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NEPA REVIEW INFORMATION

In accordance with provisions of the National Environmental Policy Act (NEPA), we encourage you to view the National Oceanic and Atmospheric Administration (NOAA) *Draft Supplemental Environmental Impact Statement (DSEIS) for the Exxon Valdez Oil Spill Restoration Plan.* (available below)

This DSEIS is prepared pursuant to NEPA to assess the environmental impacts associated with NOAA proceeding to take action regarding significant new circumstances bearing on the Exxon Valdez Oil Spill Trustee Council's (Council) restoration efforts as assessed in the original EIS. Specifically, as the restoration funds remaining from the Exxon Valdez settlement diminish, the Council seeks a more discrete and efficient funding mechanism by which to direct the remaining funds.

Public comments on the DSEIS were accepted on or before July 19th, 2010. The comment period is now closed.

Click HERE to view the News Release (January 15, 2010).

Click HERE (PDF) or HERE (HTML) to read the Notice of Availability, as it appears in the Federal Register.

Click HERE to read the Final SEIS (August 26, 2010).

Background Documents

Exxon Valdez Oil Spill Restoration Plan Environmental Impact Statement (Summary) (Sep. 1994)

Exxon Valdez Oil Spill Restoration Plan Environmental Impact Statement (Full) (Sep. 1994)

Exxon Valdez Oil Spill Restoration Plan Environmental Impact Statement Record of Decision (Oct. 1994)

Exxon Valdez Oil Spill Restoration Plan (Nov. 1994)



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RESTORATION CATEGORIES - HERRING

The Council has classified the Prince William Sound (PWS) population of Pacific herring (Clupea pallasi) as a resource that has not recovered from the effects of the 1989 oil spill. The PWS herring population was increasing prior to 1989 with record harvests reported just before the spill. The 1989 year class was one of the smallest cohorts of spawning adults recorded and by 1993 the fishery had collapsed with only 25% of the expected adults returning to spawn. The PWS fishery was closed from 1993 to 1996, but reopened in 1997 and 1998, based on an increasing population. Numbers again declined in 1999, and the fishery remains closed today. The 1993 collapse can be explained by several competing hypothesis; however, data uncertainty makes Protection/Restoration it unlikely that the reasons will be known.

> The Council recognizes the uncertainty with regard to the role of the 1989 spill and the current depressed state of the PWS herring population. However, herring are considered a keystone species in the marine ecosystem and play a vital role in the food chain of many injured species. Thus, rebuilding the herring population has the potential to support the restoration of these injured species. In addition, supporting a healthy herring population may compensate for some of the losses in fishing opportunities that resulted from the spill and its damage to salmon and species other than herring. In April 2006, prompted by public comments about the continuing impacts to communities and commercial fishermen from herring losses, the Council convened scientists and researchers, commercial and subsistence fishermen, and natural resource managers for a herring workshop. One of the most important outcomes of the workshop was the consensus that a long-term strategic herring restoration program was needed if viable herring recovery activities were to be implemented. From 2006 to 2008, Council representatives met with natural resource managers, commercial fishers, scientists, the Public Advisory Committee (PAC) and Alaska Native residents of spill-area communities to gain sufficient input to draft a cost-efficient, scientifically credible, and coordinated program. This effort produced the first draft of the Integrated Herring Restoration Program (IHRP) in December 2008.

> The goal of the IHRP is to determine what, if anything, can be done to successfully restore PWS herring; to determine what steps can be taken to examine the reasons for the continued decline of herring in the Sound; to identify and evaluate potential recovery options; and to recommend a course of action for restoration. The document is currently being reviewed and updated with new information and will serve as a general road map for the Council's herring-related funding decisions. The Council has proposed to fund \$20 million for research in this area over a twenty-year period.



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One of the most surprising revelations from two decades of research and restoration efforts since the 1989 spill is the persistence of subsurface oil in a relatively un-weathered state. This oil, estimated to be around 97.2 metric tons (or 23,000 gallons), is contained in discontinuous patches across beaches that were initially impacted by the spill. The patches cannot be visually identified on the beach surface, but their presence may be a source for continued exposure to oil of sea otters and birds that seek food in sediments where the oil persists and remains a concern and a perception of contamination by subsistence users. The survey work completed to date indicates that the oil is decreasing at a rate of zero to four percent per year, with only a five percent chance that the rate is as high as four percent. As a result, it may persist for decades.

