15.4.1 a.r.

Draft Responses to the Public Comments on the DEIS

Agency Responses are due by August 26, 1994

Some responses (shown in "redline" text) are not complete and will be FAXed when completed.

Responses to Comments

004-1 The Large Parcel Habitat Evaluation and Ranking was completed in November of 1993 in a separate process from this environmental impact statement (EIS). The Trustee Council solicited public comments during that process. This EIS merely draws from the findings of that analysis in the analysis of the alternatives. The specific characteristics of a parcel or group of parcels will be considered by the Trustees at such time as negotiations are undertaken to acquire rights to the resources it contains.

004-2 The alternatives are generalized geographically which limits the ability to analyze what potential effects may be for relatively local areas such as Cordova. The analysis done under economics does reflect that logging would have negative effects on recreation which includes tourism. Also the analysis reflects that the purchase of timber lands, under Alternatives 2 through 5, would result in positive effects on recreation which includes tourism.

019-1 The EIS is not required to analyze all possible alternatives. The specific alternative you mention is embodied in Alternative 2 as far as the emphasis placed on habitat protection and acquisition. The question raised concerning the geographic limitations of restoration is contained in Alternative 4. At the time of the record of decision (ROD), the Trustees could elect to modify Alternative 2 to include the policy on location of action from Alternative 4.

019-2 The positive restoration actions taken to date and those proposed under the various alternatives will in fact aid in the restoration of passive uses. To attempt to evaluate something as subjective in nature as impacts of specific actions on passive uses is not needed when they will have been restored when the resources injured by the oil spill have been restored.

021-1 The map referred to (S-1, also Figure 1-1) is not intended to display the entire chronological and aerial distribution of the oil spill. It merely indicates the spread of the oil in the first two months following the incident.

034-1 The Trustee Council believes it is being responsive to an ecosystem emphasis. The Draft Restoration Plan (EVOS Trustee Council, November 1993), which is the proposed action (Alternative 5), speaks directly to this concern on page 10 as does the EIS on page 2-2.

034-2 The resources and services specifically addressed in the EIS have documented injuries as a result of the EVOS and; therefore, it is likely that restoration actions will be taken for these resources and services. Additional resources, such as other

shorebird species or other seabird species, may be incorporated into the restoration program if sufficient link to the oil spill is determined through the monitoring and research program. This EIS does not preclude the restoration of any resource or service.

034-3 - 5 It is unlikely that all the effects from the oil spill will be fully understood even by the receipt of the final payment from Exxon in the year 2001. With this in mind, the Trustee Council has proposed a restoration reserve as part of the proposed action--Alternative 5. However, under the Memorandum of Agreement and Consent Decree (MOA) that governs the use of the joint trust funds, the trustees must unanimously agree on any decision regarding the use of the funds. Thus, an endowment that provides funds for restoration activities to a management board, grant making organization, or university that would then distribute funds at its discretion, does not appear consistent with the requirements of the MOA. The authority to make decisions regarding the use of the funds would be delegated to an entity other than the natural resources trustees or the Trustee Council in violation of the terms of the MOA. The proposed restoration reserve, however, does address the need for long-term restoration activities such as monitoring, research, and general restoration which is consistent with the use of funds advocated by proponents of an endowment.

051-1 It is reflected in the economic model used in economic analysis that commercial fishing and tourism are long term, sustainable industries. The analysis done under economics does reflect that logging would have negative effects on commercial fishing and on recreation which includes tourism. Also the analysis reflects that the purchase of timber lands, under Alternatives 2 through 5, would result in positive effects on recreation which includes tourism.

103-1 & 2 While mining activities do not negatively impact large areas, there is ample evidence that, even when responsibly done, there are short-term negative impacts. In consideration of this, mining was included by example with logging and other disturbances as activities that could impact the habitat of those resources already injured by the oil spill.

103-3 The context in which mining is discussed is the No Action--Alternative 1. It is assumed that it would be a reasonably foreseeable use of those private lands being analyzed. The various alternatives do assume that there will be a loss to this sector of the economy where mining is prevented from occurring on lands acquired using oil spill restoration funds.

103-4 It is not entirely clear what the writer means when they refer to "natural is Best." We assume they are referring to the concept that benefits can be realized by protecting or acquiring habitat as a restoration method. The analysis done as part of the Large Parcel Evaluation and Ranking identified those benefits to resources injured by the oil spill. The basis for habitat protection is the concept of avoiding

private landowners actions from adversely affecting those resources injured by the oil spill. Since it can be demonstrated that benefits are derived in this way, it is reasonable to include them in this analysis.

103-5 At face value, this statement is true; however, history has not supported this conclusion. Improved habitat conditions will result only if restoration and enhancement methodology, commitment and maintenance are incorporated into the mining plan. Minimally, there will be a net short-term loss during the mining and restoration phases and ordinarily, there is a net long-term loss from the natural conditions.

103-6 Taxation should be considered and is discussed under economics in the final EIS.

115-1 The concept of "management by objective" will be considered in the Final Restoration Plan.

115-2 The Public Advisory Group's restoration priorities were considered in the policies included in the array of alternatives. Further consideration to these will be given during the preparation of the Final Restoration Plan.

115-3 One purpose of including a restoration reserve in the array of alternatives is so the Trustees will have the means to respond to the restoration needs beyond the final payment in the year 2001. A significant part of this consideration is the fact that we cannot predict what the specific needs will be at that future time. It is not possible to be specific at this time beyond saying that the restoration reserve will be used to fund actions consistent with the policies contained in the Final Restoration Plan following the record of decision at the conclusion of this NEPA process if a restoration reserve is a part of the program decision.

127-1 The specific benefits associated with each alternative and each resource are contained in the analysis of the impacts of the specific alternatives on the various resources. Specific information showing the parcels assumed protected in each alternative and the associated parcel-specific benefits is contained in Appendix A.

127-2 These species were identified and considered in the Scoping Process (page 1-12 and Table 1-1); however, these species were not identified as injured and there are no proposed actions for these species; consequently, they were not included in the EIS analysis.

127-3 The Glossary will be revised as is suggested.

132-1 The definitions for long-term restoration that were used in this EIS are the estimated natural recovery rates of injured biological resources that were previously defined by the technical staff. Restoration actions may accelerate this rate of recovery.

132-2 Recognition that cumulative effects of increased access and other changing conditions will increase pressures on the resources of the EVOS region provides another reason to restore stocks to a healthy condition; however, stock enhancement for effects other than the EVOS is beyond the scope of the Restoration Plan. Management of resources for increased demand is a part of the normal responsibilities of the resource management agencies.

132-3 The planning and permitting process has been designed to assure that interested or affected parties may participate in decision-making.

132-4 Only a small portion of Appendix C has been devoted to planning and permitting procedures for fish; however, Appendix C has been included because many different types of actions were discussed for fish that may not be familiar to many readers.

147-1 The restoration reserve, if implemented in the record of decision and Final Restoration Plan, could be used for any restoration action consistent with the policies contained in the Final Plan.

159-1 The analysis of effects of the restoration program on seabirds, especially on murre and pigeon guillemot populations, primarily considers the potential impacts of the actions on the individual species. Thus, the impacts of predator removal as a restoration technique for murres was assessed based on the potential increase in murres that could be anticipated. However, the settlement and memorandum of agreement include "replacement, or acquisition of equivalent resources" as a legitimate use of the settlement monies; therefore, the overall benefit of predator removal to seabirds, in general, would be greater than shown in the draft EIS.

Under Alternative 4, comprehensive predator control of foxes (eradication) would be allowed on all 18 islands outside the EVOS area that where identified by the FWS (Alaska Maritime National Wildlife Refuge). However, under Alternative 5, such predator control would be allowed on only two of the islands.

Murres, kittiwakes and other species that nest largely on cliff faces and sea stacks inaccessible to foxes were relatively unaffected. Foxes reduced or even eliminated some seabird populations on many islands, but many other natural and anthropomorphic influences have also affected Alaska's seabird populations. It would be difficult to separate the relative influences of a 19-year climatic cycle, the affect of El Niño-Southern Oscillation (ENSO) oceanographic events, and rapidly expanding commercial fisheries from predation by foxes. For example, fisheries have presumably reduced available food (e.g., juvenile pollock) for some species like kittiwakes and murres, but offal from fisheries has also presumably enhanced populations of scavengers like gulls and northern fulmars. Similarly, planktivorous seabirds like auklets have potentially been enhanced by fisheries removing their competitors (pollock).

159-2 See response 034-2. This comment will also be considered in the development of the Final Restoration Plan.

159-3 See response 034-3 - 5.

159-4 We based our conclusion that predator control outside the EVOS area would have little benefit for murres on an oral communication with G. Vernon Byrd, Field Supervisor for the Alaska Maritime National Wildlife Refuge. The requested analysis of 18 fox islands for benefits to murres is beyond the scope of this EIS, unless a policy decision is made for a more comprehensive predator control program than envisioned by the DEIS. In general, burrowing species like puffins and auklets would benefit from predator control, but there are few instances where murres would benefit because their cliff-nesting behavior precludes foxes from reaching them.

159-5 Alternative 5 differs from Alternative 4 in several ways as is shown in the policies described in Chapter 2. The policy that relates to the geographic scope directly influences the application of some restoration actions such as predator control. The first part of the policy states that actions may occur outside of the defined spill area "when the most effective restoration actions for an **injured migratory population** are in a part of that population's range outside of the spill area,...". This clause limits the application of some restoration actions, such as fox control, to areas within the defined oil spill region or to areas outside of the spill area that are used by individuals from the injured segment of the population (for instance, Barren Island murres, rather than the state-wide murre population).

159-6 It is important to the understanding of the Restoration Program that one realize that it is not in the power of the Trustee Council to require any agency to carry out any action under its jurisdiction. If, through a cooperative working arrangement, an agency decides to go forward and implement a strategy developed by the Trustee Council, it will be responsible for the NEPA analysis and documentation necessary to implement it.

The specific management concerns mentioned (marbled murrelets mortality in drift gillnets as well as logging impacts to marbled murrelet and harlequin duck habitat) are not within the authority of the restoration program to address.

161-1 For members of Akhiok-Kaguyak, Inc. and Old Harbor Native Corporation the effect is high. However, the EIS considers the effects for a broader population and for the larger population the effect is moderate.

161-2 Habitat protection provides the ultimate benefit for maintaining and stabilizing fish populations and commercial fisheries because it guarantees natural productivity and diversity and prevents further loss; however, this is a passive, long-term measure. Restoration actions provide other tools that may be useful to accelerate

the natural recovery process. In addition, aside from ownership and control of property, there are several other means assigned to management agencies that have been designed to protect aquatic habitats from undue disruption (Appendix C).

162-1 The Trustee Council's decisions on the location of projects and funding is at least in part guided by the proposals submitted. They approve projects based on such factors as XXX

162-2 To be drafted

162-3 To be drafted

162-4 The Glossary was modified in response to this comment.

162-5 As the amount of the overall program ***expenditure*** grows, the expense of administration also grows. The ***percentage*** of the program going to administration declines at the same time.

162-6 Those species mentioned are only the subject of monitoring and research actions at this time. Monitoring and research as actions, generally do not have significant adverse impacts and are not analyzed as actions in this EIS.

165-1 The DEIS analyzes the impacts of actions *possible* under the various alternatives. The EIS does not determine which actions will take place. The policies guiding alternative #5 allow for the widest range of possible activities of any of the alternatives considered and therefore require analysis of the widest range of activities. Rather than promoting new facilities, trails and recreation sites as a means to improve services, alternative #5 merely identifies types of projects as an array of possibilities that may restore or enhance those services. Projects may be funded under alternative #5 only if they benefit the same user group that was injured, and must be consistent with the character and public uses of the area, which severely restricts the kinds of projects possible in many areas and reduces the potential for significantly compromising the exceptional wilderness quality of Prince William Sound. Further, alternative #5 recognizes that recovery of recreation is largely dependent upon recovery of the natural resources and rates the benefits to recreation of habitat acquisition and protection as moderate to high.

The comment concerning limits of acceptable change is very much appreciated. The analysis associated with establishing limits of acceptable change may indeed become part of individual project proposals. However, State and Federal agencies must address the degree of impact and the level of change likely or desirable for those actions that are funded to occur on public lands. The Trustee Council is a funding body, not a project implementation body. Addressing limits to acceptable change, therefore, is more appropriately addressed by State and Federal agencies in keeping with their particular (and varied) mandates.

165-2 The definition of beneficial impacts to Recreation and Tourism (4-10) includes increases in numbers of users, but it also includes increases in protection or improvement of recreation quality. The definition of what constitutes "recreation quality" differs between recreation user groups. The analysis attempts to balance the impacts over the spectrum of recreation and tourism user groups and finds, overall, moderate to high benefits for the services. The Trustee council will need to evaluate the potential negative impacts of individual projects against the potential gains for the services produced by those projects in their annual evaluations of projects to be funded. The EIS is required to take a wider, more programmatic view.

183-1 Due to the uncertainties surrounding the purchase price of property or rights to resources on property, it was recognized that the amount and location of such purchases could vary widely. It was on this basis that it was assumed that if the desired rights could be acquired inexpensively, that all of the parcels in the Large Parcel Evaluation and Ranking process should be evaluated to determine the potential benefits that could be achieved. It was also assumed that under the alternatives that are not exclusively habitat oriented that some lesser number of parcels could be acquired. The results of this effort are shown in Chapter 2 and Appendix A of the EIS.

192-1 Passive recreational uses are implicitly considered in the economic effects with respect to recreation. In the EVOS Restoration Plan of November 1993 (page 35), a restoration strategy with respect to passive uses reads as follows: "Any restoration objective which aids recovery of injured resources, or prevents further injuries, will assist recovery of passive-use values. No objectives have been identified which benefit only passive uses, without also addressing injured resources. Since recovery of passive uses requires that people know when recovery has occurred, the availability to the public of the latest scientific information will continue to play an important role in the restoration of passive uses."

192-2 The results of the study were included in a document released to the public in November 1993, *Working Document: Comprehensive habitat protection process; Large parcel evaluation and ranking, Vol. 1 & 2* (Habitat Protection Work Group, EVOS Restoration Team). This Working Document was used to prepare the DEIS, and is summarized in Appendix Table A.1. The Habitat Protection Work Group interviewed the Principal Investigators of the study intensively in preparing the Working Document. Furthermore, this study showed that land on the north end of Afognak Island contained important habitat for marbled murrelets and pigeon guillemots, and it was instrumental in the Trustee Council's purchase of parcels AJV-02, and -03 surrounding Seal Bay. Summary field reports of the Congressionally-mandated study are available on request from FWS, Region 7, Realty Division, Anchorage, AK 99503. The draft final report was completed by

FWS Region 7, and it currently is being reviewed in the DOI Office of the Assistant Secretary For Fish, Wildlife and Parks.

192-3 The effects of experimental techniques such as accelerating the growth rate of *Fucus* or of cleaning oiled mussels beds were described as having Unknown effects on the recovery of the intertidal organisms.

Potential negative effects from certain restoration techniques (e.g., genetic changes or food consumption by hatchery-produced fish) are identified and presented in the EIS, but the primary focus in the EIS is to describe restoration "tools" that may be proposed to expedite the recovery of wild fish stocks to pre-spill conditions. Any tool will be useful, however, only if it is used in a safe and appropriate manner. Thus, hatchery techniques may be a useful tool to help restore wild stocks if straying can be minimized and if harvests of returning hatchery-produced fish can be isolated in time or space from wild stocks and harvests are directed toward the hatchery -produced stocks and away from wild stocks.

192-4 The analysis of impacts in this EIS is intended, and designed, to portray the potential effects of restoration actions on the individual injured resources and services. Thus, the discussion of impacts from habitat protection or general restoration projects were analyzed based on the potential effects to the individual resources or services, and on their potential to restore the populations to their pre-spill levels.

Many restoration actions, particularly habitat protection and a few "general restoration" actions can effect multiple species. Although this EIS shows the potential impacts of the actions for the individual resources and services, the multiple-species or multiple-services characteristic has been an important aspect in the ranking of upland parcels and may be a factor that influences the future funding of specific projects. In addition, after a restoration project is proposed, a project-specific NEPA compliance document will assess multi-species or site specific impacts.

One of the difficulties associated with these analyses is that while habitat protection, general restoration, and research or monitoring are all tools of restoration they have different mechanisms of restoration that are not easily comparable. Also, the ability of upland habitat protection to prevent a future decline, or to aid in a population increase of a resource must be compared with the No Action alternative in which habitat degradation is assumed to occur.

Habitat protection provides the ultimate benefit for maintaining and stabilizing fish populations and commercial fisheries because it guarantees natural productivity and diversity and prevents further loss; however, this is a passive, long-term measure. Restoration actions provide alternate tools that may be useful to accelerate the natural recovery process. The EIS is intended to consider and

evaluate all of these potential tools. In addition, aside from ownership and control of property, there are several other means assigned to management agencies that have been designed to protect aquatic habitats from undue disruption (Appendix C).

192-5 The main concern of the analysis in the DEIS was the wilderness value of designated Wilderness. The FEIS takes the wilderness characteristics of the entire EVOS area into consideration more comprehensively, including the wilderness characteristics of de facto wilderness being considered for habitat protection and acquisition. Alternative #5 does allow for projects that may increase numbers of visitors, but individual projects will still need to be evaluated by the Trustee Council to balance the negative impacts of more visitors with the benefits to a variety of visitors and recreation service providers. The FEIS states that increasing numbers of people can negatively effect the wilderness characteristics of the area.

Acquiring and protecting lands adjacent to Designated Wilderness would benefit the Wilderness by ensuring the continued extension of wilderness-like character beyond the borders of the Wilderness, thereby enhancing the continued ecological integrity of the Wilderness. Similarly, logging adjacent to Designated Wilderness may be a negative effect on the Wilderness because of the ensuing discontinuity of ecosystems and viewsheds extending beyond the Wilderness boundary, as well as impinging noise and activity during the logging phase. This negative effect is recognized in the No-Action alternative, alternative #1, as having moderate to high negative effects (DEIS 4-27, modified to high negative effects in the FEIS). The overlapping effects of acquiring private lands adjacent to Designated Wilderness may significantly enhance public perception of recovery to Wilderness. For this reason, the text of the EIS has been modified to more thoroughly include the effects of habitat acquisition and protection. This reorders the effects with a higher level of benefit accorded to alternatives #2 and #3 and reduces the level of benefit accorded to alternative #5.

192-6 We concur that our impact analysis regarding marbled murrelets needs strengthening. Our re-evaluation of the impacts of Alternatives 2, 3, 4, and 5 are reflected in changes from a "High" benefit for all alternatives in the DEIS, to the following: Alternative 2, High; Alternative 3, Moderate: Alternative 4, Low; Alternative 5, Low. However, even this re-evaluation needs to be qualified by stating that the paucity of data on murrelet nesting densities relegates the impact analysis to little more than educated guesses. The actual benefit to murrelet restoration from acquisition of any given parcel will depend on the actual nesting density of murrelets within the parcel, data for which are lacking for the *very large majority* of parcels. Old growth conifers with adequate amounts of moss on large horizontal limbs constitute "prime nesting habitat," but surveys by the FWS at sites scattered throughout the EVOS have shown that there is not necessarily a direct

correlation between amount of old growth forest and nesting density of marbled murrelets.

