

Copper River/Prince William Sound Advisory Committee

P.O. Box 1558 • Cordova, Alaska 99574

November 20, 1992

RECEIVED
DEC 08 1992

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

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Gentlemen:

Thank you for the opportunity to review the EVOS 1993 Draft Work Plan. It is clear from a review of this document that completion of the Restoration Plan as soon as possible will provide the necessary guidance to prioritize projects and expenditures authorized by the settlement. It is our belief that the Plan should contain a more focused set of criteria which would clearly tie restoration activities to injury caused by the spill. Many of the proposals contained in the 1993 Draft Plan are not even remotely related to EVOS damages.

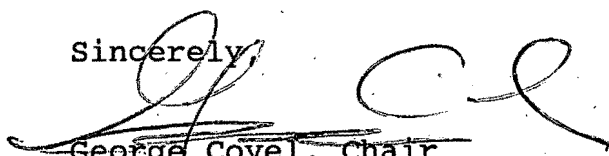
As a general approach, we believe that initial restoration activities should consist largely of monitoring of those resources directly injured by the oil spill. If opportunities for remedial action are identified through this monitoring program, and it is determined that remedial action will achieve meaningful and measurable results, these activities should then be considered. Many of the proposals in the 1993 Plan do not meet this test.

We are disappointed that the 1993 Plan does not include any further monitoring of injuries to the herring resource of Prince William Sound. At least one age class of herring was shown to be injured during the NRDA studies. When prioritizing these projects, we urge you to acknowledge the importance of herring to the communities of the oil spill area.

Our Advisory Committee will meet again in February 1993. This meeting will be a good opportunity to discuss revisions to the 1993 Draft Plan and the Restoration Plan. Please contact us if you wish to attend or require additional comments or information.

Thank you.

Sincerely,


George Covell, Chair
Prince William Sound
Advisory Committee

United States
Department of
Agriculture

Forest
Service

Pacific Northwest
Research Station/
Alaska Region

9328202
Copper River Delta Institute
612 2nd Street
P.O. Box 1460
Cordova, Alaska 99574
907/424-7212
FAX 907/424-7214

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DEC 08 1992

Reply: 1500

Date: 18 November 1992

Subject: Comments on Draft 1993 EVOS Work Plan

To: Exxon Valdez Trustee Council

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

I wanted to comment on the Draft 1993 Work Plan, with regards to the proposed project #93052, "Identification and Protection of Important Bald Eagle Habitats."

In the Draft 1993 Work Plan, this study is rated as a "Project receiving less Restoration Team Support." The only evaluation of Project #93052 is on page 8 of the recommendation by Dr. Spies to the Trustee Council, dated 22 September 1992 (pages 248-256 in the Work Plan). Dr. Spies comments read "Bald eagles were injured by the spill, but this could not be detected in the population surveys. Since we have no way of measuring recovery of this species restoration action seems inappropriate."

However, in the same letter, Dr. Spies indicates that "restoration funds should be used for one of the following (4) purposes:"....."#3. supplement natural recovery processes or prevent further degradation of habitat that could negatively influence recovery of injured resources."

Given that this proposed project aims to identify and protect bald eagle habitats from further degradation and damage, it seems that this project is appropriate and fits the intended use of Restoration Funds. Currently, many of the areas slated for logging in Prince William Sound contain some of the highest densities of bald eagle nests anywhere in North America (approximately 1 occupied eagle nest/shoreline mile). Because of the imminent threat to bald eagle habitat, this project has important merit and should be given a high priority for funding in 1993. Furthermore, the previous investment (several hundred thousand dollars) in radio-tagging eagles provides yet another justification for continued monitoring of this injured species.

Thank you for the opportunity to comment.



MARY ANNE BISHOP,
Acting Manager
Copper River Delta Institute

93328203



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Nov. 20, 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Exxon Valdez Trustee Council
645 G Street
Anchorage AK 99501

SUBJECT: Chugach Alaska Corporation Comments On the Draft 1993 Work Plan

Dear Members of the Trustee Council:

Chugach Alaska Corporation offers the following comments in response to the solicitation for comments on the Draft 1993 Work Plan. Chugach Alaska Corporation is the regional corporation formed under the Alaska Native Claims Settlement Act for the Chugach region. Its land and its people were the first and most severely impacted by the Exxon Valdez spill. Chugach's shareholders total 2,027 of whom over 55 per cent are at large, meaning they are not represented by a village corporation.

Chugach Alaska Corporation manages property on behalf of its shareholders. It is responsible for the subsurface rights on roughly 650,000 acres of village corporation property and for both surface and subsurface rights to 350,000 acres of CAC property.

Chugach Alaska Corporation and its constituents have been commenting on the spill and its impacts since March 24, 1989. To limit our perspective for comments to the Draft 1993 work plan is no small feat. Yet we realize and appreciate the task at hand. Our comments will be offered in three categories: general comments on the plan and the process; comments on specific projects contained in the draft 1993 plan; and a suggestion for a new project designed to maximize the involvement of the Chugach people in the oil spill restoration effort.

General comments

Our general comments will respond first to the specific questions posed in the Draft 1993 Work Plan. In anticipation of the Restoration Plan being completed in 1993, CAC recommends that the Trustees resist the tendency to implement a large-scale restoration program prior to the completion of the Restoration Plan. Our shareholders are not convinced that the proposals which have been submitted for comment promise significant progress toward restoration. In many instances we feel disposed to resist more biological studies until social and human injury resulting from resource and service impacts are considered with emphasis equal to that given biological injury.

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Nov. 20, 1992

In the area of cultural and archeological service impacts we perceive no reason to wait for further evidence or for the complete Restoration Plan. In fact we consider projects proposed to address these issues critical.

Absent review of individual projects with the proposing or lead agencies, we find it fairly difficult to comment at length about specific proposals except those in the cultural/archeological realm where Chugach Alaska Corporation has expertise resident in its Chugach Heritage Foundation.

The final area of questions posed in the Draft 1993 Work Plan requests the priorities of the commenting party with regard to proposed projects and additional recommended projects. This is an extremely important area to the Chugach people.

Primarily the Chugach people feel that the restoration of the resources and services injured by the spill should address the social, cultural and civic injury insofar as the injury diminished the ability of the region's residents to conduct their lives in their traditional manner. Further, due to the impact of the spill and the cleanup effort, it is impossible to return to the pre-spill state. Hence, additional efforts should be made to mend the social fabric rent by the spill and cleanup exercise. These efforts should not be limited to attempts to return to some prior state but should seek expansive means of improving the lives and cultural linkage of the communities in the region.

We would encourage the Trustees to consider community development projects that would ease the daily lives of the residents of Chugach region communities and help them in their efforts to perpetuate their culture. Consideration, comparison and selection of certain of such community projects will not restore any resources impacted by the spill but so doing would ameliorate negative impacts which the spill and cleanup have had on the villages and their residents.

Chugach sincerely hopes that the Trustees recognize the importance of maximizing CAC involvement in restoration projects which affect cultural resources in the Chugach Region. CAC has had an active cultural resource program for the past decade, working closely with state and federal agencies in promoting, researching and protecting the cultural heritage of the Chugach people. The oil spill and the cleanup effort have resulted in our cultural resources being put in immediate and irreparable jeopardy. The only realistic amelioration will occur through public education, monitoring of sites and enforcing laws and by enhancing resident interest and participation in cultural preservation programs.

