American Bald Eagle Research Institute already established there. I have included another copy of our proposal for your information.

To date we have not seen where the endowment proposals of any of the participating University supported options have been included in a draft of the the Restoration Plan or the EIS. We reviewed the Executive Summary published by your kind staff in September of 1993 as it related to issues brought forth from the Trustee Council's request for public input. In that summary the issue of the endowed chairs was highlighted on page 50 of the summary of public comments. While the summary does effectively show the keen interest in establishing permanent funding by a number of groups, we wish to remind the Trustees of this issue once again. The long term benefits of research relating to such issues as habitat, ecology and conservation to our environment will benefit all users of our State's resources.

We would like to also note that in Appendix III of the Summary, under the list of organizations that the American Bald Eagle Foundation and the American Bald Eagle Research Institute (an entity of the University of Alaska Southeast) were not listed on the documents we were provided. Perhaps we did not get a complete listing of commenting organizations. Could you please check to be sure we are included on your mailing list for future comments, announcements, Draft Restoration Plan and EIS information and other pertinent notifications?

In closing, we respectfully request the Trustees to fund the Endowment Chair proposals, and in particular, an alternative which includes funding of one chair for the American Bald Eagle Research Institute thru the UAS, as part of the Draft Restoration Plan and EIS documents.

With kind regards,

  
Dave Clerud  
President

February 27, 1993

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

Dear Trustee Council Members:

The American Bald Eagle Foundation wishes to submit for your consideration the following proposal: the establishing of an endowed chair for Bald Eagle Ecology and Management Studies at the University of Alaska Southeast (UAS) funded by the Exxon Valdez Oil Spill (EVOS) settlement funds under its enhancement provision.

For this purpose we will explain the correlation between EVOS and the UAS and Southeast Alaska:

1. Bald eagle studies in Southeast provided methodology and comparisons important to assessing eagle damage in Prince William Sound.
2. Marking studies have shown that Southeast is part of the normal range of eagles that nest in Prince William Sound particularly for the birds under age five which are not yet ready to nest.
3. Some of the oiled eagles rescued in the Sound were sent to the Alaska Raptor Rehabilitation Center in Sitka for rehabilitation.
4. Personnel and the motor vessel Surfbird of the U.S. Fish and Wildlife Service, normally occupied full-time in regular eagle research and management, lost three valuable years from their regular program while diverted to Prince William Sound.

5. Researchers, other people, and resources from Southeast were diverted to oil studies and clean-up to the detriment of their regular assignments.
6. Considerable losses in revenues were sustained by Southeast attributed to cancellations by tourists who dropped Alaska altogether from their travel plans due to the oil spill.

Short term studies initiated after the Exxon Valdez oil spill indicated that more than 11% or about 900 of 8,000 bald eagles thought to have been the pre-spill population in Prince William Sound died in the oil spill of 1989. That year, reproduction by surviving eagles was nil. Since then, reproduction appears to have returned to normal and recovery to pre-spill numbers may be achieved in as little as four years. Of course, long term effects are not predictable from the short term studies. No means for enhancing the bald eagle population was identified, though a fear of loss of nesting sites due to logging was expressed.

In 1989 the American Bald Eagle Foundation (ABEF), a group of concerned Alaskan's and other citizens interested in preserving and eulogizing our National Bird, approached Chancellor Marshall Lind about establishing an American Bald Eagle Research Institute (ABERI) affiliated with the University of Alaska Southeast. An ABERI board of directors was established in late 1989 and a set of by-laws adopted.

As its first project ABERI undertook to produce an up-to-date anthology for a three-credit correspondence course on American bald eagles being promoted across the country by the Office of Continuing Education at UAS. Material for the anthology was compiled by hosting a conference attended by knowledgeable eagle people and scientists. The assumption then was that although Alaskans are not well represented in the national cogitation over bald eagles, they have in fact, a much closer association with eagles than most people from other areas.