192-7 Alternative 5 attempts to strike a balance among habitat acquisition, general restoration, and research and monitoring. Each of these restoration actions could benefit an injured resource in different ways. For example, drowning of marbled murrelets in fisheries gillnets could be addressed under Alternative 5, with studies that could pinpoint fishing methods or alterations in fishing gear that would reduce murrelet mortality. Research and monitoring designed to better delineate murrelet distribution and abundance in nesting habitat on land, and in foraging habitat at sea could help prevent further impacts by providing information necessary to prevent further injury. For example, if further monitoring showed that certain areas or times held large concentrations of murrelets, fisheries regulations could be designed to avoid these areas and times. The actual implementation of such regulations would be the responsibility of the individual agencies responsible for the resource.

Without adequate baseline data for a resource, it is difficult or impossible to separate injury due to the EVOS, from other anthropomorphic factors such as possible overfishing, and from natural population fluctuations due to cyclic changes in oceanographic conditions that affect prey supplies. For example, populations of black-legged kittiwakes and harbor seals, for which there are good baseline data, have been in a long-term decline across the Gulf of Alaska. Finally, although marbled murrelets were clearly injured by the EVOS, this species remains the most abundant seabird in Prince William Sound in summer. Four years of post-EVOS boat surveys (see response #192.8 below) have shown that the population of marbled murrelets in PWS may be stabilizing, and possibly be starting to increase. However, a minimum of five years of population data are needed to indicate a trend, which underscores the importance of continued population monitoring.

192-8 Although the marbled murrelet is listed as threatened in Washington, Oregon, and California, it has been the most abundant seabird in PWS in July during four years of small boat surveys after the spill. Population estimates for all of PWS were:

YEAR	Population Estimate (±95% confidence interval)
1989	89,900 - 124,800
1990	63,600 - 99,199
1991	86,400 - 126,600
1993	117,400 - 201,500

The estimate for 1993 is approaching the low end of the most recent pre-spill data in 1972 (206,000 - 402,900). Moreover, population estimates of marbled murrelets within the spill zone of PWS did not show an oil spill affect compared with the non-oiled zone, such as shown by several other species. While a minimum of five years of data are needed to indicate a population trend, these data suggest that the population may be stabilizing. In our view, it is tenuous to associate circumstances 100's or 1,000's of miles to the south with recovery status of marbled murrelets within the EVOS zone.

Harlequin ducks were injured by the EVOS, and post-spill effects have been demonstrated for parts of western PWS. However, this information needs to be tempered by the fact that the FWS small boat surveys have estimated harlequin duck populations throughout PWS as *higher* since 1990 than the most recent pre-spill estimate of 2,000-5,600 in 1972. Population estimates were:

YEAR	Population Estimate (±95% confidence interval)
1989	2,600-5,200
1990	5,800-12,800
1991	5,100-11,400
1993	5,700-10,980

192-9 See EIS Appendix E for the response to this comment by the U. S. Fish and Wildlife Service, Region 7.

192-10 Changes have been made in the text to clarify what is intended by a restoration reserve. It was stated in the DEIS that it is intended for future restoration needs. These could include any action consistent with the policies to be contained in the record of decision and Final Restoration Plan.

192-11 The EIS discusses the types of projects that are consistent with each alternative's policies. It would require a great deal of space to discuss the projects which may or may not be approved by the Trustee Council. There have been thousands of pages of projects submitted and not approved by the Trustees over the past three years. Those interested in submitting proposals can obtain copies of past work plan from the Oil Spill Public Information Center.

192-12 The EIS does not set priorities for specific areas; it must depend on the analysis and priorities set forth in the Large Parcel Evaluation (EVOS Trustee Council 1994).

The transfer of fee simple title to the government does provide Congress with the opportunity to assess lands for inclusion in the Wilderness System. It does not, however, ensure that those lands will become Designated Wilderness or even Wilderness Study Areas. For the purposes of this analysis, identification of lands which may or may not be designated as Wilderness is not in itself a benefit to any resource or service.

192-13 See 192-5 and 192-12.

192-14 The reason Designated Wilderness was listed as injured in the Draft Restoration Plan was because of oil on beaches within existing Wilderness. The analysis considered not so much the enjoyment of visitors, but rather the appreciation of reducing the impacts of residual oil in Wilderness Areas and Wilderness Study areas. Removing residual oil is viewed as a direct benefit to Wilderness. Changes to public perception are viewed as likely, but indirect. The EIS is a programmatic document and does not evaluate the technical feasibility of individual projects. The Trustee Council will, during their annual project reviews, have to evaluate the positive benefits of specific oil removal projects to balance potential disturbance with potential benefit.

192-15 The EIS used the information and ratings from the Large Parcel Evaluation and Ranking. That information evaluated the potential benefits to 19 species and resources. No single species was singled out as the one to be evaluated for the EIS process. In order to evaluate the impacts consistent with NEPA, it is necessary to discuss them one resource at a time. In making their decision in the record of decision and Final Restoration Plan, the Trustees will consider all the impacts to all the resources.

192-16 A more detailed explanation of the ecosystem approach will be a part of the Final Restoration Plan.

192-17 The titles of the alternatives analyzed in the EIS are those that have been used extensively in public documents since April 1993. It was felt it would be confusing to the public to give them new titles at this time.

192-18 Due to the documentation of shifting of recreation use areas and continued increases in tourism following the EVOS, the analysis continues to anticipate effects as presented in the DEIS. The analysis accounts for shifts in locations and types of recreation and tourism away from areas impacted by logging, and even to recreation that may be enhanced by the changes to the landscape created through logging. Overall, some impacts to several user groups would be negative, but the degree of negative impact may be cushioned by those shifts.

192-19 Since the original analysis focuses on the effects to Designated Wilderness, rather than on the wilderness qualities of non-Wilderness lands, and since no logging will

occur in Designated Wilderness, the direct effects of logging were not considered. However, given that actions on non-Wilderness may affect the wilderness characteristics of Wilderness lands, the text has been modified to reflect the anticipated impacts of extractive activities.

192-20 See EIS Appendix E for the response by the U. S. Fish and Wildlife Service, Region 7. We changed the estimated affects of the no action alternative in the EIS from "low-to-moderate negative" to a "moderate negative." Judging the affects of the no action alternative, a highly unlikely scenario, is difficult because there are so many variables and unknowns. We based our assessment that this alternative would result in a moderate negative affect on several factors. Mainly, much of the potential nesting habitat in the EVOS region is already protected, or in a *de facto* protected status; e.g., no logging in Kenai Fjords National Park, or in western PWS (Chugach National Forest) as long as it remains in a wilderness study area status. See also Responses 192.6 and 192.8.

192-21 With a scarcity of studies on rates of population change in common murres, we feel that it is responsible to consider all available information to estimate recovery time of the injured murre population. Since the timing of breeding and productivity rates were normal in 1992 and 1993 at the Barren Islands, happening much sooner than early predictions, we feel that it is being responsible and realistic to suggest that it is possible that murres will recover within 20 years, as well as the possibility that it could take as long as the 80 - 100 years estimated by some workers. We will alter the wording to reflect the breadth of opinions among murre workers that murre population recovery could take several decades, or it could happen within 20 years.

We have changed the wording of Alternative 1 conclusions regarding murres to agree with the discussion of murres in Chapter 3, Affected Environment.

192-22 See response 19-1.

192-23 See response 192-5.

192-24 Not all recreational activities negatively effect wilderness values. Only the State and Federal legislatures can designate Wilderness, so Wilderness designation is not an action that may be analyzed as part of the EIS.

192-25 We concur. The EIS will be changed to indicate a "Low" benefit from Alternative 5. See also Response 192-6 above.

192-26 The benefits to wilderness are analyzed as they pertain to Designated Wilderness, and few of the actions proposed or possible under alternative 5 will have detrimental effects on those Wilderness Areas. See also 192-5.

Alternative 5 policies allow for a wider variety of types of projects to be considered, but does not require that they be funded. Individual projects must still stand on their own merits for funding. That is, even though more types of projects are possible, it does not mean that more projects will be funded.

192-27 The impact analysis does include habitat considerations as well as other actions on the resources. The protection of valuable habitat and the restoring of injured habitat through general restoration actions have been analyzed.

192-28 The EIS has been revised in response to this comment.

192-29 Please see the response to comment 034-2.

192-30 The EIS will reflect these changes.

192-31 There are no proposals at this time that are inconsistent with the Kodiak or Alaska Maritime Refuge plans. Should proposals arise in the future, they would be evaluated in a site specific NEPA analysis.

192-32 The Trustee Council cannot dictate how any agency is to manage its lands. How the State of Alaska chooses to manage the lands in the Prince William Sound Area Plan is the decision of the State and outside the jurisdiction of the restoration program.

192-33 Additional information about procedures for permitting and planning associated with fisheries projects (including Regional Comprehensive Plans) and aquatic habitat alteration is included in Appendix C. The text has also been modified in response to this comment.

192-34 The Restoration Plan identifies several resources that were injured by the EVOS that are not focused on in the EIS for the reasons stated in Chapter 1 pg 19 and 20. These resources include: bald eagles, black oystercatchers, some intertidal organisms, killer whales, subtidal organisms, cutthroat trout, Dolly Varden, river otter and rockfish. These resources remain a part of the overall restoration program and they have been considered in the Comprehensive Habitat Protection Process; Large Parcel Evaluation & Ranking Volume I & II (EVOS Restoration Team, 1993). For many of the resources no general restoration actions other than management actions have been identified; if habitat improvement projects or other restoration projects are identified in the future they will be considered.

192-35 Appropriate text listing these acts will be inserted in Chapter 2.

192-36 We spell out possible methods of "predator control" in the appropriate sections of Chapter 4. To reiterate, "predator control" is a generic term that is more inclusive than killing alien foxes and rats on islands. Suggested possible methods first

include determining the severity of predation at individual colonies, and experimenting with non-lethal ways of controlling predation.

192-37 There is no correlation intended between the amount assumed for general restoration and the variety of project consistent with the policies contained in an alternative. More money could be spent on a small group of project types.

192-38 The text has been revised in Chapter 2 to clarify the restoration reserve. The questions related to how the fund would be invested etc., are governed, by the legal restraints surrounding the use of the funds. Currently the funds are held by the Federal Court Registry Investment System but pending changes in legal opinions, they could be moved to a higher interest account.

192-39 The "high" benefit listed for marbled murrelets in the table falls within the "high, moderate, low" scheme that we used for all injured resources. Table 2-4 (Definitions of Impact Levels) notes that a high benefit for recovery of birds would be indicated when, "High probability of substantially enhancing population level, productivity rate, or for reducing sub-lethal injury throughout EVOS region." We believe that Alternative 2 would provide a high benefit for marbled murrelet recovery under this definition.

192-40 The definition of impact levels for many of the resources includes a component that considers the ability of the restoration actions to reduce negative impacts from either the oil spill or from anticipated human activities. This would include the effects of protecting critical habitats; however, since this is not a project-specific EIS the large parcel evaluation rankings were used to evaluate the effects of habitat protection of upland parcels on the individual resources and the data is insufficient to define "critical" habitat locations for each resource.

192-41 The Draft Restoration Plan addresses Designated Wilderness Areas rather than the wilderness qualities of non-Wilderness lands, so the definitions of impact levels must pertain directly to the effects on Designated Wilderness. However, the wilderness qualities of non-Wilderness lands do contribute to the wilderness values of Designated Wilderness through extending wilderness character and maintaining the integrity of Wilderness ecosystems. Therefore, the definitions of impact levels for Wilderness have been modified to include impacts to the degree of solitude and quiet, absence of permanent human activity, and intact, natural qualities of the ecosystem.

192-42 A map with the Wilderness and Wilderness Study areas has been added to Chapter 1 of the EIS.

192-43 See EIS Appendix E for the response to this comment by the U. S. Fish and Wildlife Service, Region 7. Candidate II status outside EVOS area may have little bearing on recovery in EVOS area.

192-44 The citations for written communication are shown in the bibliography. These refer to unpublished information from experts or knowledgeable people which has been used in the preparation of the EIS.

192-45 The EIS will be re-written to reflect harlequins in PWS nesting in sub-alpine, upper elevation limits of old growth Sitka spruce-mountain hemlock stands. Within the EVOS area, harlequin ducks also nest in Kachemak Bay in brush alongside alpine streams, and on Kodiak Island along streams in grassy meadows (Patten, Oral comm., 1994).

192-46 The status and general conservation problems of marbled murrelets south of Alaska will be mentioned in Chapter 3 of the final EIS. However, the status of marbled murrelets outside the EVOS area may have little bearing on the species' recovery within the EVOS area. The marbled murrelet is the most abundant summer seabird in PWS.

192-47 This EIS is intended to analyze the impacts associated with the oil spill restoration program. The material cited is merely historical fact and is a matter of public record in documents associated with the Trans-Alaska Pipeline.

192-48 As stated on page 3-48 of the DEIS, "The 1990 economy for the EVOS area and for Anchorage is summarized in Table 3-3 for the EVOS area. Anchorage is added to the EVOS area because there are so many strong linkages between the economy of this area and Anchorage, which is the nearest large economic center to the EVOS area." The authors are not aware of an economic model with the capability of accounting for economic activity related to subsistence activities. Furthermore, subsistence activities have intrinsic value as a part of the Native culture which cannot be monetized. As explained in the introduction to Chapter 4 of the DEIS, an attempt was made to modify the IMPLAN economic model to measure effects on the recreation sector, but this not possible due to the structure of the model. A search was conducted among recreation experts for an economic model appropriate for analysis of effects on recreation in this EIS, but none was found.

192-49 The material referenced in this comment is introductory. The specific impacts are analyzed later in Chapter 4.

192-50 The DEIS does not attempt to measure impacts of the EVOS. The year 1990 has been selected because it is a relatively recent year for which solid economic data is available. The differences among the effects of alternatives is the important point of analysis.

192-51 We will alter the wording to reflect the breadth of opinions among murre workers that murre population recovery could take several decades, or it could happen within 20 years. Possible recovery within 20 years is not idle speculation, but is

based on 20 years of Alaskan data. We feel that inclusion of this information, that murres could possibly recover within 20 years, provides a balance for other speculations of a 80-100 year recovery time. With a scarcity of studies on population change in common murres, it is responsible to consider all available information on possible recovery duration for the injured murre population. Furthermore, observations that timing of breeding and productivity rates were normal in 1992 and 1993 at the Barren Islands, and observations that this return to normal behavior happened much sooner than early post-spill predictions, also tend to support speculation of a possible shorter recovery time.

192-52 To be completed.

192-53 See 192-5.

192-54 The techniques for cleaning oiled mussel beds are still being developed and tested. In 1994, a method which uses hand tools for lifting mussels away from the oiled sediments was tested. Results from these sites were not available prior to completion of this EIS.

192-55 The text has been revised in response to this comment.

192-56 Yes, the information from the study was included in the Large Parcel Evaluation and Ranking Table A-1 is taken from.

192-57 Potential negative effects from hatchery-produced fish are identified and presented in paragraph form in the EIS; however, the primary focus of this programmatic EIS is a description of all restoration "tools" that may be used to benefit the restoration of injured wild stocks. As with any tool, these will be useful only if they are applied in a safe and appropriate manner to restore injured wild stocks. The Conclusions in this programmatic EIS are derived from the discussion and are intended to determine if the array of actions may be useful achieve the desired result (i.e., restoration to pre-spill conditions for that resource).

In addition, after a restoration project is proposed, a NEPA compliance document will assess multi-species or site-specific impacts.

192-58 See 192-14. Also, the analysis of alternative #3 states that public information and marketing would not be funded. The text of this section has been modified to clarify the analysis.

192-59 The small parcel nomination did not close until July 15. It was not possible to include the information requested in the EIS. This information will be made available to the public in the same or similar fashion as was the large parcel information.

192-60 The text has been changed to include the suggested activities and projects in the cumulative case.

192-61 In combination with the effects of the proposed alternative, the cumulative effects of the considered projects would have considerable localized negative impacts on wilderness characteristics of some lands in the EVOS area. Few of the analyzed projects would have a significant effect directly on Designated Wilderness, but the effects may indirectly include designated Wilderness lands, especially should a marked increase in visitors to designated Wilderness result. The text of this section has been modified to clarify the analysis.

192-62 The limitations of the IMPLAN model are acknowledged and described in Appendix D and the introduction to Chapter 4. The important assumptions made with respect to the IMPLAN model are described in Appendix D and the introduction to Chapter 4. Passive recreational uses are implicitly considered in the economic effects with respect to recreation. The MMS has socio-economic information for the spill-affected region. However, most of it is prior to 1990. The most current relevant information and analytic tools available are considered in this EIS.

195-1 The text has been revised to broaden the list of organizations involved. This is not intended to be an exhaustive list of the many who were involved.

195-2 The benefits derived from the other actions are based on the results of similar projects completed in similar environments and extrapolated by resource specialists for this analysis.

195-3 Table 2-3 has been revised. The benefits from habitat protection were derived from the staff analysis of the information contained in the Large Parcel Evaluation and Ranking.

196-1 See Response 183-1.

196-2 The actions described in the Restoration Plan and the EIS provide an array of methods or tools that may be employed to restore damaged resources. Any tool must be used safely and wisely and it may not work in all situations. Habitat protection is a passive approach to restoration; according to the Restoration Plan and the EIS, the EVOS Trustee Council may also consider more active approaches. These restoration actions may entail small-scale fish-cultural techniques, but no large-scale, long-range hatchery production is expected.

(see also: response 192-57.)

Please see the response to comment 192-4 for additional information regarding the use of a change in the population of a resource as a measure of effects.

196-3 See 192-5.

196-4 Our review of the scientific literature did not locate any scientific studies on the effects of logging sedimentation on sea otters and their prey. There have been studies which show that debris, primarily tree bark, from log transfer sites causes a localized loss of invertebrates (Conlan and Ellis, 1979; Jackson, 1986). This is discussed in Chapter 4 under the habitat protection section for sea otters. It is a reasonable hypothesis that the sedimentation caused by logging would have a long-term negative impact on the food resources of sea otters in the area, and may displace the otters from important feeding areas. However, without scientific data to document the effects of logging on sea otters, this analysis assumes that the greatest impact would be associated with female-pup concentration areas located adjacent to log-transfer sites. The analysis considered the rankings of the large parcels in the Comprehensive Habitat Protection Process (EVOS Restoration Team, 1993). The process identified parcels as high-quality if they were adjacent to known pupping concentrations. Approximately 25 percent of the evaluated parcels were ranked high for sea otters, and of these, several are in areas where there is less risk of large-scale disturbance. Therefore the rating for the spill-wide sea otter population was considered low to moderate. The conclusion statement in DEIS for alternative 2 has been corrected to "low to moderate" as it appears in the text.

