Hsieh, Elise M (EVOSTC)

From: Sent:	Womac, Cherri G (EVOSTC) Friday, February 26, 2010 9:48 AM
To:	Craig O'Connor (Craig.R.O'Connor@noaa.gov); Sullivan, Daniel S (LAW); Lloyd, Denby S (DFG); Jim Balsiger (jim.balsiger@noaa.gov); Joe Meade (jmeade@fs.fed.us); Kim Elton (kim_elton@ios.doi.gov); Hartig, Lawrence L (DEC); Tillery, Craig J (LAW); Pat Pourchot (Pat_Pourchot@ios.doi.gov); Steve Zemke (szemke@fs.fed.us); Brookover, Thomas E (DFG); Tillery, Craig J (LAW); Dawn Collinsworth (Dawn.Collinsworth@ogc.usda.gov.); Hsieh, Elise M (EVOSTC); Gina Belt (regina.belt@usdoj.gov); Schorr, Jennifer L (LAW); Schorr, Jennifer (EVOSTC); Michael Zevenbergen (Michael.Zevenbergen@usdoj.gov); Rich Myers (richard.myers@sol.doi.gov); Fries, Carol A (DNR); Dede Bohn (Dede_Bohn@usgs.gov); Carlson-Van Dort, Marit K (DEC); Peter Hagen (Peter.Hagen@Noaa.gov); Brookover, Thomas E (DFG)
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Subject:	FW: public comment

23.01.11

Public Comment from Ken Adams, Cordova, for today's (Feb 26) Trustee Council meeting. He will call in during public comment, but wanted a written copy at your disposal.

Cherri

From: kadams@gci.net [mailto:kadams@gci.net] Sent: Friday, February 26, 2010 10:20 AM To: Womac, Cherri G (EVOSTC) Subject: public comment

February 26, 2010

Good Day members of the Trustee Council:

My name is Kenneth Adams. I'm a fisherman and resident of Cordova and I want to thank the Council for the opportunity to comment at the meeting of a Trustee Council representative and staff held in Cordova on the 18th of this month. The topic of the Trustee Council's future is of much importance to those of us who were impacted by EVOS and we take this matter seriously.

I'll refer to those comments this morning and also present them in hard copy format.

I'd like to call to the attention of the Council that I and partner Mr. Ross Mullins, along with our scientist collaborators, have had extensive experience with the Trustee Council. Beginning in 2002 and ending in 2006, we submitted a series of five consecutive proposals that were supported by the Council. Our intention was to utilize the results of the Sound Ecosystem Assessment (SEA) project, funded by the Council, and work to improve the status of the Prince William Sound (PWS) fisheries. You may recall in your 1994 Restoration Plan, the importance of restoration of the oil spill impacted fisheries was acknowledged.

I bring this to your attention to emphasize the fact that we are not new -comers and our more than five years experience has granted some insight into the Trustee Council process. I'll present a brief list of topics that I believe merit attention.

#1 Lingering oil: Despite on going lack of recovery of several species, the presence of oil remaining in beaches of PWS makes the strongest case for EVOS impact. The reopener claim submitted to Exxon is worthy of their funding. Exxon should bear this burden, not the Trustee Council's reserve. There are other topics of importance that should be addressed with the restoration reserve account.

#2 Trustee Council administration costs: This cost has reportedly been as high as two million dollars annually. I believe this is too expensive and other usages of the restoration reserve are more worthy.

#3 Perceived Trustee Council phase-out: I agree with this intention that we discussed at the Cordova meeting. The Trustee Council over the years has accomplished a variety of results; some good and some not so good. The Council has been inconsistent and at times, politically driven. A new entity needs to be created or adopted to manage the ongoing restoration needs.

#4 Long term monitoring: In various Council reports there have been references to the lack of an on-going ecosystem data base to distinguish between natural and anthropogenic causes of change. I believe a mini-GEM program should be undertaken to address this longed-for but not accomplished goal. I especially believe an ongoing zooplankton monitoring program in PWS would be of value regarding improvement of our understanding of the ecosystem function and an aid to fisheries management and recovery, salmon and herring especially.

#5 Regional concerns: I believe PWS should be the main focus of future monitoring, research, and restoration activities. PWS and this region's stakeholders were most directly impacted of any region affected by EVOS. Every outgoing crude oil tanker continues the threat to PWS and potential additional oil spills

#6 Herring restoration: This topic is of much importance to the PWS ecosystem and of course, to fishermen and communities dependent upon harvests of this species. An on-going herring restoration program is worthy of funding but should not be the sole usage of restoration reserve revenues as mentioned above.

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Thanks for the opportunity to present these comments.

Yours truly, Kenneth Adams

23.01.11



Alaska SeaLife Center windows to the sea RECEIVED MAR 3 1 2010 EXXON VALDEZ OIL SPILL TRUSTEE Council

March 30, 2010

Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Trust Council Members, Re: ASLC Submission in Response to Request for NEPA Comments (RIN 0648-XT64)

We are writing in response to your request for comments subsequent to the notice of intent to prepare a supplemental environmental impact statement on the *Exxon Valdez* Oil Spill Trustee Council's Restoration Efforts.

By way of background, we would like to again thank the Council for your initial support for the Alaska SeaLife Center (ASLC) – we are perhaps the most obvious and successful legacy of the Council's restoration investments over the past 20 years. Your initial \$26m grant to build the Alaska SeaLife Center has enabled the following outcomes:

- Leveraged \$164m of additional capital investment and ongoing research and education funding from 1998-2010, with a further investment pipeline of \$7m already committed through 2012.
- Resulted in 209 peer reviewed publications and more than 600 other publications
- provided education about the marine ecosystem of Alaska to more than 1.75 million visitors and more than 180,000 school children
- Employed more than 720 people over the years (current staff of 70 FTE and some 30 seasonal staff), trained 300 interns, 36 postgraduate students (24 MSc/12 PhD) and over 1,000 volunteers;
- Generated an annual direct income to the Seward and Kenai Peninsula Borough economy of more than \$6m that has stimulated multiplier effects of an additional 30 jobs year as well as indirect, but significant, positive flow-on economic and social effects on local housing, schools, charities, etc.; and
- Established facilities that subsequently rehabilitated more than 100 marine mammals and 236 seabirds, many in the spill-affected area and which are maintained to this day as the only dedicated and 24/7 capable oil spill wildlife response facility in Alaska.

We commend the Council for your initiative to revisit the allocation of the final tranche of restoration funding, particularly your stated intent to "seek a more discrete and efficient mechanism by which to

Page 1 of 7

direct the remaining funding". After more than twenty (20) years of restoration activities it is indeed timely to review the approach that has been taken with respect to these efforts.

Our comments address three inter-related aspects of the Council's proposal; (a) the mechanisms(s) for disbursement of funding, (b) the focus of that funding and (c) the 1994 restrictions on Alaska SeaLife Center operations that were part of the November 1994 resolution of the Council that supported funding for construction and operation of the Center. While the latter are not specifically a part of the document that was made available for public comment, they are central to our overall response to this notice and we believe it timely to revisit these requirements.

1. Mechanisms for Disbursement of the Remaining EVOSTC Funding

At the public meeting the Council convened in Seward on 16th March, we (and many other community representatives) expressed concern about both the relatively high costs of current disbursement mechanisms and the lack of adequate provision for truly long term funding of research, restoration and spill preparedness efforts.

The Trust Council operations involve high levels of transaction costs, both in the manner of operations of the Council secretariat (up to \$2.5m/year for grant administration and related functions) and in the requirements imposed on grantees. Based on the experience of similar granting institutions, particularly the North Pacific Research Board which has both a cap on administration charges and a very efficient grants disbursement mechanism (the Alaska SeaLife Center acts as fiscal agent), we believe that there is considerable room for improvement if the Council remains in the business of being a direct granting agency.

We understand there may be statutory limits on the extent to which the Council may be able to wind down its operations and so would like to propose two scenarios for further evaluation by the Council.

The preferred scenario would be for the Council to establish an endowment fund with all remaining available restoration funds (we understand that to be between \$80-100m). Such a fund would generate approximately \$4m to \$5m in perpetuity if managed in accordance with the standard practices of charitable foundations seeking to average a return of 4% to 5%. We make no comment on the mechanisms for such a fund, other than to note there are many precedents in government for these types of long term investment vehicles (e.g. Dinkum Sands settlement that supports the North Pacific Research Board (NPRB) – see http://www.nprb.org/about/history.html). We strongly believe that such mechanisms are far preferable to one time grants (even large grants), and with appropriate governance and review could be administered at low unit cost via a grant administration partner such as the Alaska SeaLife Center to achieve defined research, restoration and spill response preparedness objectives with minimal effort on the part of the Council. We further believe that an endowment mechanism provides the necessary long term view, sustainability and predictability to achieve the full potential of the remaining funds administered by the Council.

Alternatively, the second scenario (independent of an endowment) would be to adopt the fiscal agent model of the NPRB under which the Alaska SeaLife Center acts as the Board's grant administration agent. The Center has an outstanding record in that regard, having completed six (6) sequential grant cycles that were independently audited and met all relevant federal standards. That scenario would have the dual advantage of (a) enabling the administration costs of Council grants to be reduced to the minimum necessary to ensure prudent management whilst enabling full Council oversight and (b) further support the administrative effectiveness of the Alaska SeaLife Center and thus enable it to remain a viable legacy investment of the Council.

2. Focus of Funding

The Council has identified five (5) focal areas for further research and restoration efforts. Our comments address these in order and then propose alternative areas not addressed in the notice of intent. We believe the lack of discussion of alternatives is a significant omission in this notice, although we appreciate that they may be required as part of the more complete environmental impact assessment (EIS).

- A. Herring we understand that herring are one of the resources that have not demonstrated recovery from the 1989 oil spill and that a concerted effort to implement a herring restoration program may be a viable restoration response. We note there are many uncertainties associated with this strategy and question whether a \$20m investment really is adequate and feasible over a 20 year period. However, assuming the rate of return for an endowment fund as discussed above (which would enable up to \$1m per year for this work in perpetuity), recognizing the tremendous momentum in this area that will involve capable local institutions and that will yield direct benefits to affected communities, we support this focus.
- B. Lingering Oil we appreciate the complexity and potential local significance of this focal area, but there is insufficient information in the description of this item under the notice for us to make comment at this stage.
- C. Long term Monitoring we strongly support the need for better long term monitoring of both spill impacts and overall change in the Gulf of Alaska for two principal reasons. First, research that we have undertaken on a range of species both with support from the Council and with independent resources demonstrates there is much we still do not understand about species and ecosystem level effects of a perturbation such as the Exxon Valdez spill. Second, we have an inadequate understanding of range of variability and long term changes in the Gulf of Alaska generally to enable us to detect ongoing spill impacts or to better cope with future spills. We believe the investment level of just over \$1m per year proposed by the Council is inadequate in this area and would propose at least a doubling of that level of effort. Under our endowment proposal, this would enable support at the level of at least \$2m per year in perpetuity. At that

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level, we would encourage three (3) levels of monitoring effort – (a) Macro studies of key processes and species such as is proposed under the Gulf of Alaska Integrated Research Program by the North Pacific Research Board; we would encourage the Council to partner with that program to supplement key data collection and modeling on long term data sets such as the Seward line, (b) Meso level – specific studies of key species and processes at the sub-regional scale (PWS, Resurrection Bay, etc.) to enable a finer scale analysis of trends. This might, for example, enable integrated citizen science efforts to detect invasive species or changes in cetacean behavior, and (c) Micro-scale studies of specific species and places – for example to assess recovery from lingering oil, or stock changes at spawning aggregation sites, or breeding colonies or even toxicological studies of lingering oil at the species scale.

D. Harbor Protection and Marine Restoration – while we strongly support the need for improved handling of point and non-point source pollution we believe these needs are well met under alternative programs such as NOAA marine debris initiatives and community efforts. An alternative need that is not addressed in this notice but which is critical in enabling improved response to future spills is for better understanding of local effects of oil in harbors within the spill affected area. The only such current system for understanding and predicting these effects is the Harbornet system deployed by Alaska Ocean Observing System (AOOS), the University of Alaska Anchorage (UAA) and the Alaska SeaLife Center. These low unit cost systems will provide real time harbor oceanographic and climactic information that enable harbor masters and harbor users to make better decisions about activities and to track threats such as oil spills. A start up grant to the other harbors within the spill affected area would cost less than \$50,000 and ongoing annual maintenance cost would be less than \$50,000 for all harbors.

It should be noted again, we make no comment on the response and damage assessment element of this focal area, except to note that clearly there is value in sharing lessons learned and there would be value in an annual session at the Alaska Marine Science Symposium (AMSS) or other relevant forums to update communities, scientists and resource managers on lessons learned and emerging best practices for addressing future spills. We would propose an annual allocation of around \$100k to \$150k to be divided between Council sponsorship of a session at the Alaska Marine Science Symposium and participation in other events (perhaps a set of annual travel awards and scholarships to students or citizen scientists).

E. Habitat Acquisition and Protection – we strongly believe this strategy is misdirected and has already received a disproportionately large percentage of overall restoration efforts. Before any further investment in this strategy could be justified we believe a thorough independent economic and ecological analysis should be undertaken (as part of the EIS) to assess what has been achieved through this and related strategies and the opportunity costs of alternative investments. We propose that if independent analysis supports our perception of this strategy

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as low a "bang for buck" then those funds should be reintegrated with the balance of funds to strengthen the proposed endowment principal.

- F. Proposed Complementary and Alternative Focal Areas (not mentioned in Notice) as previously discussed, there are a number of additional areas where we believe it would be worthwhile to allocate ongoing financial investment. These include:
 - a. Strandings response we learned much from the Exxon Valdez response from a wildlife rescue, rehabilitation and related research perspective. That knowledge continues to inform the work we do as lead institution within the Alaskan Strandings Network and has led to both improved animal handling practices and the generation of significant new knowledge on the biology of affected species. One of the lessons learned from that work is there is a need to continue to invest in a capacity to respond to such incidents. Maintaining that capacity is particularly challenging in Alaska since there is not an equivalent provision to the Oil Spill Recovery Institute (OSRI) for wildlife response -public funding for such response is extremely limited and public philanthropic support even more modest (c.f. other States with long coastlines such as California). We believe there is a critical need for ongoing investment to maintain a wildlife response capacity and for part of that capacity to be devoted to furthering techniques that were pioneered during the EVOS for handling oiled marine mammals and seabirds. The minimum investment required would be \$400,000 per year to maintain expertise, facilities and volunteer stranding response networks within the Exxon Valdez oil spill impact area.
 - b. Shared science networks some of the above studies (herring, monitoring, etc.) can be undertaken by the very capable local institutions within the spill area such as the Prince William Sound Science Center, the Alaska SeaLife Center and the Fisheries Industrial Technology Center in Kodiak. These institutions can be even more effective if they work together to address needs at sub-regional and Gulf scales and potentially have greater impact if they are supported by dedicated expertise available in the State's premier marine science institution, the School of Fisheries and Ocean Science at the University of Alaska Fairbanks. We would propose that the EIS evaluate how these institutions (and potentially others such as AOOS and ADF+G) might work together to deliver research, restoration and preparedness priorities in future. We believe that there is value in collaborative approaches working throughout the spill impact area. One option that would foster this collaboration is to endow certain positions in each of these institutions to act as designated science leads for this network. As previously noted, we would be willing to act as both fiscal agent and network coordinator for such collaboration.
 - c. Education one of the aspects of restoration that has been inadequately addressed is public education and engagement. The vast body of knowledge that has been assembled over the past twenty (20) years is not organized nor presented in such a way

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as to encourage public understanding of the outcomes of nearly \$800 million of investments. Despite some popular publications and occasional events such as the 2009 20th anniversary event at the Alaska Zoo, there has been inadequate priority given to knowledge sharing. One measure of demand for such information is that the *Exxon Valdez* exhibit is the third most popular area of visitor inquiry at the Alaska SeaLife Center (after live animals and salmon). We believe there is both a need for general resident and visitor education and for public engagement in the science and outcomes of recovery. We propose such needs can be met in a variety of ways, from public information days in communities to web services, to knowledge transfer via networks such as the Oceans Today Kiosk at the Alaska Sealife Center (which is part of the national OTK network coordinated via the Coastal America Partnership and hubbed at the Smithsonian (see http://www2.nos.noaa.gov/oceannewskiosk/). We encourage the Council to make provision for knowledge transfer using the network of local science centers in the spill area and suggest that roughly ten percent (\$400k to \$500k) of the proposed endowment be set aside for that effort annually.

3. Unwinding the 1994 Trust Council Resolution on Alaska SeaLife Center Operations

As we indicated at the public meeting with Council representatives on March 16th (and previously in conversations with EVOSTC staff in 2009), the business viability of the Alaska SeaLife Center is jeopardized by the severe restrictions that were imposed on the Center in the November 3rd, 1994 resolution that approved the award of the \$26m that enabled the Center to be built. Those restrictions included:

- Ownership of the facility by the City of Seward, with oversight control by the Alaska Department
 of Fish and Game. Those requirements have since been implemented by a series of lease
 operating agreements that are overly restrictive and limit the ability of the Center to raise
 capital and to operate as a viable non-profit business entity (we cannot, for example, secure
 capital investment and maintenance funding via normal commercial channels because the
 building is not owned by the operator);
- Oversight of the science activities undertaken at the Center by the University of Alaska Fairbanks. Even though we have an outstanding relationship with the University (we currently employ five UAF research faculty, the Dean of SFOS and Vice Chancellor for Administration sit on our Board, UAF faculty serve on our Science Advisory Committee and we are jointly planning to expand collaboration as the new ARRV Sikuliaq is to be home ported in Seward), this requirement severely limits our operational flexibility. For example, we have previously been unable to recruit staff who required approval by the University and have entirely different staffing policies that cause operational challenges (e.g. University staff are guaranteed annual salary raises while ASLC staff are not).

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Unreasonable requirements on space allocation and unrealized research commitments. We
were, for example required to set aside 4,000 square feet of laboratory space for ADF+G use.
Additionally, EVOSTC undertook to support research at the facility, a provision that was never
implemented as proposed. Due to this lack of implementation, opportunities to undertake
relevant research and restoration activities in highly impacted areas and species were unrealized
(although EVOSTC did support some other work at the SeaLife Center). As a consequence, the
Center has not fully realized the key research role that was originally envisaged.

Those limits were understandable at the time given the need to protect this very significant investment, to ensure appropriate contingency plans existed in the event the Center defaulted on bonds and to ensure this facility lived up to expectations. However, there is no reason why this resolution should continue to unreasonably restrict the operations of the Alaska SeaLife Center. We therefore request the Council immediately provide relief from this resolution by transferring ownership of the building to the City of Seward and relinquishing all other restrictions of the 1994 resolution. This step will enable the Center to continue the path towards financial sustainability, and involve minimal cost to the Council

We appreciate these proposals would benefit from further explanation and dialogue with the Council. The ASLC Board is concerned with the long term recovery of ecosystems and communities in the Gulf of Alaska. We stand by to work with the Council to ensure that the remaining resources are allocated for their greatest public good. To summarize, we believe that good can best be ensured by placing the remaining funds in a long term endowment, engaging the Alaska Sealife Center to act as your fiscal agent and a core partner together with other capable local institutions on key research, restoration and preparedness activities and by providing us with relief from the restrictive conditions of the 1994 award.

We thank you again for your support to date and the opportunity to revisit the way these resources are to be allocated.

Yours sincerely,

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Todd Allen Chair, Board of Directors

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lan M. Dutton, Ph.D. President and CEO

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TRUSTEE Council



March 17, 2010

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

and via email to dfg.evos.nepacomments@alaska.gov

Re: Notice of Intent to prepare Supplemental EIS for EVOS Restoration Efforts.

Dear Trustee Council:

These comments on the above-referenced Notice of Intent to prepare a Supplemental EIS (the "SEIS") are submitted on behalf of Chugach Alaska Corporation ("Chugach"), the Alaska Native Regional Corporation for the Chugach Region established pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. § 1601, et seq. ("ANCSA"). All of the Native Villages in the Chugach Region (Tatitlek, located a mere seven miles from Bligh Reef and the nearest of any community to the catastrophe, Chenega, Eyak, Nanwalek and Port Graham) were devastated by the 1989 Exxon Valdez Oil Spill. In addition, all of the incorporated municipalities within the Chugach Region (Cordova, Valdez, Seward and Whittier) were severely impacted by the Spill.