Under the following section we will present our comments on the specific proposed cultural resources projects. In general, we wish to communicate our policy of withholding support for projects affecting CAC cultural resources which fail to allow for substantial Chugach participation. In this context, Chugach gives only conditional

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Nov. 20, 1992

support to the restoration projects listed later.

Project Comments

Chugach Alaska Corporation is proposing to manage and direct the excavations on our certified 14(h)(1) historical selections and other archeological sites within the region under Project 93006, "Site Specific Archeological Restoration." Due to the sensitivity of Native burial/village sites that have been impacted, it is felt that Chugach Alaska Corporation must direct and administer these proposed projects.

Project 93007, "Archeological Site Stewardship Program," should be managed by Chugach and operated with assistance from concerned local Natives with oversight by state and federal agencies. A large portion of these archeological sites are either owned or selected by Chugach; considering ownership or pending ownership and the cultural connection, it is felt Chugach should have the opportunity to manage and protect its cultural resources.

Therefore Chugach endorses projects 93006 and 93007 provided that CAC is extended the opportunity to conduct and administer the archeological excavation and protection programs. Direct control over their cultural resources is a critical issue to the Chugach people. These sites are considered the special jurisdiction of the Chugach people; those sites on Native selected or conveyed lands are increasingly sensitive. Further, any archeological restoration of uplands and intertidal sites should be coordinated with Chugach Alaska Corporation and the Chugach Heritage Foundation. John F.C. Johnson, Cultural Resource Manager for CAC, is personally familiar with the sites and their import. His sister, Lora Johnson, who is working for CAC, possesses a doctorate in archeology and is engaged in various Alaska archeological projects.

Project 93008, "Archeological Site Patrol and Monitoring," will call extensively on the resources of the village residents. Chugach should be directly involved in managing and administering this project and village public safety officers should be included in any law enforcement programs to heighten awareness of the importance of archeological resources for village residents as well as visitors.

The preferred method of cooperative participation from Chugach's viewpoint would be a cooperative agreement with involved agencies which would include Chugach in the planning and management of the projects as well as the field work. The region feels a need for direct involvement of its shareholders. Further, in recent communications (Nov. 18) with Chugach National Forest staff, Chugach was assured its contracting concerns could be met. Proper funding levels should include salaries for village participants and CAC as well as agency staff. A special fund to permit transportation to remote survey sites should be included.

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Nov. 20, 1992

Chugach Resource Management Agency

With these comments you will find a copy of a new project proposal, recommending creation of a Chugach Resource Management Agency. Chugach Alaska Corporation proposes to form the CRMA under a cooperative agreement with one or more federal or state agencies desirous of gaining access to dependable human, property, facility and technical resources within the Chugach region.

The CRMA project proposal was drafted in direct response to expressions of interest by federal and state agency representatives who were familiar with the difficulties of managing projects in the spill area without a thorough knowledge of the resources available in the field. Under the CRMA proposal, resources would be inventoried and referrals made to agencies initiating projects to insure that physical impacts were minimized and that financial resources were expended efficiently.

While Chugach is proposing the project and would manage it, the village corporations and councils as well as the regional non-profit, Chugachmiut, would be involved in the development of the resource inventory and the coordination of project requirements and resources as they saw fit to participate. Chugach expects that the services of the CRMA would be valuable in future years' restoration efforts and that it would be an annual project for inclusion in the yearly work plans.

Summary

Chugach Alaska Corporation appreciates the interest the Trustees and the state and federal agencies which support the restoration effort have expressed in the views of the corporation and its shareholders. It is the intention of Chugach Alaska Corporation to maintain an active involvement in the restoration process for the duration. Further, it is the expectation of Chugach and its shareholders that the Trustees will consider the special concerns of the residents of the region and address restoration efforts toward the communities and individuals who experienced wholesale lifestyle dislocation as a result of the oil spill and cleanup efforts.

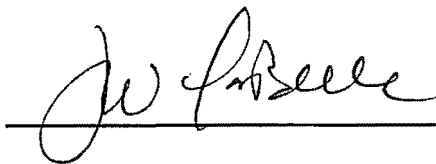
The benefits of community development projects or of putting the people of the region to work to the maximum degree possible in all restoration efforts would compare quite favorably with the restoration effectiveness of the myriad studies which have been proposed. Suspending the obvious biological bias of the effort to date and seeking means of addressing social and human resource impacts immediately would indicate a level of realism and responsibility which to date has not been shown to, or at least perceived by, the people of the region.

Certainly Chugach feels there should be no funding for projects which would have, could have or should have been funded by agency budgets irrespective of the spill.

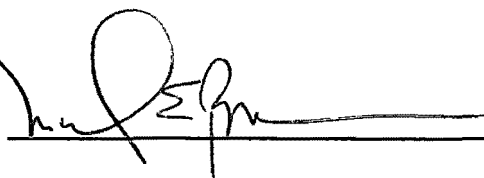
Comments on the Draft 1993 Work Plan - Page 5
Nov. 20, 1992

We are hopeful that the process of making these comments will be the beginning of a healthy and productive dialog between Chugach Alaska Corporation and its shareholders and the Trustees and the agencies which support them with the goal of restoring a broader spectrum of resources than has been included in the work plans to date.

Sincerely,

A handwritten signature in cursive script, appearing to read "J W LaBelle", written over a horizontal line.

James W. LaBelle
Chairman, Board of Directors
Chugach Alaska Corporation

A handwritten signature in cursive script, appearing to read "Michael E. Brown", written over a horizontal line.

Michael E. Brown
President
Chugach Alaska Corporation

EXXON VALDEZ OIL SPILL PROJECT DESCRIPTION

Project Number:

Project Title: Chugach Resource Management Agency

Project Category: Implementation Planning and Management Action

Project Type:

Lead Agency:

Cooperating Agencies: U. S. Forest Service, U.S. Fish and Wildlife Service, National Park Service, Alaska Departments of Law, Natural Resources, Fish and Game and Environmental Conservation.

Project term: Jan. 1, 1993-Dec. 31, 2001 (Balance of restoration effort)

INTRODUCTION

A. Background on the Resource/Service and Summary of Injury

The natural resources and associated services of the Chugach region have experienced significant injury as a result of the **EXXON VALDEZ** oil spill. The extent of injury is still under investigation. Various proposals for restoration have been proposed and funded which anticipate positive impacts on the affected resources and services.

The process of restoration of resources and services in the oil spill area has been and will continue to be a major effort resulting in significant additional impacts on the resources and services of the region. The impacts can be minimized and the benefits to the region resulting from restoration activities enhanced if the agencies engaged in project management utilize to the maximum extent possible resources available within the oil spill area and particularly within the Chugach region.

The full inventory of impacted resources and services within the Chugach region will be addressed in the course of this project as specific restoration projects are initiated and executed.

B. Location

The organization formed to provide resource management services to the restoration projects will operate primarily within the Chugach Region but will be available to provide services in other oil spill impact areas or in other locations where restoration projects are proposed.

WHAT

A. Goal

The goal of this project is to optimize the efficiency of the restoration projects and minimize their

Project Number:

physical impacts by using local resources in performance of project tasks.