196-5 To be drafted

196-6 To be drafted

196-7 The actions described in the Restoration Plan and the EIS provide an array of methods or "tools" that may be employed to restore damaged resources (i.e., " sublethal injuries of wild populations of pink salmon..."). Any action from this array may be proposed under Alternative 5; consequently, a higher likelihood or rate of restoration of the resources may be achieved than by natural recovery alone. Most General Restoration projects are intended to provide a direct benefit to wild stocks or to reduce harvest pressure on wild stocks by producing alternate harvest options. Proposed restoration projects will be evaluated with the criteria of benefits to the wild stocks.

196-8 see 196-7; The identified injury to sockeye salmon are the Kenai River and Red Lake/Kodiak sockeye salmon stocks; see also: Response 196-7

196-9 Based on existing information and our interpretation of the actions, the results will remain as stated in the DEIS. The impacts of logging on Subsistence are considered under the No-Action alternative, alternative #1 (4-23) and are taken into consideration in the analysis of other alternatives.

196-10 Based on existing information and our interpretation of the actions, the results will remain as stated in the DEIS. The impacts of logging on Recreation and Tourism are considered under the No-Action alternative, alternative #1 (4-25) and are taken into consideration in the analysis of other alternatives.

196-11 Habitat protection provides the ultimate benefit to maintain and stabilize fish populations and fisheries because it assures natural productivity and diversity and it prevents further loss; however, this is a passive, long-term measure. Other restoration actions provide tools that may be useful to accelerate the recovery process. In addition, aside from ownership and control of property, several management agencies have other means that have been designed to protect aquatic habitats from undue disruption (Appendix C).

New sport fisheries that have been developed by the release of hatchery-produced chinook and coho salmon smolts have a history of ready acceptance by anglers in Alaska and these fisheries support large amounts of angler-effort (Mills, 1993).

197-1 See response 034-3 - 5.

207-1 To be drafted.

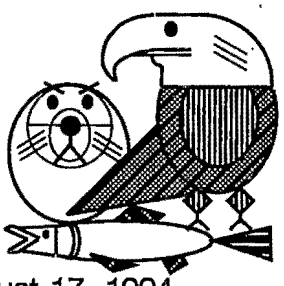
207-2 To be drafted.

207-3 To be drafted.

207-4 To be drafted.

207-5 To be drafted.

Exxon _ _dez Oil Spill Trustee (uncil
Restoration Office
645 G Street, Suite 401, Anchorage, Alaska 99501-3451
Phone: (907) 278-8012 Fax: (907) 276-7178



TO: Trustee Council Members **DATE:** August 17, 1994

FROM: Molly McCammon **RE:** TC Package
Director of Operations

Due to a duplexing error, attached please find a replacement section for the two-sided comments package which was forwarded to you previously in the Trustee Council package.

DEIS PHONE COMMENT LOG

Name	Affiliation	Phone	Address
Paul Swartzbart	Commercial Fisherman & tour guide		P.O. Box 233 Cordova, AK 99574

Add to mailing list.

Date of initial contact with EVOS: 7 July '94 Talked to: Karen Klinge

Comments:

Comments were related to Eyak Land Acquisition.

- Cordova's social & economic future is at stake. The economy has always been based on a sustainable source - Fish, which is now diminishing. Cordova's future is bright if tourism industry is developed.
- The Eyak parcels are Cordova's marketability. They are too steep to log without damaging watershed and Eyak isn't following Forestry practices act guidelines.
- EVOS money meant to restore the Sound and Acquisition is the way to take an ecosystem approach.
- The Acquisition ranking process is flawed. It ignores the importance of areas that join high ranked parcels, and does not adequately value parcels that are very important for just a few resources/services. (Resp 4-1)
- EYAI & EYAS are joints between extremely high areas yet they are ranked low. Wildlife use these areas as corridors and buffers.

Rude River is a pristine wilderness used by many species & people, but because it floods wildlife doesn't

DEIS PHONE COMMENT LOG

Name	Affiliation	Phone	Address

Date of initial contact with EVOS: _____ Talked to: _____

Comments:

- EYAll - is the center of the town and the source of one of Cordova's key salmon runs.
- Eyak Lake cannot be ranked as low. It is the town water supply when the reservoir is low. It is the main spawning area and draw for red salmon up Eyak River! These fish are currently one of the biggest tourism attraction for fishing (sport).
- EYAIS is crucial for tourism because it is seen from town and because Shepherd point is the site for the deep water port and it is directly across the bay.
- The DEIS does not adequately address impact of logging on Cordova's economy
- Need to do something for the Eyak people and the people of Cordova. Save the area for the future.
- His friends in the Eyak Corp. do not want to be in the logging business - but have to make profit under ANCSA. Loggers are not residents - they are from out-of-state.
- These areas are much more important than studies or a Seward Research area.

4-2 Tourism

019

Jeff Parker
c/o Jameson & Associates
500 L Street, Suite 502
Anchorage, Alaska 99501
(907) 272-9377

July 11, 1994

Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
645 G Street, Suite 401
Anchorage, Alaska 99501

Dear Trustees:

These comments are submitted in behalf of the Alaska Sportfishing Association and Trout Unlimited.

The draft EIS ("DEIS") for the Exxon Valdez Oil Spill Restoration Plan suffers from two major deficiencies.

The first is that DEIS appears not to meet the requirement that a draft EIS must examine all reasonable alternatives. You have designed your alternatives so that it is impossible for any interested person to choose to spend the most money on habitat acquisition and spend it either state-wide or substantially out of the spill area. That is clearly a reasonable alternative, given that the alternative of spending it overwhelmingly on acquisitions, but solely within the spill area, is itself an admission that it reasonable to pick an alternative based on reasoning that little can be done in actual restoration, other than acquisition. 19-1

The DEIS seems limit out-of-spill-area acquisitions to those that bear a link to injured resources. With all due respect, that is not the standard for acquisitions. The better guidance -- that of the conference committee on the Clean Water Act of 1977 -- is more liberal. It is that where the damaged or destroyed resource is irreplaceable, you simply acquire a "resources to offset the loss." See Conf. Rept. No. 95-830, 95th Cong., 1st Sess. (1977) reprinted in U.S. Code Congressional & Admin. News 1977, 4326, 4424, 4467. The regulatory definitions of acquisition similarly are not as restrictive as you have designed your alternatives.

Essentially, you have distributed the two, key variables of (1) locale of acquisitions and (2) the amount of money for acquisitions so as to eliminate this choice being presented for public review. As I recall the cases on reasonable alternatives, I suspect you are not in compliance.

Second, you persist in doing nothing to comply with the NRDA regulations as they relate to passive use, which I need not remind you is the value lost by the American public at large. All you say is what you have said for five years -- that when resources are back to baseline, so will be passive use. 19-3.

The practical result is that for most resource injury in relation to passive use value, you have in effect selected a "no action" alternative. The NRDA regulations, in the quantification phase, in the restoration methodology and in the restoration plan phase, all contemplate data-based measures of how restoration planning actions will return service, including passive use services, to baseline. In my view, the DEIS does not meet that requirement for making the necessary choices among restoration alternatives. In my view that insufficiency arises from a parochial lack of concern for the American public at large and an overly parochial concern for local Alaskans. You might do well to remind set an example to all, that in the role of trustees, state and federal officials alike have duties to the greater public at large, and not just to Alaskans.

Sincerely,

Jeff Parker
Attorney for the Alaska
Sportfishing Association
and
Vice President, Alaska State
Council of Trout Unlimited

COMMENT

Comments on the Draft *Exxon Valdez* Oil Spill Restoration Plan: 21-1

Figure 5-1 does injustice to the extent of oiling that occurred in the Kodiak & Chignik Management Areas. For example ADF&G documents oiling in every Kodiak bay w/exception of Olga Bay on the south end of Kodiak Is (Barrett & Mankowitz 1989). Further, Chignik was oil to the entrance of Chignik Lagoon.

Comments on the Draft Environmental Impact Statement:

Name: Bruce Barrett Date: 5 July 94

Address: ADF&G - Kodiak

C34

James G King
1700 Branta Road
Juneau, Alaska 99801

EVOS Trustee Council
Attn. EIS Comments
645 G. Street, Ste. 401
Anchorage, Alaska 99501-3451

7/15/94

Dear Sir,

These are comments that need to be addressed in the EVOS Restoration Plan and EIS. My primary concerns are: 1) these documents do not present an "ecosystem approach" to "restoring, replacing, enhancing , rehabilitating or acquiring the equivalent of natural resources injured as a result of EVOS," as required by policy of the Trustee Council, 2) There is an assumption about what was damaged, what is recovering and what is not but hundreds of species that use the oil spill area are not even mentioned probably because there was no pre spill data and few carcasses were recovered as is the case with 31 of 32 species of shorebird that depend for part of the year on the intertidal area that was heavily oiled, and 3) the matter of endowments is not covered, in fact not even mentioned, despite the fact that two thirds of people responding to the April 1993 Draft favored use of some of the funds for endowment. These documents therefore lack credibility as planning documents by failing to address all the alternative actions proposed.

34-1 Multi/Single Species.

34-2 Chpt?

34-3

More specifically, It is clear that no one understood the oil spill area ecosystem before the spill, no one understands it now and it will not be understood in 2001 therefore no one will be able to determine when the ecosystem is restored as is called for in the Draft EIS. An ecosystem is such a highly complex structure that the only hope of understanding it would be to assign a well coordinated, multi discipline team to the task for an extended period. The US Weather Service does not endorse weather means until they have 30 years of records which suggests one parameter for determining how long understanding the ecosystem might take. As the work progresses new questions will emerge and new technology will be developed adding to the eventual chance of reasonable understanding. This realization is no doubt what prompted so many respondents to recommend a research program endowed in perpetuity. When the ecosystem is better understood the work of restoring, replacing, enhancing and rehabilitating can be properly addressed.

34-4

The suggested permanent research endowment programs took at least three approaches; 1) A grant making organization with it's own directors and management staff, 2) A coastal marine laboratory under either the University of Alaska or other organization and, 3) endowed academic chairs at U of A for teaching and research on the ecology of the various resources injured in the spill. These are valid alternatives for expending [illegible] Endowment funds and need to be evaluated

34-5

as to their potential impact on the resources, the economy, the people of the spill area and so forth.

Additional points that need to be addressed:

5) It has been suggested that use of Settlement funds for endowments may not be legal at present. Who determines what is legal? What is the appeal process if it is determined not legal? What could be done to make it legal?

6) The Summary of Public Comment (Sept. 1993) reports 50 written comments were received regarding endowments. It also states that four dozen letters dealt with university endowments. These comments should be evaluated.

7) Senator Arlis Sturgulewski sent in a very detailed proposal for a Marine Science Endowment that had 30 letters of support including most of the Trustee Council members. All this needs evaluation.

8) The American Bald Eagle Foundation, American Ornithologists Union, Pacific Seabird Group, Wildlife Society, American Institute of Fisheries Research Biologists, The Juneau Assembly and the Fairbanks Chamber of Commerce all wrote with various proposals related to endowments. These need evaluation.

9) The attached proposal for U of A chairs growing out of my participation in PAG deliberations needs evaluation.

The letter of the law might allow exclusion of some public proposals but the spirit of NEPA, the EVOS Settlement, and the Trustee Council policy all encourage public participation. Now it is there it needs to be evaluated or the whole process loses credibility. The various facets of the endowment proposals should be addressed as a 6th alternative with appropriate portions included in the preferred alternative. With the cards properly organized on the table a well informed public can provide meaningful evaluation of alternative leading to the most appropriate solution to restoration problems.

Thank you for the opportunity to participate.

Sincerely,

James G. King

A PROPOSAL TO USE EXXON VALDEZ SETTLEMENT FUNDS FOR A WORLD CENTER FOR MARINE RESEARCH AT UNIVERSITY OF ALASKA

James G. King, member, EVOS Public Advisory Group
7/07/94

No one denies the 1989 Exxon Valdez oil spill (EVOS) severely damaged a number of marine resources and adversely effected the quality of human life along the shore of the Gulf of Alaska and beyond. It is now clear that knowledge is inadequate to fully assess the damage, and technology is not available for complete restoration. Life, including human life, is adjusting to the post EVOS environment. The major question now is how to most effectively use the damage settlement funds from Exxon. An endowment fund is proposed using some of the settlement money for continuing, baseline, research to fill the so obvious knowledge gaps. A versatile program is needed that can adapt, grow and develop as time passes. It would be most effective to use the existing prestige and infrastructure of the University of Alaska (U of A) to build a world center of marine research and education in the EVOS area. The rapidly developing "electronic information highway" will preclude the need to have all personnel and facilities in one town. A major university center will not conflict with, but will complement, the lawfully mandated research and management by state and federal agencies.

GOAL

To use the existing University of Alaska Foundation for establishing endowed chairs, endowed professorships and endowed funds for contracts or grants to fulfill obligations under the EVOS Settlement.

OBJECTIVES

1) To develop an ecosystem based program for the required scientific and social research that will enable the various responsible agencies to fulfill requirements of the EVOS Settlement.

2) To continue such research in perpetuity so that new knowledge and technology can continue to be applied to old problems, or new ones, particularly under the enhancement clause of the EVOS Settlement.

3) To create a world center for marine oriented science and education in coastal Alaska as an aid to resource management and as partial compensation for services and income lost as a result of EVOS.

4) To develop a world class faculty of experts to study basic life history, monitor population dynamics and improve our understanding of the ecology of marine species of coastal Alaska thus minimizing the need to import expertise during future oil related or other crisis.

5) To use the U of A to train the scientists and technicians in marine resource management, oil technology and coastal sociology that will be needed by agencies, industry and local communities as they adjust to post EVOS conditions.

6) To produce a flow of peer reviewed, scientific publications and technical theses.

7) To create educational and training opportunities for the youth and residents of the EVOS region in fields related to the resources of their area.

8) To benefit the Native communities by learning to understand their past and helping to chart a satisfying course for their future.

9) To enhance personal and commercial recreation while protecting other values and resources.

10) To benefit Alaskan businesses in marine resources, recreation, tourism, and oil related fields by providing pertinent research and locally trained workers.

11) To enhance the environment, the economy, the quality of life and the image of Alaskan communities where these elements were damaged by EVOS.

METHODS

A) In 1994 the EVOS Trustee Council will deposit 30 million dollars in the U of A Foundation to permanently endow academic chairs in marine science and sociology to be assigned at existing University facilities, as follows:

Oceanography
Marine invertebrates
Fisheries
Ornithology
Mammalogy
Forestry in coastal ecosystems
Anthropology
Subsistence, Past-Present-future
Recreation, Planning and Management
Socio-economics of coastal communities

B) In 1994 the EVOS Trustees Council will invite the U of A President, the three Chancellors and the University

Foundation Director to join them in a UA/EVOS Committee that will:

Write position descriptions for the 10 EVOS chairs.
Advertise for and hire applicants.
Provide oversight of the work of the chairs.

C) The 10 EVOS chairs will be guided by the goals and objectives as above and provisions of the EVOS Settlement. They will immediately begin to develop:

An ecosystem based research plan.
Optimum electronic communication.
Local advisory contacts.
Baseline research programs.
Education programs.
Graduate student research programs
Proposals for additional funds.
Proposals for additional positions.

D) The 10 EVOS chairs will form an EVOS Task Force that will work with the EVOS Restoration Team to develop a master plan for accomplishing provisions of the EVOS Settlement. Additional endowed chairs will probably be needed.

E) 1995 and beyond:

The EVOS Trustee Council will reserve 30 million dollars each of the next 8 years to build up endowed programs under the U of A Foundation.

The University of Alaska Foundation will manage funds received from the Trustee Council as a separate EVOS fund, protected from inflation with the remaining income used to fund positions, programs, facilities, contracts and so forth under the guidance of the EVOS Trustee/UA Committee (Trustee Council members and U of A officers). It would not be necessary for all the income to be spent every year thus the principle could be allowed to grow or money be saved for large projects.

The Evos Task Force (10 chairs and the Restoration Team) will continue to perfect master planning and proposals for funding.

The Trustee/UA Committee will monitor the whole program, select applicants and evaluate funding proposals.

DISCUSSION

Are the coastal resources of Alaska sufficient to warrant a world center of marine research and education? The answer, of course, is yes and we better be about it before they go the way of the resources of the North Atlantic.

Is it appropriate to use EVOS Settlement money as startup funds for a world research center in Alaska? No other proposal for use of this money could benefit so wide a spectrum of oil spill affected people and resources.

Is it legal to use EVOS money in this way? Maybe, if not and the people want it, the Legislature and/or the Congress can easily make it legal.

Is there enough Settlement money to create an adequately endowed, world research center? Probably not, but there is sufficient to plant the seed and nourish the sprout until it begins to grow and branch on it's own, becoming the mighty oak it should be.

Will Alaska Native communities benefit appropriately from such a center? No other proposal offers so wide an array of possible benefits for future generations of Alaska Natives.

RESULTS

Under this plan a major portion of the issues and responsibilities of the EVOS Settlement will be addressed and fulfilled by U of A research. Nearly 60 percent of the money will still be available to cover responsibilities for finishing cleanup, supporting agencies, purchasing habitat and so forth.

Because of the size and financial attractiveness of the University program a series of beneficial events can be expected. 1) Top quality research professors attract grants and contracts producing jobs for the professionals they train. 2) Private sector businesses catering to the special needs of the research/education community prosper. 3) Industrial and non profit laboratories are attracted because of the available talent and support services. 4) The region can become an exporter of talent and technology. 5) The economy of our coastal communities will be enhanced by a stable payroll and the application of applied research.

CONCLUSION

Using EVOS Settlement funds to help make Alaska the world center of marine research, that it should be, is a most appropriate use of that money.

Paul Swartzbart
Box 233
Cordova, Alaska 99574

7/17/94

DEIS. COMMENTS
EVOS TRUSTEE COUNCIL
645 G ST
ANCH - AK. 99501

051

DEAR SIRS:

I AM WRITING IN REFERENCE TO THE HABITAT PROTECTION ACQUISITION PARCELS IN EASTERN PRINCE WILLIAM SOUND. I AM VERY CONCERNED ABOUT THE LOW RANKING RECEIVED BY EVOS PARCELS EVOS 5, EVOS 12, AND EVOS 13.

I HAVE DISCUSSED THE SITUATION WITH WILDLIFE PROFESSIONALS WORKING IN CORDOVA, AND LEARNED THAT CLEARCUTTING THESE AREAS WOULD HAVE A DEVESTATING AFFECT ON THE SPECIES THAT GIVE PARCELS EVOS 1, 2, & 3 THEIR HIGH RATING. BASICALLY THIS IS BECAUSE THOSE SPECIES CANNOT LIVE ON SMALL ISLANDS OF HABITAT SURROUNDED BY CLEARCUTS.