Page Three

A conference held in the fall of 1990 assembled an impressive number of Alaskan Biologists, Refuge Managers, Ornithologists, Geologists, Forest Ecologists and an important group of speakers on the role of bald eagles in Indian and American symbolism, conservation, tourism and much more. Eagle experts from the Atlantic states, the Midwest and the Pacific states were also present to put our conference in the proper national context. From this gathering a most exciting book was compiled which is currently being edited and will soon be published with financial support from the ABEF.

A second project of ABERI was to develop a computerized bald eagle bibliography for the library at UAS. (The National Wildlife Federation had previously published a bald eagle bibliography dating back to 1979 and sold in book form some 2000 titles at \$9.00 each). During the winter of 1991-92 the ABEF funded a student to compile the computerized bibliography of more than 3000 titles (including those from the National Wildlife Federation). This bibliography is now for sale at cost at UAS in the form of a printout or as a computer disk. Many of the listed research papers were acquired for the Egan Library, National Wildlife Federation, incidently, whose funding for the bald eagle research has expired, recognizes UAS as the proper repository for their eagle files. What was then hope for UAS in becoming a leader in Bald Eagle studies has now emerged as reality.

A third project for ABERI is to have an internationally recognized academic authority on bald eagles come to UAS and establish the world's foremost bald eagle Ecology and Research Center, and write the planification and documentation. Professor James D. Fraser of the Virginia Polytechnic Institute, a leading American raptor scientist with a record of bald eagle research across America, was approached. Professor Fraser was interested in spending the 1992-93 academic year at UAS while on sabbatical from VPI. Unfortunately, even with half of his salary paid by VPI, it was impossible to generate the other half in Alaska at that time, and so the effort has been deferred.

In addition to the work done by ABERI, the three-credit correspondence course on bald eagles (referenced earlier) initiated by UAS is being well accepted and has been purchased by several hundred students across America. Also, UAS has encouraged expansion of the Alaska Raptor Rehabilitation Center at Sitka which now rents a UAS building and is self supported as a result of grants, memberships and paid visits by several tourists each year. Furthermore, UAS has helped build the Dave Olerud Bald Eagle Visitor and Education Center in Haines by teaching building construction courses there.

The University of Southeast Alaska is irrevocably involved with bald eagle research, and is ready to accept the responsibilities with challenges that will come with major funding.

The University of Alaska Southeast is aspiring to take advantage of the world's foremost bald eagle resources for studies and research that will lead to proper management of optimum eagle population levels on into decades, centuries ahead through the establishment of an endowed research and education program.

Allow me please to summarize the objectives of UAS with respect to the bald eagle:

1. To provide leadership in bald eagle research in Prince William Sound, in coastal Alaska ,and everywhere else in Alaska and the lower 48 states.
2. To chair the ABERI at UAS and coordinate bald eagle research and education at all of its UAS campuses.
3. To provide public service, undergraduate teaching, graduate research and post doctoral studies in bald eagle ecology.

4. To produce properly trained scientists in a field related to bald eagles.
5. To enhance existing UAS programs in the fields of biology, resource management policy, and public administration.
6. To research eagle management in the wilderness settings of Alaska.
7. To research eagle management in remote resource development places such as logging sites, mining, fish processing, aquaculture, or others.
8. To research eagle management in urban and suburban settings where eagle presence is particularly valuable but conflicts with other endeavors that can occur.
9. To research eagle management and people management in areas important to the tourist industry.
10. To produce scientific, educational, and popular literature on our National Bird.
11. To further develop proposals and apply for private and institutional grants needed to achieve all of these objectives.

From the short term studies also mentioned previously, we have learned that the bald eagles of the oil spill areas are expected to recover naturally from their extensive losses leading to the conclusion that all EVOS settlement funds are not necessarily needed for the bald eagle's restoration, rehabilitation, or replacement. However, under the enhancement provision, a long term program is warranted if not mandated because the knowledge and technology for such enhancement is not currently available.

An endowed chair at UAS could be expected to attract the finest talent in the field of science and education. This would in turn bring forth the best students in that field, who ultimately would make discoveries to enhance eagle populations where need be.