B. Objectives

1. Reduce the physical impact of restoration projects by utilizing locally available human resources, facilities, equipment and services in conducting restoration projects.
2. Derive greater financial benefit from restoration funds by utilizing resources available within the region, eliminating distant acquisition and transportation.
3. Coordinate assignment of local resources in order to optimize use of services in the field without redundancy or unnecessary impact due to duplicative logistics or personnel movements.
4. Acquaint residents of the heavily oiled areas of the Chugach region with the techniques of oil spill restoration to insure the availability of a trained workforce for future years' restoration efforts.
5. In the remaining years of the restoration effort familiarize residents of the region with sensitive areas and resources.
6. Heighten the awareness of Chugach region residents to the signs of and steps to follow in the event of future oil injury discovery or in the event of future spills.
7. In instances where restoration projects address sensitive subjects of cultural importance to the Chugach people, confine knowledge of and exposure to sensitive issues and materials to those people whose very culture was disrupted by the spill and cleanup.

WHY

A. Benefit to Injured Resources/Services

Utilization of the Chugach Resource Management Agency will generate benefit to injured resources and services by increasing the efficiency of service delivery in the area of each restoration project within the region. This efficiency will be experienced on all projects in cost savings, reduced logistics and manpower transportation time and in use of local knowledge.

B. Relationship to Restoration Goals

Individual projects which fulfill restoration goals will be aided in that effort by resource optimization as a result of using the Chugach Resource Management Agency. To the extent that the individual projects fulfill restoration goals, incremental goal fulfillment advances will be achieved. Minimizing the impact of the individual restoration projects will be the result of using locally available human resources and equipment.

Project Number:

HOW

A. Methodology

This project will be organized by Chugach Alaska Corporation in the following sequence of events:

1. Contact state and federal agencies serving as lead agency for restoration projects within the Chugach region.
2. Jointly define project requirements in terms of locally available resources or subcontractors.
3. Form the Chugach Resource Management Agency team which shall be composed of specialists from each village corporation, village council and association and from the regional non-profit, Chugachmiut as they choose to participate in the CRMA effort.
4. In concert with the regional non-profit corporation and the assorted village corporations and councils, prepare a detailed inventory of the available resources in each community with respect to manpower, contract services, technical expertise, equipment and other matters of interest to the state and federal agencies.
5. Serve as a regional resource clearinghouse in aiding lead agencies in arrangements for services in the restoration project areas.
6. In concert with the CRMA team, develop new restoration project proposals for the Chugach region.
7. Contract for training, management and other specialized services with state and federal agencies seeking contractors to conduct restoration activities in the region.

B. Coordination with other efforts

Coordination of oil spill restoration efforts is a key objective of the Chugach Resource Management Agency. Coordinated assignment of manpower, services, equipment and related logistics will minimize cost to the lead agencies and to the restoration effort overall.

ENVIRONMENTAL COMPLIANCE

Environmental compliance is addressed in each project summary.

Project Number:

WHEN

Chugach Resource Management Agency Schedule

STEP NO.	DESCRIPTION	BEGIN DATE	FINISH DATE
1	Contact state and federal lead agencies to gain full understanding of proposed restoration projects	1 Jan. 1993	1 April 1993
2	Form CRMA team utilizing specialists from organizations as they see fit	15 Jan. 1993	1 March 1993
3	Prepare detailed project requirements in terms of potentially local resources	10 Feb. 1992	1 May 1993
4	Prepare detailed resource inventory for each village and for the region	1 Jan. 1993	1 June 1993
5	Aid lead agencies in identifying firms and individuals to provide contract services	2 March 1993	1 July 1993
6	In concert with the CRMA team, develop new restoration project proposals for the Chugach region	2 March 1993	30 Sept 1993
7	Contract for training, management and other specialized services with state and federal agencies	1 June 1993	31 Dec 1992

Note: Steps, descriptions, begin and finish dates apply to 1993 work plan projects only.

BUDGET

The budget for the Chugach Resource Management Agency is estimated at \$408,000 prior to any contracts for direct service delivery to agencies or projects. Additional sums would be due the CRMA if specific project services were contracted by state or federal agencies.

Personnel	\$	213,000
Travel		77,000
Contractual		63,000
Equipment		94,000
Subtotal	\$	447,000

General administration (15%)		67,050
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Project total	\$	514,050
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93328204

COMMENTS

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DEC 08 1992

You are invited to share your ideas and comments with the Trustees. Please use this tear sheet to present your views on the 1993 Draft Work Plan. You may send additional comments by letter regarding the 1993 Draft Work Plan.

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

The Draft Plan for The Exxon Valdez Restoration is ~~is~~ too heavily slanted toward monitoring and research, neglecting the most important use of the money which is habitat protection.

While it is certainly true that some research should be done, I am appalled by some of the ridiculous proposals. One that I think should be deleted is Project # 93022 which would put dummy murre on cliffs in The Barrens. These birds will most likely, over time, recolonize on their own without a \$280,000 project to entice them. That \$280,000 would be much better spent on ~~on~~ fox removal efforts in the maritime refuge. Certainly some of the murre killed in the spill could have been migrating to colonies further out perhaps off The Alaska Peninsula or The Aleutians. Removing foxes is probably one of the foremost mitigation activities that money could be spent on. I urge you to delete this silly project and redirect the money to fox removal, a larger portion of the funds, 60-70% should be allocated to habitat ~~protection~~ protection. Purchasing timber rights, buying park lands

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.

Additional Comments:

such as Kachemak Bay State Park or Kauai
Fiorde National Park would preserve rich
coastal fisheries and adjacent nesting areas
for waterfowl.

Please consider adjusting the money
allocations and eliminate wasteful
projects like the one I mentioned.

Thank you.

Nina Faust

----- (fold here) ----- Return Address:

Nina Faust
P.O. Box 2994
Horner, AK. 99603

Rec'd
11/23



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

Attn: 1993 Draft Work Plan

93325205

**Pacific
Seabird
Group****RECEIVED**
DEC 08 1992DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT
EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
MINISTRY OF RECORD

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

November 20, 1992

BY FAX (hard copy to follow)

Dr. David R. Gibbons
Exxon Valdez Oil Trustee Council
645 G Street
Anchorage, Alaska 99501

Re: Comments on Draft 1993 Work Plan

Dear Dr. Gibbons:

This letter contains the Pacific Seabird Group's (PSG) comments on the draft 1993 Work Plan. 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 refuges and individuals with interests in marine conservation. PSG has hosted symposia on the biology and management of virtually every seabird species that the Exxon Valdez oil spill affected. This letter has been approved by PSG's Conservation Committee and senior members of its Executive Council.

PSG is disappointed that the Trustees propose to spend \$38 million on restoration activities during 1993 that will have little tangible benefit to seabirds. While we are impressed with the quality of parts of the work plan, some proposals do not meet the high standards that we expect. In June we noted that the \$1 billion trust fund must be spent wisely if the immense job of restoration is to be accomplished. We find little wisdom with respect to seabirds in the 1993 Work Plan.

We have previously observed that the best means to restore Alaska's seabird populations would be the removal of rats, foxes and other alien creatures from colonies and former colonies. PSG's June 3, 1992 comments addressed the draft Restoration Framework and the Trustees' request for suggestions for the 1993 Work Plan. We recognize that

establishing a new infrastructure to restore the marine resources has been a difficult and demanding task. Nevertheless, we want to be assured that PSG's input during the past two years has not been ignored. The 1993 Work Plan does not include our key suggestion — funds to eliminate foxes, rats and other predators from present and former seabird colonies. In addition to alcids and larids, predator removal would help the entire bird community to recover, including island-nesting sea ducks, dabbling ducks, oystercatchers and wintering waterfowl. The Canadian Wildlife Service will soon use 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 previously submitted a list of islands where foxes should be removed. The following islands are those closest to the oil spill area depicted in the 1993 Work Plan and perhaps easiest for the Trustees to justify at this time: Chernabura, Simeonof and Little Koniuji (Shumagin Islands) and Elma and Inikla Islands (Sandman Reefs). Most birds killed in the spill are migratory. Based on finding oiled seabirds in the Pribilof Islands during 1989, seabirds from the Shumagin and Aleutian Islands were probably oiled. Moreover, ground squirrels should be removed from Kak Island (near the Semidis) where they may be harming Ancient Murrelets. While Kak Island is outside the map of the spill area, it is small and rodent elimination is feasible. Methods developed there could be used at other larger islands within the spill area that have exotic rodents. We request that the Trustees ask the U.S. Fish & Wildlife Service to submit for public review and comment a multi-year plan that outlines a comprehensive approach to removing all exotic predators from seabird islands in Alaska. Such a plan should identify the methods by which such predators would be removed and include realistic milestones that would allow completion of the task within five years.