I URGE YOU TO TAKE AN ECOSYSTEM

Paul Swartzbart
Box 233
Cordova, Alaska 99574

APPROACH AND COMPLETE A COMPREHENSIVE DEAL FOR ALL EYAK LANDS.

PRINCE WILLIAM SOUND DESPERATELY NEEDS YOUR HELP. THE EYAK CORPORATION DOES NOT WANT TO GET BACK INTO THE LOGGING BUSINESS.

COMMERCIAL FISHING AND TOURISM ARE LONG TERM, SUSTAINABLE INDUSTRIES FOR THE PEOPLE OF PRINCE WILLIAM SOUND. CLEARCUT LOGGING THREATENS BOTH THESE INDUSTRIES. 51-1

THANK YOU FOR YOUR EFFORTS AND I APPRECIATE THE DIFFICULT JOB YOU ARE DOING.

SINCERELY

Paul Swartzbart

ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

103

July 21, 1994

Mr. Rod Kuhn
EIS Project Manager
Exxon Valdez Restoration Office
645 G Street, Suite 401
Anchorage, AK 99501-3451

RE: Draft EIS for Exxon Valdez Oil Spill Restoration Plan

Dear Mr. Kuhn,

Thank you for the opportunity to comment on this important document. The future of this area of the State will be determined by this EIS and we are concerned that unnecessary restrictions are being proposed. Mining and logging have been a part of this area since the turn of the century and significant opportunities remain for the future.

We are concerned that the DEIS has been written with no recognition of current mining practice and of the laws and regulations now in place. In various locations the DEIS shows a bias against mining without describing exactly why mining would be a problem. Negative, unsupported comments are made about mining but the positive benefits are not identified, discussed and analyzed. 1031

Mining is a short term use of the land, after which the land will remain available for other uses. This should be recognized in the EIS under each of the alternatives. 1103-2

When mining is discussed in this document it must include the positive benefits that result from mining. Many millions of U.S. citizens want to work and need jobs to support their families. These citizens have a right to have their need for jobs recognized in this EIS. Mining provides the highest paid blue collar jobs in the country. These jobs are challenging, skilled and year-around. The EIS must address the benefits that would result when valuable mineral deposits are identified in this area, as most certainly will be the case at some time in the future. Historic mining occurred and was economically viable at that time. Now with new technologies, deposits that were previously not economic will become viable. 1103-3

The DEIS contains a strong undercurrent that "natural" is best. This is not correct and this view must be removed from the

document. Management of the land, wildlife and fisheries can result in a higher value than in the natural state. The land, wildlife and fisheries must be managed for the benefit of mankind. "Natural" areas are one of the needs of mankind but not the only need.

Mining can result in improved wildlife and fisheries habitat and this should be recognized in the EIS. For example, mining can provide improved moose browse over the natural habitat. If mining is in the vicinity of riparian areas these can be reclaimed to a more productive condition than the natural setting. Gravel can be sized and placed to provide for improved spawning areas as compared to the natural setting. Deep holes can be provided for wintering where none exist at the present, etc. These benefits to the wildlife and fisheries must be recognized and included in the EIS. 1103-5

We do not agree that purchase of the land or mineral rights or logging rights, etc. by the government is appropriate. Such purchase will eliminate the possibility that these lands will ever be added to the tax rolls. The projected losses of property taxes must be included in the EIS. T03-6

Purchase of the land or mineral rights or logging rights will also result in restrictions to use by the public, even if the EIS allows some measure of development. Once the government controls the land and resources, groups opposing development of any kind will insure that any potential project is tied up in litigation so it cannot proceed.

We do not agree that if lands are purchased they should be closed to exploration and mining. Mining can be managed and the disturbed lands reclaimed to insure that permanent adverse impacts do not occur. If the option is included that lands may be closed to mining, it must be specified in the EIS that this has to be on a case by case basis and would have to be limited to the smallest possible area.

Thank you for your consideration of our comments.

Sincerely,

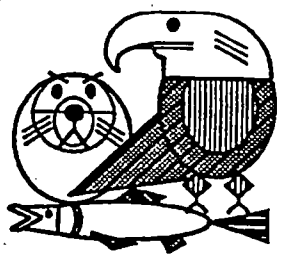
Steven C. Borell, P.E.
Executive Director

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Walter J. Hickel

115

Exxon Valdez Oil Spill Trustee Council

Public Advisory Group
645 G Street, Suite 401, Anchorage, Alaska 99501-3451
Phone 907-278-8012 Fax 907-276-7178



July 27, 1994

Rod Kuhn
Restoration Plan EIS Project Director
EVOS Restoration Office
645 G Street
Anchorage, Alaska 99501

Dear Mr. Kuhn:

At a recent meeting of the EVOS Trustee Council Public Advisory Group, the Draft Environmental Impact Statement on the Draft Restoration Plan was discussed.

On behalf of the Public Advisory Group I would like to submit the following comments on the Draft EIS.

1. Implementation Management Structure -- We have been briefed by Executive Director Jim Ayers on the results of the planning workshops he has been holding since January, 1994. Participants have included PAG members, other representatives of the public and spill area communities, EVOS researchers, and agency representatives. This group has reviewed the Draft Restoration Plan and further refined and updated the recovery status and objectives of the injured resources and services, the draft policies, and other elements of the Draft Restoration Plan.

   We believe this "management by objective" implementation approach is an appropriate clarification of the Draft Restoration and would like to see it incorporated into the Final Restoration Plan. | 115-1

2. In July, 1993, the Public Advisory Group unanimously adopted a set of restoration priorities (attached). We would like to see these elements reflected within the Final Restoration Plan. | 115-2

3. Establishment of a reserve account is included as a restoration activity in alternative #5 in the DEIS, the "proposed action". The Public Advisory Group would like to see the restoration reserve account action clarified in alternative #5 and in the other alternatives. We would like to see specific criteria attached to the reserve for its expenditure. | 115-3

Thank you for your consideration of these comments.

Sincerely,

Brad Phillips, Chair
Public Advisory Group

Exxon Valdez Oil Spill Public Advisory Group

--Approach to Restoration (7/15/93)--

The *Exxon Valdez* Oil Spill Trustees should give priority to the projects which are most effective in restoring and protecting injured resources and services. Preference should be given by the Trustees to projects (1) within the spill area as defined in the Restoration plan brochure of April 1993, or (2) outside the spill area within the state of Alaska.

A. Pick-up oil which is fouling the environment and where it makes environmental and economic sense to clean up and with the approval of local residents, landowners and resource users. This includes:

- Monitoring and feasibility studies
- Physical clean-up

B. Restore injured resources and services by taking direct action in pertinent environments. This includes:

- Subsistence
- Cultural
- Recreational
- Commercial
- Fish
- Wildlife
- Habitat

C. Protect habitat critical to resources injured by the oil spill or threatened by potentially injurious actions. This includes:

- Acquisition
- Conservation easements
- Leases
- Trade
- Application of management techniques with landowners

D. The Public Advisory Group is in support of the concept of the establishment of an endowment or trust that will provide funding for the purposes established by the settlement agreement. The use or administration of the endowment or trust should be established by a charter developed and approved by the Trustee Council.

E. Replace and/or enhance injured resources/services through indirect means. This includes:

- Enhancement of equivalent resources to reduce pressure on injured ones
- Increase populations or levels of service over pre-spill conditions

F. Provide funding for facilities which support A through E, above.

127

Exon Valdez Oil Spill Trustee Council
ATTN: EIS Comments
645 G. Street, Suite 401
Anchorage, AK 99501-3451

RE: EVOS Restoration Plan DEIS

This is generally an excellent document for which I would recommend only minor changes in presentation.

1. Concerning habitat protection and acquisition, it would be helpful if a table could be provided in Chapter 4 that for each resource (sea otter, harlequin duck, pink salmon, subsistence uses, etc.) listed the number of parcels proposed to be acquired or protected under each alternative (except No Action) according to the rank (high, moderate, low) for that resource. This would give the reader a clearer comparison of how the various resources would fare under each alternative; e.g., would harlequin ducks or marbled murrelets suffer more loss of habitat under Alternative 5 relative to Alternative 2? 127-1

2. There appears to be little or no mention of the halibut or silver (coho) salmon, both significant fishes in the spill region. Is there a reason for this? 127-2

3. The glossary should be expanded to include, e.g., CCP, GMP and LPP (1-14) as well as all the government agencies listed in Chapter 6. 127-3

Concerning the Restoration Plan itself, I believe that there should be more emphasis on restoration and less on enhancement. Thus, habitat protection and acquisition should be favored over artificial enhancement of commercial and sport fisheries and Recreation & Tourism. I would suggest that the budget should approximate an average of the budgets for Limited and Comprehensive Restoration (Alternatives 3 and 5).

W.D. Burrows
USABRDL
Bldg 568, Fort Detrick
Frederick, MD 21702-5010

139

July 26, 1994

EVOS Trustee Council
645 G Street
Anchorage, AK 99501

Attn: EIS Comments,

Prince William Sound Aquaculture Corporation (PWSAC) is the regional aquaculture association for the Prince William Sound Area, and was created under the Alaska Private Non-profit Hatchery Act (1974). Regional associations are comprised of representatives of commercial fishermen, sport fishermen, processors, commercial fishermen, subsistence fishermen, and representatives of the area communities. The charge of such associations and non-profit hatcheries is to contribute to the rehabilitation of the state's depleted and depressed salmon fishery. PWSAC's Board of 45 directors represents communities of PWS and users of the area salmon resources.

Various biological and habitat resources and associated services were injured by the *Exxon Valdez Oil Spill*, including salmon and salmon harvesting. Restoration of the oiled area resources and services can best take place following the "Proposed Action for Comprehensive Restoration" listed as Alternative 5 in the Draft Environmental Impact Statement for the EVOS Restoration Plan.

Alternative 5 targets substantial funds at research, monitoring and restoration, as well as habitat protection and creation of a restoration reserve fund. Of great importance to the restoration of resources and services in PWS are research, monitoring and restoration activities outlined under this preferred alternative. A variety of technologies and procedures are recommended which are supported by PWSAC. Chapter 3 of the Draft EIS draws a clear picture of the affected environment and the injury caused to fisheries and development (p46) which can be returned to pre-spill conditions by such restoration activities.

Chapter 4 of the Draft EIS (Environmental Consequences) provides a very good pathway for restoration of the Sound's salmon resources. General restoration activities listed for pink salmon are well identified and discussed. In addition, the need to have a good harvest-management strategy to harvest hatchery stocks is identified and supported by PWSAC.

Restoration activities are stated they may have low short term benefits within one life cycle of pink salmon, but the long term benefits are recognized as high. Although the draft EIS indicates (p126) that long term effects of some or all of the restorative actions for pink salmon may be realized in 6 to 10 years, PWSAC believes this to be inaccurate. Long term restoration can be achieved in a time span less than indicated if resources and technologies are applied with care and diligence. Following the path of activities outlined in the EIS, PWSAC intends to participate in restoration activities with EVOS Trustee Council funding. PWSAC will use its staff expertise in salmon biology and fish culture, and its facilities and technologies to help restore injured pink salmon, and aid in

139-1

Corporate Office • Post Office Box 1110 • Cordova, Alaska 99574-1110
phone: 907/424-7511 * fax: 907/424-7514

the replacement of injured or lost resources and services by rehabilitating other salmon stocks as well.

Rehabilitation and enhancement of salmon stocks in PWS are necessary steps to restore salmon to their pre-spill condition and achieve *"optimum production of wild and enhanced salmon stocks on a sustained yield basis through an integrated program of research, management, and application of salmon enhancement technology, for the benefit of all user groups"* as stated in the PWS-Copper River Phase 3 Comprehensive Salmon Plan. This is of great importance particularly in light of changing conditions outlined as "cumulative effects" in the draft EIS (p146). Recognizing that further impacts to the resources through access to PWS by the Whittier road and harbor expansion, Cordova road and Shepard Point dredging (port), increases in tourism and continued functioning of the Alyeska Terminal and development of the Port of Valdez Trans-Alaska Gas Pipeline, clearly tells us that restoration is critical to return salmon stocks to healthy condition, and enhance stocks where possible to meet the continued and growing pressures on our resources. 139-2

"Procedures for Project Planning and Permitting" (EIS, Appendix C) provides further direction on process oriented questions concerning restoration activities for fish. The program planning and permitting timeline should be considered as too lengthy and in need of stream-lining and process facilitation through permitting agencies. The Exxon Valdez oil spill occurred in 1989. Injured stocks are recognized as not recovering and it is now more than 5 years since the spill; some stocks may not be recoverable without quick action. Restoration activities must begin and not be hampered with lengthy permitting. Good project planning is crucial, but facilitation of the process is recommended so that progress can be made on restoration of injured resources and less time spent of lengthy bureaucratic processes while stocks of salmon are allowed to continue in their injured and depressed state of productivity. 139-3

I would also like to know why only fish have been targeted with an appendix for project planning and permitting procedures when so many other resources are also recognized as injured and in need of restoration. 139-4

Sincerely,

Bob Roys
President

(hf)

147

WWF

July 29, 1994

Via Facsimile-907-276-7178
Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
c/o Mr. Rod Kuhn
645 G Street, Suite 401
Anchorage, AK 99501-3451

Subject: World Wildlife Fund's Draft Environmental Impact Statement Comments

Dear Council Members:

On behalf of World Wildlife Fund ("WWF"), an international conservation organization with over one million members, we would like to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill (EVOS) Restoration Plan (DEIS), and suggest the following improvements to the Council's Preferred Alternative (Alternative 5).

WWF is committed to a comprehensive solution to the restoration of natural resources injured within the oil spill region that is based on an appropriate allocation of the remaining balance to habitat acquisition, restoration, research, administration, and a restoration reserve. Although we recognize that the Preferred Alternative 5 exceeds the old alternative originally proposed by the Trustee Council by as much as 15% of the habitat acquisition funds, the Preferred Alternative provides only 48 - 52 % of the remaining balance to be used for habitat acquisition. This is the smallest amount of any of the 5 alternatives evaluated and is inadequate for acquiring the vast majority of the large parcels receiving high-moderate rankings from the Trustee Council's large parcel rankings. We strongly urge the Trustee Council to appropriate more of the remaining balance of EVOS funds to habitat acquisition to provide injured fish and wildlife species with high quality habitat and the greatest chance for recovery from the oil spill. Habitat acquisition is the best way to restore injured natural resources and provide renewed opportunities for subsistence and recreation use by both Alaska residents and non-residents.

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

Based on our review of the Trustee Council's working document "Comprehensive Habitat Protection Process; Large Parcel Evaluation and Ranking Volume 1" and using Seal Bay and Kachemak Bay as comparable sales, we estimate that the Preferred Alternative will fall short of acquiring all high to moderately ranked parcels (553,100 acres identified on p. 16-17 of the Large Parcel Evaluation Working Document) by approximately $60 million to $90 million. Therefore, we recommend that funds be transferred from research and monitoring and/or the restoration reserve into habitat acquisition. Shifting the additional funds into habitat acquisition would increase the total funds for acquisition to $385 million, representing 62% of the remaining balance. The higher percentage we recommend for habitat acquisition is consistent with the average allocation for habitat acquisition (66%) supported by the public, as indicated in the "Summary of Public Comments on Alternatives", and would allow the Council to acquire all high-moderately ranked large parcels from willing sellers throughout the spill region. In general, the public has shown a strong desire to create additional protected areas as a viable strategy for restoring injured resources. Additional protected areas will not only benefit injured resources, but will provide a boost for Alaska's tourism industries.

In addition, we recommend to the Trustee Council that the restoration reserve be used as a long-term investment strategy for acquiring additional sites should the results of monitoring and research reveal the need to obtain additional habitat areas for select species. The restoration reserve should also provide an investment pool that can be drawn upon to acquire small parcels, once Council completes similar parcel rankings.

In conclusion, WWF supports the Trustee Council's efforts to develop a comprehensive solution to the restoration of injured resources in the EVOS spill region. However, we recommend that the Council increase the funds for habitat acquisition to at least 62% of the remaining balance to acquire all high-moderate, large parcels. This would provide the Trustee Council with an opportunity to develop a Final EIS that is more consistent with public support for habitat acquisition. Habitat acquisition is the best way to provide high quality habitat in perpetuity for injured species that will also benefit Alaska residents now and in the future. On behalf of WWF, thank you for considering our comments on the DEIS. Please feel free to contact me at 202-822-3465, should you have any questions regarding our comments.

Sincerely,

Dominick A. DellaSala

Dominick A. DellaSala, Ph.D.
Senior Program Officer

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

July 29, 1994

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

Re: Comments on Draft Restoration Plan and Draft EIS

Dear Ms. McCammon:

This letter contains the Pacific Seabird Group's (PSG) comments on the draft EVOS Restoration Plan (November 1993) and the draft programmatic environmental impact statement (June 1994). 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.

I. Restoration Policies

PSG generally agrees with the policies set forth in the Restoration Plan[1/] and the proposed action (alternative 5) in the DEIS. The $65-$100 million targeted for general

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[1/] Chapter 2.

restoration seems reasonable.[2] PSG specifically endorses Policy No. 3 which allows restoration outside the spill area (but within Alaska) "when the most effective restoration actions for an injured migratory population are in part of its range outside the spill area."[3] As we have commented previously, virtually all the bird species killed in the spill are migratory, and many birds that breed outside the spill area were injured. For this reason, we strongly disagree with Alternative 3 of the DEIS which would limit all actions to the spill area only.[4]

PSG agrees that manipulation of the environment is a useful restoration activity under appropriate circumstances, and that technical feasibility is a key factor that must be considered with each restoration proposal.[5] In this regard, we reiterate our view that the best means to restore most of Alaska's seabird populations would be to remove rats, foxes and other alien creatures from colonies and former colonies as compensatory restoration in areas that may be far from the spill area. This would allow the islands to regain their natural biodiversity. One reason that the harm caused by the oil spill is biologically important is because the intentional introduction of foxes on other seabird colonies during the past 150 years has greatly diminished the natural population of seabirds in Alaska. 159-1

We agree with the overall goal of restoring all injured resources and services.[6] We agree that common murres, harlequin ducks, marbled murrelets and pigeon guillemots do not seem to be recovering and need restoration efforts. However, we strongly believe that the Trustee Council should also restore other bird species. The Trustee Council should add the category "other seabirds" and "other sea ducks" to the list of "recovery unknown" resources.[7] The Restoration Plan acknowledges that current population status is "unknown" for the following seabirds that were collected dead in 1989: yellow-billed, Pacific, red-throated loon; red-necked and horned grebe; northern fulmar; sooty and short-tailed shearwater; double-crested, pelagic and red-faced cormorant; herring and mew gull; Arctic and Aleutian tern; Kittlitz's and ancient murrelet; Cassin's, least, parakeet and rhinoceros auklet; and horned and tufted puffin.[8] The decline after the oil spill "varies by species" and 159-2

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[2] DEIS, p. 2-12.

[3] Restoration Plan, p. 9.