Under ANCSA, Chugach owns or has valid selection rights to nearly 600,000 acres of surface estate and subsurface estate within the spill affected area as its land settlement for aboriginal claims. Under ANCSA, Chugach also owns or has applied for conveyance of numerous cultural/historical sites, including prehistorical and cemetery sites, in the spill affected area. All of Chugach's 2,459 shareholders are from or have traditional and ancestral connections to the area. Today, 557 Chugach shareholders live in the Chugach Region.

The impact of the Oil Spill on Chugach, as the Alaska Native Regional Corporation with a unique, federally created social and economic corporate mission, and the Chugach Region, cannot be overstated.

General Statement Regarding the proposed SEIS

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Chugach strongly objects to the proposed narrowing of the scope of the Council's restoration efforts in that it excludes mitigation of the Spill's continuing adverse social and economic impacts on Alaska Natives, and in that it includes further acquisitions of Native lands. Instead, if any change in restoration focus is warranted, remaining funds should be used to mitigate the impacts on the people and communities most adversely affected by the Spill, and to assess the impacts of acquiring Native lands of the corporations, communities and shareholders in the spill affected area.

According to the NOI, approximately \$600 Million has been spent on studies, restoration projects, habitat acquisition and administration. Review of the projects funded by the Trustee Council to date does not show a meaningful effort to directly help the people most affected by the Spill to deal with the clearly identified adverse social and economic impacts. Studies undertaken since 1990 clearly establish significant impacts involving individual, family, and community psychological and social distress. While not a comprehensive list, studies by Impact Assessment's study for the Oiled Mayors (1990, 1993), Picou et al (1990, 1992, 1993, 1996, 1997, 2000, 2007), Dyer (1992), Araji (1992, 1993), US Department of Interior (1992, 1993, 2009), Jorgensen (1993), and Arata et al. (2000), have been funded by cooperative research plans and federal grants. All agree there were significant economic, cultural, psychological and social traumas caused by the spill, cleanup and litigation. Impact Assessment's 1993 report states, "... the oil spill's impact on the psychosocial environment was as significant as its impact on the physical environment" (Palinkas et al, 1993). The Trustee Council's proposed action continues its failure to provide the resources necessary to mitigate these impacts.

Individual Impacts

Large scale technological disasters, such as the Exxon Valdez Oil Spill, cause much greater stress and dysfunction among affected individuals in comparison to natural disasters. Impact Assessment Inc.'s 1990 and 1993 studies, along with Picou et al (1990-2007), determined there were definite, measureable impacts to the more remote and directly impacted residents and communities than to more urban or less affected populations. The studies show there were significantly increased levels of collective and mental stress, disruptions to daily life and family life, feelings of helplessness, betrayal and anger, increased mental disorders including depression, anxiety and Post Traumatic Stress Disorder, fear, drug and alcohol abuse/dependency, increased divorce and domestic violence. Picou and Martin (2007) found these conditions to be chronic since the Spill. The most recent study by the Minerals Management Service, May 2009, also noted persistence of these long-term mental health impacts to the residents of the impacted communities.

The deleterious community impacts of the EVOS, one of the worst technological disaster(s) in U.S. history, were both immediate and long-term. Many communities suffered a variety of social structural, cultural and individual impacts that have persisted from 1989 to present. (*Synthesis of Research on Alaska OCS Socioeconomic Effects*, Minerals Management Service, Alaska OCS Region, May, 2009).

Marshall, Picou and Schlichtmann reported intrusive stress scores more than double for litigants of the spill than non-litigants in 2004.

Cultural Impacts

"Our lives are rooted in the seasons of God's creation. Since time immemorial, the lives of Native people harmonized with the rhythm and cycles of nature. We are a part of nature. We don't need a calendar or clock to tell us what time it is. The misty green of new buds on the trees tell us, the birds returning from their winter vacation tell us, the daylight tells us. The roots of our lives grow deep into the water and land. That is who we are. The land and the water are our sources of life. The water is sacred." From 'The Day the Water Died', Walter Meganack, Chugach and Port Graham Elder, 1989. "The water is just dead." Chenega Bay resident, interview, 1995.

"I feel like someone has died, like a part inside me is gone." Eyak Elder, interview, 1993.

From The Exxon Valdez Disaster: Readings on a Modern Social Problem (Gill, Picou, 1997):

Of all the groups negatively impacted by the EVOS, Alaska Natives were the most devastated. The oil spill destroyed more than economic resources, it shook the core cultural foundation of Native life. Alaska Native subsistence culture is based on an intimate relationship with the environment. Not only does the environment have sacred qualities for Alaska Natives, but their survival depends on the well-being of the ecosystem and the maintenance of cultural norms of subsistence. The spill directly threatened the well-being of the environment, disrupted subsistence behavior, and severely disturbed the sociocultural milieu of Alaska Natives.

Impact Assessment Inc.'s researchers analyzed psychological stress levels among the communities most impacted by the spill, and through various standards and metrics found Alaska Natives within those areas were found to have relatively higher levels of intrusive stress and avoidance behavior than any other group, whether considered by race, occupation or other social strata. Stress scales show that many Alaska Natives directly impacted by the spill to have higher intrusive stress, after 6 months, than clinical patients undergoing therapy for symptoms of bereavement from the death of a parent. Alaska Natives directly impacted also were shown to have higher stress and avoidance behavior scores, after two years, than the average found for rape victims over the same time frame. (Gill and Picou, 1997).

In 2000, Arata et al., found that Alaska Natives and commercial fishers within the spill affected areas continued to manifest high-levels or psychological stress from lost resources "spirals".

Comments on Notice of SEIS on the EVOS Trustee Council's Restoration Efforts

They also exhibited inadequate coping skills which further exacerbated chronic patterns of psychological stress.

Alaska Native culture, in large part, revolves around customary traditions and norms centered on subsistence activities, from anticipation and preparation, to harvesting, sharing, frequent gatherings and celebrating. The social and psychological importance of these activities cannot be undervalued. Subsistence is not only about sustenance, because is also involves social interaction, kinship, ritual, ceremony and celebration. In surveys conducted in 1991 through 1995, 77% of the Alaska Natives in Cordova "agreed that sharing subsistence brought them closer to other people and reminded them of what was good about life". "Further, over 80% percent of the Alaska Natives agreed that collecting local foods was an important activity for them and 84% wanted their children to have the opportunity to participate in subsistence harvests" (Picou and Gill, 1995). When the spill devastated the traditional subsistence resources, the entire culture was put at risk, both as community and individually. The traditions that helped define life for an entire culture were irrevocably damaged.

Sacred waters and sites were damaged through the contamination of oil, the oil recovery practices and by vandalism and theft from the workers. In some instances, grave sites and archeological sites were robbed or desecrated. These types of activities only served to heighten the sense of anger, frustration, depression and anxiety felt by Alaska Natives living in or physically or culturally dependent on the spill affected area.

Discrimination and cultural ignorance by clean-up crews and oil company executives exacerbated the adverse social and economic impacts on Alaska Natives from the Oil Spill. One instance related in Impact Assessment, Inc.'s study "in attempting to assist the village of Tatitlek preserve fish, Exxon sent salt that been chemically treated to de-ice roads". Another reported Exxon sent a barge of shellfish to Tatitlek. When consumed, many in the village fell sick with food poisoning, only to find out the food was actually intended for rescued sea otters, but shipped to the village instead. "The villagers were outraged and some perceived this event as demonstrating that Exxon treated people little better than animals" (Impact Assessment, Inc., 1990).

Even before the villages had a chance to collect their thoughts and mourn their loss, they were "invaded" by Exxon officials with the promise of jobs. Out of desperation, there was no other choice but to accept the offers. The villages felt overrun by government workers, cleanup crews, scientists, lawyers and media personnel. This strained many households and created new and additional stressors. Many village residents felt threatened by the influx, especially since many of the interlopers were ignorant to Native ways and culture, showing disrespect and further adding to the animosity. A few villages finally banned the media from travel to their village.

Impact Assessment also reported that racial discrimination was both plainly evident and also subdued. From derogatory racial slurs and remarks to only hiring Alaska Natives for peripheral, more hazardous, or lower paying jobs. Many would not listen to the local knowledge many of the villagers prided themselves on. None were asked about their concerns of the chemicals used for dispersants, though it was the villages that would have to live with this impact.

In light of this record, the Council's failure to include mitigation of adverse social and economic impacts in the final phase of its restoration efforts is inexplicable and unconscionable. At the end of the day, success of the Council's restoration efforts can only be measured by the improved well being of the people most impacted by the Oil Spill. The proposal presented in the NOI utterly fails to acknowledge this simple equation.

Social Structure Impacts

The devastation and stress of the Oil Spill, the inadequate response and the economic desperation the Spill created, became a tremendous burden on families, friends, social and professional groups and entire communities. Work on cleanup crews took parents and spouses away from their family for extended periods of time. Young children didn't understand why their parents

were not around. Fear and panic swept through the villages and communities. There were documented and quantified changes in established and functional social groups. Fisherman turned on their fishing brethren who either felt that by taking a job with Exxon for the cleanup was the right thing to do for the environment, or were panicked on the economic outlook of future fishing. Some saw this as selling out and the term "spillionaire" became a popular derogatory epithet. Further division occurred when those that chose to work on the cleanup crews became much more financially stable than their neighbors, friends and family and tribal members.

It is part of the historic record that public officials and oil industry executives all long promised that the Trans Alaska Pipeline System and the transport of oil through the Prince William Sound was safe as humanly possible, and that industry and government was well prepared in the unlikely event of an oil spill. Indeed, such promises are the very foundation on which ANCSA was enacted and the construction of the Pipeline authorized. The Exxon Valdez Oil Spill proved all such promises hollow, engendering an atmosphere of pervasive distrust of government and industry. The United States Supreme Court's recent 90% reduction I the amount of damages awarded by an Alaskan jury against Exxon for harm arising from the Spill after 20 years of wrenching litigation only reinforced the sense of alienation and hopelessness among the very people most directly impacted by the Oil Spill.

In this context, the Trustee Council's continued focus on the health of animal species to the exclusion of the health and well being of the people directly harmed by the Spill is irresponsible and culturally arrogant. Many continue to feel the Trustee Council has become a group of officials and scientists concerned more with institutional and career preservation than with working in the best interest of the residents of the spill affected area. Some feel it is evident, through the money spent and projects funded, that far greater attention is given to the biological environment rather than to the 20+ communities that were most affected by the Oil Spill. Even though many considered the Prince William Sound and spill affected OCS to be a pristine wilderness, the aboriginal Alaska Natives have inhabited the spill zone for at least 4,500 years. People are as much of a part of the natural environment in this area as the eagles, herring, salmon or numerous other wildlife species.

Conclusion

Without question, the 1989 Exxon Valdez Oil Spill devastated the people and communities in the spill affected area. The effects are real and measureable. Today, 21 years later, the area's residents continue to suffer. According to the NOI, the Trustee Council has spent roughly \$600 Million in its restoration efforts. Two GAO reports have raised questions about the applicability of some projects funded as a part of the restoration effort. With approximately \$180 Million left, we believe the majority of those funds should be directed to assisting the people affected by the Spill and by mitigating the adverse human and cultural impacts created by the Spill, and in assessing the social and economic impacts of the Council's habitat acquisition program over the last 20 years, as well as its effectiveness as a restoration tool. We are aware of no evidence to suggest that natural resources and wildlife on lands not sold to the Trustee Council have suffered any greater effects than on the lands acquired. For these reasons, we object to the proposed narrowing of the Council's restoration focus as outlined in the NOI.

On March 28, 1989, in the Cordova High School gymnasium, Exxon spokesman Don Cornett addressed the town and flatly stated, "We will consider whatever it takes, to make you whole". Seemingly, a significant portion of Exxon's effort to do fulfill that promise has been through the Trustee Council. The Council needs to not only focus on the wildlife and water, but also the most precious resource in the cycle of life this disaster has harmed - the people most affected.

Chugach Alaska Corporation appreciates the opportunity to comment on the SEIS for the EVOS Trustee Council.

Sincerely,

heri Buretto

Sheri Buretta, Chairman Board of Directors

Comments on Notice of SEIS on the EVOS Trustee Council's Restoration Efforts

Page 8



City of Seward

P.O. Box 167 Seward, Alaska 99664-0167

Main Office (907) 224-4050 Facsimile (907) 224-4038

March 31, 2010

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APR 05 2010

EXXON VALDEZ OIL SPILL

TRUSTEE Council

Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Trust Council Members;

Thank you for this opportunity to comment on the usage of the remaining EVOS funds. To start, I would reminisce on what I see as the very proper use of the huge settlement dollars put under your control due to the disaster.

The funds used for repair and science were well spent! In some cases it went to very good projects and other's not as good. The funds spent on the Science Centers were very good expenditures and continue to bring benefits to you and our public. Your start-up dollar's to begin building the Alaska Sealife Center has been returned many times over. It continues with the education of our children and all public visitors statewide, nationally, as well as global visitors. The fact it is the only cold water research Center in the North Pacific to enable this research should be a source of pride to you.

You should also be very pleased of the help and understanding from this tragedy these funds have produced; but, I think you lost your focus. We hear constantly from various groups about oiled beaches, poor returns of fish, and damaged beach dwellers and crustaceans which make up the intertidal community, so vital for so many species. I would like to remind you that we have been five years without an oceanographic vessel since the University decommissioned the Alpha Helix. I feel you missed a grand opportunity to use some funds to work the damaged coastline. We are in dire straits, because as to my knowledge, not one of our University's has the funds to do this work. In my mind the Trustees' could have put more funds to keep the ship here or paid for additional usage of the standby fleet's response teams, etc.

I believe you had before the council some years ago, a plan to establish a Science Trust, which the earnings could be used for science based programs. Apparently this was not accomplished because of legal issues? There are many Trusts of this type, so I don't think this is an answer.

As I read in your paper of the \$900 million dollars, there is about \$100 million left. What is left should go to funding science that will repair a portion of the oil spill damage or to programs that can help protect us in the future, which in my opinion, was the court's primary intent when the award was decreed.

I feel you have done enough habitat purchases. Very few of these purchases did anything scientifically to help the recovery or understanding of the ecologically damaged area of the spill. Buying lands to expand Parks, and giving out unusable corporation lands in the Lands Claim legislation may have felt good to set aside for some, but did nothing to repair the damage of the oil spill, or to understand it.

You have several outstanding examples of how funds were used, with the portion of funds used to build the Alaska SeaLife Center being one of them. I would like to reiterate my testimony to your group that it was funds from the City of Seward and many concerned individuals that also built it.

Again, I would like to emphasize the remaining \$100 million dollars should be used to properly fund science which can benefit our present and future populations who will use this land for their needs.

This is a success story for your council and for us here in Seward. I hope you will take this opportunity to spend the little left of a huge award on science for our state and the people who live here. Future generations are depending on it.

Sincerely

Willard E. Dunham Mayor of the City of Seward, Alaska

23.01.11

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, Alaska 99501

RE: Support for Acquisition of Kenai River Property

Dear Ms. Jennings,

~ •

The Keen Eye Bird Club would like to encourage the Exxon Valdez Oil Spill Trustee to fund the purchase of a 44-acre parcel along the lower Kenai River. This property is located on the south bank of the Kenai at river mile 8.75 and is one of the largest remaining tracts of private land on the Kenai River. The property encompasses approximately ¹/₄ mile of river frontage and a variety of wetland and upland habitats.

The property supports species and services injured by the Exxon Valdez oil spill, including cormorants, harbor seals, Harlequin ducks, and Dolly Varden. The property is immediately adjacent to intertidal habitat on the Kenai River. The intact habitat of the property provides benefits to the significant and growing wildlife viewing users of the Kenai River. The property is ideally suited for inclusion in the Kenai River Special Management Area.

I encourage the Trustee Council to support the purchase of this property.

Sincerely, Kathy East

Kathy East President, Keen-Eye Birders Club P.O. Box 4353 Soldotna, Alaska 99669

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scanned/emailed to Laurel Jennings 03/19/10 E

Kathy East 1610 Silver Pines Rd Kenai, AK 99611 M5. Laurel Jennings Exxon Valdezoilspill Thestee Cancil 441 West 5th Ave, Suite 500 Anchorage, AK 99501 MAR 1.6 2010 EXXON VALDEZ OIL SPILL TRUSTEE Council RECEIVED ill ad 0112340 and Sold Prove A Same & M. W. เป็นเล่าในช่า ร A Strand

Womac, Cherri G (EVOSTC)

From:	Tom Haluska [tom@nveyak.org]
Sent:	Wednesday, March 31, 2010 9:25 AM
То:	DFG.EVOS.RESTORATION (EVOSTC sponsored)
Subject:	NVE Written Comments for Remaining EVOSTC Funds
Attachments:	Submitted EVOSTC comments.doc

To whom it may concern:

Please find attached the Native Village of Eyak's comments concerning the remaining EVOSTC funds.

Thank you-Tom

Tom Haluska Native Village of Eyak Tribal Biologist P.O. Box 1388 Cordova, AK 99547 ph. 907-424-7738 fax: 907-424-7739

Native Village of Eyak Written Comments

- Native Village of Eyak (NVE) has no interest in supporting further habitat acquisition, and instead would like to see EVOSTC efforts and funding focused on injured resources, specifically those that are not recovering or recovery is unknown. Up to 50% of Native lands were lost due to previous land acquisitions, essentially destroying the subsistence way of life for many Natives. Native Corporations at the time of spill were financially poor and the EVOS land acquisition program gave the corporations the opportunity to make money. It was mostly shareholders living outside of the spill affected region that agreed to sell off the land. It is the long standing position of the Eyak Traditional Tribal Council that EVOS buyback lands should be returned to the Tribe for management.
- NVE would like to see the species of concern remain a priority and a focal point of future RFP's. Specifically, those species whose recovery remains unknown, and which are important to the Tribe include:
 - Murrelets
 - Cutthroat trout- ADF&G previously submitted proposal to do relative abundance
 - Rock Fish
 - Subtidal communities
- Even without previous baseline data (i.e. cutthroats), data needs to be collected to establish a current baseline before the next oil spill or human caused disaster. It may be possible to gain an idea of pre-EVOS abundance of some species through interviews, TEK, and review of historical commercial fish bycatch data. The point is to focus on monitoring, even if it is to just establish baseline data. It could be valuable information to help understand the dynamics of the PWS ecosystem and better protect it.
- NVE would like to see the remaining funds be focused in Cordova/PWS and awarded to local organizations, groups, etc. for the direct oversight of EVOS clean-up and recovery.

Submitted By: Native Village of Eyak DENR

23.01.11



PROTECTING YOUR FISHING RIGHTS & RESOURCES P. O. Box 375 Kenai, Ak. 99611 (907) 283-1054 dwimar@gci.net

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, Alaska 99501

RE: Support for Acquisition of Kenai River Property

Dear Ms. Jennings,

The Kenai Area Fisherman Coalition is a group of scientists and private anglers whose primary mission is to protect habitat along the Kenai River and to promote sport fishing opportunities for the average fisherman. Our scientists have over 120 combined years of experience on the Kenai River.

We are writing to encourage the Exxon Valdez Oil Spill Trustee Council to fund the purchase of a 44-acre parcel along the lower Kenai River. This property is located on the south bank of the Kenai at river mile 8.75 and is one of the largest remaining tracts of private land on the Kenai River. The property encompasses approximately ¹/₄ mile of river frontage and a variety of wetland and upland habitats.

The property supports species and services injured by the Exxon Valdez oil spill, including cormorants, harbor seals, Harlequin ducks, and Dolly Varden trout. The property is immediately adjacent to inter-tidal habitat on the Kenai River. The intact habitat of the property provides benefits to the substantial sport and commercial fisheries that are dependent upon the Kenai River. The property is ideally suited for inclusion in the Kenai River Special Management Area.

We encourage the Trustee Council to support the purchase of this property.