We are concerned that the Trustees are spending too much money on overhead and projects that do not directly restore natural resources. We ask the Trustees to address our suggestion that non-governmental organizations have an opportunity to propose projects without using a "middle man" agency that expends an undisclosed but probably large amount of funds for overhead. Such an approach will enable the greatest restoration of natural resources. Currently, the Trustees seem to be applying an agency pork barrel approach. PSG might be interested in adopting the Alaska Maritime National Wildlife Refuge and applying for funds to remove predators, but there is no mechanism to do so.

While we normally use our expertise to focus our comments on seabird restoration, we question the basis for studies of cultural resources (93005; \$400K), public education (93009; \$317K) and subsistence foods (93017; \$360K). These projects are probably valuable, but do not seem to restore any natural resources that the oil spill damaged.

The Trustees have documented that the spill killed as many as 645,000 seabirds for which five seabird projects are funded at a cost of \$1,535,000 (out of \$38,000,000) in 1993. We think seabirds suffered more than 4 percent of the harm to Alaska's natural resources. PSG could not justify any of the Trustees' projects ahead of the removal of introduced predators from seabird colonies. Nevertheless, we endorse the following projects:

3

Harlequin Duck Restoration (93033; \$718K)
Pigeon Guillemot Recovery (93034; \$166K)
Black Oystercatchers/Oiled Mussel Beds (93035; \$108K)
Marine Bird/Sea Otter Surveys (93045; \$262K)
Bald Eagle Habitat (93052; \$188K).

The \$718,000 in the Harlequin Duck project could restore more Harlequin Ducks if it were devoted to protecting habitat in such areas as Kachemak Bay State Park, Afognak Island and other areas scheduled to be logged.

PSG is surprised that the Trustees included a project to enhance murre productivity by using decoys or recorded calls at colonies (93022; \$281K). In June we expressed our objections concerning this project and doubt that these techniques will improve murre populations in Alaska. Any minor success attributed to these unproven techniques cannot be justified under the cost/benefit analysis in the Trustees' restoration criteria. We know of a similar project at Kilauea Point, Hawaii, at a Laysan albatross colony that was deemed a failure by the U.S. Fish & Wildlife Service in the 1980s. Murres were hit very hard by the spill and have undergone continued "mortality" due to breeding failures since the spill. As part of any decoy study, it is essential that any "natural recovery" be documented by censusing and monitoring breeding attempts throughout the spill area. Any improvement that may be seen in decoy areas must be proven to be above natural recovery to warrant any conclusion that seabirds were restored or to justify its further use for this or other spills.

PSG supports habitat acquisition. Because protecting habitat will benefit seabirds and all other wildlife species, protect commercial and sport fishing and recreation, we support the habitat acquisition projects (93061; \$535K & 93064; \$20 million). PSG supports areas identified in Alaska State Legislature bill HB411, which has had broad public comment, review and support. We have identified in earlier correspondence several private seabird islands that should be acquired. Because land acquisition can be extremely expensive, the Trustees should use conservation easements instead of outright purchase whenever feasible.

PSG will sponsor technical sessions on damage assessments and restoration of seabirds following the Exxon Valdez oil spill at its annual meeting in Seattle from February 9-13, 1993. We invite the principal investigators of seabird projects to present papers on their proposed studies and encourage the Trustees and their chief scientist to attend this meeting and discuss seabird restoration.

In conclusion, PSG once again urges the Trustees (1) to fund the only project that is certain to increase the populations of the twenty or so seabird species injured by the oil spill, namely, the removal of predators from colonies; and (2) to protect habitat under imminent threat as soon as possible to halt further losses.

Sincerely,

Craig S. Harrison

Pacific Seabird Group



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

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

November 20, 1992

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Exxon Valdez Oil Trustee Council
645 G Street
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We have previously observed that the best means to restore Alaska's seabird populations would be the removal of rats, foxes and other alien creatures from colonies and former colonies. PSG's June 3, 1992 comments addressed the draft Restoration Framework and the Trustees' request for suggestions for the 1993 Work Plan. We recognize that

establishing a new infrastructure to restore the marine resources has been a difficult and demanding task. Nevertheless, we want to be assured that PSG's input during the past two years has not been ignored. The 1993 Work Plan does not include our key suggestion — funds to eliminate foxes, rats and other predators from present and former seabird colonies. In addition to alcids and larids, predator removal would help the entire bird community to recover, including island-nesting sea ducks, dabbling ducks, oystercatchers and wintering waterfowl. The Canadian Wildlife Service will soon use 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 previously submitted a list of islands where foxes should be removed. The following islands are those closest to the oil spill area depicted in the 1993 Work Plan and perhaps easiest for the Trustees to justify at this time: Chernabura, Simeonof and Little Koniugi (Shumagin Islands) and Elma and Inikla Islands (Sandman Reefs). Most birds killed in the spill are migratory. Based on finding oiled seabirds in the Pribilof Islands during 1989, seabirds from the Shumagin and Aleutian Islands were probably oiled. Moreover, ground squirrels should be removed from Kak Island (near the Semidis) where they may be harming Ancient Murrelets. While Kak Island is outside the map of the spill area, it is small and rodent elimination is feasible. Methods developed there could be used at other larger islands within the spill area that have exotic rodents. We request that the Trustees ask the U.S. Fish & Wildlife Service to submit for public review and comment a multi-year plan that outlines a comprehensive approach to removing all exotic predators from seabird islands in Alaska. Such a plan should identify the methods by which such predators would be removed and include realistic milestones that would allow completion of the task within five years.

We are concerned that the Trustees are spending too much money on overhead and projects that do not directly restore natural resources. We ask the Trustees to address our suggestion that non-governmental organizations have an opportunity to propose projects without using a "middle man" agency that expends an undisclosed but probably large amount of funds for overhead. Such an approach will enable the greatest restoration of natural resources. Currently, the Trustees seem to be applying an agency pork barrel approach. PSG might be interested in adopting the Alaska Maritime National Wildlife Refuge and applying for funds to remove predators, but there is no mechanism to do so.

While we normally use our expertise to focus our comments on seabird restoration, we question the basis for studies of cultural resources (93005; \$400K), public education (93009; \$317K) and subsistence foods (93017; \$360K). These projects are probably valuable, but do not seem to restore any natural resources that the oil spill damaged.