[4] DEIS, p. 2-12.

[5] Restoration Plan, chapter 3.

[6] Restoration Plan, p. 25.

[7] Restoration Plan, p. 30.

[8] Appendix B, p. B-41.

cormorant, Arctic tern and tufted puffin clearly declined.[9] The Restoration Plan also acknowledges that the current population status is "unknown" for the following species of sea ducks that were collected dead in 1989: Steller's, king and common eider; white-winged, surf and black scoter; oldsquaw; bufflehead; common and Barrow's goldeneye; and common and red-breasted merganser.[10]

We raised this issue in our earlier comments[11] and the DEIS concedes these injuries.[12] Nevertheless, the DEIS does not seem to propose spending funds on restoring these populations. According to the federal estimates published in 56 Federal Register 14687 (April 11, 1991), these "other" seabirds and "other sea ducks" totalled 14,000 dead birds. The Trustee Council estimates that "in general, the number of dead birds recovered probably represents only 10-15% of the total numbers of individuals killed."[13] Simple mathematics indicates these losses were 90,000 to 140,000 birds, which the DEIS would have us ignore.

As a reference point for this magnitude of injury to seabirds, the federal government recently settled the Apex Houston case in central California concerning a spill that may have damaged about 4,200 seabirds (the actual number being an unknown multiple of 4,200). The insurance company paid about $6 million to settle this claim. If Alaska seabirds are worth as much as California seabirds, the Trustee Council should spend at least $18 million of the trust funds to restore "other seabirds" and "other sea ducks." Predator removal is a cost effective technique that would benefit all seabirds and all sea ducks.

II. Habitat and Acquisition Policies

PSG generally agrees with the Trustee Council's habitat and acquisition protection policies,[14] and recognizes that protecting uplands may greatly benefit harlequin ducks and marbled murrelets. We agree that those lands that provide the greatest benefit to injured resources should be ranked highest. We have previously provided the trustees with a list of seabird colonies that should be considered for purchase. While we believe that less than fee simple ownership may be appropriate in certain circumstances, the Trustee Council should insure that the ownership rights it purchases will be sufficient to protect the injured resources

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[9] Appendix B, p. B-41.

[10] Appendix B, p. B-42.

[11] Letter to EVOS Trustee Council from PSG (August 6, 1993).

[12] DEIS, Table 1-1, p. 1-13.

[13] Restoration Plan, p. B-16.

[14] Restoration Plan, chapter 3.

in perpetuity. For example, the government should not spend any of the $295-$325 million in trust funds targeted to land purchase for the purchase of logging rights unless those rights are permanent. We understand that historically the government has bought the same land rights more than once.

III. Monitoring and Research

We agree that monitoring and research provide important information to help guide government restoration activities.[15] We believe that this is an area where the Trustee Council must make special efforts to guard against violating Policy No. 9 ("Government agencies will be funded only for restoration work that they do not normally conduct.")

Alternative No. 5 in the DEIS establishes a $100-$130 million restoration reserve for "long-term restoration and research activities."[16] We interpret this reserve to allow the Trustee Council to adopt one of PSG's proposals, namely, the endowment of chairs in marine ornithology at the University of Alaska.[17] If our understanding is correct, we enthusiastically endorse the establishment of a reserve account, and suggest that the Trustee Council proceed with establishing chairs in marine ornithology. The use of funds for this purpose would begin to make up for the fact that, for example, the Trustee Council directed only 3.4% of its expenditures to marine birds in the 1994 work plan. On a comparative basis, seabirds suffered far more than 3.4% of the damage caused by the spill, and we doubt that the public will accept such a result over the course of the restoration period. 159-3

We question the basis for the conclusion that "predator control outside the EVOS area . . . would provide a low overall benefit to murre populations."[18] FWS has identified 18 islands that are suitable for predator removal.[19] Kaligagan Island's seabird population increased by 125,000 burrowing birds after foxes died out.[20] We suggest that the Trustee Council estimate for each of the 18 islands the increase in murre population that might result after foxes have been removed, and allow PSG to review that study. Without such information and analysis, this conclusion seems to be arbitrary and capricious. 159-4

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[15] Restoration Plan, p. 21.

[16] DEIS, p. 2-12.

[17] See letter from PSG to EVOS Trustee Council (April 14, 1993).

[18] DEIS, p. 4-84.

[19] DEIS, p. 4-84.

[20] D.R. Nysewander et al. 1982. Marine bird and mammal survey of the eastern Aleutian Islands, summers of 1980-81. Unpublished FWS report.

Finally, we understand alternative 5 to be identical to alternative 4 except for the addition of a restoration fund. We believe that fox control, which is included in alternative 4 for murres and pigeon guillemots[21] should also be expressly included in alternative 5 for these species.[22] 159-5

IV. Use of Regulatory Authorities to Assist Restoration

Neither the draft Restoration Plan nor the DEIS address questions that the Trustee Council raised in the scoping process during 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 a single dollar of the trust fund, but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs. 159-6

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 under federal or state law in uplands that are prime habitat for marbled murrelets or harlequin ducks?

V. Competitive Proposals for Restoration Projects

PSG welcomes Policy No. 6 in the Restoration Plan, whereby the Trustee Council will encourage competitive proposals for restoration projects. We believe that this policy should be broadly implemented, because it will maximize the benefits that can be obtained from the remaining $600 million in trust funds.

PSG thanks the Trustee Council for this opportunity to lend our expertise and views on these important issues. We also acknowledge and appreciate the careful consideration the Trustee Council has given our previous comments during the past several years.

Sincerely,

Craig S. Hamer

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[21] DEIS, pp. 4-84 to 4-85.

[22] For example, fox removal should be included in pp. 4-118 to 4-120.

AKHIOK-KAGUYAK, INC.
5028 Mills Drive
Anchorage, AK 99508

OLD HARBOR NATIVE CORPORATION
P.O. Box 71
Old Harbor, AK 99643

July 29, 1994

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

Re: Draft Environmental Impact Statement Comments

On behalf of Akhiok-Kaguyak, Inc. and Old Harbor Native Corporation we would like to thank the Exxon Valdez Oil Spill Trustee Council for the opportunity to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill Restoration Plan.

As you know, we have been working with the Trustee Council and its representatives and recognize the enormity of your task in balancing the restoration goals of various interests and regions impacted by the Exxon Valdez oil spill. We also appreciate the open lines of communication you have established and the degree of care you have given to this complex process.

How a person views the Draft EIS for the Exxon Valdez Restoration Plan depends upon where you sit.

The villages of Akhiok and Old Harbor sit amidst the abundant natural resources of the Kodiak National Wildlife Refuge and the Alaska Maritime National Wildlife Refuge. Our livelihood, our culture and our way of life benefit when the natural resources of our area are nurtured and sustained.

The oil spill had a major impact on us because it degraded fish and wildlife habitat and populations and threatened the natural resources of our area. The spill diminished our subsistence base, and disrupted the lives of our people through commercial fish closures and the loss of fishing and cannery jobs for our people.

Given our location and reliance on healthy natural resources, we have been very supportive of the habitat protection aspect of the Restoration Plan. We continue to feel that protection of our habitat will give nature the best opportunity to replenish herself.

Further, given our proximity to the lands, islands and waters of the National Wildlife Refuge System, our working relationship with the U.S. Fish &Wildlife Service and our mutual goals of carefully managed human use of the refuge areas adjacent to our villages, it is clear that we would have a low degree of involvement with General Restoration projects and Research and Monitoring (See Draft EIS, Chapter 1, pages 15-16 discussion of National Wildlife Refuge System Comprehensive Conservation Plans). Therefore, we continue to favor an Alternative 2 approach to restoration which maximizes habitat protection.

In reviewing the restoration benefit analysis in the Draft EIS for the final Restoration Plan, we believe the restoration benefit for nearly all injured species, resources and human services provided by Alternative 2 exceeds the estimate which the Draft EIS gives to the respective injured species and resources (see Summary page xiv-xvii). For example, concerning commercial fishing (Summary page xvii), which is the backbone of our villages' income opportunities, the Draft EIS states that the long term effects of Alternative 2 would have moderate benefits for commercial fishing. 161-1

To quote the Draft EIS, "Habitat protection and acquisition actions may have a long-term benefit to salmon and Pacific herring stocks in the EVOS area by helping to ensure maintenance of wild-stock production to support the commercial fishing industry."

Again - from where we sit in complete dependence on the fishing industry and the health of fish stocks - the importance of protecting the anadromous streams and their associated wetland complexes and uplands from incompatible developments in perpetuity cannot be overstated. The long term health of fish resources is not a "moderate" issue for us. It is the highest priority. Therefore, any restoration action which helps sustain highly productive fisheries is by definition a restoration aspect with high benefit in our opinion.

If our region experiences the habitat degradation and diminished productivity common in the Pacific Northwest (an issue of growing concern in Alaska), it won't be a case of an economic downturn and diversification, it will be the end of our villages as viable places to live.

We believe that without habitat protection, degradation of habitat is a certainty over time. Therefore, from where we view the Restoration Plan, a dollar spent on habitat protection is a dollar invested in the survival of our villages. There simply is no higher restoration priority for us. It is our shared opinion that Alternative 2 should be rated as having a HIGH degree of benefit, as opposed to a moderate benefit, for commercial fishing. 161-2

We note that the Restoration Plan proposed for adoption endorses a redesigned Alternative 5, which has the least amount of funding for Habitat Protection. Given our perspective, Alternatives 4 and 5 are our least favorite restoration approaches, although we note the new Alternative 5 has more funding for habitat protection than last year's version.

Finally, we recognize that our villages are not the only areas of concern within the oil spill region, and our goals are not the only ones you as Trustees have to weigh in the restoration efforts. We support the comprehensive approach being pursued by the Trustees.

Thank you for the opportunity to present these comments and good luck on the important job ahead of you.

Ralph Eluska, President
Akhiok-Kaguyak, Inc.

Emil Christiansen, President
Old Harbor Native Corporation

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Cordova District Fishermen United

P.O. Box 939
Cordova, Alaska 99574
(907) 424-3447 FAX (907) 424-3430

July 30, 1994

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

Dear Council Members:

Thank you for the opportunity to comment on the adequacy of statements and merits of alternatives presented in the *Exxon Valdez* Oil Spill Restoration Plan Draft Environmental Impact Statement (DEIS). Our comments are summarized below for your review.

- **CDFU is disappointed that it took 3 years to produce a draft restoration plan.** The settlement consisted of $900 million, of which only $620 million remains. This effectively means that one third of all settlement monies were spent before any effective planning process was undertaken.

- **CDFU believes that the DEIS should include a methodology whereby funding is based, at least in part, on a project's proximity to the epicenter of the oil spill.** No one can argue that some areas within the oil-spill boundary were more affected than others (in the short- and long-term) and it would not be difficult to draw lines around specific geographic regions in accordance with the degree of oil spill damage. Despite all political intentions to avoid *regionalization*, CDFU sits amidst the most damaged area with the worst long-term prognosis. 169-1

- **CDFU questions the adequacy of statements about independent scientific review on page 3 of Chapter 2.** The DEIS says, "...restoration projects will be subject to open, **independent** scientific review before Trustee Council approval. This policy continues an already existing practice. It also assures the public that scientific judgements are without bias." On the contrary, CDFU has struggled for years with the lack of independence in the scientific review process. We have written letter after letter expressing disgust and frustration with the Council's scientific review process which is characterized by inter-agency rivalries and political agendas. Basically, the public has been stuck with a heavily politicized decision-making process bias in favor of funding projects sponsored by state and federal agencies. 169-2

  A good example of this problem concerns Prince William Sound herring research projects in 1993. In the EVOS Restoration Framework document, the authors stated that a resource is damaged if "significant sublethal and chronic effects to adults or any other life history stage" has been demonstrated. Only a few species have documentation of this kind of damage and herring is most certainly one of them. Despite that, the Council's "independent scientific review" axed the most important herring research, leaving our hands tied and our data sets discontinuous.

  CDFU considers the current review process to be more of an *internal political review* than an *independent scientific review*. Some semblance of an internal review may be necessary to address issues of quality control and consistency but it is not enough to achieve independence in the scientific sense of the word. We strongly urge the Trustee Council to arrange for review of project proposals by scientists who are neither politically appointed nor financially remunerated for their services. Without these elements of true independence, we cannot be assured that the process will come unstuck. 169-3

- **Overall, we believe the DEIS suffers from a lack of definition.** The meaning behind important and often used terminology (i.e., *enhancement, restoration, reserve,* and *monitoring*) cannot be located in the document. We recommend that the authors augment the glossary to include these most basic terms. 162-4

- **CDFU questions the logic behind the assertion described with the proposed alternative that, the greater the number of projects and programs, the smaller the percentage of funds allocated to administration and public information.** It would seem to us that, the greater the number of projects, the greater the administrative expense. 162-5

- **CDFU is concerned by any alternative restoration plan that allows for actions to be taken outside of the spill area.** Allowing actions outside the spill area will only stretch already scarce resources more thinly. In short, there is not enough money left to effectively address other than the most injured resources.

- **CDFU requests clarification on how certain activities in the restoration program may be simultaneously within and outside the scope of analysis in the DEIS.** On page vii of the summary, the authors state that: "In addition to the resources and services analyzed in this DEIS, the restoration program may include other resources with injuries related to the spill," such as killer whales, black oystercatchers. The authors go on to say that, "these types of actions are outside the scope of analysis in this DEIS." 162-6

- **CDFU is concerned that the endowment option appears only in Alternative 5 and is ill defined.** On page viii of the summary, the authors say that, "Alternative 5 contains an element not present in the other alternatives. In response to public comments that a fund should be set aside for long-term restoration and research activities, the proposed action includes the establishment of a Restoration Reserve." CDFU feels that if this request is really being driven by public demand, it should be offered in all alternatives plans, not just the proposed fifth alternative. CDFU also asks for better definition of what types of projects might be funded through this endowment mechanism and what procedure will be used to access it.

CDFU's most fervent wish is that Prince William Sound may be restored with the help of the Trustee Council. We are in favor of protecting strategic lands and habitats important to the long-term recovery of the most injured resources and the services they provide *per se* but, above all, we want our Sound restored.

If you have any questions or need any clarification on the items above, please do not hesitate to contact our office any time. On behalf of the hundreds of commercial fishers who comprise CDFU, thank you for your consideration.

Sincerely,
CORDOVA DISTRICT FISHERMEN UNITED

Jerry McCune

Jerry McCune, President

The National Outdoor Leadership School
P.O. Box 981, Palmer, Alaska 99645
(907) 745-4047

NOLS

Don Ford
Alaska Branch Director

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

Re: EVOS Restoration Plan Draft Environmental Impact Statement

July 31, 1994

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill Restoration Plan. I am commenting on the draft plan from the perspective of the National Outdoor Leadership School (NOLS) which has been operating kayaking courses in western Prince William Sound since 1971. NOLS is a non-profit educational institution that operates in the state of Alaska with certification from the Commission on Post Secondary Education. Our specific concerns relate to the potential impact of the proposed action, Alternative 5, on the experience of our courses and students. NOLS has a particular interest in maintaining the wilderness character of Prince William Sound's Nellie Juan-College Fjord Wilderness Study Area.

Habitat Protection and Acquisition is the Best Restoration Tool.
The DEIS consistently recognizes habitat protection and acquisition as the primary component of the overall restoration plan. The amount of money allocated to the habitat program in Alternative 5 is inadequate. $295-$325 million is not nearly enough funds to protect the hundreds of thousands of acres threatened and consequently not enough funds to ensure long term ecosystem recovery.

Increasing the protection of habitat throughout the spill affected area will be beneficial to the entire ecosystem by reducing further habitat degradation that may compound the effects of the oil spill. DEIS 4-31.

The budget for general restoration activities should be slashed to accommodate the necessary increase. Given habitat acquisition and baseline population monitoring nature can heal itself best.

Specific Habitat Recommendations: NOLS is concerned that the area in the Southwest part of Prince William Sound not be overlooked when making acquisitions. The area was the hardest hit of all the impact area, and has tremendous value for wilderness based tourism and damaged resources. We would specifically encourage the Trustees to acquire either title and surface/subsurface rights, or surface/subsurface rights with stipulations protecting from further development, of private lands in the following areas:

Dangerous Passage
East side of Knight Island
Bainbridge/Evans/LaTouche Islands
South end of Knight Island
Chenega Island

We see a paradox with this area when looking at "restoration." By concentrating their acquisition efforts to "imminently threatened" areas, the Trustees did not take into account areas which have already been seriously threatened by the spill itself. Thus the paradox: protect areas which are threatened in the near future, or areas which were most heavily hit during the spill. Though we support acquiring areas that are imminently threatened and have restoration value, we would like to see some acquisitions based on past damage. By acquiring the above mentioned lands the Trustees would not only be preserving an area synonymous with the worst of the spill, they would be allowing the resources and services damaged by the spill in that area the best chance of recovery.

Creating New Recreation Opportunities Threatens the Recovery of Both the Injured Resources and Existing Services Dependent on Those Resources. Alaska does not have an unending supply of wild and undeveloped land. Prince William Sound's combination of protected waters and exceptional wilderness quality are a rare combination in the world today. It is our view that these values already damaged by the oil spill would be significantly compromised by an increase in human use. The DEIS acknowledges the importance of wilderness values to recreators citing the necessary protection of scenic, wildlife and undeveloped characteristics within the spill area; yet, Alternative 5 promotes new facilities, trails and recreational sites as a means to improve services. *DEIS 4-137.* 165-1

The level of acceptable change needs to be addressed, in particular, the cumulative impacts of increased traffic volumes on wilderness based tourism. Even with the current level of use, the Chugach National Forest and the Alaska Department of Natural Resources are facing the challenge of maintaining a level of use and development on Prince William Sound (PWS) that is sustainable ecologically, socially, and culturally.

The assumption that increased recreation use levels, types and opportunities is a *high benefit* contradicts the ultimate restoration goal. An influx of people into the spill area would impose adverse pressures on the ecosystem. Furthermore, existing wilderness based tourism operators view remote areas with no human development as high value. 165-2

Conclusion: Preservation of wilderness characteristics without increased access for humans offers the oil spill affected area the best chance of fully recovering. The Habitat Protection and Acquisition program is the appropriate restoration tool to accomplish this end. Education of existing users through a program such as Leave No Trace would also contribute to the long term recovery of the ecosystem. Based on the potential adverse impact of Alternative 5 on wilderness values and recreational users, NOLS opposes the proposed action.

Thank you for your time and reconsideration of the Habitat Protection and Acquisition program's vital role in the recovery of the greater EVOS ecosystem.

Sincerely,

Don Ford

Don Ford
Director, NOLS Alaska

183

EVOS Trustee Council
DEIS Comments
645 G Street
Anchorage, AK 99501

July 26, 1994

Dear Trustees,

I find that the amount you have suggested spending for habitat protection in your DEIS is not sufficient to purchase all the important areas impacted in the oil spill. I would like to see a larger amount allocated for that purpose. The largest impact from the oil spill was destruction of habitat, therefore the most appropriate way to respond is by protecting habitat that is currently threatened. 183-1

Thank you for your consideration.