Sincerely,

Dwight Kramer KAFC Chairman RECEIVED

MAR 2 2 2010 EXXON VALDEZ OIL SPILL TRUSTEE Council

23.01.11

James G. (Jim) King 1700 Branta Road Juneau, Alaska 99801-7918

EVOS Restoration Council 441 W. 5th Ave. Suite 500 Anchorage, AK 99501

Dear Trustee Council Members,

This is for consideration at your meeting of February 26, 2010.

Over the years there has been repeated interest in establishing endowed positions at the University of Alaska to train marine scientists and study the resources damaged by the EVOS. This was the original impetus behind establishment of the Restoration Reserve. The Wildlife Society, The American Ornithologists Union and other national professional scientific organizations endorsed this concept.

I would like to recommend that you consider funding three such professorships, one for marine fisheries, one for marine mammals and one for marine birds. Each professor should have enough funding to always have a graduate fellowship. In this way the work of the Trustee Council can be continued on into the future documenting oil provoked changes to these resources as new information and new technologies develop.

I served for ten years on the EVOS Public Advisory Committee though am no longer a member. Thank you for the opportunity to still participate.

James G. King

Sincerely,

James G. King.

2/21/10

FEB 2 4 2010

EXXON VALDEZ OIL SPILL TRUSTEE Council

Frederick L. Klasner PO Box 372 Seward, AK 99664

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 995001

18 March 2010

Thank you for the opportunity to comment on the use of Exxon Valdez Oil Spill Trustee Council funds. I have several general comments followed by specific points regarding the proposed focus areas. In general I believe the Council should further refine and emphasize application of funds towards those resources which have a clearly demonstrated impact by EVOS and in the affected geographic regions. Specifically, nearshore marine habitats are documented to be the most heavily impacted environment, yet the monitoring section for example, seems to focus on monitoring oceanographic conditions rather than the nearshore conditions. Second, I believe the Council should focus on activities which are of long-term benefit or impact, or are in perpetuity. I recognize that endowments or similar funding mechanisms to achieve this end present legal challenges and complexities given requirements associated with State and Federal funds, yet I believe such alternatives must be pursued.

The subject of research seems to be embedded in several areas throughout the Federal Register Notice. A clearer articulation of the merits and role of research in expenditure of EVOS funds is a glaring need in this Notice. For the sake of my comments, I have embedded the subject of research as a major component of focus area 4(c)-Response, Damage Assessment, and Restoration Implications; as well as assumed research to be a significant but sub-dominant learning component for all other focus areas.

Lastly, I suggest that marine (spatial) planning and marine protected areas as a focus area is underrepresented and presents a strong 6th focus area where the Council can have a cost-effective and longterm positive impact in the affected EVOS area, while demonstrating leadership throughout Alaska and even nation-wide.

My specific comments on the focus areas include:

1) Herring - Trustee Council documents and sponsored research clearly enunciate that the causal link between EVOS and the crash of herring is weak at best. Herring is undeniably important in Prince William Sound and the Gulf of Alaska, yet its population status is not tied to EVOS events. The proposed funding level is excessive given this reality.

2) Lingering Oil - Trustee Council documents and sponsored research highlight lingering oil as one of the surprising and poorly understood outcomes of EVOS. While the reopener *may* ultimately provide for resources to help understand and respond to lingering oil, this is no guarantee, especially for areas outside Prince William Sound where the application of reopener provisions were insufficiently articulated and early results suggest viable findings only for inside the Sound. Obligation of the majority (i.e. more than 50%) of EVOS finances without resolution of reopener provisions and potential restitution is premature. A substantial financial allotment (30%-50% of Council funds) should be held in reserve until reopener and lingering oil response issues are finalized.

MAR 19, 2010 EXXON VALDEZ OIL SPILL TRUSTEE Council

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3) Long-Term monitoring - the text focuses on ocean and oceanographic monitoring; which I believe is inappropriate given that nearshore and intertidal habitats bore the brunt of known impacts. Nearshore and intertidal habitats should be the overwhelming focus of long-term monitoring. Long-term monitoring also requires strong institutional support and commitment to maximize accountability, efficiency, and to leverage other funds. Existing agency and non-profit monitoring programs with a proven track record should be the focal recipient of funds. The proposed funding seems roughly appropriate given the scope of restoration efforts.

4) Harbor Protection and Marine Restoration - a) harbor and water projects - should include education and outreach; topic areas with great potential for positive impacts beyond any current or proposed developments. b) marine debris removal - this activity undeniably removes secondary stressors from the coastal environment. Focus activities should emphasize community involvement over contract projects with for- or non-profit cleanup efforts. Development of long-term strategies and partnerships is proven to be one of the most effective means of accomplishing such efforts. c) Response, Damage Assessment, & Restoration Implications - the text is unclear if research on the toxicological, behavioral, and other responses of fish and wildlife to EVOS and other oil spills might be included. Examples of such research include established efforts of the Alaska SeaLife Center and the University of Alaska Fairbanks School of Fisheries and Ocean Sciences. If such research is included as a major emphasis in this focal area, the proposed funding is woefully inadequate; and should be increased by orders of magnitude. Proposed funding for focus areas a) and b) seem roughly appropriate, and matching or leverage of community based funds presents one means of extending the reach within these foci.

5) Habitat acquisition and protection - the fact that this is a Federally mandated (legislated) program, yet this fact is omitted from the Federal Register notice, is alarming. Clear public communication regarding the mandated funding levels and the Council's proposed discretionary funding levels is required before meaningful public comment can be solicited. This information should be disseminated and public comment sought again.

6) Potential new focus area - marine (spatial) planning and marine protected areas. Research has unequivocally demonstrated that marine spatial planning and subsequent habitat management regimes such as marine protected areas are one of the single-most cost effective management strategies for maintenance of biodiversity, and promotion of sustainable and high-value commercial and sport fisheries (in adjacent and in aggregate for the areas where spatial planning is applied). While these resources are owned by the State of Alaska throughout the majority of the geographic region affected by EVOS, as a party to the Council the State has an unrivaled opportunity to test the application of such management strategies and have the funds available to implement such efforts based on sound science and socially equitable policies. Substantial funding should be devoted to such a focus area, especially if the State demonstrates a willingness to engage on the topic.

Once again, thank you for the opportunity to comment. I commend the Council for its foresight in anticipating the conclusion of EVOS funds and its efforts to engage the public in this process.

and fa Sincerely

Frederick L. Klasner

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23.01.11

Kodiak Regional Aquaculture Association 104 Center Ave.: Suite 200 (907) 486-6555

104 Center Ave.; Suite 200 Kodiak, AK 99615



APR 0 5 2010

EXXON VALDEZ OIL SPILL TRUSTEE Council

March 30, 2010

fax (907) 486-4105

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Re: Exxon Valdez Restoration Plan Supplemental Environmental Impact Statement

Dear Trustee Council Members,

The Kodiak Regional Aquaculture Association (KRAA) is a Non-Profit, member-driven salmon research, conservation, rehabilitation and enhancement organization comprised of over 600 commercial salmon fishermen as well as all other individuals and Kodiak organizations and communities that utilize and rely on the salmon resources of the Kodiak Archipelago. KRAA is dedicated to sustaining and maximizing yields and strongly supports Kodiak's salmon industry. We believe long-term success in conserving and managing fishery resources, particularly salmon resources, depends on the protection of habitat such as anadromous lakes and streams, and nearshore marine areas.

KRAA favors the balanced approach in the EVOS Restoration Plan, with habitat protection and marine ecosystem research efforts. We now support the Council's proposal to narrow and refine the scope of their restoration efforts to the five defined categories, and we wish to reemphasize the need for further habitat acquisition and protection.

With regard to habitat protection dollars you have allocated to date, we are especially pleased to see that most of the Trustee Council's habitat investments target salmon spawning systems and their critical freshwater nursery areas. Minimizing upland habitat disturbance to avoid negative water quality events promotes stable salmon production. Additionally, the positive effects of the Council's protection of the coastal near-shore habitats so crucial for successful early marine rearing of anadromous salmon, as well as other marine species, cannot be overstated.

As you evaluate your remaining habitat protection opportunities, KRAA strongly supports use of EVOS restoration funds to protect the American and Olds Rivers on the Kodiak road system and, in remote areas, the lower Karluk River, Portage River and Lake and Sitkalidak Island.

Thank you for your consideration of the views of KRAA for evaluating future allocations of EVOS restoration funds and your prioritization of habitat acquisition and protection.

Sincerely.

Kevin Brennan, Executive Director

23.01.11



Kodiak Island Borough

Office of the Borough Mayor 710 Mill Bay Road Kodiak, Alaska 99615 Phone (907) 486-9310 Fax (907) 486-9391

March 31, 2010

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APR 05 2010

EXXON VALDEZ OIL SPILL

TRUSTEE Council

via email @dfg.evos.nepacomments@alaska.gov

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Ms Jennings:

Re: EVOS Trustee Council – Restoration Fund Recommendations

INTRODUCTION

Thank you for the opportunity to comment and present a number of suggestions about how to spend remaining restoration funds on important projects on Kodiak Island. Our comments will focus on two defined restoration categories:

- 1. Long-Term monitoring of marine conditions; and
- 2. Habitat Acquisition and Protection.

LONG-TERM MONITORING OF MARINE RESOURCES

Kodiak and lands on the Alaska Peninsula were heavily oiled during the March 24, 1989, Exxon Valdez Oil Spill. Species from invertebrates to birds to marine mammals were drastically impacted by the spill. Though it has been 20 years since the spill, many species have not recovered to their pre-spill populations. The investigation and data collected over these years on these species must continue as we determine the long term affect on these resources. The creation of an endowment fund to NOAA and the Alaska Department of Fish and Game that identifies money for future monitoring is recommended.

PARCEL ACQUISITION – Habitat Acquisition and Protection

Our recommendations include the acquisition of at least two parcels in Kodiak. It is felt that the following two candidate parcels clearly meet the category of habitat acquisition and protection, but other parcels should also be considered. These two parcels include:

Laura Jennings Page 2 March 31, 2010

Termination Point

This parcel has been identified in the past and remains one of the highest priority parcels in Kodiak region. It is undeveloped parcel of land, owned by the Leisnoi Native Corporation and is approximately 1026 acres in size. It is known to harbor species injured by the Exxon Valdez Oil Spill such as the Marbled Murrelet. Equally important is the fact that this parcel is close to town and provides a rare opportunity where habitat protection and future monitoring of impacted species can occur on the road system.

• Long Island

This parcel is off shore from the City of Kodiak. Locate on the north end of the island is a large sea lion rookery. But Long Island provides critical habitat for upland species as well as other species found in the Gulf of Alaska marine ecosystem. At least the northern portion if not the whole island should be seriously considered for acquisition and monitoring.

Thank you again for the opportunity to offer examples where funding from the Trustee Council will benefit the spill region.

Should you have any questions, please contact me.

Sincerely,

KODIAK ISLAND BOROUGH

Jerome M. Selby, Mayor

cc: Rick Gifford, Borough Manager Borough Assembly Members

23.01.11

Womac, Cherri G (EVOSTC)

From:	Mike Rostad [mrostad@hotmail.com]
Sent:	Monday, March 15, 2010 3:08 PM
То:	DFG.EVOS.RESTORATION (EVOSTC sponsored)
Subject:	Recommendation for remaining funds

To Whom It May Concern

Since I will be out of town for your Kodiak hearing, please accept my written comments. I would like to see the remaining EVOS funds used for the purchase of Termination Point, for public use, at the end of Monashka Bay Road. The area, which is owned by Leisnoi Native corporation, is an ideal place for hiking and wildlife viewing. Thanks for taking these commengts. Sincerely Mike Rostad

Box 1922 Kodiak, AK 99615

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APR 0 2 2010 EXXON VALDEZ OIL SPILL TRUSTEE Council

March 31, 2010



Natives Of Kodiak, Inc.

Laurel Jennings *Exxon Valdez* Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, Alaska 99501

Dear Ms. Jennings,

Natives of Kodiak, Inc. (NOK) appreciates the opportunity to comment on the EVOS Trustee Council's (Council) desire to narrow and refine the scope of their marine research program. NOK wishes to go on record in support of the Council's intended flexible approach to those marine research investments. We trust that the Council will study the marine ecosystem in the entire spill region including Kodiak archipelago.

The four marine restoration categories identified in the Federal Register Notice of Intent: herring, lingering oil, long term monitoring of marine conditions, and harbor protection and marine restoration appear to be very worthwhile focus areas.

With regard to habitat acquisition and restoration, NOK wishes to comment that it is still interested in discussing a sale of the 743-acre Buskin Beach Forest property adjacent to Buskin River State Park on the Kodiak road system. As you know, there is great interest among Kodiak residents for open space recreational areas on the Kodiak road system. NOK believes the Buskin Beach Forest property can provide visitors of all ages a unique outdoor experience minutes from downtown and from the Kodiak Municipal Airport.

We were pleased to be able to show Alaska State Parks Director, James King; Kodiak State Parks Director, Kevin Murphy and EVOS Public Advisory Committee Chairwoman, Stacy Studebaker this property in 2008.

We are also pleased that State Parks Director, James King subsequently expressed interest in state ownership of the oceanfront portion of the property that has a beautiful stand of Sitka spruce, an extensive trails network, a serviceable road system and the World War II era 'Artillery Hill' Harbor Defense Command Post Bunker and 'Buskin Hill,' with an important gun emplacement battery and several remnant steel and concrete magazine and searchlight buildings.

Given Kodiak's importance in World War II as the U.S. North Pacific Theatre Naval Station headquarters and the State Park system's ownership of Fort Abercrombie, the addition of this property would greatly complement Kodiak's considerable 'history tourism' attractions. Looking back over the twenty-one years since the disastrous *Exxon Valdez* oil spill, the growth of tourism has been one of the most visible changes in Kodiak's economy and the EVOS investments in the Archipelago have certainly been a net plus aiding that transformation.

215 Mission Road, Suite 201, Kodiak, Alaska 99615 • (907) 486-3606 • fax (907) 486-2745

While the larger inland parcel in NOK's Buskin Beach ownership away from the saltwater coast was not desired by State Parks, we are pleased that the Kodiak Island Borough has expressed an interest in taking ownership if this land were also purchased for public benefit, hiking trails, perhaps ATV trails, and open space.

We understand from discussions with the Alaska Department of Natural Resources (ADNR) that the presence of WW II era contaminated soils and groundwater on some of the property makes this entire property's acquisition somewhat more challenging for EVOS funding. However, we do hope that the Council would keep an open mind about playing at least a partial funding role, if full EVOS restoration funding is not feasible.

In closing, this letter is my last official NOK communication with the Trustee Council, because it is my last day as President of NOK. I hope the preparatory steps described above will provide a basis for ongoing discussions about possible preservation of the Buskin Beach Forest property. In the future your point of contact with NOK will be Michael Kelly, the incoming President of NOK.

Sincerely,

Anthony Drabek, President/CEO

cc: American Land Conservancy

23.01.11



Ex-officio Members or Designees Alaska Dept of Fish & Game John Hilsinger Alaska SeaLife Center lan Dutton, Executive Director Arctic Research Commission Michele Longo Eder North Pacific Fishery Mgmt Council Eric Olson Office of Naval Research **Oil Spill Recovery Institute** Nancy Bird Secretary of Commerce Douglas DeMaster, NMFS Secretary of Interior Leslie Holland-Bartels, USGS Secretary of State Justin Grubich, DOS U.S. Coast Guard Michael Cerne

Appointed Members: Alaska

Gerry Merrigan, Petersburg Prowler Fisheries Pamela Pope, Anchorage BP Exploration Alaska Denis Wiesenburg, Fairbanks University of Alaska Fairbanks Dorothy Childers, Anchorage Alaska Marine Conservation Council Stephen MacLean, Anchorage The Nature Conservancy

Appointed Members: Washington John Iani, Seattle

Van Ness Feldman Paul MacGregor, Seattle Mundt MacGregor LLP John Gauvin, Burien Groundfish Forum

Appointed Member: Oregon Howard Horton, Corvallis Oregon State University

Fishing Industry Representative Heather McCarty, Juneau McCarty and Associates

NORTH PACIFIC RESEARCH BOARD

"Building a clear understanding of the North Pacific, Bering Sea, and Arctic Ocean ecosystems that enables effective management and sustainable use of marine resources."

Ian Dutton, Chairman Eric Olson, Vice Chairman Clarence Pautzke, Executive Director 1007 West 3rd Avenue, Suite 100 Anchorage, AK 99501 Phone: (907) 644-6700 Fax: 644-6780

March 24, 2010

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 W. 5th, Suite 500 Anchorage, AK 99501-2340

Dear Ms. Jennings:

I am responding to the recent Notice of Intent of the *Exxon Valdez* Oil Spill Trustee Council (Council) to refine the scope of its restoration efforts and focus its diminishing funds on five defined restoration categories. I am especially interested in your efforts to provide long-term support for monitoring of marine conditions. Meritorious research in Prince William Sound and throughout the spill area has been a hallmark of the Council and will serve as an enduring legacy.

The North Pacific Research Board has funded marine research since 2002 under our legislated mandate to address pressing fishery management issues and marine ecosystem information needs. Our annual funding base of about \$9.5 million derives from the Dinkum Sands litigation and interest earned on the Environmental Improvement and Restoration Fund established in 1997. Since inception we have funded 228 regular projects for \$37.3 million. We have a \$52 million partnership with the National Science Foundation to study the Bering Sea ecosystem, and are finalizing a \$9 million integrated ecosystem research program (IERP) in the Gulf of Alaska. We strive for efficiency and only use 11-12% of our funds for administration. We also have a robust education and outreach program and data management system.

We would welcome the opportunity to explore with the Council options for transferring or linking an allocation of part of your restoration funds to our Gulf of Alaska IERP for continued long-term monitoring of marine conditions in the spill area. The Council and Board would jointly negotiate guidelines for their use. We believe this approach could greatly improve our understanding of the marine ecosystems in the spill area and provide an enduring legacy for the Council that leverages ongoing research programs.

Thank you for your consideration of this proposal. I would be happy to provide any additional information you may desire.

Sincerely.

Clarence Pautzke

Clarence Pautzke Executive Director Inserve research Breccification communications Breccification darg trace of about 59.5 million derives nerves communication the Environmental adriant 1987. States inception we derive adriant 1987. States inception we derive

> MAR 2 6 2010 EXXON VALDEZ OIL SPILL TRUSTEE Council

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United States Department of the Interior

ALASKA REGION NATIONAL PARK SERVICE 240 W. 5th Avenue, Rm 114 Anchorage, Alaska 99501



IN REPLY REFER TO:

L7619 (AKRO-EPC)

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, Alaska 99501

these comments were e: Mailed to you on 3/30/10.

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APR 02 2010

EXXON VALDEZ OIL SPILL TRUSTEE Council

Dear Ms. Jennings:

Thank you for the opportunity to make scoping comments on the supplemental environmental impact statement (SEIS) for Exxon Valdez Oil Spill Trustee Council's Restoration Efforts. The National Park Service (NPS) comments on the SEIS are based on area expertise in and around the Kenai Fjords National Park, Katmai National Park and Preserve, and Aniakchak National Monument and Preserve, conservation units managed by the NPS that received oil from the Exxon Valdez Oil Spill (EVOS). The NPS is a cooperating bureau through the Department of the Interior, one of the six Trustees.

The NPS offers detailed comments below on the five focus areas identified in the Notice of Intent (NOI) for the SEIS. Overall, the NPS urges the EVOS Trustee Council to focus restoration efforts on resources with a demonstrated causal connection to the EVOS. We think use of funds should be prioritized towards monitoring and restoring resources and values where there is an identified connection to EVOS impacts, such as with continued monitoring and restoration within the nearshore habitat, habitat acquisition and protection, and the establishment of critical marine protected areas. We also think the Council should explore options for establishing an endowment for long-term research and monitoring in the spill-affected region.

In 2008, the NPS developed the Pacific Ocean Parks Strategy to address coastal and marine resource issues. Among other goals, this strategy calls for the NPS to work with adjacent area resources managers to protect coastal and marine resources in a seamless manner for the nation's well-being. For this and other reasons, the NPS wishes to fully engage with the EVOS Trustee Council efforts to restore resources and values impacted by the EVOS.