The Trustees have documented that the spill killed as many as 645,000 seabirds for which five seabird projects are funded at a cost of \$1,535,000 (out of \$38,000,000) in 1993. We think seabirds suffered more than 4 percent of the harm to Alaska's natural resources. PSG could not justify any of the Trustees' projects ahead of the removal of introduced predators from seabird colonies. Nevertheless, we endorse the following projects:

Harlequin Duck Restoration (93033; \$718K)
 Pigeon Guillemot Recovery (93034; \$166K)
 Black Oystercatchers/Oiled Mussel Beds (93035; \$108K)
 Marine Bird/Sea Otter Surveys (93045; \$262K)
 Bald Eagle Habitat (93052; \$188K).

The \$718,000 in the Harlequin Duck project could restore more Harlequin Ducks if it were devoted to protecting habitat in such areas as Kachemak Bay State Park, Afognak Island and other areas scheduled to be logged.

PSG is surprised that the Trustees included a project to enhance murre productivity by using decoys or recorded calls at colonies (93022; \$281K). In June we expressed our objections concerning this project and doubt that these techniques will improve murre populations in Alaska. Any minor success attributed to these unproven techniques cannot be justified under the cost/benefit analysis in the Trustees' restoration criteria. We know of a similar project at Kilauea Point, Hawaii, at a Laysan albatross colony that was deemed a failure by the U.S. Fish & Wildlife Service in the 1980s. Murres were hit very hard by the spill and have undergone continued "mortality" due to breeding failures since the spill. As part of any decoy study, it is essential that any "natural recovery" be documented by censusing and monitoring breeding attempts throughout the spill area. Any improvement that may be seen in decoy areas must be proven to be above natural recovery to warrant any conclusion that seabirds were restored or to justify its further use for this or other spills.

PSG supports habitat acquisition. Because protecting habitat will benefit seabirds and all other wildlife species, protect commercial and sport fishing and recreation, we support the habitat acquisition projects (93061; \$535K & 93064; \$20 million). PSG supports areas identified in Alaska State Legislature bill HB411, which has had broad public comment, review and support. We have identified in earlier correspondence several private seabird islands that should be acquired. Because land acquisition can be extremely expensive, the Trustees should use conservation easements instead of outright purchase whenever feasible.

PSG will sponsor technical sessions on damage assessments and restoration of seabirds following the Exxon Valdez oil spill at its annual meeting in Seattle from February 9-13, 1993. We invite the principal investigators of seabird projects to present papers on their proposed studies and encourage the Trustees and their chief scientist to attend this meeting and discuss seabird restoration.

In conclusion, PSG once again urges the Trustees (1) to fund the only project that is certain to increase the populations of the twenty or so seabird species injured by the oil spill, namely, the removal of predators from colonies; and (2) to protect habitat under imminent threat as soon as possible to halt further losses.

Sincerely,

Craig S. Harrison

TATITLEK VILLAGE IRA COUNCIL

P.O. Box 171
Tatitlek, AK 99677Ph. (907) 325-2311
FAX (907) 325-229893329206
RECEIVED
DEC 08 1992RESOLUTION NO. 92-31EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

A RESOLUTION OF THE TATITLEK VILLAGE IRA COUNCIL IN SUPPORT OF FUNDING OF THE CHUGACH REGION MARICULTURE PROJECT (93019) AND THE BIVALVE SHELLFISH HATCHERY & RESEARCH CENTER (93020) BY THE EXXON VALDEZ OIL SPILL SETTLEMENT TRUSTEE COUNCIL UTILIZING OIL SPILL RESTORATION FUNDS.

WHEREAS: the Tatitlek Village IRA Council is the recognized governing body of the Native Village of Tatitlek; and

WHEREAS: the Village of Tatitlek is located in Prince William Sound, just four miles from Bligh Reef, where the Exxon Valdez Oil Spill of March 24, 1989 occurred; and

WHEREAS: the Exxon Valdez Oil Spill has severely impacted the lifestyles of residents of the Village of Tatitlek both culturally and economically through its damages to the many resources that have been damaged by the oil spill; and

WHEREAS: Restoration of areas and resources damaged by the oil spill is being funded through the Exxon Valdez Oil Spill Settlement Trustee Council; and


WHEREAS: funding of a Chugach Region Mariculture Project (93019) and the Bivalve Shellfish Hatchery & Research Center (93020), which would ensure the long term success of the Tatitlek Mariculture Project to provide long term employment opportunities for Tatitlek residents and provide an alternate subsistence resource for resources damaged by the oil spill has been proposed.

NOW THEREFORE BE IT RESOLVED THAT: the Tatitlek Village IRA Council urges the support of the Chugach Region Mariculture Project and the Bivalve Shellfish Hatchery & Research Center by the Exxon Valdez Oil Spill Settlement Trustee Council;

BE IT FURTHER RESOLVED THAT the Tatitlek Village IRA Council is supportive of the Subsistence Restoration Project (93017), the Habitat Use, Behavior, & Monitoring of Harbor Seals in Prince William Sound (93046) and the Chenega Chinook & Coho Salmon Release Program (93016) and urges the funding of these projects.

PASSED AND APPROVED BY THE TATITLEK VILLAGE IRA COUNCIL AT A DULY CALLED MEETING HELD ON NOVEMBER 10, 1992, BY A VOTE OF 5 FOR AND 0 AGAINST, WITH 0 ABSTENTIONS.

SIGNED:


Gary P. Kompkoff, President

DATE:

11/10/92

ATTEST:



93329207

RECEIVED
DEC 08 1992

November 20, 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Draft 1993 Work Plan Comments
Exxon Valdez Trustee Council
645 G Street
Anchorage, Alaska 99501

Re: 1993 Draft Work Plan

Members of the Exxon Valdez Trustee Council:

We have received and had an opportunity to review the 1993 Draft Work Plan for restoration of the Exxon Valdez oil spill. On behalf of the World Wildlife Fund ("WWF"), an international conservation organization with over one million members, I would like to offer the following comments on the restoration projects that are proposed to be undertaken in 1993 by the Exxon Valdez Trustee Council.

The Exxon Valdez oil spill affected portions of Prince William Sound, Cook Inlet, and the Shelikof Strait, including prime wildlife habitat in and around the Kodiak National Wildlife Refuge. See Figure 1. On a seasonal basis, brown bears forage in the intertidal and supratidal areas of the Kodiak Archipelago. In addition to exposing brown bears to petroleum hydrocarbons, the spill affected salmon runs, a prime source of food for many Kodiak bears during the summer months. Although the full extent of the impact of the spill on salmon runs on Kodiak and elsewhere is not yet known, the Draft Work Plan indicates that following the spill, mortality rates of pink salmon eggs increased and that 1990 returns of pink salmon, which were exposed to the oil as larvae, may have decreased in some areas by as much as 25%.¹ In addition, limits on commercial harvests of adult sockeye salmon, imposed in 1989 as a result of the spill in portions of Cook

¹ Although these impacts were apparently documented in Prince William Sound, the 1993 Draft Work Plan suggests that similar impacts on pink salmon eggs and fry may have occurred in other areas affected by the spill, including waters near Afognak Island, adjacent to Kodiak Island. 1993 Draft Work Plan at 138-141.

World Wildlife Fund

1250 Twenty-Fourth St., NW Washington, DC 20037-1175 USA
Tel: (202) 293-4800 Telex: 64505 PANDA FAX: (202) 293-9211

Incorporating The Conservation Foundation. Affiliated with World Wide Fund for Nature.