Sincerely,

Jim L. Weiner

Jim L. Weiner
1850 Orchard Pl.
Anch., AK 99502

192

THE WILDERNESS SOCIETY

August 1, 1994

Exxon Valdez Trustee Council
Attn: EIS Comments
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Trustee Council:

The Wilderness Society is pleased to provide comments on the proposed Restoration Plan draft environmental impact statement (EIS) for the Exxon Valdez oil spill. National interests are truly at stake because most oiled shorelines were within the boundaries of conservation units designated by the Alaska National Interest Lands Act and the Chugach National Forest. The public trust of all Americans in restoration of wilderness, wildlife, and the entire ecosystem must be upheld in the restoration plan.

To put it simply, the Trustees must buy more habitat to reach this goal. The Proposed Action is clearly unacceptable for upholding the public interest because it does not contain a sufficient goal for habitat acquisition funds. Since restoration planning began in 1990, we have advocated that the vast majority of the entire settlement fund be used for habitat acquisition because this will most effectively restore the ecosystem. The public provided overwhelming support for habitat acquisition in its response to the summary of alternatives "brochure," the most widely distributed scoping document for the restoration plan, and therefore, for this EIS.

We support alternative 2 because it provides the most funding for habitat acquisition, but believe it is flawed by a poor set of accompanying policies and an unrealistically low level of funding for a well-integrated ecosystem monitoring and research program (see Table 1 and below). We oppose alternatives 1, 3, 4, and 5 because they fail to give adequate priority for habitat acquisition which will most effectively restore the most ecosystem components, and provide too much emphasis on unjustified "general restoration". Furthermore, #5 needlessly dedicates 1/6 of the remaining funds to an undefined "restoration reserve" even though maximum flexibility is needed immediately for negotiations over habitat acquisition.

The Trustees must do more to restore the wilderness values of solitude and to prevent further degradation of the ecosystem from logging and other extractive activities than in the proposed action. Habitat acquisition will do more to protect the scenic ecosystem and quiet that visitors come to experience, and that Americans living in all parts of the country treasure, than any other actions. The plan needs to better cover non-market values, such as recreation, subsistence, and passive uses of wilderness. The EIS should

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incorporate the results of A Contingent Valuation Study of Lost Passive Use Values Resulting from the Exxon Valdez Oil Spill which focused on the economic values of wilderness to the lower 48 public into its evaluation of plan alternatives. This survey found that 90% of Americans believed there should be more protection of lands where no development is allowed, i.e. wilderness. 192-1

Table 1. Policies that should be included in Preferred Alternative.

Issue	Policy Question
Injuries Addressed by Restoration Actions	Restoration actions may be considered for all injured resources and services. There does not have to be a population decline, but priority to species with such declines.
Restoration Actions for Recovered Resources	Continue restoration actions even after a resource has recovered, but priority to species with population declines.
Effectiveness of Restoration Actions	Enhancement and manipulations should be required to produce substantial improvement over natural recovery. High priority to actions that minimize further harm to an injured resource or service.
Location of Restoration Actions	Undertake restoration actions in the entire spill affected ecosystem. Allow actions outside the spill area for species with continuing population declines.
Opportunities for Human Use	No restoration actions to promote new human uses of the spill area, or to conduct activities that are regular agency functions for recreation, etc.

GENERAL COMMENTS

Key data has been ignored-- We are stunned that the Department of the Interior has failed to release its Congressionally-mandated study of Afognak Island and its habitat values for resources injured by the spill. Because this report was completed by the Fish & Wildlife Service over a year ago, we presume that its release has been suppressed. This report should be released prior to the released of the Final EIS on the Restoration Plan. 192-2

Flawed impact analysis-- The impact analysis is flawed due to its assumptions and lack of substantiation for benefits to the environment or negative impact. "General restoration" is assumed to have positive environmental impact, even in cases where the feasibility of techniques is unknown (such as planting Fucus) or where significant negative effects may result (such as from genetic damages or food competition resulting from hatchery fish stocks). Furthermore, "general restoration" gets more weight in the impact conclusions than does habitat protection even though such projects tend to be focused on single species unlike habitat protection which would benefit a broad array of species. 192-3 192-4

These flaws are obvious when comparing alternatives. For example, the EIS shows alternative #5 providing more benefit to wilderness values than alternatives #2 or #3 even though it includes projects to promote increased visitor use and construction of new facilities and #2 would provide protection of more habitat from clear-cut logging and other development activities. Another obvious example is marbled murrelets where a "high" benefit is shown for alternatives 2, 3, 4, and 5, even though #2 calls for the most funding for protecting habitat and nearly twice as much as #5. This is illogical when considering that "acquisition of old-growth forest habitat would have the highest possible benefit for enhancing marbled murrelet recovery." 192-5 192-6

Because of underlying assumptions, Alternative #5 unfairly favors actions for consumptive natural resources, such as fish, and fails to assure that adequate action will be taken to restore--or prevent further impacts-to already hard-hit declining species such as marbled murrelets, black-legged kittiwakes, or harbor seals. Actions that provide benefits to many species, or are critically important benefits to certain species, should be more important than those for which benefits are uncertain or are accompanied by negative consequences. For example, the analysis should favor actions should that sustain or enhance wild salmon stocks as opposed to hatchery-raised stocks. 192-7

Unacceptable definition of recovery for some species-- It is unacceptable to define recovery for any species at lower than pre-spill levels. If species were in decline before the spill, such as marbled murrelets, then it is even more important that recovery actions be taken that optimize recovery with the goal of achieving pre-spill levels. That the marbled murrelet, harlequin duck and other species which suffered major effects from the spill are in trouble not just in the spill region, but in fact throughout their range should increase the priority for taking actions that most effectively help them recover. It would be irresponsible for the government to pick some point on a declining chart to decide that enough action has been done for recovery of marbled murrelets or harlequin ducks, for example, if there is more habitat protection that could be undertaken to prevent further declines. 192-8

Consider species listed as Candidate II by the Endangered Species Act-- The EIS fails to

address issues related to the fact that these species are listed as Candidate II species on the List of Threatened and Endangered Species: harlequin duck, marbled murrelet, Kittlitz' murrelet, and Montague Island vole. Analysis of alternatives for impacts/benefits to these Candidate species should provided. Furthermore, the plan needs to contain an additional policy to ensure that acquisition of high value habitats for marbled murrelets, and other declining species does indeed occur. 192

Opposition to endowments or "restoration reserve"-- There is no rationale in the EIS for how this "reserve" fund would improve restoration, or even how it would work or what it is. Therefore, the "reserve" should not be included as part of the proposed action because the public has had nothing substantive to comment on in the draft EIS. If the "restoration reserve" does go forward, it should be made clear that this could be used for any restoration purpose, including habitat acquisition. 193

We oppose endowments or the "reserve" due to the imminent need for maximum leeway in negotiations for habitat that must occur as soon as possible. We also believe that endowments for research are not needed to ensure that the Trustees make a commitment to a targeted, long-term ecological monitoring program.

Most "general restoration" is not justified-- We oppose virtually all enhancement and manipulation forms of restoration because there is little evidence that they would be effective, and these kinds of restoration generally address only one single species. We find the term "general restoration" misleading, and prefer use of the terms enhancement and manipulation as they are more descriptive as to what is really involved. For all alternatives, manipulation of resources should emphasize management that protects wild fish stocks and natural wildlife diversity and should avoid focusing on only single species. Enhancements should not compromise wilderness and recreational values.

Specifically, we oppose general restoration projects which are experimental or for which the feasibility is unknown: cleaning oiled mussel beds, the clam mariculture program, accelerated recovery of the upper intertidal zone. We generally oppose fishery manipulation or enhancement projects which would increase the number of hatchery-raised stock into the ecosystem and therefore interfere with wild stocks or other species such as birds, including new hatchery rearing, most lake fertilization or fish ladders, or projects which increase human structures in de-facto or designated wilderness in the region. We oppose predator control except on islands where human introduced (i.e. alien) predators (foxes or cattle) have wreaked havoc on nesting seabirds.

We support these "general restoration" projects: removal of non-native predators (i.e. alien foxes) on islands that previously supported murre colonies; to preserve and salvage archeological sites and the site stewardship program; testing of subsistence foods for contamination; and cooperative programs with subsistence users and fishermen, reduction of disturbance at marine mammal haulouts and bird nesting colonies (except that these may programs already conducted in the course of normal agency functions, and therefore should not priorities for restoration funding).

Better criteria for unsuitable projects are needed-- The EIS does an especially poor job of clarifying what won't be included in Alternative 5. The parameters for identifying what

kinds of projects are not eligible for Exxon Valdez funds must be more clearly laid out so that the Trustee Council does not spend lots of time evaluating proposals that are not suitable. The final EIS should include a list of projects which have been deemed unsuitable, and those that are of low priority, for EVOS restoration funding. 192-1

We oppose certain projects which have been proposed by the agencies for EVOS funds in the past: wetlands restoration on Montague Island, hazardous waste cleanups, second-growth forest enhancements, "in situ" oil test burns by Alaska Clean Seas or others, and cold water dispersant development. We also oppose using EVOS funds for baseline studies that are needed prior to federal OCS and state offshore oil leasing in areas such as Cook Inlet/Shelikof Strait or Yakataga; these are the normal agency responsibility of MMS as part of its on-going OCS program.

Funds should not go for promoting increased human uses-- We are shocked that this federal Administration is promoting expansion of human uses of the spill area, and even so-called "appropriate" new uses. We agree that the spill-affected ecosystem must be restored to the pre-spill level so that the existing human uses, particularly subsistence and wilderness-type recreational uses may resume. We oppose using spill settlement funds to create new recreation opportunities (facilities, cabins, trails, docks, airports, or other new access or supply means) as these are normal agency functions that should be scrutinized and considered under normal agency operations. In rare cases where an existing facility, such as a cabin, might have been destroyed or trashed out by oil spill cleanup activities, replacement is warranted, or if a new trail got started by cleanup workers, and fixing it is necessary to prevent further degradation of the environment by future visitors. If indeed there is now increased recreational demand since the spill, and this is the rationale for proposing new facilities, then it is contradictory to then promote new uses.

The projects listed under "promoting recreation use" are pure pork. New visitor centers are not needed, and if they are deemed necessary should be funded using normal agency funds. A marine environmental institute already exists in the spill region at Cordova; another is unnecessary. The EIS should address, however, specifically that the IMS Infrastructure Improvement Project (aka "Seward Sealife Center) has already been funded, and that a separate EIS is under preparation. To provide recreation information in Portage could be done at the existing visitor center without any additional funding. The Forest Service already has a "leave no trace" education program on the Kenai Peninsula in the Chugach National Forest, and distribution of other recreation information should be done using existing agency funds at existing visitor centers and contact points, and further marketing left up to the private sector.

More restoration for wilderness values is needed-- Designated Wilderness shorelines of Katmai National Park and Becharoff National Wildlife Refuge, proposed Wilderness in Chugach National Forest and Kenai Fjords National Park, and the spectacular defacto wilderness coasts of other national parks and wildlife refuges were harmed by the oil spill. We believe that an option should be added under "Designated Wilderness Areas": priority for habitat acquisition in the Nellie-Juan/College Fjords and other Wilderness Study areas. The EIS should explain that acquisition of fee-simple title to both surface and subsurface rights would allow federal designation as wilderness, and therefore is a benefit. 192-1

As well, the intrinsic values of solitude, quiet, and scenic values of the wilderness ecosystems, and the services these provide to visitors and the American public who may never visit them must be a larger part of the restoration plan, as was discussed earlier. A higher priority to habitat acquisition would best accomplish this goal. 192-1

We oppose removing more residual oil--especially under the pretext that this will improve the enjoyment of visitors, including the "perception" about its wilderness nature-- as there is no evidence in the EIS to suggest specific locations where this could still yield more positive benefits to the environment than would natural processes, and could likely produce more harm by disturbance or transferring contamination from one media (beach sediments) to another (water, subtidal, etc). 192

Habitat protection should be based on widely accepted ecological concepts-- Despite stating the policy that the "restoration program will take an ecosystem approach," there is little evidence of such an approach in the EIS. It is not enough to provide a chart ranking individual parcels that may be acquired for their values to individual species, or to evaluate impacts of the various alternatives solely on a species by species. The question that still must be answered is, how well does each alternative achieve the most restoration for sustaining the whole fabric of life sustained by the entire ecosystem--not just the pieces. 192-1

A new section should be added to the Restoration Plan to explain the scientific rational for an ecosystem approach, and more specifics about how the Trustees intend to incorporate this into the on-going work. 192-1

Habitat protection and acquisition should generally occur on a broad scale in order to achieve settlement goals. As Trustees, you have the rare opportunity to protect still intact expanses of habitat used by a diversity of species and that support a range of services which were injured by the spill. Elsewhere, resource managers are left with crumb-sized pieces of habitat for designing nature reserves and from which to decide acquisition priorities. Here, we have the opportunity to apply our finite financial resources creatively and maximize habitat protection on an ecosystem-scale instead of simply biting off a few prime chunks.

In the spill-affected region, we are blessed with the opportunity to do more than just protect isolated pieces such as nesting sites or streamside buffers. Acquisition of especially rich sites is important, but the integrity of these areas cannot be maintained in isolation from the adjacent habitats, nor is their value independent of the quality of the larger watershed or ecosystem. It is well known that habitat loss causes population declines and can facilitate extinction by transforming large populations into smaller, more isolated ones through the process of habitat fragmentation. *Consensus exists among biologists that, all else being equal, continuous suitable habitat supports more individuals of a species targeted for conservation than does fragmented (discontinuous) habitat* (Thomas et al. 1990).

Certain concepts of conservation strategy widely accepted by specialists in the fields of ecology and conservation biology (Den Boer 1981, Harris 1984, Thomas et al. 1990, Wilcove et al. 1986) that are applicable to Exxon Valdez restoration include:

- "Bigger is better." Large blocks of habitat are better than small ones.

- Blocks of contiguous habitat are better than loose aggregations of fragmented blocks due to problems associated with fragmentation and edge effects including increased predation and susceptibility to blow-down, reduced wildlife dispersal and altered movements, erosion, and others.

- Protected habitats should be distributed across a species' complete geographic distribution.

Our priorities for acquisition are broad areas, including entire watersheds, in these areas:

♦ Shuyak Straits - Afognak Island (Afognak Joint Venture holdings) old-growth forest habitat located along the north part of the island adjacent to and east of the Kodiak National Wildlife Refuge unit on this island.

♦ Kenai Fjords National Park - All English Bay and Port Graham inholdings.

♦ Kodiak National Wildlife Refuge inholdings on Kodiak Island.

♦ Port Gravina / Orca Bay - Eyak Corporation inholdings in Chugach National Forest, including Orca Narrows/Nelson Bay, Sheep Bay, Simpson Lagoon.

♦ Port Fidalgo - On-going logging threatens densely forested habitat along sheltered bays near Valdez and Tatitlek.

♦ Knight Island Passage - Chenega Corporation inholdings in Chugach National Forest, including Knight Island and Jackpot/Eshamy.

♦ Port Chatham - This last stretch of intact forest habitat along the tip of the outer Kenai Peninsula coast, and adjacent to Kenai Fjords National Park, is threatened by logging.

SPECIFIC COMMENTS

Summary

The titles to the alternatives are confusing because "restoration" is both the over-arching goal of the entire project described by the EIS, and used as a term to describe enhancement and manipulation activities and certain types of research and monitoring. Therefore, it would be less confusing to call #3 "Limited Enhancement", and #4 "Moderate Enhancement". 17

Alternative 1-- We disagree that the negative effects from no action would be low to tourism and moderate to recreation, and believe they should be listed as major. Without using the majority of the EVOS funds on habitat acquisition, clearcut logging of old-growth forests will occur in some of the most heavily visited areas, or the most pristine defacto wilderness areas. Because the trees in these forests are hundreds of years old, the effects to visual aesthetics, as well as to wildlife habitats upon which many recreational activities depend (i.e. hunting, fishing, birdwatching) will be very long-term. 18

The effects from no action on Wilderness would also be major because of massive clearcut logging on the private lands, in addition to the reasons listed in the EIS. 19

The government has provided insufficient information to state that there may not be a major negative effect on marbled murrelets in the spill affected region if no action is taken. This species is a Candidate II species for the list of Threatened and Endangered Species under the Endangered Species Act. Because of continuing negative impacts on the population from chronic oil spills, logging, and fishing conflicts, it seems that the Trustees have no evidence that the species may not recover to pre-spill conditions, and therefore, we believe the EIS downplays the effects of no action for this species, especially compared with the description for pink salmon and others. CHECK 20

Despite all the emphasis on peer review, that this document contains in the summary the statement "however, recent insight on population recovery of common murre populations, based on 20-years of data from the Bering Sea, suggests that the population at the Barren Islands may recover within 20 years (Roseneau, pers.comm., 1994)." The rate of recovery of murres is of great scientific controversy, and it is premature to put such a statement, especially one based not on a peer-reviewed publication, but on verbal communication, in the summary. Furthermore, these statements contradict those in the description of affected environment (Ch. 3-15-16). And even if recovery was within 20-years, this would be many generations later and therefore, there would still be major long-term negative effects from no action. Because the Roseneau information so controversial, it should be deleted from the summary, and the description given in a way consistent with those for other species. Furthermore, murres were injured in areas besides the Barren Islands-- in fact many of the smaller colonies throughout the spill zone were not even systematically studied. Furthermore, murres are still among the most vulnerable species to effects of chronic on-going and future oil spills and other factors may contribute to the decline of the population. 21

Alternative 2-- Because this alternative would give the most protection to habitat through acquisition and other measures, it should also have included some actions beyond the area directly affected by the oil spill. Measures to restore the populations of seabirds affected by the spill, especially common murres, may be most effective in areas of Alaska beyond the areas hit by oil and may involve habitat acquisition or protection. 22

Furthermore, this alternative should not have as a policy to promote increased use of the spill area to greater than pre-spill levels. This is especially important for designated wilderness areas, and Wilderness Study areas.

We believe the benefits to Recreation and Tourism and Wilderness would be major over the long-term if a major program of habitat acquisition and protection if undertaken. 23

Alternative 3-- We find it ironic that this alternative calls for the most limited habitat protection or acquisition, but is the only one that does not mention a policy to increase existing human use of the spill area, but only seeks to protect the existing human uses.

Alternative 4-- The first policy under this alternative is written in such a way to bias the reader. Of course, the public wants the "most effective" actions to protect and restore resources. Prevention of further damage to the ecosystem is the most effective thing that may be done for injured resources, and it is ludicrous to imply otherwise with the terminology given under this alternative.