The EVOS impacted the purposes and values of three parks established or expanded by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Section 201 (5) of ANILCA established Kenai Fjords National Park to: "Maintain the scenic and environmental integrity of ... coastal fjords and islands in their natural state; and to protect seals, sea lions, and other marine mammals, and marine and other birds and to maintain their hauling and breeding areas in their natural state free of human activity which is disruptive to their natural processes."

Section 202 (2) established Katmai National Preserve and redesignated the pre-existing monument as Katmai National Park to: "Protect habitats for and populations of, fish and wildlife including, but not limited to, high concentrations of brown/grizzly bears and their denning areas; to maintain unimpaired the water habitat for significant salmon populations; and to protect scenic, geological, cultural and recreational features." Presidential proclamations No. 1950 of 1931 and No. 2564 of 1942 added the shores and offshore islands in Shelikof Strait within 5 miles of the Katmai coast to the monument: "To care for, manage, and protect objects of scientific interest" ... and "Warning is hereby expressly given to any unauthorized persons not to appropriate, *injure, destroy*, or remove any feature of this monument" (emphasis added). ANILCA Section 201 (1) established Aniakchak National Monument and Preserve, among other purposes, to: "Protect habitat for, and populations of, fish and wildlife, including, but not limited to, brown/grizzly bears, moose, caribou, sea lions, seals, and other marine mammals, geese, swans, and other waterfowl. ... Subsistence uses by local residents shall be permitted in the monument where such uses are traditional."

Below are detailed comments on the five focus areas identified in the NOI.

(1) Herring:

The Pacific herring population in Prince William Sound (PWS) crashed following the EVOS and has remained depressed for the past two decades. This has had severe economic ramifications in PWS communities and for Alaska. Unfortunately, even with the significant dedication of funds to this issue, a causal effect linkage with the spill remains elusive; and as time passes it becomes increasingly difficult, if not impossible, to discern effects of the spill from broader oceanographic effects.

While additional research will increase our knowledge and understanding of herring, it is extremely unlikely to return herring to their pre-spill population. Regrettably, we recommend that funding in this category be reduced and that work focus on monitoring and restoration of spawning habitat for herring and other forage fish species impacted by the EVOS. This will allow funds to be utilized in the other focus areas.

(2) Lingering Oil:

The presence of significant volumes of lingering oil in intertidal sediments more than two decades after the EVOS is strong justification for sustained attention to nearshore habitats and species. The fate and persistence of lingering oil should continue to be monitored, including at known oiled locations along the coasts of the Kenai and Alaska Peninsulas. This focus area should concentrate on species relying on intertidal zones for vital life functions such as foraging, resting, and reproducing. Good evidence links adverse impacts from lingering oil to nearshore communities and populations resulting from diminished growth and survival. We urge the Council to give special consideration to nearshore water quality, biological communities, and species such as mussels, clams, sea stars, sea otters, and sea ducks that have been foraging in these oil-impacted habitats. These species live in, forage, and excavate in oiled habitats and have borne the burden of compromised habitat for the past two decades. As a direct consequence of their behaviors and activities, these species have paid a disproportionately high price in terms of
reduced survival and protracted recovery from the 1989 spill. The National Park Service supports the Trustee Council's ongoing concern and interest in this arena.

(3) Long-term Monitoring of Marine Conditions:

Monitoring marine conditions is an important component of marine ecosystem science and management. The NPS believes the focus should be in the areas most affected by the spill, specifically the nearshore environment. Not only are the nearshore areas most affected by the EVOS, but these nearshore areas support important habitats essential to the survival of a vast array of species the public values (sea otters, sea ducks, seabirds, shorebirds, seals, sea lions, clams, mussels, bears, bald eagles, and various species of fish). The nearshore zone supports human activities from subsistence to recreation, and these areas are the key transition zone between the terrestrial and offshore ecosystems.

Within the spill area, the Parks are primarily land-based; however, due to the importance the NPS places on the nearshore environment, the NPS approved and implemented the original EVOS Trustee Council-supported long-term nearshore monitoring program. This nearshore monitoring program has been put into practice in Kenai Fjords, Lake Clark, and Katmai National Parks. In its current state, the NPS Southwest Alaska Network (SWAN), in partnership with USGS Alaska Science Center, monitors nearshore ecosystems along these parks. The NPS SWAN monitoring program design samples well-known processes and ecological interactions within nearshore areas, from primary production (kelps and sea grasses) to primary consumers (many invertebrates) to apex predators (sea otters, black oystercatchers, and other coastal and marine birds). Many of these resources were adversely impacted and continue to be affected by EVOS.

The NPS perceives a need for stable organizational commitment, data management, and reporting practices to make scientifically rigorous monitoring worthwhile. NPS reporting practices strive to educate the public and resource managers about changes in these resources of interest to facilitate informed resource management decisions. NPS has demonstrated the ability and willingness to continue these efforts with its SWAN nearshore monitoring program. This program, initially conceived and funded by the Trustee Council (GEM, N-REM), has now been in place at the NPS SWAN for four years. We hope to be able to continue and potentially expand this monitoring; however, without commitment from EVOS funding or other sources this may not be possible. We believe this program and other park-based monitoring should be strengthened and expanded utilizing EVOS funding with NPS as a main partner who can "maintain collections and demonstrate an ability to leverage this support." Expanding monitoring efforts through current programs will increase our collective ability to detect trends and recovery in nearshore areas and provide opportunities for effective partnering with other agencies and organizations such as the U.S. Geological Survey, the Alaska Department of Fish and Game, the National Oceanic and Atmospheric Administration, the Alaska Ocean Observing System, and the U.S. Fish and Wildlife Service.

Additionally, these nearshore habitats and species may exhibit varying rates of recovery due to differing geomorphological features (e.g., exposure and sediment type) and differing biological factors (e.g., extent and use of oiled areas for a variety of activities). Species of concern may

also exhibit decreased resilience to environmental stressors, such as ocean acidification and climate change, which may impede recovery of the ecosystems. This further emphasizes the need for long-term monitoring within EVOS-affected nearshore marine habitats.

(4) Harbor Protection and Marine Restoration:

a. Storm water, wastewater, and harbor projects:

Although this is primarily an issue for local communities and the state, the NPS agrees that reducing the stressors on fish and wildlife resources by assisting these communities with innovative and long-term solutions to their collection and disposal of waste will contribute to the recovery of injured natural resources. The NPS can assist the EVOS Trustee Council with public education and outreach at strategically located visitor centers on the best management practices and restoration benefits to the environment. We think the proposed large sum of money (up to \$10 million) to rebuild community infrastructures should be cost-shared projects with the involved communities to promote accountability and transparency. It should be made clear the involved communities carry the responsibility to maintain new facilities into the future; this cannot be the long-term responsibility of the EVOS Trustee Council restoration funds.

b. Marine debris removal:

The NPS agrees with the statement in the NOI, "Marine debris removal reduces marine pollution affecting injured resources and services." We think the Council needs to carefully consider the locations, logistics, and intervals of marine debris removal within the spill-affected zone. A plan calling for repeated clean-up efforts at various "keeper beaches" may be more appropriate than a one-time cleanup. Additional efforts should include monitoring of beaches to quantify the volume and spatial extent of the accumulated debris. Shifts in ocean currents or an overall increase/decrease in marine debris may warrant new beaches to be added to the roster and others removed to ensure the most appropriate allocation of funds. This focus fits well with the NPS mission to preserve natural and scenic ecosystems for public enjoyment and interagency Coastal America efforts in Alaska. The NPS Coastal Grant program in Alaska has provided funding for small coastal marine debris removal projects at less than \$10,000. The Council should seek various partners to carry out this goal. The proposed funding amount at \$3 million seems appropriate.

c. Response, damage assessment, and restoration implications:

This work has already been mostly completed, and past studies conducted during and after cleanup efforts have documented which response methods restored or further damaged impacted resources. Improved public outreach may be necessary to share the results of lessons learned from the EVOS, but information is already available to deal with large-scale spills and modified techniques can be implemented by agencies responsible for coordinating and conducting spill response. The existing Alaska Unified Plan and ten Subarea spill response plans are already updated periodically, which now include geographic response strategies for areas with significant resources that can be reasonably protected from spills. See below web link for a compilation of

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papers regarding the issues of damage assessment, shoreline cleanup, shoreline treatment and operations and shoreline monitoring:

http://www.evostc.state.ak.us/pdf/biblio_damage.pdf

We think \$1 million to conduct a conference and publish a series of papers may be excessive.

(5) Habitat Acquisition and Protection:

This focus area represents one of the greatest contributions the EVOS Trustee Council has made, and can continue to make, toward the long-term restoration of resources and values impacted by the EVOS. It is also worth noting that this element of EVOS Trustee Council activity was prioritized by Congress to the extent that it is mandated by federal law.

Significant opportunities exist for habitat acquisition and protection within Kenai Fjords National Park. The Port Graham Corporation (PGC) owns approximately 47,500 acres within the Park and has expressed interest in selling some of these lands. A current EVOS habitat acquisition project addresses the potential sale of 2,665 acres of PGC lands in Aialik Bay, the most northerly fjord in the Park and the closest to Seward. These lands offer excellent opportunities for habitat protection related to restoration. Appraisals have been completed and negotiations are ongoing. In addition to the lands currently in the EVOS program, other PGC lands in the Park offer equally promising opportunities. Having EVOS funds available for purchase of these lands will make it possible to accomplish additional restoration objectives.

We are aware of other potential small and large parcel habitat protection acquisitions that could easily use the remaining \$24 million allocated for this effort. We recommend that the remaining \$24 million and more if possible, be allocated to habitat acquisition and protection so that future significant acquisitions are attainable.

Habitat protection in the marine environment has received relatively little attention. We recommend that the Trustee Council seek proposals to fund research and collaboration for coastal and marine spatial planning and for evaluation of potential Marine Protected Areas (MPAs) in the spill-affected area. The NPS would support coastal and marine spatial planning and the consideration of MPAs adjacent to parks, if supported by the state and appropriate federal agencies.

Funding for coastal and marine spatial planning and consideration of MPAs in the spill-affected area should be above and beyond the \$24 million allocated for habitat acquisition because that component is legislatively limited.

Lastly, the NPS believes the Council should consider establishing an endowment for long-term coastal and marine resources research and education grants. For nearly a decade, the Alaska Region of the NPS, in collaboration with the National Park Foundation, a private nonprofit organization, has administered a small but highly successful Alaska-wide grant program designed to provide opportunities for Alaskans to propose and accomplish natural, cultural, and historic research and education projects focusing on Alaska's coastal and marine resources. This

program was initially conceived and funded as a result of pollution settlement funding. The NPS perceives a need for sustainable funding commitment to endow in perpetuity the Alaska Coastal Marine Resources Grant program. EVOS funding could be used to strengthen and expand the existing grant program or to establish a new grant program focused on the EVOS spill-affected area pursuant to the focus areas and purposes of the Consent Decree. Likewise, the NPS supports the EVOS Trustee Council efforts to help promote basic ocean literacy via groups such as the Centers for Ocean Science Education Excellence. This program would assist all Alaska to better understand ocean issues both within the spill area and much more broadly.

If you have questions about these comments, please contact Bud Rice of my staff at 907-644-3530 or bud_rice@nps.gov.

Sincerely,

Ane 4. Maser

Sue E. Masica Regional Director

cc: Kim Elton, USDI EVOS Trustee Superintendent, Kenai Fjords NP Superintendent, Katmai NP&Pres & Aniakchak NM&Pres Lands Program Manager, Alaska Regional Office



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Leadership in Conservation Thought, Policy and Action

March 31, 2010

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Ms. Jennings,

This letter is to offer constructive comments on the *Exxon Valdez* oil spill (EVOS) Trustee Council's proposal to narrow and refine the scope of its future work to more effectively utilize remaining settlement funds.

The EVOS Trustee Council has achieved enormously valuable conservation results under the EVOS Restoration Plan. The permanent conservation of forested and non-forested coastal habitats of oil spill-impacted fish and wildlife species in Prince William Sound, the Kenai Peninsula and in the Kodiak Archipelago is a major achievement by the EVOS Trustee Council. The 650,000 acres of lands purchased for public ownership or conserved through easements in the spill region are an outstanding legacy of scientifically focused mitigation and cooperative conservation in the wake of a devastating man-made disaster. The EVOS Trustee Council had to operate in a highly challenging political environment, and the Council is to be congratulated for finding a broadly supported consensus-based outcome.

Having personally visited EVOS Trustee Council conserved lands on Afognak and Shuyak islands, I can attest to the remarkable outcomes the Council has achieved, and offer my own heartfelt personal thanks for what you have accomplished there.

With regard to the Trustee Council's future habitat conservation efforts utilizing the remaining \$24 million in the habitat account, the Pinchot Institute urges the Council to:

- Take a flexible approach to allocating funds between the large *and* small parcel categories,
- Utilize all land conservation tools including fee acquisition and long-term conservation easements
- Prioritize future habitat investments based on the highest quality lands and natural resources available to the Council for conservation
- Seek to leverage EVOS restoration funds with other funding sources, both public and private, as a means to expand the impact of your remaining funds and as a means to continue to involve individuals, corporations and foundations in the restoration effort

EXECUTIVE OFFICE: 1616 P Street NW, Suite 100, Washington, DC 20036 202.797.6580 fax: 202.797.6583 www.pinchot.org GREY TOWERS NATIONAL HISTORIC SITE: P.O. BOX 188, Milford, PA 18337 570.296.9630 fax: 570.296.9675 Laurel Jennings March 31, 2010 Page 2

The Pinchot Institute's mission is to advance conservation and sustainable natural resource management by developing innovative, practical, and broadly-supported solutions to conservation challenges and opportunities. We accomplish this through nonpartisan research, education and technical assistance, and by fostering rational and civil dialogue on key issues in natural resource conservation. So we know how challenging your work has been, and we congratulate the EVOS Trustee Council on all that it has accomplished to date. We hope that the Council will continue to take this kind of strategic, long-term approach to determining its future conservation priorities and utilizing the remaining settlement funds.

Best regards,

Hay Jampb

V. Alaric Sample, Ph.D. President

Windows Live Hotmail Print Message

Page 1 of 1

23.01,11

(No Subject)

From: **colleen rankin** (bluefoxbay@hotmail.com) Sent: Wed 3/24/10 2:07 PM To: tim richardson (tlrs@erols.com); bluefoxbay@hotmail.com

Hello and Thank-you for the opportunity to comment on how we can make the best use of the remaining financial resources left to help heal the areas affected by the Exxon Valdez oil spill of 1989.

My name is Colleen Rankin, I was at the Kodiak meeting March 18th, and had the opportunity to speak with Craig after the meeting. I am a lifelong Alaskan, have lived in the Kodiak area since 1987 and, at the time if the spill was married to a salmon seiner here on the island, so felt the effects in a very personal way. I have also commercial fished myself and feel a deep attachment to the lifestyle, having known many fishermen from the time I was a child as neighbors and friends.

Currently I am fortunate enough to live on a small island in Blue Fox Bay, on Afognak Island at the confluence of Shelikoff and Shuyak straits. The area of this achipelago with the largest impact from the spill. We run a very small, low impact lodge there and besides enjoying the astounding vitality of the area, we feel obligated to somehow send each person away with a new awareness of the fragility and interdependency of a healthy ocean meeing a healthy shoreline.

That, of course is what compelled me to write to you today. When I look at what was injured (besides people,lifestyles,ect.), what comes to my mind are relationships of healthy organisms in ecosystems. Because I beleive so much in this interaction I would like to support longterm monitering of Marine conditions, not just in Prince William sound but in the Gulf of Alaska, because we are still learning just how connected the ocean and bays are on each other. We can see with our eyes when land is damaged, but we only realize the extent of damage to the ocean after it it shows a symptom. Marine debris removal is also a project I support as I am witnessing the beaches accumulating and aborbing more and more plastics. We have found dead animals entagled on the beaches nears our home.

Also I especially support habitat aquisition. Parcels that could be crucial to completeing a larger system could mean the difference between the surrounding area being able to function in an undisturbed way. Something that is becoming increasingly rare. A form of containment, if you will. We would certainly try to contain another envromental disruption like the oil spill, and there are still some parcels that lay in crucial areas that are capable of changing the surrounding areas forever.

I know that all of the progams are good programs, but I hope that we think big, meaning big ecosystems and protection of habitat that is so wild we may forget about it in our civilized world. They say that the squeaky wheel gets the grease, but we have some opportunity here to speak for habitat that cannot speak for itself. Please consider those wild places when habitat aquisition is considered.

Thank-you so much for your time Colleen Rankin Box KPR Port Wiiliam Kodiak, Ak 99697-0090 9072300206 bluefoxbay@hotmail.com

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EXXON VALDEZ OIL SPILL TRUSTEE Council

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APR 0 5 2010 EXXON VALDEZ OIL SPILL TRUSTEE Council

March 31, 2010

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Members of the Trustee Council,

Thank you for the opportunity to comment on your Supplemental Environmental Impact Statement on the Trustee Council's Restoration Plan.

We strongly support the continuation of your habitat protection efforts. Preserving the opportunity to select both large and smaller projects remains important as the final funding is utilized.

We believe the benefits both in terms of habitat protection for those species affected by the oil spill, and the associated recreational opportunities such as hunting and fishing in your habitat protection program, will have long-lasting multiple public benefits.

Thanks for accepting the challenge and for the Council's dedication as you have utilized the oil spill funding to achieve some outstanding conservation objectives.

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Sincerely,

Jack Blachwell

Jack Blackwell Vice President, Lands & Conservation

23,01,11

American Land Conservancy

369 Pine Street, Suite 700 San Francisco, CA 94104

April 1, 2010

Ms. Laurel Jennings *Exxon Valdez* Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Ms. Jennings,

American Land Conservancy (ALC) is a 501(c) 3 organization whose mission is to protect the nation's natural heritage by conserving land for the benefit of people and wildlife. It has been ALC's privilege to work for Kodiak archipelago Native corporation landowners who have, or are, participating in the habitat protection focus area of the Exxon Valdez Oil Spill (EVOS) Trustee Council's comprehensive restoration plan.

Since ALC's involvement in EVOS restoration began ten years ago in 2000, we have successfully collaborated with the EVOS Trustee Council to achieve over 8,000 acres of permanent high quality coastal habitat protection in Perenosa Bay on north Afognak Island.

ALC looks forward to continuing to help landowners interact with the Trustee Council to see if their parcels meet the conservation objectives of the EVOS restoration plan. With regard to your adoption of guidelines for habitat protection using remaining funds, ALC understands the logic in the Council having both large and small parcel categories and we urge the Trustees to remain flexible in reaching your restoration goals through the use of remaining habitat dollars.

ALC also believes that the Trustee Council should continue interacting with nonprofit land trusts to aid in facilitating your objectives if it is cost effective for the Council. This recommendation includes Trustee consideration of a greater reliance on the transaction capabilities of non-profits while retaining the key prioritization and decisionmaking within the Council's authority. In short, "put us to work" whenever it suits your purposes and lowers transaction costs.

In addition, ALC will seek to assist the Council by obtaining non-EVOS funding from private and government sources to help stretch EVOS habitat protection funds to their widest possible extent. We also urge the Council to explore wider use of conservation easements because easements can be just as effective in achieving long term conservation as fee title purchases and they can be less expensive than fee purchases. In reviewing prior comments about the EVOS Trustee Council in my files, I came across a letter from the Wildlife Management Institute regarding the restoration plan. The letter's blunt message about the Trustee Council's restoration plan is shared by many who have an interest in your work:

"You got it right the first time."

This sentiment is an apt recognition of the extraordinary successes the Council has achieved in the twenty-one years since the *Exxon Valdez* tragedy.

Sadly, the devastation to natural resources caused by the spill and the many Alaskan lives and livelihoods that were negatively impacted by the worst environmental accident in U.S. history cannot be fully restored. Nonetheless, because of the Trustee Council's efforts, future generations of American's are going to be able to experience the spill region in all its wild splendor and biological productivity.

Thank you for the opportunity to work closely with the Trustee Council to help obtain your habitat protection objectives and for providing this opportunity to comment.