Exxon Valdez Trustee Council
November 20, 1992
Page two

Inlet, Chignik, and Kodiak, have resulted in lower than normal survival rates for smolt, threatening future returns of adult salmon.²

As indicated in our letter to Dr. Gibbons, Interim Administrative Director of the Exxon Valdez Oil Spill Restoration Team, dated June 8, 1992, WWF strongly recommends that the vast majority of the Council's restoration work focus on the acquisition of prime fish and wildlife habitat in Prince William Sound and the Gulf of Alaska, in particular within the Kodiak National Wildlife Refuge. Acquisition of lands within the Kodiak Refuge will provide long-term benefits for a wide range of fish and wildlife species, including brown bears that may have been directly or indirectly affected by the spill. In addition, it will ensure that lands lying within the Refuge boundary, now owned by Native Corporations, are not sold off or developed in response to increasing financial pressures on those corporations.

Unfortunately, although the report includes a number of projects aimed at habitat protection planning and acquisition, which we generally support, it does not identify specific parcels to be acquired. Moreover, it indicates that only lands within the area affected by the spill which contain critical habitats necessary for the recovery of natural resources and services injured by the spill which face an "imminent threat"³ will be candidates for acquisition prior to completion and implementation of the Restoration Planning process.

We recognize that the public has nominated numerous parcels as potential candidates for acquisition and that a systematic process is needed to identify those parcels most worthy of protection. Lands selected by Native Corporations within the

² 1993 Draft Work Plan at 239-240. In an attempt to restore the commercial fishery in Red Lake, located on the southwest side of Kodiak Island, the Draft Work Plan includes a project to release cultured fry into the Lake. Although this is designed to restore sockeye salmon production in future years, the report indicates that returns of adult salmon in 1993 and 1994 are expected to be so low that minimum spawning populations will not be achieved. Project 93030 at 130-133.

³ An "imminent threat" is defined as "a change in land use which (1) is likely to foreclose restoration options, and (2) can reasonably be expected to occur before adoption and implementation of the Restoration Plan". 1993 Draft Work Plan at 208.

Exxon Valdez Trustee Council
November 20, 1992
Page three

Kodiak National Wildlife Refuge, however, contain some of the most valuable and productive wildlife habitat in the archipelago. In addition to the Kodiak brown bear, Kodiak and surrounding areas provide valuable habitat for anadromous fish, several species of marine mammals, terrestrial mammals such as red fox and deer, as well as bald eagles, abundant waterfowl, and more than one million winter sea birds.

Furthermore, it is clear that the threat of development is "imminent" and ever increasing. Land rich and cash poor, the Native Corporations that own critical parcels within the refuge's boundary, are under increasing financial pressure to sell off or develop their inholdings. For example, the Koniag Regional Corporation previously transferred numerous 10 acre parcels on the Larson Bay side of the refuge to its shareholders. In addition to complicating future land acquisition efforts by the U.S. Fish and Wildlife Service, it is our understanding that owners of as many as 194 of those parcels have now received notice that their property taxes are overdue, raising the distinct possibility that those properties could be sold to third parties at a tax auction. Other examples of increasing development pressure on the refuge include the construction of rental cabins in prime bear habitat at Karluk Lake without the prior approval of the Fish and Wildlife Service as well as negotiations by the Akhiok-Kaguyak Native Corporation with an air charter service to construct a permanent air strip and lodge along the lower Ayakulik River.⁴

In conclusion, acquisition of lands within the Kodiak National Wildlife Refuge, now owned by Native Corporations, represents a unique opportunity for the Exxon Valdez Trustee Council to not only redress spill-related impacts on the region's fish and wildlife but to prevent future development of a unique resource that is under imminent and ever increasing threat of development.

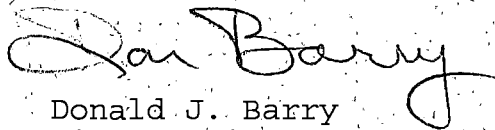
⁴ For a more complete discussion of potential long-term threats to the Refuge, see The LTN Group, Kodiak Brown Bear Research and Habitat Maintenance Trust Analysis of Program Options and Priorities at 26-29 (1992). In this context, it is worth noting that this report concludes that the Kodiak Brown Bear Research and Habitat Maintenance Trust, established pursuant to a settlement agreement in 1981 as mitigation for the Terror Lake Hydroelectric Project, should attempt to take advantage of oil spill settlement funds for protection of Kodiak brown bear habitat. Funds could be used for fee title acquisition, purchase of conservation easements, or acquisition of development rights. The LTN Group at 38, 45.

Exxon Valdez Trustee Council
November 20, 1992
Page four

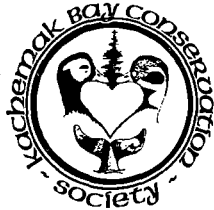
We therefore strongly urge the Council to include in its final work plan authorization for immediate acquisition of lands lying within the Kodiak National Wildlife Refuge. This authority presumably could be included as part of existing Projects 93059 and 93064 or be addressed separately in a new project aimed specifically at land acquisition within the Refuge.

On behalf of the World Wildlife Fund, thank you for your consideration of our comments on the 1993 Draft Work Plan.

Yours very truly,

A handwritten signature in cursive script, reading "Don Barry".

Donald J. Barry
Vice President
Land & Wildlife Program



KACHEMAK BAY CONSERVATION SOCIETY
P. O. Box 846 • Homer, Alaska 99603

93329208

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DEC 06 1992

ERICK VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

To Whom it may Concern:

The following is our written response
to the 1993 Draft work plan.

1. We would like to see these funds managed responsibly - there is such a danger of too much of the funds going into agencies & they must be watched closely. We also suggest that as much work as possible be contracted out to the private sector, rather than have the agencies do it. It would be cheaper & more fair in the long run. Please put as many of these projects as possible out to bid & have the agencies use their own budgets for their prospective projects.
2. We would like to see most of the funds spent on resource & habitat acquisition. The rest of the \$ could then be split between physical restoration & scientific studies.
3. We are against the Murres project #106- which wants to use decoys & dummy eggs. We suggest spending the allocated \$80,000 on fox eradication in the Maritime refuges on the AK. Peninsula & Aleutian Islands. According to Biologists the Murres killed in the oil spill were in the process

of migrating to these areas + the fox do an
an incredible amount of damage to the
bird populations.

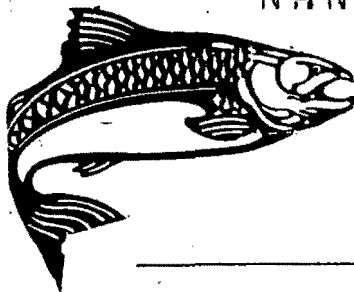
4. We strongly suggest using some of the
funds for the Kachemak Bay State Park
buyback. The outer coasts of the Kachemak
Bay Wilderness Park (both Parks are included
in the same system) was heavily impacted
by the oil spill. We think this would
be gain + wise use of these funds, since
these lands are threatened by clear cut
logging activity.

Please manage these funds ~~responsibly~~
responsibly + heed the wishes of the
public - these funds belong to us.

Thank you.

Kachemak Bay Conservation Society
Roberta Highland

NANWALEK TRADITIONAL COUNCIL



P.O. Box 8065
Nanwalek, Alaska 99603-6665
(907) 281-2248

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DEC 08 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

November 20, 1992

EXXON VALDEZ OIL SPILL
PUBLIC INFORMATION CENTER
645 G STREET
ANCHORAGE, ALASKA

Dear Trustee Council Members,

I am a resident, and the Chief of the Native Village of Nanwalek. I am writing to you on behalf of the Nanwalek Traditional Council.