There is a contradiction in the evaluation of impacts. If it is seen as a moderate to high benefit to have increasing recreational use levels, then there must be a corresponding negative effect on wilderness values-- i.e. level of solitude, quiet, and pristine quality of an area. There could be more increases if permanent protection through wilderness designation were part of any of the alternatives, but this is not the case. | 24

Alternative 5-- The summary gives an extremely misleading characterization of this alternative relative to the others for marbled murrelets. By underlining "highest," the statement at quick glance implies this alternative gives highest benefits, whereas, alternative 5 probably will provide the least benefits to marbled murrelets of all alternatives, except #1, because it will give the least funds for habitat acquisition. This statement should be changed to say there would be minor benefits to marbled murrelets, depending on the amount of old-growth forest habitat that is acquired. | 25

It is extremely misleading to characterize the proposed action as one that would provide more wilderness benefits when it at the same time calls for many more intrusive activities such as hatchery stock introductions, other habitat manipulations, and actions that will increase many kinds of human activities in the areas, while offering no proposal for additional permanent protection of land. Furthermore, it is illogical that more types of general restoration are listed for this alternative than for #4, even though half as much money would be spent on them. | 26

Summary - Chapter 4, Environmental Consequences-- Impact levels must address habitat factors, as well as changes in populations levels. Furthermore, quality of habitats, such as contamination levels should be addressed. | 27

Table of Contents-- Appendices should be listed. Appendix E was not included in the document. | 28

Ch.1-13 Although we believe it is reasonable for the Trustees to focus on the impacts to selected species where there was greater initial mortality, or better evidence of on-going damages, we do not believe that the other species should be completely ignored in this EIS. | 29

Ch.1-13 Give the full name of the sea lion species; for birds list all species, not just major groupings such as loons. Perhaps in the "affected environment" section, or in an appendix, all of the species of organisms known to have been affected by the spill should be listed. | 30

Ch.1-16 If certain specific actions, such as developing new facilities or employing habitat manipulation techniques may be in conflict with the Kodiak or Alaska Maritime Refuge plans, then the proposed action should exclude such restoration activities for this refuge. If such proposals are currently being advanced, this EIS should address them in a site specific way. | 31

Ch.1-16 The specific activities which could be carried out on State land under the Area Plan for Prince William Sound that would conflict with the Restoration plan should be identified. It is not in the public interest to have one hand spending money to restore resources and services, while the other hand spends money fostering activities that would impact these same resources or services. | 32

Ch.1-19 More information about the Regional Comprehensive Salmon Enhancement Plans should be provided in this EIS, especially concerning issues of increasing hatchery stock runs vs. other rehabilitation efforts, and the specific proposals currently on the books. | 33

Ch.1-19 It is unclear that if no actions are proposed for certain species, like bald eagle, river otter, rockfish, or Dolly Varden, whether restoration projects could later be done that benefit the habitats these species depend on, or their populations, and whether these species may be used in deciding ranking of projects, including habitat acquisition. We disagree that cutthroat trout or Dolly Varden should have no actions proposed to benefit these species, and that the focus of restoration is on the services they provide. If the recovery of these species is | 34

unknown, then why is it any more justified to do projects to address the services, than it is to help the species themselves. We believe that habitat protection best provides restoration for all of the above mentioned species, except rockfish.

Although bald eagle, black oystercatcher, and killer whale may be in the process of recovering, this is not an adequate reason that they should not be considered as components of the injured ecosystem for which recovery actions are sought, and therefore such species should be considered in project and habitat acquisition ranking criteria. Furthermore, the choice to not analyze subtidal resources--even if there is nothing humans can do to foster recovery or prevent further degradation of such habitats--unnecessarily downplays this critical part of the damaged ecosystem. And there could be other actions proposed for intertidal resources, such as giving closer scrutiny to dredge or fill activities which will cause future loss or degradation of such habitats.

Ch.2-4 This section should also include the Fish & Wildlife Service's responsibilities under the Migratory Bird Treaty Act, the Endangered Species Act (for candidate species), and the Fish & Wildlife Coordination Act. 35

Ch.2-9 "Predator control" should specify that this is only of introduced, alien predators on islands. 36

Ch.2-13,14 It doesn't make sense that alternative 5 calls for at most half the amount of funds to be spent on general restoration as alternative 4, but contains an even longer list of possible projects. 37

Ch.2-14 The restoration reserve needs to be better described. Where would the funds be placed. How much interest would be expected? What projects could these funds be used for? What are the fiscal and environmental advantages and disadvantages of such as reserve. 38

Ch.2-19 This chart should list "very high" benefits to marbled murrelet for alternative 2. 39

Ch.2-21 The table of definitions of impact levels should include degree of protection to critical habitats used by species--especially for birds--in addition to enhancing measurable levels of populations, productivity or sub-lethal injuries. 40

Ch.2-22 The definitions of impact levels for wilderness need to be modified so that they also include impacts to degree of solitude and quiet, absence of permanent human activity, and intact, natural qualities of the ecosystem. The "perception" of injury to the wilderness qualities from the oil spill was not only due to the oiling itself, but also the intrusion of massive numbers of people, vehicles, machinery. Especially because the Proposed Action calls for promotion of increased human uses of the spill area, this EIS must address all types of wilderness impacts, not just the ones which allow this EIS skew or hide the negative impacts of the Action. 41

Ch.3-6 Maps should be included in this EIS which show boundaries of the Chugach National Forest (including the Nellie Juan Wilderness Study area), National Wildlife Refuges, National Parks, State Parks and Refuges, and outlines of designated federal wilderness areas so that the public can better understand how the plan will address the values of the public lands. 42

Ch.3-6 Maps should be provided that show the distribution of various terrestrial habitats, especially old-growth forest, and the location of already logged areas. This will help the reader assess the alternatives and impacts of the proposed action.

Ch.3-8 Maps showing the locations of 60 oiled mussel beds should be provided so that a reader may consider the type of activities that may be carried out there with other values, such as designated wilderness shorelines, bird habitats, subsistence use areas, etc.

Ch.3-11 Harlequin duck section should include that this species is a Candidate II species for list of threatened and endangered species under the Endangered Species Act. 43

Ch.3-10 The date and nature of "written communications" should be listed in the references. It should be explained if these are initial results of Trustee funded work, who their work is conducted for if it is not the Trustee Council. 44

Ch.3-12 A better description of the "timbered areas" adjacent to streams used by harlequin ducks for nesting should be given, including whether it is old-growth, and the type of stands. 45

Ch.3-18 The section on marbled murrelets should include references to studies showing that this species is among the most closely linked for nesting to old-growth forest habitat of any in the pacific Northwest and California, and that it is listed as threatened in the lower 48 part of its range. Furthermore, evidence of the effects of logging of its nesting habitat, oil spills, and the effects of fishing elsewhere in its range, as well as whatever information exists for the spill region, should be included in this description of its status. 46

Ch.3-23 The terrestrial habitats surrounding Dolly Varden and Cutthroat trout spawning streams should also be described.

Ch.3-25 The paragraph on the authorization of the Trans-Alaska Pipeline should include specifics on what provisions of NEPA were waived, and description of the lawsuits. That there were major concerns over impacts from the Valdez marine terminal, including risks of oil spills and tanker collisions due to icebergs, should be included. 47

Ch.3-50 The economics should also be shown for the EVOS area without Anchorage included. An economic model that is not able to account for economic activity related to subsistence activities is inappropriate for use in thei EIS. As well, more specific work on the economics of recreation should be done. 48

Ch.4-2 The description of an ecosystem approach should also discuss that proposed actions will be taken throughout the geographical region of the oil spill. 49

Ch.4-4 How can 1990-- a post-spill year-- be used as an economic baseline? 50

Ch.4-18 Delete speculative, and controversial, information about 20-year recovery time for murres in the Barren Islands which is based on a personal communication. 51

Ch.4-19 Provide quantitative information on the acreage of forest habitat that has been logged since the oil spill, and the total in the oil spill region to date. Evidence of marbled murrelet nesting on Montague Island (available from the Fish & Wildlife Service) should be included in this section. The conclusions regarding projected logging underplay the negative effects of no action on this species. 52

Ch.4-27 The conclusions statement about long-term effects to wilderness should also mention the high degree of negative impacts from extractive activities that would occur without the proposed action. 53

Ch.4-49 A more complete description of the process "cleaning" mussel beds should be included. Would the mussels be lifted using handtools or heavy machinery? What would be done with the contaminated sediments, and how much oil might be released into the water, and therefore into the intertidal and subtidal zone? Would this be more oil than is currently entering the food chain? Could the action be taken at a time that would not disturb nesting birds or hauled out marine mammals? We are concerned about this source of continuing contamination of the food chain, but would could not support proposals to clean mussel beds without more information and a better assessment that it would not result in further impact to the ecosystem. 54

Ch.4-55 We support acquisition of Gull Island as part of the Alaska Maritime National Wildlife Refuge.

Ch.4-56 We oppose predator control programs except in circumstances on islands where introduced (i.e. alien) predators have had major effects on nesting productivity.

Ch.4-57 Typographical mistakes refer to pigeon guillemots in the section on marbled murrelets. Greater analysis of the best opportunities to protect threatened marbled murrelet nesting habitat should be included. Data from the Congressionally-mandated studies on Afognak Island, and from the on-going studies of the characteristics of nesting habitat should be included here. 55

Table A-1 Does this ranking include results from the Congressionally-mandated study of Afognak Island and other areas? 56

Ch.4-59,60 This section on general restoration should document the substantial evidence from the lower 48 that there may be major adverse impacts from some of these activities, especially hatchery rearing. Furthermore, the possible negative effects to bird forage fish from producing more hatchery-raised fish should not just be buried in the assumptions at the beginning of this chapter, but should also be listed in the conclusions. 57

Ch.4-69 We do not believe there would be increased benefits to wilderness values for there to be "marketing" or more public information campaigns about how residual oils were removed. We do not support removal of residual oil in beaches if the Trustees main purpose is to increase the public's perception of the wilderness-- this is an insult. We far prefer to see funds spend on actions resulting in real evidence on the ground, for example, protecting wilderness values from future degradation by preventing clearcutting or other extractive uses. 58

Ch.4-107 Even though the small parcel analysis is still being developed, maps showing the locations of these small parcels, and general descriptions of their ownership and the past, present, and potential uses should be given in this EIS. 59

Ch.4-109 We oppose a clam mariculture program that would target new areas of the intertidal zone because on the negative effects. We do not believe the Trustees should dedicate more funds to experimental projects such as seeding/planting Fucus for which feasibility is unknown.

Ch.4-146 The proposed MMS lease sale at Yakataga should also be included in this analysis because oil spills could affect the resources and ecosystem where restoration is planned. Unless the State does not plan on offering any more offshore lease sales in Cook Inlet, these should be listed under cumulative effects because tanker shipping and oil spills could impact the resources for which restoration is being undertaken. Future oil spills from tankers calling at the Trans-Alaska Pipeline terminal at Valdez should also be included in this analysis. The IMS Infrastructure Improvement Project at Seward should also be specifically included here. The construction of new docks at villages, and log dump facilities that would occur under most alternatives should be added. 60

Ch.4-155 It is illogical to say that the greatly increased number of tourists, recreational users, and industrial traffic would not have a cumulative effect on wilderness. Clearly, there would be reduced opportunities for solitude and quiet, a reduction in the number of areas where the presence of humans was not a permanent mark on the landscape, and a long-term degradation of the pristine, natural qualities of the landscape. Admit it! 61

Appendix D- Economic Analysis-- The IMPLAN economic model fails to address critical economic values, especially the non-market values of recreation and subsistence. Studies have shown that these non-market values can be substantial and have a direct contribution to personal economic resources. Because the IMPLAN model requires a significant number of simplifying assumptions, these should be identified in the EIS. Additionally, passive use economic values derived from contingent valuation studies should be added to the analysis. The extensive information compiled for the MMS has through economic studies for the spill-affected region should be included in the EIS. 62

The Wilderness Society has actively participated in the restoration process, since the settlement was signed, on behalf of our members and the interests of the public throughout the nation. We are a national membership organization devoted to preserving wilderness and wildlife, protecting America's prime forests, parks, rivers, and shorelands, and fostering an American land ethic. The non-profit organization has 280,000 members nationwide, nearly 1,400 of whom live in Alaska and many who reside along or use the shorelines of areas affected by the spill. We appreciate this opportunity to comment and look forward to continued involvement in the Restoration Process.

Sincerely,

Pamela A Miller

Pamela A. Miller
Alaska Program Director

195

Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6340
[redacted]

August 1, 1994

VIA FAX 276-7178

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

RE: EIS Comments

Dear Trustee Council and Staff:

The Kodiak Island Borough has reviewed, with interest, the Draft Environmental Impact Statement (DEIS) for the Exxon Valdez Oil Spill (EVOS) Restoration Plan. As you are aware, the Kodiak Island Borough represents one of the regions impacted by the EVOS.

We have noted that the DEIS and the draft Restoration Plan will guide all future restoration actions, and is intended to reflect a balanced approach to general restoration, monitoring and research, and habitat protection. We have also noted that comments are requested to be specific and should address the adequacy of the DEIS and the merits of the alternatives discussed.

The summary section of the DEIS identifies the players that were involved with cleanup and assessment of damages as a result of the EVOS immediately following the spill. It concerns us that no local governments or native organizations are listed, since these types of organizations were actively involved in responding to the spill. It is from this local perspective that our opinions about the best use of the settlement money flows. 195

While we understand that the EVOS settlement money is intended to be used for restoration, we believe that restoration is both more predictable and beneficial when provided in the form of habitat acquisition. Habitat acquisition provides for both biological recovery of species damaged by the EVOS, as well as economic recovery of the people and communities damaged by the spill. The Kodiak Island Borough does not believe that the same can

be said of the other restoration components offered in the DEIS. The benefits to the impacted species from general restoration and monitoring and research appear, at best, to be somewhat speculative. 2

Based on our perspective, we believe that the DEIS alternative that best meets the goal of restoration, in the spill impacted area, is Alternative 2. We strongly believe that the long-term impacts of habitat acquisition/protection, as summarized in Table 2-3, have been undervalued, and that all of the resources listed would fare better under Alternative 2, than under any other alternative. As a result, we support limited funding for other restoration categories. 3

We urge the Exxon Valdez Trustee Council to consider the adoption of Alterative 2 of the DEIS, as the preferred alternative, and to use this Alternative as the basis for future decision making for the Council's annual work plans. We appreciate your hard work and that of your staff, who have labored to produce an effective and beneficial plan for the restoration of resources lost to the EVOS. We believe that can best be done by habitat acquisition in the spill impacted area.

Sincerely,

KODIAK ISLAND BOROUGH

Linda L. Freed
Acting Mayor

196

Sierra Club
Alaska Field Office
241 E. Fifth Avenue, Suite 205, Anchorage, Alaska 99501
(907) 276-4048 • FAX (907) 258-6807


by Wilbur Mills

August 1, 1994

Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
645 G Street
Anchorage AK 99501

Gentlemen:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill Restoration Plan.

Faulty assumptions

Some of the DEIS conclusions about impacts of the various alternatives are, at first, surprising. On further investigation, it appears that they are faulty, because they are based on faulty assumptions.

196

One faulty assumption which leads to many faulty conclusions concerns the amount of land (or interests in land) available for the various amounts of money considered for Habitat Protection.

Under Alternative 2 (the "Habitat Protection" alternative) the last paragraph of page 2-7, states "At this time, we do not know what the cost of various levels of protection will be at fair market value. For purposes of analysis in this alternative, we are assuming that all the parcels shown in Figures 2-1 though 2-3 would receive some level of protection...." (Figures 2-1 through 2-3 are maps of all the large parcel private lands in the oil spill area.) While the first sentence is clearly correct (the fair market value price is not yet known), the second sentence clearly is not. It is completely arbitrary to assume that the amount dedicated to habitat protection in Alternative 2 ($564 million) would purchase fee simple title, interests in land, or cooperative agreements on all the large parcel private lands in the oil spill area, estimated at 863,100 acres. This assumes an average price of roughly $650 per acre, which is well below the available owners' asking prices and the price of the parcels purchased so far. It would also leave no funds at all available for the small parcels, which are the most easily developed and the most expensive lands per acre.

Subsequent alternatives drift even further from likely real prices, stating, "For purposes of analysis in this alternative, we are assuming one end of the range of protection possibilities is that all parcels ... would receive some level of protection."

The problem with these assumptions is that they lead to the faulty conclusion that a smaller amount of money (such as the $295-325 million in the preferred alternative) will be sufficient to buy the valuable habitat. Therefore, spending more money on habitat protection (beyond the Preferred Alternative) is mistakenly viewed as allowing only the addition of low value parcels. It is, in fact, probably impossible to do an adequate analysis without appraised values for the land. However, the assumed price is almost certainly too low. Some Trustee Council members themselves have remarked that all the available funds ($620 million) may not be sufficient to buy even the highest ranked large parcel areas, much less the medium and low ranked parcels.

Another faulty assumption is that "General Restoration" is necessarily a significant benefit to the injured resources and services. In fact, many of the General Restoration options are designed to increase raw numbers of one resource (such as salmon) without regard to possible negative impacts on other resources and services. In some cases, the impacts can even turn out to be negative on the target resource. For example, hatchery rearing of salmon often has a negative impact on wild salmon stocks. Worldwide experience with hatcheries is that short term results are often very good, but after a number of years, populations may decline precipitously. Also, a General Restoration project may increase the raw numbers of a resource, but this may be a poor measure of restoration. For example, sport hatcheries may increase the number of sport fish available, but these hatchery fish may be of much less interest than wild fish to the serious angler.

Of course, General Restoration projects are subject to further NEPA analysis. The point here is that there appears to be a faulty assumption that the listed General Restoration projects have a significant positive impact -- more significant, in fact, than Habitat Protection. This assumption is not overtly stated and not justified in the DEIS, but it nevertheless drives the conclusions.

<u>Faulty conclusions</u>

The impacts are summarized in Table 2-3 "The Comparison of the Impacts of the Alternatives From Chapter 4" (page 2-19).

The most appalling of the faulty conclusions is the supposed effects on wilderness. The DEIS concludes that the Habitat Protection Alternative (#2) will have only a "low to moderate" impact on wilderness, whereas the Preferred Alternative (#5) will have a "moderate to high" impact. How is this possible? Less money for Habitat Protection means more land will be logged and otherwise developed. In addition, the General Restoration options themselves all have negative impacts on wilderness. 3

Much of the confusion stems from the fact that between the Brochure and the Draft Restoration Plan, de facto wilderness was inexplicably replaced by "Designated Wilderness Areas" as an injured resource. This does not make sense. If "Designated Wilderness Areas" are an injured resource, then other conservation units should also be listed, including injured National Parks, National Monuments, National Wildlife Refuges, National Forests, Wilderness Study Areas, State Parks, etc. In fact, the actual injured resource should simply be "wilderness." Wilderness occurs throughout most of the oil spill area, it was severely injured by the oil spill, and it will be further injured by a failure to provide adequate habitat protection.