Of course, one significant point that must be covered in this proposal, is the economic consideration we must grant the bald eagle. Alaska's small cities need to capitalize on whatever natural assets they have: the bald eagle resource is most important to the tourist industry. Being home to the world's leading bald eagle research facility is an economic diversification that would perpetually benefit the people of the capital city as well as all the people of Alaska.

The American people suffered an emotional loss from the great oil spill into Alaska's pristine waters. Such ecological tragedies are difficult to quantify, but people everywhere would look up and appreciate knowing that culminating from this tragic disaster there arose a world-wide respected Research Educational Complex.

In conclusion, UAS and ABERI have estimated that a two-and-a-half million dollar donation to the University of Alaska Foundation will provide endowment income for a full professorship, overhead for the position, and inflation proofing in perpetuity. Three-and-a-half million dollars will generate enough revenue to support at least one graduate assistant in the program as well.

Members of the American Bald Eagle Foundation and the American Bald Eagle Research Institute strongly believe that the proposed academic chair for Bald Eagle Ecology at the University of Alaska Southeast would be a sound investment in the education and future of our youth, our state, and our country. We hope you will feel that our proposal would be appropriate usage of a relatively small portion of the Exxon Valdez oil spill settlement funds.

Page Seven

Thank you for the serious consideration we hope you will give to this most important proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "David E. Olerud". The signature is written in dark ink and is positioned below the word "Sincerely,".

David E. Olerud  
Director

/lao



15.2.4

RECEIVED  
NOV 07 1993

November 7, 1993

Executive Director  
Trustees' Council  
645 G St.  
Anchorage, AK 99501

Dear Director and Council Members:

I am writing as a citizen of Seward and Alaska to express my strong opposition to funding for the Alaska Sea Life Center, proposed for construction in Seward. My reasons are several:

1. The center, under the guise of a research and restoration center, is in fact a tourist attraction which only incidentally will conduct useful research.
2. The social impact on Seward will be substantial, adding to traffic, parking, and overcrowding problems in a community which cannot cope with the current influx of tourists.
3. This center will not contribute to the welfare of our wild marine mammals but will become another mammal zoo, motivating its directors not to restore animals to the wild, but to capture and maintain them in captivity.
4. There are far more important uses for these funds, including land acquisition within the coastal region of Kenai Fjords National Park and Prince William Sound; further spill related research; pure research into the marine environment of Alaska; spill prevention and mediation research and the funding of preventive and restorative systems, and the development of information systems that will contribute to better response to spills and to better prevention.

As a journalist who covered the Exxon Valdez oil spill both locally and for national and international publication, I reported on the spill and the trial of Capt. Hazelwood, interviewed local, state and federal officials and also lived through it as a citizen of Alaska's Gulf Coast. I am acutely aware of the need for better spill prevention and mediation/restoration, and I applaud the work of the Council to find ways to best make the settlement dollars work. I suggest consideration of seeking proposals for a marine institute in Alaska which would be devoted not to tourism with research as a sideline, but entirely to research.

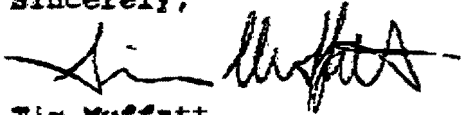
Having observed and written about the SAAMS project from its inception, I fear that the local interest is primarily in enhancing tourism opportunities here, a poor motive from which to address expenditure of settlement money. Please do not record that I am opposed to funding for marine mammal research, but rather that I

*Rebecca*  
*file*  
*m -*  
*p/s. Saw copy*  
*to - mostly for*  
*Public Comment*  
*5/8/94*  
*with project # 94199*  
EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL

oppose projects such as the SAAMS proposal, which masks its true, mercantile intent under the guise of concern for our marine environment.

Thank you for your kind attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Moffatt', with a horizontal line extending to the right.

Tim Moffatt  
P.O. Box 1886  
Seward, AK 99664