Since the EXXON VALDEZ OIL SPILL, we had lost our confidence of gathering our native foods, and we are trying to get back into our ways of life on the beaches surrounding us. It has been really rough for us, because of the impacts of the oil spill affecting our lives as subsistence users. The people of Nanwalek rely heavily on gathering native foods, especially in the winter months. That is when jobs are scarce, and the next place to look for food is on our beaches.

The people and the Nanwalek Traditional Council are supporting the Chugachmiut's Natural Resource Department in getting restoration funds for a possible clam reseed on Passage Island or Dog Fish Bay, where there was lots of clams.

Please consider our needs. Subsistence is very important to the people of Nanwalek.

Sincerely,

Vincent Kvasnikoff, NTC Chief.

**The Governing Body
of the Native Village of:**
NANWALEK

November 20, 1992

James R. Kwasnickoff
Box 8006
Nanwalek, Alaska 99603

93329210

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DEC 08 1992

Exxon Valdez Oil Spill
Public Information Center
645 "C" Street
Anchorage, Alaska

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Trustee Council Members,

I am a resident of Nanwalek, and I am writing to you in regards of supporting Chugachmiut Natural Resource Department in obtaining restoration funds for a possible clam bed on Passage Island or in Dog Line Bay.

Since the Oil Spill I had lost confidence with gathering my native foods, I feel the same way today, but I am trying to gain it back. It is not the same anymore, but if we receive funds to plant clams, maybe my confidence will come back. This is very important, and we are relying on you for this purpose.

Please consider my letter of support, your funds will help us get some of our subsistence foods back.

Thank you,
James Kwasnickoff

19 November 1992

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DEC 08 1992

Exxon Valdez Oil Spill
Public Information Center
645 G. Street
Anchorage, AK 99501

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Trustee Council Member,

This letter is in regards to restoring some of the traditional subsistence area that were impacted or destroyed by the Exxon Valdez Oil Spill in the Chugach Region. I understand there is monies available to help restore some of the fisheries. As no amount of money can replace what has already been lost or damaged, help to restore the fisheries can help us to start enjoying and subsisting on foods that were here before. And no money can replace the fear that people has had of eating foods that was impacted by the oil spill, a man made disaster.

But by trying to restore the fisheries in our areas, maybe life will have a chance to get back to the way it was and to pass on the traditional ways once again, ways that has always been so important. Maybe in some way it will ease the pain that we all have endured see our environment, foods and way of life changed.

This is why I support Chugachmint, 3300 "C" Street, Anchorage AK, 99503; Natural Resource Department in seeking funding from the Exxon Valdez Oil Spill Restoration Fund. The following projects are all important in restoring and building the mariculture in the Chugach Region. The projects are as follows: 1.

- ① Chugach Region Mariculture Project (93017), II
- ② The Bivalve Shellfish Hatchery and Research Center (93020)
- ③ Subsistence Restoration Project (93017)
- ④ I also would like to support two additional projects in our areas.
 - (A) Clam restoration on Passage Island, Port Graham, Nanwalek, Port Clatsam, or Dogfish Bay.
 - (B) Nanwalek Sockeye ^{Salmon} Enhancement Program.

With the support of monies from the Exxon Oil Spill Restoration Fund, we can become self sustaining as we all work together to reach this goal. We urge you to help support our projects.

Sincerely,

Carol Kussnikoff
P.O. Box 8006
Nanwalek, AK 99603

Emilie Swenning
PO Box 8055
Nanwalek, AK 99603

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DEC 10 1992
93329211

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Exxon Valdez Oil Spill
Public Information Center
645 G. Street
Anchorage, Alaska

November 10, 1992

Trustee Council Member:

I am a resident of Nanwalek and a
Nanwalek Traditional Council Member.

I am writing in support of the restoration
of affected areas by the oil spill.

There were many subsistence foods lost.

I support the Nanwalek Salmon Enhancement
Project, Chugach Region Village Mariculture Project,
Bivalve Shellfish Hatchery and Research Center also
the shellfish project for the Nanwalek, Port Graham,
Port Chatham and Ogish Bay areas.

Please consider our needs! We would
to keep ~~and~~ restore our subsistence ways.

We also would like to provide jobs for
the people in our communities.

Thank you.

Emilie Swenning - Council Member

93329213

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DEC 08 1992

Dear Trustee Council members,

1992 OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

I am writing to you in regards to funds available to restore our subsistence foods.

I am the village chief's wife, and I am a subsistence user. I

I am in support of the Chugachmiut Natural Resource Department's proposal ~~of the~~ request on our behalf.

Since the 1989 oil spill there has been a feeling of lost heritage, "The Way of Life", ~~Subsistence Gathering~~ ^{native} foods. I urge you to support our subsistence life style, and consider the ~~Natural~~ Chugachmiut Natural Resources Department's proposal. It is for us.

Sincerely

Natale Kwasnikoff

93329214

P.O. Box 8074
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NANWALEK, ALASKA
99603 DEC 08 1992

49th
NOV 29 1992
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

EXXON Valdez Oil Spill
Public Information Center
645 G Street
Anchorage, Alaska

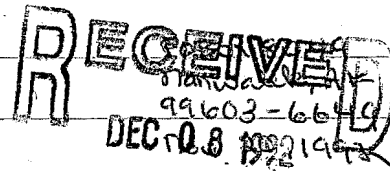
Trustee Council Member

I am writing to you regarding some traditional subsistence areas which were destroyed by oil spill at Windy Bay + Port Chatham. I understand there is money available for restoration of lost resources which were affected by the oil spill. We feel nothing can replace the clam loss at Windy Bay + Port Chatham + would like to pursue clam restoration at Port Chatham + Passage Island which is located between Port Chatham + Nanwalek.

Please consider our needs. We would like to help our people + communities by providing jobs opportunities, subsistence foods + economic development to our communities + people.

Thank you
Sincerely
Mark Krasnchoff

93327215



Exxon Valdez Oil Spill
Public Information Center
645 G. Street
Anchorage, ALASKA

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Trustee Council Member,

I am writing to you regarding some Traditional Subsistence area which were destroyed by the oil spill at Windy Bay and Port Chatham. I understand there is money available for restoration of lost resources which were affected by the oil spill. We feel NOTHING can replace the clam loss at Windy Bay, Port Chatham and would like to pursue clam restoration at Port Chatham and Passage Island which is located between Port Graham and Nanuwalik.

Please consider our needs we would like to help our people and communities by providing jobs opportunities subsistence foods and economic development to our communities and people.

Thank you
Sincerely
Nancy P Radtke



Alaska Center for the Environment

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501 • (907) 274-3621

93325216

November 20, 1992

Exxon Valdez Trustee Council
645 G Street
Anchorage, AK 99501

Re: Draft 1993 Work Plan Comments

RECEIVED
DEC 08 1992

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

Dear Members of the Trustee Council:

The Alaska Center for the Environment welcomes the opportunity to comment on the above-referenced document. ACE is a private non-profit grassroots environmental education and advocacy organization whose members live primarily in Southcentral Alaska but also throughout Alaska and the United States.

We offer the following comments:

A. The Memorandum of Agreement and Consent Decree entered into by the United States and the State of Alaska states that the governments "shall jointly use all natural resource damage recoveries for the purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources...". Restoration is defined as "any action...which endeavors to restore to their pre-spill condition any natural resource injured, lost, or destroyed...and the services provided by that resource or which replaces or substitutes for the injured, lost or destroyed resource and affected services".

Any project funded under this Work Plan must clearly meet these criteria. There are limited funds available, and in order to maximize the effectiveness of the civil settlement, funding must be approved only for those projects which clearly fall under the definition of restoration.