Sincerely,

Tim Richardson Alaska Program Director American Land Conservancy Archery Trade Association, Boone & Crockett Club, Camp Fire Club, Congressional Sportsmen's Foundation, Conservation Force, Dallas Safari
Club, Izaak Walton League, Quality Deer Management Association, Masters of Foxhound Association, Mule Deer Foundation, National Rifle
Association, National Shooting Sports Foundation, National Trappers
Association, North American Bear Foundation, Public Lands Foundation, Rocky Mountain Elk Foundation, Ruffed Grouse Society, Safari Club
International, Texas Wildlife Alliance, The Conservation Fund, Theodore Roosevelt Conservation Partnership,
U. S. Sportsmen's Alliance, Whitetails Unlimited, Wild Sheep Foundation,

Wildlife Forever, Wildlife Management Institute

March 29, 2010

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Re: Supplemental Environmental Impact Statement on Exxon Valdez Oil Spill Trustee Council's Restoration Plan

Dear Members of the Trustee Council,

This sign-on letter from members of the American Wildlife Conservation Partners urges the Exxon Valdez Oil Spill (EVOS) Trustee Council to continue with your multiyear oil spill restoration plan, especially with regard to the continued conservation of important fish and wildlife habitat.

The record the EVOS Trustee Council in large-scale habitat conservation is remarkable. The approximately 650,000 acres of fish and wildlife habitat the Council has conserved through the purchase of various property rights from willing sellers provides the American people with a lasting legacy as compensation for the tragic 1989 oil spill.

The benefits to oil spill injured fish, birds and mammals whose vital habitats are now conserved through the Trustee Council's decisions will be lasting. The recreational lands, including hunting and fishing areas, now available for public access in the Chugach National Forest, Kenai Fiords National Monument, Kodiak National Wildlife Refuge, Shuyak Island State Park and the creation of Afognak Island State Park are some of the finest in Alaska and the nation.

Congratulations on the historic conservation achievements the EVOS Trustee Council has made to date and please "stay the course" on habitat conservation with the remaining oil spill settlement funds. NEPA comments to the EVOS trustees regarding long-term monitoring - March 20, 2009.

Thank you for the opportunity to make public comments at the recent NEPA meeting in Kodiak Alaska on Thursday evening March 18. I thought the meeting was well organized and provided an outlet for useful exchange between the public and the trustee council. The following are a few comments to augment my verbal remarks at that meeting.

I feel it is imperative that the trustee council devise a method for supporting long-term ecological monitoring in the larger Gulf of Alaska, not just Prince William Sound. Many long term biological studies and time series, some continuous for more than four decades, are in danger of being cut or limited due to mounting budget pressures in sponsoring agencies and entities. It is critical to continue these longtime series monitoring projects. Examples are small-mesh trawl surveys (in bays and inlets around Kodiak Island, Shelikof Strait, and Alaska Peninsula) and winter bird surveys in several Kodiak Island bays. Future plans need to ensure that the scope of ongoing monitoring projects is not diminished and links to collected data are maintained for researchers and interested citizens.

Additionally there should be some provision to allow for small observational volunteer monitoring in coastal communities by private citizens. Examples of these projects might include; counts of sea otters in a particular bay in a given season, numbers of sea lions on a given haul out, and timing and arrival of nesting sea birds at rookeries. Overseeing and coordinating these activities can be done at very modest cost. All collected observation data needs to be provided to the interested general public and researchers annually. This activity will have to be continually monitored by review as discussed below.

One of the stated proposals of the council is to fund long-term monitoring with approximately \$25 million, to be spent over a twenty-year period. I don't believe that setting an arbitrary time line of twenty years is appropriate nor will it accomplish the goal of long-term monitoring. Since long-term monitoring requires a long-term funding base, I feel an endowment needs to be established either by the council directly forming a foundation for this purpose or in directing funds to an already up and running nonprofit foundation. I feel the council needs to set strict fiduciary principles when devising such an approach. Since the goal is to maintain a funding base for the long-term it will be necessary to manage monies at the lowest cost and provide fiscal controls that continue funds in perpetuity. A further requirement should be that agencies or individuals applying for funds should be able to match funding at least 1:1 to demonstrate commitment to proposed monitoring projects and maintenance of data series. By requiring a funding match a mechanism for leveraging available funds is easy to maintain in ongoing monitoring projects. The council could solicit a request for proposal to manage this monitoring endowment and let the interested public nominate appropriate nonprofit foundations that can meet these criteria.

All projects should be reviewed to ensure that goals established by the council are met. I recommend a panel of volunteer peer reviewers be established for selecting proposals and also to provide quality control of ongoing monitoring and data collection.

There needs to be a requirement to have free and open access to the data collected in these sponsored monitoring programs. A strict time limit for making this data available to other researchers and the general public should be set. Perhaps one year would be deemed appropriate by the public. The monitoring review board will require data publishing before additional funds are released for a continuing project.

Dear Exxon Valdez Oil Spill Trustee Council,

As a citizen of Cordova, Alaska I am fully supportive of the five defined restoration categories that the Council proposes as the future focus: herring, lingering oil, long-term monitoring of marine conditions, harbor protection and marine restoration, and habitat acquisition and protection.

My only substantive comment is that the future distribution of EVOS funds must be done in a competitive manner. Competition spurs excellence among researchers and a variety of organizations. Without competition there is a very real danger that research and actions on the five restoration categories will become stagnant. This, I believe, would occur if a single organization were simply given a portion of the remaining EVOS funding or an endowment. I suggest that EVOS research funds should be distributed to an organization such as NPRB, which has a successful and well-respected record of administering research funding. In this manner, it is much more likely that future research will be of a high caliber.

Sincerely, Richard Brenner

PO BOX 2191 Cordova, Alaska 99574 phone: 907-424-7220 EVOS Trustees Council,

I urge the EVOS Trustees Council to expend some of the remaining EVOS funds for public angler access easements along the Olds and American Rivers. Both of these rivers provide numerous hours of angling time for Kodiak residents and for visiting anglers. They have also been stocked in recent years by ADF&G to develop a road system king salmon run. Without public access to these rivers this stocking program may have to be discontinued because it would be using public money to stock private water. Previous funds have been used for public access to rivers off the road system which are not easily accessible. Funding easements for these rivers would maximize the benefit for anglers because of their road system access.

Dan Busch Kodiak, Alaska

23.01.11

March 29, 2010

To the EVOS Trustee Council Members,

My name is Seth Danielson. I first came to Alaska in the summer of 1989 – between my last two years of undergraduate study – and worked on a small longline fishing vessel based out of Whittier. Alaska got in my blood that summer; I returned to Whittier for the summer of 1990 and I moved to the state in 1993. In 1996 I finished a master's degree in Oceanography at UAF and have since worked at UAF as a field technician, analyst and research project manager supporting grant-funded oceanographic studies around the state, from the Gulf of Alaska, Glacier Bay and Prince William Sound to the Bering, Chukchi and Beaufort seas. Over the course of the last two decades, I have come to appreciate the value of quality long term data sets so I am writing to urge you to consider funding an extended oceanographic measurement program.

Long-term data sets are rare but they provide a primary tool for assessing, predicting and responding to environmental changes and impacts. Although we have 40-year observational time series of physical parameters at station GAK1, we do not have a similar length time series that includes chemical and lower trophic level measurements. Environmental monitoring is expensive, labor intensive and repetitive. Yet without it, we lose the ability to assess future impacts or separate anthropogenic from natural variability.

The benefits of a monitoring program are numerous, though not all are measurable in dollars. A properly designed program will harvest returns from the data, including:

- Researchers will be able to better discover the mechanistic inter-coupling of the ecosystem's components.
 - Studies carried out over the last 40 years have provided great insight (such as the combined role of winds and fresh water in directing oceanic transport pathways) but we have also gained new appreciation for complexities that we do not yet understand (such as the role of iron in mitigating primary production).
- Resource managers will have the data they need to make better decisions.
 - Without data-based advances in ecosystem models, we will continue to have failures – such as salmon runs experienced recently in western Alaska or herring populations in Prince William Sound since the oil spill – that result in dire local economic hardships.
- Students from elementary to graduate require environmental data to complement and support place-based and inquiry-based learning approaches.
 - Placing the current state of the world into a time series context provides a strong foundation for promoting new insight and understanding.
- Communities that utilize Gulf of Alaska resources rely on the condition and state of the ocean and can realize benefit from the data.
 - Individuals who make their living based on tourism, fishing and other resource extraction all understand that the ocean is a dynamic domain and that monitoring

data provide important insight to its ever changing ways. Time series data help put environmental assessments into temporal context for various activity permit applications. Data help form the basis for evaluating causes of and mitigation efforts needed to protect endangered populations.

- UAF graduates will obtain a state of the art training opportunity. Our graduates take their knowledge to careers in Alaska in management, research and private industry. National attention will remain on the quality ongoing research taking place in Alaskan waters.
 - Our marine science program at UAF will be at the forefront of oceanographic research with the arrival of the R/V Sikuliaq in 2014. Applying this vessel's capabilities to the research questions of the Gulf of Alaska will generate world-class research and advances. This attention will be good for attracting quality students and researchers, and thus further enhance UAF's ability to serve the State.

A worthwhile measurement program could take on many forms, including an ambitious 25 year effort that spends all available funds. Alternately, a more modest program could be endowed such that the measurements are spent below the inflation rate and the program could be carried out on a 100+ year time frame. Both implementations have great merit if done properly (low administrative costs and most funds spend directly on data collection activities).

Lack of data led the National Research Council to conclude that we may never know the root cause of Stellar Sea Lion population declines. Lack of data collections before 1989 hindered our ability to completely understand changes in Prince William Sound after the oil spill. The creation of the EVOSTC and the funds directed toward research provided a singular chance to address this problem of missing data for future generations. Must we have another oil spill before we actually implement a long-term monitoring program?

Here we have an opportunity to give future generations the gift of knowledge. Knowledge that will be used for unlocking the secrets of how our state waters are connected to the global ocean, the secrets of how our marine ecosystem is able to support such diverse and valuable fisheries and the information that resource managers will need to have in order to successfully direct sustainable levels of resource extraction from our waters. Don't miss this opportunity.

Thank you for your attention.

Seth Danielson

To Whom It May Concern,

I support the use of settlement funds for habitat acquisition and restoration and strongly support the acquisition of Termination Point which was nominated for small parcel acquisition in 1994.

Please do everything possible to persuade the owner to sell it so protection from their future development plans can be assured. There is little public land on our road system and we now have to obtain permits and pay Leisnoi to hike on any of their property. Access to Termination Point is very important to our community and it would make a great State Park.

Sincerely, Margie Draskovich 3511 Tugidak Court Kodiak, AK 99615



UNIVERSITY OF WASHINGTON

DEPARTMENT OF ANTHROPOLOGY

31 March, 2010

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Exxon Valdez Trustee Council Members,

It has come to my attention that Old Harbor Native Corporation has nominated Sitkalidak Island for habitat protection within the Exxon Valdez Oil Spill Restoration Plan, and that the EVOS Trustee Council is seeking comments as part of a Supplement Environmental Impact Statement.

As archaeological resources are included in assessments of environmental impact, I provide the following information that may be relevant to your deliberations. Please understand that I am an archaeologist and faculty member at the University of Washington. My interest in Sitkalidak Island is strictly intellectual. I do not have a specific stake in the outcome of the deliberations other than that of a professional interest in the preservation of archaeological resources for future research and as a tangible source of information about the cultural heritage of contemporary residents of the region.

From eight years worth of archaeological research there, I can report that Sitkalidak Island contains a rich and irreplaceable cultural resource in the form of an archaeological record covering more than 7000 years of human settlement history distributed between more than 100 archaeological sites that encircle the island at almost every reasonable boat landing as well as along the interior streams and ponds. Collectively these sites document the earliest known evidence for the human colonization on the Kodiak archipelago roughly 7500 years ago, the emergence of salmon intensification roughly 4000 years ago, and the development of organizationally complex hunter-gatherer societies over the past 2500 years, culminating in the site of the Russian conquest of the Alutiiq people at the Awa'uq refuge rock site not far from the earliest permanent settlement in Russian Alaska (at Three Saints Bay).

Sitkalidak also contains important recent archaeological evidence for population declines following initial Russian colonization and the introduction of European diseases, one of the few land-based whale oil processing facilities of the 19th century "whale rush" (Port Hobron), and the location of a pioneering cattle ranch with historical significance in the transition from Alaska from a U.S. Territory to a State (McCord's Ranch, including old fence lines, the main ranch compound and outbuildings).

Finally Sitkalidak Island contains evidence of enduring use of the island by Alutiiq residents of the region for subsistence and recreation (e.g., Christiansen's fish camp out on Nuckin's Spit just north of the entrance to Newman Bay - where the Mary Haakanson and the other Christiansen children spent their summers as kids in the mid 20th century), as well as evidence of generations of picnicking at the beach on Ocean Bay. Less archaeologically concrete, but no less real are the uses of the island for drift-wood collection and subsistence hunting and fishing.

You can find additional information about the archaeology of Sitkalidak Island in the publications listed below, and a full inventory of archaeological sites found on Sitkalidak Island can be obtained through the Alaska State Office of History and Archaeology in Anchorage. They can be reached at the following address

Office of History and Archaeology Alaska Division of Parks and Outdoor Recreation 550 West 7th Ave., Suite 1310 Anchorage, Alaska 99501-3565

Thank you for considering these observations about the cultural values found on Sitkalidak Island.

Sincerely,

Ben Fitzhugh, PhD Associate Professor Department of Anthropology University of Washington Seattle, WA. 98195-3100 (206) 543-9604 fitzhugh@uw.edu

Please see following page for reference list for Sitkalidak Island achaeology

Publications on the archaeological Heritage of Sitkalidak Island

Clark, Donald W.

1974 Koniag Prehistory: Archaeological Investigations at Late Prehistoric Sites on Kodiak Island, Alaska. Tubinger Monographien Sur Urgeschichte, vol. 1. Verlag W. Kohlhammer, Stuttgart.

1979 Ocean Bay: An Early North Pacific Maritime Culture. National Museum of Man, Mercury Series, Archaeological Survey of Canada Paper No. 86. Ottawa.

Fitzhugh, Ben

2004 Colonizing the Kodiak Archipelago: Trends in raw material use and lithic technologies at the Tanginak Spring site. *Arctic Anthropology* 41(1):14-40.

2003 The Evolution of Complex Hunter-Gatherers: Archaeological Evidence from the North Pacific. Kluwer Academic- Plenum Publishers.

2003 The Evolution of Complex Hunter-Gatherers on the Kodiak Archipelago. In *Hunter-Gatherers of the North Pacific Rim*, edited by J. Habu, J. Savelle, S. Koyama, and H. Hongo. SENRI Ethnological Studies no. 63. National Museum of Ethnology, Osaka, Japan. Pp. 13-48.

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2002 Residential and logistical strategies in the evolution of complex hunter-gatherers on the Kodiak Archipelago. In Beyond Foragers and Collectors: Evolutionary change in Hunter-Gatherer Settlement Systems, edited by Ben Fitzhugh and Junko Habu. Kluwer-Plenum Press, New York. Pp. 257-304.

2002 The Origins of Maritime Hunter-Gatherers in the North Pacific: A View from Kodiak Island. [Kita-Taiheiyo ni okeru kaiyo shuryo-saishu-min no kigen: Kodiak-to no jirei kara]. In *New Perspectives on the Study of Prehistoric Hunter-Gatherer Cultures* [Senshi Shuryo-Saishu Bunka Kenkyu no Atarashii Shiya], edited by Siro Sasaki. Senri Ethnological Report 33. National Museum of Ethnology, Osaka, Japan (in Japanese). Pp. 49-82.

Knecht, Richard, Sven Haakanson, Jr. and Shawn Dickenson

2003 Awa'uq: Discovery and Excavation of an 18th Century Refuge Rock in the Kodiak Archipelago. In: *To The Aleutians and Beyond; The Anthropology of William S. Laughlin*, pp. 177-191. Publications of the National Museum Ethnographical Series, Vol. 20. Edited by Bruno Frohlich, A. Harper, and R. Gilberg. National Museum of Denmark, Copenhagen.

Gulf of Alaska Keeper

5933 E 12th Avenue Anchorage, Alaska 99504

Date: March 31, 2010

Via: Email to dfg.evos.nepacomments@alaska.gov

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue Suite 500 Anchorage, AK 99501

Re: Gulf of Alaska Keeper Comments on Notice of Intent to Prepare Supplemental EIS on the EVOS Trustee Council's Restoration Efforts

Ms. Jennings:

On behalf of Gulf of Alaska Keeper, I respectfully submit the following comments.

Background

Gulf of Alaska Keeper (GoAK) members, with the help of hundreds of volunteers and financial support from NOAA and MCAF, have conducted large-scale marine-debris cleanups in Prince William Sound and along the Kenai Peninsula's Gulf of Alaska coastline for the past 8 years. Since 2006, GoAK removed over 500,000 pounds of plastic marine debris from 800 miles of coastal habitat. GoAK has also established 17 marine-debris monitoring plots in Prince William Sound and on the Kenai Peninsula coast. The plots are cleaned annually to ascertain marine debris compositional changes and accumulation rates over time. GoAK has also conducted over 1200 miles of marine-debris surveys within this same area.

GoAK's marine-debris projects are all within the footprint of the Exxon Valdez oil spill. In fact, every season GoAK removes large quantities of marine-debris left from the Exxon Valdez oil-spill cleanup. Pom-poms, oil-containment booms, and rope mops are some of the Exxon Valdez oil-spill debris (infamously referred to as spill-swill) that GoAK collects each cleanup season. Much of the oil-spill-cleanup debris is still saturated with weathered oil and is dispersed widely throughout the sound.

While a great deal of marine-debris remediation has been accomplished in the spill area, it is clear from marine-debris surveys that much more needs to be done, and will need to continue to be done far into the future. GoAK estimates that over 300 tons of plastic marine debris litters just the shoreline of Montague Island. Hinchinbrook and Kayak Islands have similar densities of marine debris choking their sensitive coastal habitat. These Prince William Sound shorelines and others along the Kenai Peninsula coast have some of the dirtiest, possibly the dirtiest, shorelines in the world. In many areas, tons of toxic plastic debris per mile smother coastal habitat for hundreds of yards into surrounding forests. For example, GoAK removed 25 tons of plastic debris from one ½-mile-long Kenai Peninsula Gulf of Alaska beach. Layers of broken plastic bits, Styrofoam, bottles, floats and other items kill upland vegetation. Nets and ropes choke the mouths of anadromous streams. Estuarine and near-shore fresh-water rearing and spawning habitats are littered with nets, ropes, buoys, and nearly every other conceivable type of

EVOS SEIS Comments April 5, 2010 Page 2

plastic debris. Each season, containers of chemicals, fuels, detergents, lubricants, medicines, and other unknown agents wash upon shorelines in huge quantities. Unknown numbers of fish, birds, marine mammals, and terrestrial mammals ingest, or are entangled by, plastic marine debris. In addition, it has become increasingly clear over the past few years that not only does plastic marine debris cause direct physical harm to habitat and animals; its toxicity from inherent and absorbed chemicals is also likely causing substantial long-term damage to coastal ecosystems. While the death toll from the debris' physical impacts is staggering, the long-term damage from plastic marine-debris toxicity and other unknown chemicals may be far worse.

For many reasons, marine-debris cleanups in Prince William Sound and along the Kenai Peninsula are very labor intensive and expensive. There are enormous deposits of marine debris along a remote and extremely rugged coastline, extreme weather and surf make accessing beaches difficult, the cleanup work is nearly all accomplished by difficult hand labor, and marine-debris transportation and disposal costs are extremely high. Often, especially on Gulf of Alaska beaches, there are no safe anchorages for boats. Landing craft generally cannot safely access those beaches to remove the mountains of accumulated marine debris. In cleanup areas without safe vessel access, only helicopters can transport the gathered marine debris to the lee side of islands or to vessels in protected bays. These cleanup projects are very expensive. Montague Island is a case in point. Recently, GoAK estimated that a marine-debris cleanup of 75 miles of Montague Island eastern beaches would cost many millions of dollars. Unfortunately, that is just a fraction of the Prince William Sound area that needs cleaning.