Passive and subsistence uses were significantly impacted by the spill and this has affected the overall health of the communities in Prince William Sound. The lingering oil has also impacted the public's perception of the spill area as the pristine environment that was present before the spill occurred. This perception has continued to preclude full recovery for some passive and subsistence uses. It may require additional resources to evaluate, monitor, and redress the impact of lingering oil on these uses in the spill-area. An important function of this information gathering would be to pass this information back to the communities and the general public.

In an effort to address the issue of lingering oil, the governments developed a restoration plan under the terms of the Reopener provision in the Consent Decree with Exxon (click HERE for more information on the Reopener). Efforts to date include the development of a spatial probability model to identify beach segments with a high likelihood of persistent oil, and investigations of the reasons for the persistence of oil as a means to consider options that may accelerate the oil degradation. Under the lingering oil initiative, the Council envisions completion of the studies underway to reach a decision point on further efforts for active remediation. Upon receiving additional lingering oil information from these current lingering oil studies and the resolution of the Reopener, the Council will evaluate the need for restoration of related services and thus no prospective funding amount has been proposed.



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By monitoring these changes, agencies and interested parties may be able to adjust their own activities and management strategies to adapt to what may lie ahead and to further support injured resources in these quickly-shifting marine ecosystems. The Council has a history of supporting oceanographic monitoring by helping to establish and fund long-term data collections. In this initiative, the Council envisions seeking partnerships with scientific entities or consortiums able to maintain those collections and that can demonstrate an ability to leverage this support and develop science-based products to inform the public of changes in the environment and the impacts of these changes on injured resources and services. The Council proposes to fund this effort with approximately \$25 million, to be spent over a twenty-year period.



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a. Storm water, wastewater, and harbor projects

Many coastal communities in the spill area have a limited ability to collect and properly dispose of waste, such as oily bilge water, used engine oil, paints, solvents, and lead-acid batteries. Improper disposal of these wastes in landfills adversely affects the quality of nearby marine waters through runoff and leaching. In some cases, these wastes are discharged directly into marine waters. Chronic marine pollution stresses fish and wildlife resources, possibly delaying recovery of resources injured by the oil spill. For example, with regard to the worldwide mortality of seabirds, the effects of chronic marine pollution are believed to be at least as important as those of large-scale spills.

The Council has approved the funding of several projects to prepare waste management plans and has contributed to their implementation. These projects resulted in the acquisition of waste oil management equipment and the construction of environmental operating stations for the drop-off of used oil, household hazardous waste and recyclable solid waste in Cordova, Valdez, Chenega Bay, Tatitlek and Whittier, Kodiak and lower Cook Inlet. The Council seeks to further reduce pollution in the marine environment to contribute to the recovery of injured natural resources or services and is considering funding this effort with ten million dollars.

b. Marine debris removal

Marine debris is an issue in the marine and near-shore environment in Alaska, where it is likely that thousands of tons of marine debris exist within three nautical miles of the Alaska coastline. Marine fish and wildlife become entangled in and ingest debris from foreign and domestic sources that may be a day or decades old and that range from small plastic items to very large fishing nets. Approximately 175 metric tons of debris was collected from Alaska coasts by citizen cleanup projects in 2007. Marine debris removal projects can result in an immediate improvement to the coastal habitat.

Coastal communities are effective in marine debris cleanups due to their intimate knowledge of the locations of debris accumulation. In addition, when communities participate in marine debris cleanups, they often alter the common practices that led to marine debris as their awareness of the effects of the debris on their coastline and the fisheries upon which they depend increases. Marine debris removal reduces marine pollution affecting injured resources and services and thus further supports natural restoration. The Council proposes to fund marine debris removal with approximately three million dollars.