B. The overwhelming priority for this Work Plan, and all restoration efforts, must be to acquire habitat to protect the ecosystem from further damage, thereby maximizing the opportunity for injured resources and services to be restored. While certain discreet parcels may be identified as important for certain impacted species, in the vast majority of instances acquisition should not occur on a piecemeal or discreet parcel basis but rather over broad areas no smaller than entire watersheds. The reasons to pursue watershed-wide acquisitions include:

1. Limiting acquisitions to small areas (such as extended buffers along water bodies) ignores the network of

biological interactions necessary to maintain a functioning watershed/ecosystem, and therefore necessary for the recovery of resources and services. Restoration will be seriously compromised unless harmful activities such as logging and road-building are prevented within entire watersheds.

2. It is a basic tenet of modern resource management that resources should be managed at the watershed and ecosystem level. "Checkerboard" ownership patterns within watersheds and ecosystems seriously compromise effective resource management. If state and federal agencies are to manage the ecosystem in order to ensure recovery, consolidated and coordinated land and resource management is essential.

3. Preliminary indications are that at least some of the private landowners are not interested in selling their rights on a small-scale, limited basis, but rather over broad areas.

C. The resource management agencies represented by the Trustees have statutorily defined mandates to manage and protect the natural resources which belong to the people of the state and nation. Attempts by these same agencies to fund the ongoing management of these resources using settlement money is inappropriate and not allowed under the terms of the settlement. Proposed projects which would fund these ongoing management activities should be rejected.

E. While it is true that "there are not sufficient funds available to conduct all of the studies and projects which have been suggested and to acquire all of the habitat already proposed" as stated on page 12, it is possible that there is sufficient money to acquire most of the key habitat potentially available, if money is not squandered on unnecessary and inappropriately funded studies and agency budgets. Until discussions begin with all potential willing sellers, it is unknown how much habitat and other areas important for restoration can be acquired, and at what price.

F. Administrative expenses are inappropriately high. \$5.7 million for administration of \$17.8 million in studies, data collection, and other activities, an amount which represents a 32% cut of the pie, and is unacceptable.

G. The state and federal governments should not be reimbursing themselves for expenses incurred in relation to the spill, since they share in the responsibility for the tragedy. Certainly both governments should not be reimbursing themselves first, thereby limiting the amount of money available for immediate restoration

activities such as habitat acquisition.

H. Scientific studies and data collection should not be conducted by agencies, or contractors selected by agencies or the Trustees, without a competitive bid process and adequate peer review. Funding studies conducted by the same agencies represented by the members of the Trustees is a de facto conflict of interest. Agencies represented by the Trustees should not materially benefit by decisions of the Trustees.

The peer review process needs to be much more rigorous, observing the same standards and processes employed by the National Academy of Sciences and the National Science Foundation. Many of the project methodologies will not suffice to achieve their stated objectives, and a rigorous peer review process will identify these problems.

J. In light of the above comments, the projects we support at this time include the following:

93064 - Habitat acquisition clearly meets the legal criteria as well as the public policy criteria articulated not only in these comments but also by the overwhelming majority of the people in numerous hearings and meetings. However, funding should not be limited to the arbitrary figure of "up to \$20 million", nor should it be limited to "imminently threatened" parcels. The "imminent threat" criteria will unnecessarily complicate negotiations, increase the price, and skew the process to favor those who "rev up" their bulldozers and chainsaws first. The imminent threat criteria also ignore the reality that private land and timber owners face in their need to plan operations years in advance and enter into long term contracts. Most if not all lands with commercial timber value, for instance, are already subject to long term planning and commitments. Therefore, informal discussions should begin immediately with all land and resource owners, and formal negotiations should follow with identified willing sellers. Because of these realities, most if not all private lands are imminently threatened, and meet the time dependent criteria we support for projects funded under this work plan.

Acquisition should be pursued throughout the impacted ecosystem, not just in areas adjacent to oiled shorelines. This is important not only for impacted species which range throughout the region, but also for services.

93034 - Pigeon Guillemot Colony Survey

93041 - Comprehensive Restoration Monitoring

93042 - Recovery Monitoring of Killer Whales - We disagree with Dr. Spies opinion that Killer Whales were not impacted by the Spill. Available data suggest otherwise.

93045 - Marine Bird / Sea Otter Surveys - We support, except that we do not support the portion of this project which calls for sea otter surveys conducted from boats, which has proven to be inappropriate methodology.

93051 - Habitat Protection Information - We support some aspects of this project except for the portion which proposes to use these funds for anadromous stream channel surveys on public lands, which are very important but should be funded through agency budgets.

93052 - Identification and Protection of Bald Eagle Habitat - We disagree with Dr. Spies' statement that surveys suggest that the spill has not affected the bald eagle population. In fact, the impacts apparently weren't measured because adequate baseline data did not exist, but this does not mean they did not occur.

K. In light of the above comments, the projects we oppose include the following:

93009 - Public Information, Education and Interpretation - This type of "public information, education and interpretation" is an ongoing responsibility of the USFS, and should be performed with their operating budget, not with Settlement funds. "Educating users about minimum impact use" was a USFS responsibility prior to the spill, and continues, regardless of the spill. Spending nearly a third of a million dollars on a public affairs specialist, brochures and videos is unnecessary, appears to be an attempt to augment the USFS budget, and should be rejected. Moreover, this type of project, if funded, should be contracted out to local businesses in the region.

93010 - Reduce Disturbance Near Murre Colonies - While we support the need to reduce disturbance at murre colonies, this should be funded as an ongoing responsibility of the resource agencies.

93022 - Evaluating the Feasibility Enhancing Productivity of Murres - We question the technical feasibility and practicality of this proposal, and whether it can be carried out on a large enough scale to produce an increase in murre populations.

93026 - Fort Richardson Hatchery and Water Pipeline - This project has no connection to injured resources or services within the terms of the settlement.

93028 - Restoration and Mitigation of Wetlands - We support the maintenance of functioning forest ecosystem processes, and oppose efforts to reverse these processes. Moreover, the inventory of existing habitat was to have already been done prior to construction of the new road, and if not previously completed should be ongoing now as part of the Montague Island tundra vole habitat assessment. At least some of the site proposed for

flooding is likely to be important for the tundra vole, which is a "candidate" species under the endangered species act. Implementation of restoration option number 25 is best pursued through acquisition of habitat.

93029 - PWS Second Growth Management - By far the most effective way to provide habitat for the impacted species is to acquire existing old growth; this effort to "develop" old growth won't actually result in old growth for many decades. Certainly there is no reason to pursue this option in this 1993 restoration plan, since we should be focusing on immediate actions, not projects which will take decades before they are effective.

93030 - Red Lake Restoration - We oppose this project because of the danger of introducing disease into a pristine wild stock.

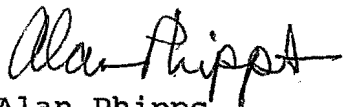
93031 - Red Lake Mitigation - We also oppose this project due to the danger of introducing disease into wild stocks.

93050 - Update Information... - This should only be done as a part of the agency budget.

M. In regards to fish projects, as a matter of principal we support projects which restore stocks damaged as a result of the spill and through which settlement monies can be used efficiently and appropriately, especially in relation to maintenance of wild stocks. We are not currently in a position to comment on each project in detail, except for those previously discussed, and we therefore reserve judgement.

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan Phipps".

Alan Phipps
State Lands Specialist