For over 6 decades, plastic debris has accumulated in the marine environment. Huge concentrations of plastic debris drift in the gyres of the northern Pacific, assuring that marine debris will continue to be deposited on northern Gulf of Alaska beaches far into the foreseeable future. While GoAK has made great progress in removing 60 years worth of accumulated plastic debris from hundreds of miles of beaches, it is clear that plastic debris will continue to wash up on our shorelines for decades to come. Therefore, a continuous long-term maintenance cleanup project must be adopted to address the problem of ongoing marine-debris accumulation. Pouring a bunch of money into one-time marine-debris projects will not necessarily be an effective way to address the northern Gulf of Alaska marine-debris problem.

Comments

Based on the above information, GoAK submits the following comments regarding the Council's restoration plan, specifically about several of the proposed restoration categories.

1. Herring.

With the large quantities of plastic marine debris littering known herring spawning beaches, combined with the unknown amounts of chemicals, medicines, fuel, lubricants, detergents, etc., washing ashore each year in these same areas, the Council should investigate whether these marine-debris factors are impacting herring health and inhibiting the ability of herring to recover.

EVOS SEIS Comments April 5, 2010 Page 3

2. Long-term Monitoring of Marine Conditions.

A long-term marine-debris monitoring project has been established in Prince William Sound and along the Kenai Peninsula coast. Most of this program has been accomplished with donated vessels and volunteer labor. It is time consuming and costly. This program needs to be expanded and continued. In order to insure the long-term viability of the marine-debris monitoring project, the Council should include funding for marine-debris monitoring under the proposed Long-term Monitoring of Marine Conditions project.

3. Harbor Protection and Marine Restoration, b. Marine Debris Removal.

The Council could easily spend all of the remaining money to fund a large one-time marinedebris remediation effort in the spill area. However, that would not be cost effective and, more importantly, would not remedy the problem of ongoing marine-debris accumulation. However, because marine-debris cleanups generate immediate and significant improvements in critical inter-tidal habitat, funding of marine-debris cleanups within the spill area by the Council is an excellent idea and entirely appropriate. But, given the scope of the marinedebris problem and the severe environmental impact it causes, much more than \$3 million is needed to address the spill area marine-debris problem. Therefore, GoAK recommends that a minimum of \$7 million be invested by the Council to combat marine-debris problems in Prince William Sound and along the Kenai Peninsula coast, and to also fund a long-term marine-debris maintenance cleanup project.

Thank you for this opportunity to comment.

Sincerely,

Chris Pallister President Gulf of Alaska Keeper



UNIVERSITY OF ALASKA FAIRBANKS

School of Fisheries and Ocean Sciences P.O. Box 757220 Fairbanks, AK 99775-7220

March 28, 2010

Dear Council

I am a biological oceanographer with a decade of experience working in Alaskan waters studying the status of its planktonic communities and the processes that shape them. I would like to express my thoughts on the use of *Exxon Valdez* Oil Spill Trustee Council's remaining restoration funds. I strongly advocate that a significant proportion of the funds be committed to long-term multi-disciplinary monitoring efforts of the marine ecosystems of the Gulf of Alaska. The EVOS trust is in a unique position to support continuance of several key observation timeseries in this region, and expand our understanding of their trends and variability.

Perhaps the greatest environmental challenge of our time is the need to understand, and ultimately predict, the biological response to both short-term and longer-term natural climate cycles. This challenge is made ever more difficult by ongoing, and likely unprecedented, climate change trends (IPCC 2007) on which these natural cycles are superimposed and modified. Although we can measure the superficial thermal response of the oceans to these trends at global scales by satellites – and even deeper with the aid of mooring and Argos drifters – our ability to measure biological response is comparatively limited. Although broad-scale patterns of surface chlorophyll can be deduced from ocean color viewed by satellites, at present, patterns and biomass concentration of marine animals can only be measured by direct collection. We can measure and learn much by traditional oceanographic programs at the regional scale. The logistical challenge is to collect enough information at sufficiently regular temporal scales and sufficient spatial scales to match the physical climatic backdrop to the consequent biological response. Such observations also provide the reference against which to assess locally specific human impacts (such as oil spills) or global-scale changes in ocean pH.

Long-term monitoring of marine conditions is specifically identified as one possible use for the remaining trustee council funds. In fact, when I interviewed for my position at UAF in 1999 I was awed by the foresight EVOS appeared to have in this respect with the development of its proposed Gulf Ecosystem Monitoring (GEM) program. This program understood that one of the biggest problems in assessing the impact of the oil spill was the lack of information on the state of the ecosystem prior to the spill and knowledge of how the components of the ecosystem functioned. This can only be accomplished by having a monitoring program in place **before** and during an unforeseen event, not by trying to mobilize a coordinated effort **after** it has happened. Simultaneously, the GEM program also acknowledged that the ecosystem was sensitive to other types of broader environmental forcing, such a climate change (but preceded the more recent recognition of the ocean acidification problem), which could have comparably large impacts on the marine resources of the region. GEM proposed to study the region in its full complexity, from physics through plankton and benthos to fish, marine mammals and seabirds. EVOS proudly displayed their plans as numerous venues throughout Alaska and in the lower 48. The need for these important observations did not change, but the financial and political agenda did. The program was never implemented by EVOS as conceived, except for numerous studies on some of the more visibly prominent vertebrates. Studies on the environment and lower trophic levels on which these charismatic vertebrates depend were few, such as the long-term observations at the GAK-1 mooring and the Pacific CPR program.

As example, since 1998, GLOBEC (jointly funded by NSF ands NOAA) and continuing efforts along the Seward line (supported by NPRB) have maintained broad observations of the ecosystem (see http://www.sfos.uaf.edu/sewardline/), and have vastly increased out knowledge of the linkages between ecosystem components within Prince William Sound and the coastal Gulf of Alaska. With a dozen years of observations we can now see pattern emerging above the noise of year-to-year variability. Strong statistical relationship can now be demonstrated between spring zooplankton productivity on the Gulf of Alaska shelf and the survival of juvenile pink salmon released by Prince William Sound hatcheries that will return the following year. Basically, the value of such observations increases with the length of time they are maintained. Other longer-term observations in the region are also at the point that they are finally beginning to demonstrate the emergence of important patterns.

Despite the now demonstrated value of such long-term observations, their funding is always in doubt. Everyone wants to make use of such time-series observations, but no one wants to make the long-term commitments to maintain them. NSF for example argues they are not process-oriented hypothesis-testing science, so do not fall under their mandate. NOAA should perhaps be making such detailed ecosystem assessments throughout the Gulf of Alaska, but lacks the budget to maintain even the ongoing observations it is charged with. Alaskan organizations must therefore meet the challenges of monitoring the states vast marine ecosystems. Although NPRB has seen the value of long-term observations along the Seward Line, and elsewhere, they require partners to share these costs in the longer-term. The EVOS trustee council is in a unique position to endow several such long-term observations projects in the Gulf of Alaska, a region critical to the marine resources upon which Alaska depends culturally and economically. I urge them to do so.

Sincerely,

Dr. Russell R. Hopcroft Associate Professor hopcroft@ims.uaf.edu

23,01,11

P.O. BOX 22 KARLUK, ALASKA 99608 Phone (907)241-2218 Fax (907)241-2208 Email: KARLUKIRACOUNCIL@AOL.COM

Karluk IRA Tribal Council

April 5, 2010

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Trustee Council Members,

Thank you for the opportunity to comment on the Trustee Council's desire to refine your marine research and habitat protection aims. The Karluk Tribal Council hereby restates our willingness to work with the EVOS Trustee Council to secure permanent conservation for our 1,860 acres in the lower Karluk River.

We are pleased that every EVOS assessment of the habitats within the oil spill region shows that the Karluk River ranks near the very top of your conservation priority list. We know your biologists recognize that the Karluk River's wild salmon bounty is critical for the Kodiak archipelago's populations of oil spill impacted fish and wildlife species including many birds and marine mammals. Additionally, Karluk salmon returns account for as much as a third of the total annual commercial salmon value on Kodiak Island and that healthy freshwater riparian areas are key to future wild salmon abundance.

Although the Karluk River's salmon resources are legendary, they are also fragile, as shown by this year's closure of the Chinook salmon sport fishing season, even for catch and release anglers. While action is deeply disturbing for what it means to the Karluk River's Chinook salmon population, the health of the Gulf of Alaska, the availability of Chinook salmon for subsistence and for Karluk village-based fishing guides, we sincerely hope that EVOS marine ecosystem research can seek explanations for the crash of the Karluk and Ayakulik river Chinook runs.

The Karluk Tribal Council is confident that past questions about our fee title ownership of the 1,860 acres will soon be demonstrated with legal clarity and the Karluk Tribal Council's small parcel nomination can proceed toward a successful transaction with the EVOS Trustee Council securing a permanent non-development, non-motorized access conservation easement on our lower Karluk River lands.

Sincerely, Alicia L. Reft

Alicia Reft President Karluk Tribal Council April 5, 2010 Page 2

Tribal Voice=Tribal Sovereignty

23.01.11



100 E. Marine Way, Suite 300, Kodiak Alaska 99615 • (907) 486-5557 • FAX: (907) 486-7605 www.kodiak.org • Email: chamber@kodiak.org

March 31, 2010

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Re: Kodiak Chamber of Commerce Supplemental Environmental Impact Statement Comment

Dear Exxon Valdez Oil Spill Trustee Council,

The Kodiak Chamber of Commerce is grateful for the opportunity to add our views to the EVOS Trustee Council's deliberation on your future plans for spending the remaining oil spill settlement. We have weighed-in occasionally on your decisions over the years and have always found the Trustee Council to be highly responsive to public input. Thank you for your positive record over the twenty-one years since the oil spill so dramatically and negatively impacted the wildlife, people and economic livelihoods of Kodiak and the spill region.

The largest beneficial result for Kodiak's economy from the EVOS Restoration Plan has been in the area of land conservation throughout the archipelago, especially the Trustee Council's prioritization of salmon river conservation. This decision to conserve salmon habitat is a long term positive investment in Kodiak's commercial fishing industry which remains our number one jobs and income provider. While the threats to salmon populations are ongoing and often complex, the historic investments the Trustee Council has made in salmon watershed conservation in the oil spill region, have removed the well-known and immediate threats to salmon viability caused by human development along salmon spawning rivers and streams.

In addition to salmon habitat conservation, the Trustee Council's investment in Kodiak's Fish Tech Center has been important in broadening and deepening the quality of marine ecosystem research that can be carried out here, thereby helping to make Kodiak a world-class scientific and biological research center. This enhanced research capacity is not only beneficial to our community's desire for strengthening sustainable commercial fisheries but also supports Kodiak's significant marine research job sector.

The Trustee Council's salmon river and coastal area conservation investments have also benefited Kodiak's current and future tourism industry by making sure that the Kodiak Archipelago's remarkable natural beauty will remain attractive to tourists for generations to come, especially within the adventure destination nature tourism sector, as well as our mainstay sport fishing and hunting visitors who cherish the unique opportunities that Kodiak has always been famous for the world over.

The growth of Kodiak's visitor industry in the years since the spill has been perhaps the most visible positive change in our economy during the last two decades, including the growth of lodges, B&B's, charter boats and other destination offerings. In addition, your support for

Dedicated to Kodiak's Economic Future

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the Alutiiq Museum in downtown Kodiak has made Kodiak's well known cultural and historic tourism offerings all the richer.

In terms of a tangible, on-going return on your investment, the Trustee Council's large land purchases in the Archipelago have helped capitalize several Kodiak-area Native corporations who in turn have issued dividends to shareholders who make purchases and business investments within Kodiak's economy. Significantly, the creation of corporate and shareholder permanent funds by the corporations who participated in EVOS restoration land conservation transactions are helping to make sure that the original oil spill settlement continues to positively impact Kodiak's economy on an annual basis and should continue to do so for decades to come.

The investments made by newly capitalized Native corporations who participated in habitat conservation show important results that benefit Kodiak's economy. One notable highlight of those Native corporation investments has been the recent addition of fiber optic cable capacity in Kodiak through the entrepreneurial investments of Old Harbor Native Corporation and Ouzinkie Native Corporation. The availability of high-speed fiber optic cable communication is helping to make Kodiak fully 'plugged in' to the global information-based economic sector which makes living in Kodiak a viable option for people and businesses who require rapid, real-time communications.

This fiber optic communications upgrade has been a significant infrastructure support asset for the Kodiak Rocket Launch Facility and Kodiak's integral involvement in the nation's vital national defense sector that also adds diversification to our local employment base.

In summary, the EVOS Trustee Council's record to date has had multiple positive impacts to commercial fisheries, marine research, nature-based and cultural tourism, and the capitalization of Native corporations who continue to invest in Kodiak's economy. All of these Trustee Council investments of oil spill dollars continue to benefit Kodiak's economy and enhance our future competitiveness for attracting businesses and families who seek the unique quality of life offered here.

As to the alternatives before the Trustee Council on spending the remaining oil spill dollars, the Kodiak Chamber of Commerce urges you to continue with the priorities that have been proven to benefit Kodiak in the areas of sustainable fisheries, including salmon habitat conservation and marine research.

When prioritizing your remaining habitat investments we hope that you continue to focus on salmon spawning systems and to seek opportunities on the Kodiak road system that will meet your goals to benefit oil spill injured fish and wildlife species as well as human services such as tourism. We appreciate your willingness to work respectfully with landowners who own property that could enhance the public's access to Kodiak's natural wonders and open space on both the road system and throughout the archipelago.

Again, thank you for your impressive record of investing the Exxon settlement funds and for the open public process you have provided the communities impacted by the tragic oil spill.

Sincerely,

ebora Fing

Debora King, Executive Director

23,01,11

March 26 2010 Dear EVOS:

The Kodiak State Parks Citizens Advisory Board supports the continued use of settlement funds for habitat acquisition and restoration. Specifically, we endorse the acquisition of two small parcels in Kodiak: Long Island which is used by sea lions as a haul out area and Termination Point which is important habitat for marbled-murrelets.

These two parcels are also highly valued recreation areas in Kodiak. Thank you for your consideration of our comments.

Mike Sirofchuck KSP CAB 1400 Abercrombie Drive Kodiak, AK 99615

23.01.11

3/30/10

Dear Exxon Valdez Council,

For the last two decades I have had the privilege of spending a great deal of time in the wonderful state of Alaska. I feel in love with Alaska on my honeymoon some 20 years ago—I gave up counting over the years after my 50th visit to Kodiak.

In my mind, Alaska is truly the last frontier and paradise left in the USA. Sharing this special place with my family and friends over those years has given me a great deal of pride and enjoyment. I started the web site www.kodiakbears.com many years ago for all the people around the world that do not have the ability or means to visit Alaska. Many write to tell me they dream one day of visiting Alaska. The long flight to Alaska, which I take many times a year from the east coast, allows me to meet retired individuals as well as others. Many tell me that they saved their entire life to be able to make this one trip to Alaska. That is a very powerful statement—it speaks volumes to what we are talking about when it comes to conservation and protecting lands for future generations to enjoy, like we are able to enjoy today.

I would kindly urge you all to work hard to find the funds to protect the lower Karluk River, Sitkalidak Island and northern Afognak areas of Kodiak Island. They are truly very special places in the state that deserve a serious look to protect and cherish-- not only for the abundance of wildlife that these spots contain, but also for the public to enjoy. I believe it is important to contain growth so that lodges do not pop up on any open land in these "diamond" spots of Kodiak Island. Today you can play a big role to stop that from happening. In my experience when lands are developed the wildlife and public are hurt the most. I understand this is indeed a fine balance thus the reason I am only talking about a few specific areas in this note to you. Your restoration plan will make the difference so that future generations can share this great wild state of Alaska like all of us are able to today. You can play a role to make this a reality. I think of all those future retired people 40 years from now saying the same thing I hear others say today, " I saved my entire life to take this trip to Alaska ... to see land untouched by humans ... true wildlife, not imprisoned by zoo cages." A person's ability to see land untouched by humans in the USA today is very limited-- thank you for your role in protecting the lower Karluk River, Sitkalidak Island and northern Afognak areas of Kodiak Island.

John F. Kozub 102 Cottonwood Lane Agawam MA 01001 USA email: jkozub@aol.com www.kodiakbears.com To whom it may concern,

I am a 37 year resident of the city of Kodiak on Kodiak Island. I am writing to add my support for the purchase Termination Point on the Kodiak road system with EVOS settlement funds.

Sincerely, Richard MacIntosh

910 Steller Way Kodiak, AK 99615



William Chandler, Vice President

March 31, 2010

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Ms. Jennings,

The mission of the Marine Conservation Biology Institute (MCBI) is to advance the science of marine conservation biology and protect ocean ecosystems.

MCBI advocates for actions that natural and social scientists tell us are essential to maintain the integrity of life in the sea. We cooperate with researchers, fishermen, conservationists, businessmen and women, legislators, government officials, educators-whoever will help us conserve the ocean's biodiversity. We believe that marine ecosystem-based management is the way to protect, recover and sustainably use the living sea.

From this perspective, MCBI applauds the Exxon Valdez Trustee Council's Restoration Plan and your impressive and stabilizing work to date in the arena of marine ecosystem conservation. Your record is all the more satisfying when contrasted to the tragic and highly visible Exxon Valdez oil spill in 1989, and the turmoil it unleashed in Alaska and the nation.

The Council has expressed a desire to narrow and refine the scope of its remaining restoration efforts, and MCBI agrees that the issues of herring recovery; lingering oil; long term monitoring of marine conditions; harbor protection and marine restoration; and habitat acquisition and protection are valid uses of the remaining roughly \$100 million in oil spill settlement funds.

MCBI urges the Council to remain flexible in allocating habitat acquisition investments. We suggest seeking the largest marine-coastal ecosystem benefits per dollar invested and utilizing both fee acquisition and conservation easement tools in accomplishing your objectives.

Thank you for considering our views.

Sincerely, WJChaudler

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23.01.11

Matkin Fisheries/Research

Craig O. Matkin, proprietor 2030 Mary Allen Ave Homer, Alaska 99603

Laurel Jennings EVOS Trustee Council 441 W. 5th Ave. Suite 500 Anchorage, AK 99501-2340

24 March 2010

Dear Ms. Jennings,

I appreciate the opportunity to participate in the process of determining direction for use of remaining resources by the *Exxon Valdez* oil spill Trustee Council. Having been involved with the Trustee Council since its inception, I have either observed or participated in some of the projects that have been completed in the past 21 years.

In general the priorities you set forward in your press release seem reasonable, but should be prioritized and clarified. Certainly the two most significant and lasting contributions made by the EVOSTC have been the funding of truly long-term research programs for species and resources not focused on by management agencies and the purchase/conservation of important tidewater lands in the spill zone. These are truly legacies to be proud of. Prior to the spill there was very little baseline data on species not the focus of management agencies. There is now a substantial longitudinal database on many important species thanks to the consistent attention of the Council. This type of work should be continued in the event of another perturbation, and in some cases to judge the very long term effects of the spill.

Monitoring of the degradation of remaining oil should also be a priority. Herring research should be an integral part of the work of the Trustee Council, but in a balanced manner, not to the exclusion of other aspects of the EVOS program. Although there is a great clamor from the commercial fleet to do something about the herring (and I own a PWS herring permit myself), I feel ADF & G should have substantial responsibility here as well. On another note, it is not clear to me what responsibility the EVOSTC should have for harbor protection, and I would suggest lower priority. Marine restoration is an all encompassing term and certainly restoration should be supported and examined on a case by case basis. It seems the time for major habitat acquisition and protection is past, although if the EVOSTC can leverage or facilitate protection of important habitat in the spill zone, this should be an open possibility.

The EVOSTC has developed a truly impressive legacy with its habitat acquisition and support of long-term marine research and monitoring of spill sensitive/affected species. This continued monitoring effort has been a priority and should remain so. The Council should make every effort to extend its fine work as long as possible.

Sincerely,

Craig Matkin

23,01,11



Alaska Ocean Observing System 1007 W. Third Avenue, Suite 100 Anchorage, AK 99501 907.644.6703 – phone 907.644.6780 – fax www.aoos.org

April 1, 2010

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Sent via email: dfg.evos.nepacomments@alaska.gov

RE: Scoping comments for draft Supplemental Environmental Impact Statement

Dear Ms. Jennings:

Thank you for the opportunity to submit comments as the EVOS Trustee Council re-assesses the existing Environmental Impact Statement (EIS) created in 1994. I am writing based on the experience I have gained from nearly seven years as Executive Director of the Alaska Ocean Observing System (AOOS) and a decade as Executive Director of the Exxon Valdez Oil Spill Trustee Council. These comments are not necessarily those of the AOOS Board of Directors.