Even if the Trustees consider only "Designated Wilderness Areas" the conclusions are still faulty. The DEIS considers only impacts on the actual land in the Wilderness Area -- so logging on a private inholding is considered to have no impact. In fact, the human experience of a Designated Wilderness Area can be ruined by logging on adjacent land.

Here are some other examples of faulty conclusions:

Sea otters are ranked "low" under Alternative 2 and "moderate" under the others. Sea otter biologist Lisa Rotterman has testified that logging causes significant harm to sea otters because sedimentation injures the intertidal organisms upon which they feed. It seems unlikely that the "cooperative programs" with subsistence users and fishermen, listed under "General Restoration" would be more important than the lost food source. 4

"Harlequin ducks" are ranked "high" in every alternative. Habitat protection is clearly important to harlequin ducks, which nest in old growth forest. Cleaning mussel beds might also help them, but the rest of the "General Restoration" projects would not. 5

Marbled Murrelets are ranked "high" in each alternative. There is nothing under "General Restoration" that will help marbled murrelets. Only Habitat Protection will help them. 6

Pink salmon are ranked "high" for Alternative 5, and "moderate" for the others. No distinction is made between hatchery stocks (which may not have been injured) and wild stocks (which clearly were). Some General Restoration projects may help hatchery stocks at the expense of wild stocks. Logging can damage wild stock habitat. 7

Sockeye salmon are ranked "moderate" in Alternative 2, and "high" in the other alternatives. See comments for pink salmon above. Logging is even more detrimental to wild sockeye. 8

Subsistence is ranked "low to moderate" under Alternative 2 and "moderate to high" under Alternatives 4 and 5. This does not reflect the very large negative impact on subsistence of logging and other development. 9

Recreation/tourism is ranked "moderate" for Alternatives 2 and 3, "moderate to high" for Alternatives 4 and 5. This does not reflect the very negative impact on recreation and tourism of clearcut logging. 10

Wilderness is discussed above.

Sport fishing is ranked "moderate" under Alternative 2 and "high" under the other alternatives. This does not reflect the opinion of sport fishing organizations, which have strongly supported habitat protection in past testimony. 11

Value of Each Category of Spending

Administration and Public Information: Administration has consumed far too large a portion of the Trustee Council's budget. Fortunately, the Trustees and staff have recently taken steps to reduce administrative costs. It is essential to continue this trend.

Monitoring and Research: It is useful to understand the extent of recovery and to measure the impacts of restoration projects. However, monitoring and research do not actually bring about restoration. Much of the research which has been conducted or proposed has little chance of contributing to actual restoration. The $130-165 million budget in the Preferred Alternative is highly excessive.

General Restoration: As discussed above, General Restoration is a double edged sword. The impacts can be negative as well as positive. Few of the listed options would provide cost-effective net benefits.

Habitat Protection: The Trustees should consider the nature of threats to habitat, not only their intrinsic value. For example, a forest habitat which will otherwise be logged should be preferred over habitat which is unlikely to be developed. It is also a public benefit to acquire private lands inside conservation unit boundaries to facilitate land management. In addition, it is essential to have sufficient funds available for important small parcels, as well as for the large parcels. The small parcels are often the areas most threatened with development. They are also often the key access areas.

Restoration Reserve: It is a good idea to have some funds available for restoration after the payments from Exxon stop in 2001. The Trustees do not need to set aside a certain amount of money each year, but can instead set aside funds from the last payment or two from Exxon. It appears likely that restoration reserve funds would be used mostly for research and monitoring. It is possible, but does not seem likely, that significant areas of habitat will become available that are not available now. The determination of the size of the restoration reserve should reflect the fact that it is most likely to be used for more research and monitoring.

A note on overall costs: Not only administration, but all expenses should be rigorously questioned. Public funds should not be wasted on helicopters and large boats when small boats are sufficient. Field work should be coordinated so that field staff for different projects can travel together. Travel for meetings should be minimized. In the past, the annual workplan process was designed to support projects with an urgent need for immediate funding -- with little regard to the actual importance of the project, its contribution to restoration, or its cost. The opportunity cost of every project must be considered. The Trustees should choose the restoration projects which have the "biggest bang for the buck."

Sierra Club recommendations

The Sierra Club does not favor any of listed alternatives.

We support purchase of land or interests in land from willing sellers for all of the following areas:

Prince William Sound
- Eyak Corporation - all lands bordering Prince William Sound
- Chenega Corporation - all lands
- Tatitlek - upper Port Fidalgo
- Chugach Alaska Corporation - Knight Island, subsurface for acquired village corporation lands

Kenai Peninsula
- Port Graham and English Bay Corporation lands inside the boundaries of Kenai Fjords National Park
- East Chugach Island (Port Graham)

Kodiak Archipelago
- Afognak Joint Venture - all lands, especially the northern part of the island
- All lands inside the boundaries of Kodiak National Wildlife Refuge, including lands owned by Koniag, Akhiok-Kaguyak and Old Harbor Corporations

We also support sufficient funds to purchase small parcels which are priorities to land management agencies or to neighboring communities.

We believe that restoration inside Alaska but outside the boundaries of the spill zone should be pursued if the benefits outweigh restoration within the spill zone. The boundaries of the injured resources and services are not the same as the boundaries of the spilled oil. Birds, fish, sea mammals, and people all travel more widely.

We believe that at least $500 million will be necessary for these priority habitat purchases. We believe that most of the options listed under "General Restoration" have little net benefit for restoration or are not worth their cost. We recommend not more than $10 million for General Restoration.

Although this Draft EIS is concerned mainly with expenditure of restoration funds, other decisions also have a profound impact on oil spill restoration. While the Trustee Council considers purchasing land or interests in land from private owners, the federal government and especially the state government are pursuing plans to log vast areas on the Kenai Peninsula, inside the oil spill area. State and federal land management planning should consider the impacts of logging on injured resources and services.

Thank you again for your consideration of public comments.

Sincerely,

Pamela Brodie

Pamela Brodie
Alaska Rainforest Coordinator

Sierra Club
241 East Fifth Avenue,
Anchorage AK 99510
(907) 276-4048
fax: (907) 258-6807

August 1, 1994

Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
645 G Street
Anchorage AK 99501 fax 276-7178

6 PAGES

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General Restoration: As discussed above, General Restoration is a double edged sword. The impacts can be negative as well as positive. Few of the listed options would provide cost-effective net benefits.

Habitat Protection: The Trustees should consider the nature of threats to habitat, not only their intrinsic value. For example, a forest habitat which will otherwise be logged should be preferred over habitat which is unlikely to be developed. It is also a public benefit to acquire private lands inside conservation unit boundaries to facilitate land management. In addition, it is essential to have sufficient funds available for important small parcels, as well as for the large parcels. The small parcels are often the areas most threatened with development. They are also often the key access areas.

Restoration Reserve: It is a good idea to have some funds available for restoration after the payments from Exxon stop in 2001. The Trustees do not need to set aside a certain amount of money each year, but can instead set aside funds from the last payment or two from Exxon. It appears likely that restoration reserve funds would be used mostly for research and monitoring. It is possible, but does not seem likely, that significant areas of habitat will become available that are not available now. The determination of the size of the restoration reserve should reflect the fact that it is most likely to be used for more research and monitoring.

A note on overall costs: Not only administration, but all expenses should be rigorously questioned. Public funds should not be wasted on helicopters and large boats when small boats are sufficient. Field work should be coordinated so that field staff for different projects can travel together. Travel for meetings should be minimized. In the past, the annual workplan process was designed to support projects with an <u>urgent</u> need for immediate funding -- with little regard to the actual <u>importance</u> of the project, its contribution to restoration, or its cost. The opportunity cost of every project must be considered. The Trustees should choose the restoration projects which have the "biggest bang for the buck."

<u>Sierra Club recommendations</u>

The Sierra Club does not favor any of listed alternatives.

We support purchase of land or interests in land from willing sellers for all of the following areas:

Prince William Sound
- Eyak Corporation - all lands bordering Prince William Sound
- Chenega Corporation - all lands
- Tatitlek - upper Port Fidalgo
- Chugach Alaska Corporation - Knight Island, subsurface for acquired village corporation lands

Kenai Peninsula
- Port Graham and English Bay Corporation lands inside the boundaries of Kenai Fjords National Park
- East Chugach Island (Port Graham)

Kodiak Archipelago
- Afognak Joint Venture - all lands, especially the northern part of the island
- All lands inside the boundaries of Kodiak National Wildlife Refuge, including lands owned by Koniag, Akhiok-Kaguyak and Old Harbor Corporations

We also support sufficient funds to purchase small parcels which are priorities to land management agencies or to neighboring communities.

We believe that restoration inside Alaska but outside the boundaries of the spill zone should be pursued if the benefits outweigh restoration within the spill zone. The boundaries of the injured resources and services are not the same as the boundaries of the spilled oil. Birds, fish, sea mammals, and people all travel more widely.

We believe that at least $500 million will be necessary for these priority habitat purchases. We believe that most of the options listed under "General Restoration" have little net benefit for restoration or are not worth their cost. We recommend not more than $10 million for General Restoration.

Although this Draft EIS is concerned mainly with expenditure of restoration funds, other decisions also have a profound impact on oil spill restoration. While the Trustee Council considers purchasing land or interests in land from private owners, the federal government and especially the state government are pursuing plans to log vast areas on the Kenai Peninsula, inside the oil spill area. State and federal land management planning should consider the impacts of logging on injured resources and services.

Thank you again for your consideration of public comments.

Sincerely,

Pamela Brodie

Pamela Brodie
Alaska Rainforest Coordinator

197

Lowell H. Suring
Alaska Chapter of The Wildlife Society
3301 C Street, Suite 300
Anchorage, Alaska 99503
21 July 1994

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

Mr Ayers:

We understand that the EVOS Trustees will not be considering using oil spill settlement monies to fund endowed academic positions at the University of Alaska. We are puzzled by this decision, and urge the Trustees to reconsider. At the very least, we feel this is an option that should be discussed and evaluated in the final EIS of the EVOS restoration plan. 197

We would appreciate receiving any supplemental information you may have related to this matter as we prepare our formal comments on the DEIS.

Sincerely,

Lowell H. Suring, President
The Alaska Chapter of The Wildlife Society

enclosures

THE WILDLIFE SOCIETY
ALASKA CHAPTER

P.O. Box 20604
Juneau, AK 99802

1 May 1993

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

Dear Dr. Gibbons:

The Wildlife Society, founded in 1937, is a nonprofit scientific and education organization of professionals active in wildlife research, management, education and administration. The Society publishes two scientific journals and a monograph series. The Alaska Chapter of The Wildlife Society has about 330 members. We recently held our annual meeting in Juneau and adopted a resolution urging the Oil Spill Trustee Council to consider the endowment of chaired positions in the biological sciences with the University of Alaska system.

Our resolution does not specify the types of positions that might best be suited to meet the restoration goals. Myself and other members the Alaska Chapter would gladly provide more detailed suggestions to the Oil Spill Trustee Council about the types of expertise that could best provide the types of biological information and education that will be needed into the future. Endowed university chairs would provide heightened research and education within the state of Alaska that will benefit all Alaskans.

Sincerely,

Kimberly Titus, Ph.D.
President

RESOLUTION OF THE ALASKA CHAPTER OF THE WILDLIFE SOCIETY

A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL COUNCIL TO WORK WITH THE UNIVERSITY OF ALASKA ON A PLAN TO ENDOW UP TO 20 ACADEMIC CHAIRS IN THE BIOLOGICAL SCIENCES TO FULFILL THE LONG-TERM GOALS OF THE SETTLEMENT.

WHEREAS, the biological resources of the northern Gulf of Alaska were severely impacted by the Exxon Valdez oil spill,

WHEREAS, baseline scientific data were inadequate to positively assess the damage and are inadequate to realistically restore the environment, and

WHEREAS, future shipwrecks and oil spills in the area are a realistic probability, and

WHEREAS, the accumulation of scientific knowledge and advancement of scientific technology make enormous advances each year and will continue to do so into the centuries ahead, and

WHEREAS, endowed academic chairs will provide continuing quality scientific investigation, scientific publications, and excellence in training that will be needed by the agencies and companies responsible for resource management and development in perpetuity, and

WHEREAS, the Exxon Valdez Oil Spill Trustee Council is charged with restoring, rehabilitating, replacing, enhancing or acquiring equivalent resources and services in the oil spill region and could benefit from better means to accomplish these goals, and

WHEREAS, with scientific advancements in the decades or centuries ahead eventual enhancement of many of the biological resources will be possible, and

WHEREAS, concentrating a major center for advancement of the biological sciences at the University of Alaska is in the best interests of all Alaskans injured by the Exxon Oil Spill, and

WHEREAS, the University of Alaska already has an appropriate Foundation for managing endowed chairs;

NOW IT THEREFORE BE RESOLVED BY THE MEMBERSHIP OF THE ALASKA CHAPTER OF THE WILDLIFE SOCIETY:

1. To urge the Exxon Valdez Oil Spill Trustee Council to instruct their Restoration Team to contact and cooperate with the University of Alaska in developing a plan for establishing up to 20 endowed chairs in the biological sciences that will fulfill the intent of the settlement.

2. That such a plan be included in the Restoration Plan and Environmental Impact Statement being prepared this year by the Restoration Team.

Adopted this 20th day of April 1993.

Kimberly Titus, President

907

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

AUG 01 1994

REPLY TO
ATTN OF: WD-126

Rod Kuhn
Project Manager
Exxon Valdez Restoration Office
645 G. Street, Suite 401
Anchorage, AK 99501-3451

Re: Exxon Valdez Oil Spill Restoration Plan Draft Environmental Impact Statement (EIS), Southcentral, Alaska

Dear Mr. Kuhn:

The Environmental Protection Agency (EPA) has reviewed the draft EIS for the Exxon Valdez Oil Spill (EVOS) Restoration Plan located in southcentral Alaska. Our review was conducted in accordance with the National Environmental Policy Act (NEPA) and our responsibilities under Section 309 of the Clean Air Act.

The draft EIS describes five management alternatives considered in development of the Restoration Plan, including the No-Action Alternative. Each of the alternatives is made up of variations of four basic categories of activities: 1) Habitat Protection and Acquisition; 2) General Restoration of resources and services; 3) Monitoring and Research; and 4) Administration and Public Information.

The draft EIS is an informative, well prepared and comprehensive document. Although the information in the draft EIS is generally sufficient, we have requested some additional information and clarification.

We have rated the draft EIS EC-2 (Environmental Concerns - Insufficient Information). Our environmental concerns are primarily based on the need to ensure that the Trustee Council and the individual agencies are evaluating opportunities to complement each others management actions/objectives. Our concerns also relate uncertainties of habitat protection tradeoffs for each alternative. Additional information is needed on the potential for incorporating agency management actions into the Restoration Plan. Also additional information is needed on the difference of actual habitat protection afforded by each alternative.

907

Detailed comments are enclosed as is an explanation of our rating system for draft EISs. This rating and a summary of our comments will be published in the Federal Register.

We appreciate the opportunity to review and provide comments on this draft EIS. If you have any questions about our review comments, please contact Larry Brockman at (206) 553-1750.

Sincerely,

Wayne Elson

for Joan Cabreza, Acting Chief
Environmental Review Section

U.S. Environmental Protection Agency
Comments on the
Exxon Valdez Oil Spill Restoration Plan
Draft Environmental Impact Statement

The following are detailed comments on subjects where we felt the draft EIS could use more detail.

Alternatives

The draft EIS describes a logical range of basic alternatives. However, we are concerned that "Agency Management Actions" are specifically discounted in any alternative (see Chapter 1, page 20: Alternative Elements Not Considered in Detail). It is true the Trustee Council (who oversees the expenditure of settlement funds on restoration) does not itself manage land or fish and wildlife resources. However, the Trustee Council is, specifically made up of the land and resource management agencies. These agencies have the ability, through their individual authorities, to take management actions that can directly assist or hinder the effectiveness of the restoration projects listed in the draft EIS. In some cases, management actions to reduce or eliminate other non-spill related stresses on populations can be the most effective means speeding the population's recovery. For example, recovery of injured fish stocks can be enhanced by management decisions about fishing limits methods, or seasons, taken specifically to complement the other restoration methods contemplated. At the same time, continued pre-spill harvest rates may keep a reduced population from ever recovering independent of any habitat enhancement work that is done.

From an ecological standpoint, it is inappropriate to ignore the relationship between recovery and ongoing management of the recovering resource. This is especially true for exploited resources and populations. From the NEPA standpoint, reasonable alternatives are to be evaluated even if they happen to be outside the authority of the lead agency. In this case, even though management actions may be outside direct authority of the Trustee Council, such actions are not outside the authorities of the agencies that make up the Trustee Council. Therefore, we request the final EIS discuss in more depth the potential for management actions to complement or be incorporated into the Restoration Plan. Given this is a programmatic EIS, we believe it is appropriate for the Trustee Council to make recommendations to agencies on management actions. This would allow the appropriate agency to consider and/or act on these management actions.

Habitat Protection

EPA is pleased the habitat protection concept has been retained as a major aspect of each alternative in the Restoration Plan draft EIS. However, discussions presented in the draft EIS make it very

difficult to determine actual degree of habitat protection (and by extension the degree of actual restoration benefit to various resources) afforded by each of the alternatives. Habitat protection is described as being of "high" (and sometimes "highest") benefit in all of the alternatives. The discussions in the draft EIS do note varying amounts of money would be available for habitat protection in the different alternatives, and it is acknowledged, depending on the cost per acre, fewer acres may be protected as less money is made available. The draft EIS also gives a somewhat prioritized list of parcels that could be acquired, implying the parcels having the highest restoration benefits would be purchased first, independent of how much money is available. Unfortunately, the resource-by-resource discussion discloses little. For example, it is unclear how the high priority parcels listed for one resource relate to those listed for other resources. Given this, it is difficult to determine whether all injured resources will receive some minimum level of protection. And since all alternatives are said to achieve "high" benefits from their habitat protection components, it is virtually impossible to get anything but the roughest idea of what is being lost, restoration-wise, under alternatives that divert more restoration funds from habitat protection into other measures such as research.

The very names of the alternatives add to this lack of clarity. "Comprehensive Restoration" is the name given to the preferred alternative, and it is, in fact, the most comprehensive in terms of types of restoration actions that would be funded. However, it is all but impossible to determine the degree to which the overall result of funding this wider array of actions will be more rapid, more complete, or more comprehensive recovery of resources and services injured by the EVOS. "High" is generally defined throughout Table 2-4 only as meaning recovery would be faster than natural recovery. From a public disclosure standpoint, it would be helpful for the final EIS to discuss habitat protection tradeoffs more directly, perhaps by describing semi-quantitatively the degree of restoration likely to occur for each resource, rather than oversimplifying by saying many will receive "high" benefits.

SUMMARY OF THE EPA RATING SYSTEM
FOR DRAFT ENVIRONMENTAL IMPACT STATEMENTS
DEFINITIONS AND FOLLOW-UP ACTION *

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA intends to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment

February, 1987