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RESTORATION CATEGORIES - HABITAT ACQUISITION & PROTECTION

The protection of habitat is an important component of the Exxon Valdez oil spill restoration program. The acquisition of private lands or partial interests in private lands promotes the natural recovery of spill-injured resources and associated services by removing the threat posed by additional development impacts. The program is implemented by state and federal resource agencies, often in partnership with non-governmental organizations. The habitat program has protected approximately 650,000 acres of valuable habitat through a variety of purchases of various property rights, ranging from fee simple acquisition to conservation and timber easements. The goals of the habitat protection program remain viable. Resource and land management agencies, such as the Alaska Department of Natural Resources, Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, National Park Service and U.S. Forest Service, continue to receive parcel nominations for Council consideration. Approximately \$24 million remains within the habitat subaccount for future habitat protection efforts. The Council is considering alternatives for allocation of these funds. For example, half of the funds remaining may be allocated to the purchase of large parcels within a period of two to three years, and the remaining half to a program spanning a 12-year period focused on the protection of small parcels less than 1,000 acres or \$1 million in price. The Council proposes to utilize the approximately \$24 million remaining to continue the habitat program. A variety of administrative options, funding allocations, time frames, and management strategies will be considered.



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PUBLIC COMMENTS

Click HERE to view the draft SEIS (Supplemental Envionmental Impact Statement)

Laurel Jennings NEPA Coordinator Exxon Valdez Oil Spill Trustee Council 441 W. 5th Ave., Suite 500 Anchorage, AK 99501

Phone: 888-654-EVOS (3867)

Email: dfg.evos.nepacomments@alaska.gov

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City Of Seward Pinchot Institute for Conservation Rocky Mountain Elk Foundation



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EVOSTC NEPA Review

CASE DOCUMENTS, ADMINISTRATIVE RECORD INDEX

Below is a listing of all documents pertaining to this NEPA review. Additional documents will be added in coming weeks as this process proceeds, so please check back often.

Laws & Regulations

Applicable Laws & Regulations

National Environmental Protection Act of 1969 (NEPA) 42 USC §§ 4321-4347 (1969)

Endangered Species Act of 1973 (ESA) 15 USC § 1531 et. seq. (1973)

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The Fed. Water Pollution Control Act - amended by the Clean Water Act (CWA) 33 USC § 1368 (1977)

Oil Pollution Act of 1990 (OPA) 33 USC § 1321; §§ 2701-2719 (1990)

Magnuson-Stevens Act (MSA) 16 USC § 1801 et. seq. (1996)

Fish and Wildlife Coordination Act (FWCA) 16 USC § 661 et. seq. (1934)

Migratory Bird Treaty Act of 1918 16 USC § 703 et. seq. (1918)

Rivers and Harbors Appropriation Act 33 USC § 401 et. seq. (1899)

The Rehabilitation Act 29 USC § 508 (1998)

Archaeological Resources Protection Act 16 USC § 470 et seq. (1979)

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Coastal Zone Management Act of 1982 (CZMA) 16 USC 1451 et. seq. (1972)

Marine Mammal Protection Act (MMPA) 16 USC § 1361 (1972) National Historic Preservation Act (NHPA) 16 USC § 470 et. seq. (1966)

Federal Register Notices

Notice of Intent (NOI)

Consent Decree

Memorandum of Agreement and Consent Decree (US vs. Exxon Corp.) (August 29, 1991)

Agreement and Consent Decree (US vs. State of Alaska) (September 20, 1991)

Trustee Coordination & Management

Memoranda of Understanding/Memoranda of Agreement

Governments' Memorandum in Support of Agreement and Consent Decree (October 8, 1991)

Meeting Documentation

View Documentation of Past Meetings

Trustee Council Resolutions

View Trustee Council Resolutions

Court Registry Disbursement Notices

View Court Registry Disbursement Notices

Correspondence

General Letter to Agencies

Response Letter from Denby Lloyd (AK Dept. of Fish & Game)

Response Letter from Daniel Sullivan (AK Dept. of Law)

Scientific Studies & Reports

Annual and Final Project Reports

View Reports & Other Trustee Council Project Information

Expert Reports

View Reports on Economic Impacts of the Spill

References

Distribution Lists

Community Contacts

Public Outreach & Involvement

Public Meetings

View Information About Past and Upcoming Public Meetings

Press Releases and Factsheets

View the Notice of Intent (NOI) News Release

Correspondence

Letter to Tribal Governments List of Native Groups



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SEIS Scope Comments Received By Telephone

Kidder, Judy (Kodiak Sportfishing Association)

SEIS Scope Comments Received After April 1, 2010 Deadline

City Of Seward Pinchot Institute for Conservation Rocky Mountain Elk Foundation