I would like to focus my comments on one of the five focus areas identified by the Trustees for future restoration activities: long-term monitoring of marine conditions. The Council's proposal to fund this effort with approximately \$25 million over a 20-year period would not adequately cover the monitoring needs of the spill-impacted region and I strongly urge you to consider a larger allocation to this category.

As noted in the Federal Register notice: Data on environmental factors that drive ecosystem-level changes is "increasingly valuable in illuminating the larger ecosystem shifts that impact and influence a broad variety of species and resources injured by the spill." These environmental factors include physical conditions of the ocean, ranging from changes to temperature, salinity, currents, freshwater input, wind and waves, to chemical conditions which include contaminants and ocean acidification, to biological conditions which range from nutrients and phytoplankton to whales, birds, and fish.

A comprehensive monitoring program would track changes over time, and provide a baseline for determining human use impacts, natural variability and impacts from climate change. If the Council had implemented the Gulf Ecosystem Monitoring Program (GEM) as originally envisioned, we would now have a decade of information from a suite of nested monitoring stations in key watersheds, intertidal and subtidal areas, the nearshore and offshore waters. We cannot count on existing federal and state agency budgets to meet these needs. What I have discovered in working with AOOS is that almost every resource agency manager and marine user unequivocally supports increased monitoring of our marine system, but sustained funding for these activities is difficult to obtain.

Our experience with operating a pilot observing system in Prince William Sound indicates that such a program could cost \$3-5 million a year for the entire spill region, especially in the early years when model forecasts are being developed and leveraging is just beginning. A program like this, however, not only collects information that can inform ecosystem-based management, but also information that can be used to better predict any future contaminant spill trajectories and provide better ocean condition information in real-time to make navigation (by commercial shippers, fishermen and recreational boaters) safer and Coast Guard search and rescue techniques more effective. The information can also help federal and state agencies do a better job of managing human uses of the oceans and coasts whether the issue is coastal development, shipping, offshore oil and gas, tourism or commercial fishing. These are all activities currently occurring in the spill region, and a monitoring program designed to meet multiple user needs becomes a win-win for everyone.

The motto of the Alaska Ocean Observing System, authorized in law as part of the national Integrated Ocean Observing System, is to observe once, use multiple times. The Trustee Council's legacy could be increased knowledge about marine conditions that would not only help inform management of injured species and resources, but also improve ecosystem based management, navigation safety, responses to coastal hazards, and tracking of climate variability and trends, including ocean acidification.

I would also urge you to consider using AOOS in some way as a framework for future EVOSfunded monitoring. Our board is made up of federal and state agencies with ocean and coastal authorities, all the ocean research institutions in the state, including the University of Alaska. We are the only entity in the state whose mission is to address regional and national needs for ocean information, gather specific data on key coastal and ocean variables, and ensure timely and sustained dissemination and availability of these data. The board has made a major commitment to establishing an ocean and coastal regional data hub for Alaska at www.aoos.org, which could become a long-term archive and access point for all past and future EVOS data.

In addition, I would recommend considering use of the Alaska Sea Grant Marine Advisory Program agents to help serve as community liaisons in the major communities in the spill region: Cordova, Seward, Homer and Kodiak and provide that continuous interface between the community needs and the observing/science community.

I appreciate the opportunity to provide these comments as you proceed with the scoping process.

Sincerely,

. .

Molly McCammon Executive Director
To Whom It May Concern,

I support the use of settlement funds for habitat acquisition and restoration and strongly support the acquisition of Termination Point which was nominated for small parcel acquisition in 1994.

Please do everything possible to persuade the owner to sell it so protection from their future development plans can be assured. There is little public land on our road system and we now have to obtain permits and pay Leisnoi to hike on any of their property. Access to Termination Point is very important to our community and it would make a great State Park.

Greg Mete

2.3.01.11

EVOS has done a tremendous job with habitat restoration on the Kodiak Archipelago. I would like to see habitat restoration continue through the small parcels acquisition program and the money not used for bricks and motor projects. Threatened habitat for species injured by the oil spill needs to be protected. Northern Kodiak is some of the finest habitat for species injured by the spill. Please continue to support habitat restoration through the small parcels acquisition program.

Thank you, Kevin Murphy To Whom it may concern,

On behalf of the Kodiak Chapter of the National Audubon Society, we are submitting comments on the draft SEIS for the EVOS Restoration Plan.

Our mission is to conserve Alaska's natural ecosystems focusing on birds, other wildlife, and their habitats for the benefit and enjoyment of current and future generations. We promote conservation of local natural resources, provide environmental education, and healthy out-door recreation with our summer hiking program and published Hiking and Bird Guide

The Kodiak Chapter of the National Audubon Society is the oldest and most active non-government conservation organization in the Kodiak area.

We appreciated the opportunity for some of our members to attend the scoping meeting here on March 18th to learn more about the Trustee Council's efforts over the years to restore our environment. We applaud your past efforts and support the direction you have laid out for the remaining restoration funds.

In particular, we support the continued use of settlement funds for habitat acquisition and restoration and strongly support the acquisition of Termination Point which was nominated for small parcel acquisition in 1994. Because of the variety of habitats including Sitka spruce forest, small lakes, coastal meadows, and beaches, and its location on our road system, Termination Point is one of the most popular hiking and recreation areas for our community. It was impacted by the EVOS and received high evaluation marks by the Trustee Council when it was originally nominated. Unfortunately, the council was not able to pursue purchase of the property due to the legal limbo of the property with the long, drawn out Strattman vs Leisnoi lawsuit.

Now that the lawsuit is settled, we encourage you to do everything possible to persuade the owner to sell it so that it can be protected from their future development plans. With so little public land on our road system, we can hardly step off the road without paying a fine. We now have to obtain permits and pay Leisnoi to hike on any of their property, which is considerable. Continued access to Termination Point is very important to our community. It would make a fine State Park. Thanks again for your good work on behalf of Alaska.

Sincerely, Stacy Studebaker Conservation Chair Kodiak Audubon P.O. Box 970 Kodiak, AK 99615

Cindy Trussell Chapter President Kodiak Audubon

23,01,11



National Center for Conservation Science & Policy

84 4th Street Ashland, OR 97520 (541) 482-4459 (541) 482-7282 (fax)

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Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Re: Supplemental EIS Comment on the EVOS Trustee Council's Restoration Efforts

Dear Members of the Trustee Council:

The National for Center Conservation Science & Policy (NCCSP) is a 501(c) 3 non-profit conservation science and policy organization with a mission of creating science-based solutions to protect and restore the life processes and ecological vitality that sustains all lands, waters and communities. Our work focuses on two main program areas: Intact Ecosystems and Climate Change Preparation. The Exxon Valdez Oil Spill (EVOS) Restoration Plan adopted by the six-member state and federal EVOS Trustee Council (Council) is precisely the kind of conservation science and public policy undertaking that the National Center is designed to evaluate and assist as part of our Intact Ecosystems focal area.

In addition this comment role on EVOS restoration as president and chief scientist of the National Center, I had the opportunity to direct the World Wildlife Fund's (WWF) Exxon Valdez oil spill response on behalf of their 1.2 million members during the early and mid-1990s. In my work for WWF, I studied the EVOS restoration effort in detail and visited the Kodiak Archipelago that was the part of the spill region prioritized by WWF.

Habitat protection was our primary interest in oil spill restoration and in advocating for the purchase of Kodiak National Wildlife Refuge inholdings in 1992. At the time, I stated that the proposed acquisitions met the site selection criteria developed by the Council, especially that the coastal tracts under consideration for protection. The primary restoration benefits of the parcels can be summed as follows:

- contained key habitats for injured resources or services;
- protection of those habitats would benefit more than one injured resource or service;
- often contained critical habitat for depleted, rare, threatened, or endangered species;
- could function as intact ecological units or essential habitats with linkages to other elements in the greater ecosystem;
- adjacent land uses would not significantly degrade the ecological function of the essential habitats intended for protection;
- management of adjacent lands could easily be compatible with protection of essential habitats on parcels.

In addition to the above criteria, I would like to point out that the rainforests on Afognak Island are globally significant as they represent the northern terminus of coastal rainforests of North America that extend from Kodiak and Prince William Sound to northern California. Afognak's rainforests, in particular, are carbon dense ecosystems that store carbon for centuries, playing a role in mitigating the harmful consequences of global warming. These unique rainforests will be featured in my forth coming book – "temperate and boreal rainforests: ecology and conservation," which also calls for supporting more EVOS acquisitions and easements (Island Press, 2010).

Given the Council's stellar record of conserving 650,000 acres throughout the spill region through fee acquisition or conservation easements, I am very pleased that the Council designed and carried out a scientifically sound ecosystem-targeted restoration plan. With the Council's impressive habitat achievements in mind, the National Center now urges the Council to continue to meet the above criteria in all of its remaining habitat conservation investments especially as it relates to:

- the large parcel opportunity of Sitkalidak Island
- the critical small parcel opportunity of the lower Karluk River
- high quality rainforest and riparian habitat on Afognak Island

I would also strongly urge that the Council leverage its remaining habitat funds by encouraging that matching funds be committed from other government sources, including the Land and Water Conservation Fund, Forest Legacy Program, Federal Coastal Wetland Grants, North American Waterfowl Conservation Act grants, Brownfield grants (where applicable) and private foundation grants and carbon sequestration funding in forested areas of Kodiak Archipelago, Kenai Peninsula and Prince William Sound.

Also, as the desire to sell fee simple ownership interest in Native corporation and tribal lands diminishes in the spill region we urge the Council to utilize conservation easements to meet its habitat protection objectives. Easements tend to be less expensive and can thereby stretch the remaining oil spill settlement habitat funds.

In closing, I'd like to repeat an observation I made in a 2001 letter to the Alaska Department of Natural Resources regarding WWF's support for the ADNR and Old Harbor Native Corporation land exchange involving Sitkalidak Island and Kiliuda Bay property:

"The record of EVOS restoration in the (Kodiak) archipelago is second to none in working out a comprehensive approach that benefits coastal and marine habitats and wildlife." Thank you for the opportunity for the National Center to comment on the Council's remaining habitat conservation decision-making.

Sincerely,

Donumel S. Dellatch

Dominick A. DellaSala, Ph.D. President and Chief Scientist National Center for Conservation Science & Policy



March 30, 2010

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Sent via email: dfg.evos.nepacomments@alaska.gov

RE: Scoping comments for draft Supplemental Environmental Impact Statement

Dear Ms. Jennings:

Thank you for the opportunity to submit comments as the EVOS Trustee Council re-assesses the existing Environmental Impact Statement (EIS) created in 1994. On behalf of the Board of Directors of the Prince William Sound Science Center, I am pleased to submit this letter. We understand the two goals of this process are to review and respond to new circumstances related to the restoration efforts and to find a more efficient administrative structure to manage the remaining funds. We generally support the five focus areas identified by the Trustees for future restoration activities.

We strongly encourage the bulk of the remaining funds to target two of these categories, herring and the long-term monitoring of marine conditions. In order for us to truly understand the complexities of these dynamic ecosystems, we believe it is critical to continue research and monitoring of the Prince William Sound herring population and marine conditions in the broader spill-impacted region. Improved knowledge in this area will be of significant and long lasting benefit to (1) protecting our resource base and (2) directly benefiting resource users in the spill impacted area, and probably beyond. Both of these focus areas deserve sufficient funds set aside to support annual allocations of \$2-3 million for each focus area, ideally for at least 30 years.

The lingering oil issue is more difficult to effectively address. It is disheartening that more than 20 years after the *Exxon Valdez* oil spill there remains more than 23,000 gallons of subsurface oil in a relatively unweathered state. While experts have developed some extremely expensive remediation plans that might accelerate the oil degradation, it appears that the best action with the limited available funds is periodic monitoring of the beaches to see how many decades it takes for natural degradation in our cold climate. If additional funds are secured through the Reopener, a larger scale restoration effort specifically targeting this problem can be undertaken.

The fourth focus area identified by the Trustees – of harbor protection and marine restoration – is worthy of support at a lesser level than suggested. These projects can be accomplished in shorter periods of time and close out within 10 years. Some of this work, particularly the harbor clean-ups and marine debris removal, will be needed indefinitely; other agencies and organizations must pick up those ongoing costs as part of their normal responsibilities.

We have a number of suggestions regarding the Trustee Council's goal to find a more efficient administrative structure to manage funds remaining in the Restoration Reserve. The administrator for these projects is most appropriately located in the region where the projects are occurring. Three science-based organizations were established as a direct result of the 1989 oil spill and are located in the spill-affected communities of Cordova and Seward. Both the Prince William Sound Science Center and the Alaska SeaLife Center are managed as non-profits with boards of directors and science advisory committees; the third, the Prince William Sound Oil Spill Recovery Institute, was established by Congress in 1990 to be administered through the PWS Science Center. These organizations have proven track records of responsible management and expenditure of public funds. They participate in competitive funding rounds, have built in science advisors and policies on peer review, etc., and have policies and procedures on outreach and publication.

OSRI actually predates the EVOS settlement and formation of the EVOS Trustee Council; OSRI's mission overlaps that of the Trustee Council and OSRI's Advisory Board is mandated by Congress to include three state and three federal agency representatives as well as stakeholders appointed by Alaska's Governor from the Alaska Native community, the oil and gas industry and the fishing industry. In 1994, it was OSRI funds which helped jumpstart one of the first EVOS research programs, the *Sound Ecosystem Assessment*. OSRI also initiated the PWS Nowcast-Forecast System which then became the foundation for the Alaska Ocean Observing System's pilot project in Prince William Sound.

While we understand it may require legislative approval – as was done in 1999 to allow the Trustee Council to invest its funds outside of the U.S. Treasury, we suggest establishment of endowments to support the research categories of herring and long-term monitoring of marine conditions. These endowments should be based at and managed through existing institutions located in the oil spill impacted region with a demonstrated history of conducting research in this region. An annual report and audit would be required for submittal to the Trustees to ensure that the programs funded through the endowments meet the terms of the Council's restoration program. We encourage full exploration of this alternative in the SEIS.

Done well, these programs will result in a long-term legacy of the Trustee Council! We look forward to continuing work in partnership with the Trustees on the restoration programs.

Sincerely,

E. Ein faudten

Eric Knudsen, Ph.D. Chair, Board of Directors Prince William Sound Science Center

Comments on "The Future of the EVOSTC Program" by Thomas C. Royer, March 29, 2010

Alaska's marine ecosystems have seasonal, inter-annual, inter-decadal and longer changes in response to natural and anthropogenic influences. For example, Prince William Sound's marine ecosystem today is different from what it was in March 1989. In order to manage and sustain these marine systems, we must continue to measure the changes in them. If we attempt to manage the marine resources without these measurements, we will be unable to evaluate the effectiveness of the management strategies. Therefore, long term measurements or monitoring is an essential part of any ecosystem based management of marine resources.

Scientists who study ecosystems have a long term perspective of the world. It is not one that focuses on minutes, hours or days but rather on years, decades and millennia. Changes of ecosystems do not necessarily reveal themselves immediately. Instead they are usually masked by daily and seasonal changes. Examples are the interannual changes in air temperatures and precipitation. This is especially true at high latitudes where seasonal temperature changes are often an order of magnitude greater than at low latitudes. For example, the seasonal change in air temperature in Fairbanks is 70 degrees F whereas it is 7 degrees F in Hawaii but the inter-annual air temperature change might be similar at both locations.

How can we detect long term changes in Alaska's marine ecosystem? We must make observations that will measure the long term changes while resolving the short term "noise" such as seasonal signals. We must sample frequently over long durations in order to detect subtle, yet significant changes. The EVOSTC-supported mooring at GAK1 is an excellent example of the type of measurements required to detect, analyze and predict long term changes in Alaska's marine environment. It builds on measurements of water column changes since 1970. Unfortunately, the financial resources are not available to place similar moorings throughout Alaska's coastal waters.

The oceanographic measurements at the mouth of Resurrection Bay (GAK1) that EVOSTC has supported are providing valuable information on the status of the marine ecosystem in the northern Gulf of Alaska. Similar measurements should continue in the future but additional biological and chemical observations across the shelf are necessary to provide a spatial context for the GAK1 mooring data that are primarily physical measurements (water temperature, salinity, and currents). Since the ecosystem changes continue in time, these measurements must be sustained.

I recommend that some of the EVOSTC funds be used to establish an endowment for the long term marine ecosystem measurements that would assure their continuation. At the present time, these observations are at the mercy of year to year funding fluctuations. No federal or state agency has stepped up to assure that this vital work continues though many have provided interim support. These agencies agree that this ecosystem monitoring is vital to their missions but do not have the resources to support it.

A commission should be established to guide this monitoring effort. It should have representation from the fishing, science, marine technology and resource management communities. Each of these fields has a different perspective and expertise on the marine environment. Operational procedures to continue and possibly expand on the present sampling should be discussed. New sampling methods should be considered such as the use of autonomous underwater vehicles and remote sensing. Periodic oversight should be provided to evaluate the effectiveness of this sampling. The management and dissemination of the data to users such as resource managers is a vital aspect of this effort. Transparency of the data to the general is important so that they can become aware of changes in Alaska's marine ecosystems.

Why should we care if changes take place in Alaska's marine ecosystem? Alaska's fisheries are some of the largest in the world and there is evidence that fish populations respond to changes in the ecosystem such as changes in temperatures, salinities and ocean acidity. Over the last several decades we have seen changes in Alaska's fisheries with the demise of shrimp, king crab and herring and the increase in Pollock and now its decline. We need information on the Alaska's marine ecosystems to help manage these resources and assure that they will be sustained. We need to gather data that will be useful today, tomorrow and far into the future.

Thomas C. Royer Professor Emeritus University of Alaska Fairbanks and Professor Emeritus Old Dominion University

100 Hauoli St., Apt. 412 Wailuku, HI 96793 Email: tcroyer@gmail.com

23,01.11

My name is Dake Schmidt, local resident of six years on Kodiak Island and business owner of MemoryMakers Tour & Guide Service on the "road system" www.memorymakersinak.com . I have had a passion for fresh water fly fishing for over 25 years and when i arrived in Kodiak, this was my heaven. The road accessible rivers on Kodiak are a essential part of what allows us to strive, and stay alive. With out proper access to these navigable waters, a MAJOR part of the locals subsistence and sport fishing areas would be lost (along with the tens of thousands of tourist dollars) . Much of my summer business consist of off island or out of state clients who come to see bears and catch fish. As it stands much of the "easy access" to these waters is now trespassing and anyone with walking impairments or physically challenged people will be out of luck. These waters and the accessible land around them are a minute fraction of the rest of the 3,300 square miles of the island, but as it has stood for years these areas see the most fishing and FUN for miles around by locals and tourist alike. In conclusion, i Dake Schmidt local sport fisherman and business owner would like to see easy,consistent access to the Olds/American river for fishing. Thank you. Dake Schmidt. Dear Sirs, I am writing to encourage and support the use of EVOS funds to purchase land and/or easements along that Kodiak road system that will allow the public to recreate. I am specifically interested in preserving public use on the American and Olds Rivers. These rivers have supported large angling effort for Dolly Varden, pink, chum and coho salmon. Recently a return of king salmon has also been developed by ADFG. I believe the use of EVOS funding is allowed to preserve recreational opportunities in areas that were damaged by the oil spill.

EVOS funding was used for the Karluk River Conservation Easement, which protects a large area of habitat as well as allows angler access to the Karluk River sport fisheries. The Karluk River is very expensive to access and as a results only receives a fraction of the angling effort that the American and Olds Rivers have annually supported. Land transfers have recently occurred, which now places the river banks and uplands in private ownership. Purchasing the lands (or easements) along the American and Olds Rivers will allow a large numbers of ordinary residents to continue to use the fisheries resources close to the town of Kodiak.

Many people I have talked support the idea of keeping the American and Olds Rivers open for public use, however the anglers in Kodiak are not organized and I do not think many people know you are taking comments on the issue. I am glad that I just learned comments were due and had a change to send you my ideas. Thanks for the opportunity to comment.

Len Schwarz Box 533 Kodiak Ak. 99615 (486-4842)

23.01.11

To Whom it May Concern-

Thank you again for taking the time to travel to Seward to listen to comments of local businesses, researchers, city administration, and citizens.

On behalf of the Seward Harbor, I would like to emphasize my support for narrowing and refining the scope of the EVOS Trustees Council's efforts. Specifically I support Harbor Protection and Marine Restoration Projects. As the Alaska Department of Environmental Conservation gained NPDES primacy in the past year, a heightened focus will turn to storm water projects and the impact of these pollutants on coastal resources. The City of Seward has worked with the ADEC to obtain an NPDES permit for its vessel storage yard at the Seward Marine Industrial Center. The City has taken considerable steps to mitigate (maritime-related) storm water run off, but capital improvement projects for storm water management have proven costly for our small community. This is unfortunate because although Seward is small, its maritime identity and coastal impact is large. The Seward Harbor has slips for over 670 vessels, and additional (transient) vessels utilize the City owned Marine Travelifts to transport vessels to upland storage and maintenance yards. In 2009 the harbor completed 436 vessel lifts, but has no mechanism for addressing storm water run off from hull maintenance and repair areas.

In 2007 the City of Seward proposed two projects addressing storm water discharges in EVOS-impacted waters. The vessel wash-down pads (one for each Travelift area, to accommodate vessels of different size) would include a reinforced concrete pad, including high-pressure water, water collection, and filtration systems. Pressure washing the hull of a boat removes marine material and hazardous paint particles. The wash-down pad would prevent these pollutants from entering the storm water runoff which drains into the nearby harbor and Resurrection Bay basin. The water filtration and treatment system would be designed to remove these contaminants from the water, below levels that could be safely discharged into the City sewer system. The proposed system would include a rain diverter, sump basin, oil/water separator, recycle system and heavy metals/ paint encapsulation system.

The City of Seward is hopeful that the Trustees will open solicitation for projects addressing harborrelated storm water management projects. The Alaska DEC, Division of Water would seem to be an appropriate state entity to evaluate proposals or partner with the EVOS Trustee Council in this process.

Please feel free to contact me at anytime for further information.

Sincerely-*Kari Anderson* Seward Harbormaster (907) 224-3138

23.01.11

March 26 2010

Dear EVOS: I support the continued use of EVOS funds for habitat acquisition and restoration. In particular, I would like the parcels Long Island and Termination Point in Kodiak to have first priority. Long Island is an important haul out for sea lions and Termination Point is valuable habitat for marbled murrelets. In the event that the reopener is decided in EVOS favor, I support increased funding for habitat acquisition.

Thank you for your consideration of my comments

Mike Sirofchuck PO Box 970 Kodiak, AK 99615 rakenscrape@hotmail.com

THE CONSERVATION FUND

23,01.11

GLENN ELISON 6400 ANDOVER CIRCLE ANCHORAGE, ALASKA 99516 (907) 868-7974 glennelison@alaska.com

March 30, 2010

Ms. Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Dear Ms. Jennings:

The Conservation Fund submits these comments in response to NOAA's Federal Register notice, January 22, 2010, regarding the EVOS Trustee Council's Intent to Prepare a Supplemental Environmental Impact Statement on the Trustee Council's Restoration Efforts.

The Conservation Fund supports the Trustee Council's intent to develop a more discrete and efficient program for the remaining EVOS settlement funds. Since remaining funding is limited, an organized and strategic transition to a program that focuses the remaining funds on a few specific issues, including habitat protection, makes sense. Habitat protection has been a major part of the Council's restoration strategy and The Conservation Fund supports its continuation as an effective means of realizing the Council's restoration goals and objectives. The acquisition of private lands or partial interests in lands promotes the natural recovery of spill-injured resources and associated services by removing the threat posed by additional development impacts.

We support the Trustee Council's intent to dedicate the approximately \$24 million remaining in the habitat subaccount for future habitat protection. Focusing on large parcels and small parcels, as historically has been done, remains a good strategy. Bifurcating the money between small and large parcels with approximately half of the available funding going to each category is reasonable. We urge the Council to not rigidly lock itself into a set allocation but rather view it as a guideline that can be modified with good reason. The definition of small parcels as those tracts less than 1,000 acres or less than \$1 million in cost is good.

We encourage the Trustee Council to actively consider conservation easements as a means to further its restoration goals. Native corporations are often loathe to selling any land in full fee but are open to conservation easements that readily achieve restoration objectives. While in the view of some agencies, conservation easements are not as desirable as full fee acquisition; the alternative is often no restoration at all. Conservation easements are an excellent alternative in their own right and infinitely better than no agreement.

In order to more fully realize the goals and objectives of the habitat protection program and reduce administrative costs, we urge the Trustee Council to consider a program administered by a non-profit through a contract arrangement following an open RFP and selection process. There are notable and successful precedents in Alaska that provide models which may be useful to the Council. They are briefly described here.

Partners in land and water conservation

In 1998, the U.S. Army Corps of Engineers signed an agreement with The Conservation Fund to establish a fee-based compensatory mitigation program. The agreement directed TCF to establish a dedicated account to receive mitigation fees and use them to acquire or otherwise preserve wetlands "as an appropriate alternative to active mitigation measures..." As of December 31, 2009 a total of \$2,652,908 had been received by The Conservation Fund under this agreement for 58 projects across Alaska.

In January 2003, the Alaska Department of Transportation and Public Facilities signed an agreement with The Conservation Fund to establish the Alaska Wetlands Conservation Fund to receive mitigation funds related to the construction or expansion of rural airports. The agreement directed TCF to establish a separate, FDIC-protected, interest-bearing account to receive "in-lieu fees", and to apply these fees to "protect, restore or enhance high value wetlands and aquatic resources in Alaska." In this program, TCF reported annually to a multi-agency board which included DNR, ADFG, ACOE, EPA, NOAA, AKDOT, consulted with the board regarding potential acquisitions, and required approval from the board for the expenditure of mitigation funds. A total of \$799,295 has been received by The Conservation Fund for 35 rural airport projects across Alaska.

As of December 31, 2009 The Conservation Fund has spent \$2,591,346 of in-lieu fee monies to complete the purchase and protection of seventeen separate properties in Alaska totaling 35,329 acres, of which 23,551 acres are wetlands. These properties are broadly distributed across Alaska. The Conservation Fund secured \$13 million of matching funds to leverage the mitigation funds to the maximum extent possible.

Elements of a contractual program to meet the restoration goals and objectives of the habitat program might include:

- Parameters to direct the nomination of private tracts to the Council.
- Provisions for interaction with ADFG, DNR, FWS, NPS, USFS, NOAA and others to identify tracts to be considered.
- Tasking by the Council to negotiate agreements for specific properties.
- Final approval of any potential transaction by the Council.
- A contract period of five years with an option for renewal for an additional five years.
- Mechanisms to pay for transactional costs, e.g., appraisals, appraisal reviews, hazmat review, title policies.
- Operational costs covered through a modest flat annual fee to administer the program by a nonprofit and a mechanism to cover the cost of working with land owners and negotiating and closing individual transactions.

We appreciate the opportunity to provide comments.

Sincerely,

lem Chin

Alaska State Director

Partners in land and water conservation

23.01.11



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THE WILDLIFE SOCIETY

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1 April 2010

Laurel Jennings Exxon Valdez Oil Spill Trustee Council 441 West 5th Avenue, Suite 500 Anchorage, AK 99501

Re: The Wildlife Society Comments on Exxon Valdez Restoration Plan SEIS

Dear Ms. Jennings:

The Wildlife Society (TWS) was founded in 1937 and is a non-profit scientific and educational association of over 9,100 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals—the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

The Wildlife Society is committed to a world where humans and wildlife co-exist. We work to ensure that wildlife and their habitats are conserved through management actions that take into careful consideration relevant scientific information. We create opportunities for this to occur by involving professional wildlife managers, disseminating wildlife science, advocating for effective wildlife policy and law, and building the active support of an informed citizenry.

While TWS has not adopted a formal position statement on the Exxon Valdez Oil Spill Restoration Plan, many of our members in Alaska and in the federal agencies were involved in overseeing the oil spill response and designing the restoration plan. In 2002, Tom Franklin, then Wildlife Policy Director for TWS, described a visit to the Kodiak Archipelago to areas where Exxon Valdez habitat protection had occurred in the 1990s. Among Mr. Franklin's observations in his article for *Wildlife Society Bulletin* (Vol. 31, No. 2 (Summer, 2003); contributed to by Caitlin A. Burke and Richard S. Fritsky) are the following:

"In a notable display of collaborative conservation, the State of Alaska, federal natural resource agencies, conservation organizations, and private citizens have risen to meet the challenge (of comprehensive oil spill restoration), joining together to advocate long-term conservation for Kodiak and Afognak islands through habitat protection, research and public education...

"With a diverse landscape ranging from coastlines to mountains, wetlands to rainforest, Kodiak is a place of startling ecological wealth..."

"Despite devastating ecological, social and psychological effects of the oil spill on the lands and people of Alaska, huge steps have been taken to restore the affected area and to protect habitat threatened by the oil spill. The Exxon Valdez Oil Spill (EVOS) Trustee

Excellence in Wildlife Stewardship Through Science and Education

Council was formed in 1991 to oversee the expenditure of the \$900-million civil settlement reached between the state of Alaska, the federal government and Exxon Corporation.

"It was agreed these funds would be used according to the EVOS Restoration Plan, which was developed after extensive public input, to restore resources that suffered a substantial loss or decline as a result of the oil spill.

"The Restoration Plan has been a huge success for the environment, people and economy of the area, and is a model of what cooperation and innovative thinking can achieve for conservation...

"Conservation achievements on the Kodiak archipelago in the wake of the *Exxon Valdez* oil spill are a testament to what states, federal agencies, conservation groups, and private citizens can accomplish when faced with an unprecedented threat to their land, life and livelihood. Out of the tragedy has come permanent protection of prime coastal wildlife habitat, benefiting Kodiak NWR, the majestic Kodiak brown bear, and a multitude of coastal and marine wildlife species."

The Wildlife Society recognizes that similar habitat successes have occurred in Prince William Sound and in oil spill impacted areas of the Kenai Peninsula. On behalf of TWS members involved in the oil spill restoration plan, TWS hereby wishes to express our gratitude for a job well done by the Trustee Council and a recommendation that you accomplish more of the same within your current proposal to narrow and refine the scope of the Council's restoration efforts using the remaining oil spill settlement funds.

Sincerely,

Bruce D. Leopold, Ph.D. President

EVOS RESTORATION AND PUBLIC COMMENT

A focus area for the remaining restoration funds

Gary Thomas, 2/11/10

EVOS Restoration science has come a long way since the early days. We have watched a transition from the single-species to an ecosystem approach. We have observed an integration of physical and biological disciplines. We have witnessed an advancement of empirical methods, despite being in an age that has been dominated by the predictions from theoretical models. Yet there is still a long way to go to rebalance theory and empiricism in fisheries science. The most encouraging sign is that the making, and using of model predictions of marine fish stock size without testing against quality empirical data is rapidly losing its public acceptance.

One lesson from the EVOS experience that looms over other the fish and wildlife issues was the reliance on theoretical models to assess oil spill damage and manage the Pacific herring stock in Prince William Sound. Many important immediate to long-term impacts of the spill on the herring stock and its co-dependent fish and wildlife were either mistaken or missing from the settlement, reopener, court, management, and research decisions. One can only guess on how this affected the Alaskans who depended upon these issues for their quality of life.

There should be no accusations of blame because this was new ground for all who were involved, and after an anthropogenic impact of this magnitude, the local communities were disrupted, opportunists were everywhere, and distrust was rampant. The political climate was not right for new science or management change. However, time heals most wounds and today there may be a possibility to insure that past mistakes are not repeated. The EVOS Restoration Program has this opportunity.

One way to guarantee that some major mistakes are not repeated in the future is to endow community non-profit corporations to become involved in the quantitative and independent monitoring of their resources, such as the acoustic monitoring of the herring stock by the PWS Science Center. The herring stock is too valuable to the people, fish and wildlife, and ecology of the Sound to trust management to highly uncertain model predictions. As the Alaska Natives say, *"The herring are the grass of the sea."* Thanks to EVOS, we know that the annual collection of the acoustic data is the prerequisite for detecting and understanding changes in the herring stock.

In the opening comments of a past EVOS Trustee Council Annual Meeting, former Commissioner Frank Rue stated something like the following, *if we could only measure the herring and the pollock like we do the wild salmon that return to our rivers to spawn, then we could use our inseason management practices to conserve these spawners too, which has been the key to maintaining healthy stocks and sustaining prosperous salmon fisheries.* Again thanks to EVOS, we now can measure the herring spawners in the Sound better than we can measure the wild salmon spawners in the rivers. Whereas, it is possible that we could measure other fish stocks in a similar manner, it still remains to be seen if the independent monitoring of the Sound's herring can be maintained long enough for the management change to take place. The EVOS Restoration Program has a rare opportunity to endow independent monitoring of the Sound's herring stock, which if done, can prevent the repetition of past mistakes.

Good luck and God bless.

Kodiak has suffered significant damage from the Exxon Valdez oil spill and some oilng effects are still evident today, such as depression of herring stocks and reductions of stellar sea lions.

There are valuable lands and costal areas for restoration on the Kodiak archipelago, now owned by native corporations and vulnerable to development.

The prime candidates for conservation lands in our area are the Termination Point parcel and the entire Long Island.

I strongly recommend these lands for acquisition by EVOS.

Sincerely,

Hans U. Tschersich, M. D. Kodiak, Alaska

I strongly recommend the purchase of the Termination Point land in Kodiak with EVOS funds.

I was just informed by Frank Bishop, the chairman of the native Leisnoi corporation board, that his board has decided to close all their land to any use by the public.

That is a serious change of our situation here on the island since it takes away many traditional recreational opportunities, especially hiking and observing the undisturbed natural world in a beautiful coastal virgin forest like the one around Termination Point.

Sincerely,

Hans U. Tschersich, Kodiak



UNIVERSITY OF ALASKA FAIRBANKS

School of Fisheries and Ocean Sciences P.O. Box 757220 Fairbanks, AK 99775-7220

March 16, 2010

To the EVOS Trustee Council Members,

I am a physical oceanographer and a faculty member of the University of Alaska's School of Fisheries and Ocean Sciences. My oceanographic research career spans nearly 30 years. Most of my research has been in the Gulf of Alaska and the Bering, Chukchi, Beaufort seas. My work has focused on understanding the causes of variations in the physical environment (currents, temperature and salinity distributions) and how this variability affects these marine ecosystems. As such my research entails collaborations with other marine scientists, including fisheries and marine mammal biologists. Throughout my career I have provided information relevant to state and federal resource management agencies as well as industrial, commercial, and subsistence users of the marine environment. Based upon my background I advocate using the remaining restoration funds to support long-term monitoring of the Gulf of Alaska marine ecosystems for the following reasons.

I begin by noting that the broad scale circulation over the Gulf of Alaska continental shelf and slope flows northward from the mid-latitude North Pacific Ocean and the shelves of the Pacific Northwest. This flow transports heat, dissolved and suspended materials, including nutrients and organisms, into the Gulf of Alaska. While in transit, these waters are enormously modified by both physical and biogeochemical processes. The aggregate effects of the transport and the modification processes establish the marine ecological habitats and control biological production on this shelf and slope and its adjacent bays. Moreover, Gulf waters eventually enter the Bering Sea to significantly influence this marine ecosystem and they ultimately flow northward into the Chukchi Sea and the Arctic Ocean through Bering Strait. I thus view Alaska's marine ecosystems as a continuum whereby the general circulation provides the linkage between subsystems. Individually, these ecosystems serve Alaskans in diverse and important ways; hence it is critical to understand how conditions in each vary and how these variations are transmitted along this continuum. Long-term monitoring provides the framework for this understanding.

Second, ecosystem-based resource management relies on three inter-related elements: research, modeling, and monitoring. Long-term monitoring provides the data sets essential for guiding model development and evaluations and these data sets can suggest new research directions and/or provide the background information essential for shorter-term, process-oriented research. Third, marine ecosystem processes are complex, poorly understood, and highlyvariable. Patterns and connections among ecosystem components can only emerge through patient, dedicated, and high-quality sampling.

Fourth, a considerable body of information and understanding has been obtained for this region within the past 15 years. These measurements include physical and nutrient data sets, information on the space-time distribution, abundance, production of phytoplankton and zooplankton communities, as well as several fish, marine mammal, and seabird communities. Some data sets from the northern Gulf are 40 years in length and thus provide a long-term perspective for understanding and quantifying change. All of these data sets are shared and thus continue to be used by various scientists and students in ecosystem studies.

Fifth, the long-term data are leading to new insights on how this ecosystem operates and how it may be altered due to natural or anthropogenic changes. These insights include a better understanding of the causes of ocean temperature variability over the *entire* water column, the unique role that coastal freshwater discharge plays in affecting ocean temperatures and biological production through changes in stratification and the delivery and dispersal of key phytoplankton nutrients such as nitrate and iron, a developing relationship between zooplankton abundance and community composition and juvenile salmon recruitment, and new insights on sea lion behavior, energetics, and reproductive potential. I emphasize that these findings were possible only because long-term data were available.

Sixth, the infrastructure for monitoring is largely in place. Hence the funds can be efficiently applied to maintaining and expanding the existing suite of measurements, rather than constructing anew the considerable infrastructure needed to begin such an effort.

Seventh, there are new concerns on the horizon. These include ocean acidification, which may directly affect the exoskeletons of a variety of plankton that are either prey for, or larval components of, the fish community. Moreover, recent findings indicate that the iron-mediated uptake of nitrate by phytoplankton may be inhibited by acidification, which could alter production at the bottom of the food chain. Finally, climate-warming scenarios for the future suggest that the hydrologic cycle in the Gulf will change thus altering the phasing and volume of coastal freshwater discharge. This in turn will affect the timing of phytoplankton blooms, the thermal structure of the water column, and the availability of nutrients. Such changes are likely to propagate up the food chain and may lead to changes in the abundance, composition, and economic value of fish stocks.

I conclude by noting that EVOSTC support was critical in developing some of the insights obtained on the functioning of the Gulf of Alaska ecosystem. Long-term monitoring provides the framework upon which changes can be quantified, understood, and ultimately predicted. It can thus provide a tool for making economic and resource management decisions. A wise and lasting legacy of the

Council would be to create an endowment with the remaining funds so that long-term ecosystem monitoring on this shelf can continue.

Sincerely,

Thomas Weingartner Professor of Marine Sciences School of Fisheries and Oceanography University of Alaska Fairbanks Fairbanks, AK 99775 907-474-7993 weingart@ims.uaf.edu

23,01,11

To Whom it May Concern:

I support the use of settlement funds for habitat acquisition and restoration. In particular I strongly support the purchase of Termination Point, which has been noted as an acquisition parcel since 1994. Please do whatever possible to acquire this parcel and protect it from future development. it is a very special place that is cherished by our local community. There is currently little public land on the rad system in Kodiak due to Lesnoi's ownership and their requirement that a permit be obtained even to hike on the land. Termination Point would make a great addition to our state park system.

Sincerely, Jill Wittenbrader

Law Office of Jill Wittenbrader 323 Carolyn Street Kodiak, AK 99615 (907) 486-1004 Phone (907) 486-1014 Fax

23.01.11

To Whom It May Concern,

I support the use of settlement funds for habitat acquisition and restoration and strongly support the acquisition of Termination Point which was nominated for small parcel acquisition in 1994.

I have lived in Kodiak for 18 years now and have hiked out to Termination Point too many times to count. This property has become very important to myself and the people of Kodiak, so much so that the community established it off limits to motorized vehicles in order to preserve it's integrity. The loss of this land to development or logging would be a huge loss to Kodiak and change the landscape and beauty of this island for generations.

Please do everything possible to persuade the owner to sell it so protection from their future development plans can be assured.

Thank you for you consideration Carrie Worton 1943 Three Sisters Way Kodiak, Alaska 99615

23,01,11

Summary of telephone comment from: Judy Kidder Kodiak Sportfishing Association

Would like the TC to purchase land easements from the Lesnoi for the Olds and American Rivers, as these two rivers are critical for King salmon stocking projects. Currently land access is not available unless the user agrees to pay \$5/day to the Lesnoi, this is not feasible.