

BUDGET SUMMARY - 1992

PROJECT RELATED COSTS

1. 1992 Damage Assessment & Restoration Projects.....	\$13,890,000
2. Public Advisory Group.....	\$106,600
3. Working Groups (Project Related).....	\$1,515,900
1992 & 1993 Workplan, Archeology, GIS, Environmental Compliance, Planning, & Habitat Protection	
4. Peer Review & Chief Scientist.....	<u>\$604,000</u>
TOTAL.....	\$16,116,500

ADMINISTRATIVE COSTS

1. Office of Administrative Director.....	\$1,218,700
2. Working Groups (Process Related).....	\$371,600
Public Participation, Financial & Process	
3. Restoration Team.....	<u>\$868,500</u>
TOTAL.....	\$2,458,800

PROJECT COSTS.....	\$16,116,500
ADMINISTRATIVE COSTS.....	<u>\$2,458,800</u>
TOTAL FOR 1992.....	\$18,575,300

RESTORATION TEAM BUDGET FY 92

CATEGORY	ADEC	ADFG	ADNR	NOAA	USDI	USDA	TOTAL
100 Salaries *	\$81,400	\$94,000	\$103,200	\$86,000	\$34,600	\$89,000	\$488,200
100 Salaries	\$0	\$7,450	\$30,100	\$0	\$4,109	\$16,800	\$58,459
200 Travel *	\$42,000	\$17,500	\$15,800	\$28,000	\$7100	\$25,000	\$135,400
200 Travel	\$10,000	\$700	\$2,000	\$12,000	\$0	\$0	\$24,700
300 Contractual	\$79,300	\$200	\$10,000	\$10,000	\$0	\$0	\$99,500
400 Supplies	\$22,000	\$200	\$3,000	\$5,000	\$0	\$0	\$30,200
500 Equipment	\$16,000	\$0	\$6,000	\$10,000	\$0	\$0	\$32,000
Administration	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Previously Approved Totals *	\$123,400	\$111,500	\$119,000	\$114,000	\$41,700	\$114,000	\$623,600
Additional Requirements	\$127,300	\$8,550	\$51,100	\$37,000	\$4,109	\$16,800	\$244,859
TOTAL	\$250,700	\$120,050	\$170,100	\$151,000	\$45,809	\$130,800	\$868,459

* Amounts previously approved by TC for Restoration Team member salary and travel

672600

AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

April 27, 1992

TRUSTEE COUNCIL MEMBERS:

MICHAEL BARTON
Regional Forester, Alaska Region
USDA Forest Service

CHARLES COLE
Attorney General
State of Alaska

CURTIS MCVEE
Special Assistant to the Secretary
U.S. Department of the Interior

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN SANDOR
Commissioner
Alaska Department of Environmental
Conservation

April 27, 1992 @10:00am

1. Status of the Public Participation Working Group - **Marty Rutherford**
 - definition of interest groups
 - nomination process for Public Advisory Group
 - public meeting schedule for 1992 Draft Work Plan & Restoration Framework
2. Draft Position Description for the Administrative Director - **Dave Gibbons**
3. Financial Process - **Pamela Bergmann & Dave Gibbons**
 - status of ~~framework document~~ *draft financial operating procedure*
 - peer review
 - request of funds from the court registry
 - presentation of working group budgets
4. Public Review Processes - **Jerome Montague & Stan Semmer**
 - 1992 Draft Work Plan
 - 1993 Work Plan Schedule
 - timeline for 1992 & 1993 Work Plans & Draft Restoration Plan
5. Habitat Protection Working Group - **Dave Gibbons & Art Weiner**
 - goal statement & process
 - criteria
6. Approach for Releasing Exxon Valdez Oil Spill Injury Assessment Information - **Byron Morris & Bob Spies**
7. Response Activities for 1992 & Transition to Restoration - **John Sandor**
8. Endowment Fund Options - **Dave Gibbons**
9. 5:00 - 7:00 pm - Public Comment Period

STATUS OF THE PUBLIC PARTICIPATION WORKING GROUP

Attached you will find:

#1 - Definitions of the twelve (12) Public Advisory Group's Principal Interests.

#2 - Discussion of potential additional Interest Groups.

Action Requested:

Acceptance of definitions and a decision on whether to expand the Principal Interests.

#3 - Public Advisory Group Nomination Process and Timeline

Action Requested:

Approval of process and timeline.

#4 - Public Meeting Schedule for 1992 Draft Work Plan and Restoration Framework.

Action Requested:

Approval to proceed.

#5 - Draft Summary of Comments (from early 1992) from Community Meetings on a Public Participation Process for the Exxon Valdez Restoration Program.

Action Requested:

No action required. Copy for information only.

#6 - Charter - Exxon Valdez Oil Spill Public Advisory Group

Action Requested:

No action required. Copy for information only. The Charter has been transmitted to Washington D.C. for approval, by Department of the Interior.

ITEM 1

PUBLIC ADVISORY GROUP PRINCIPAL INTERESTS DEFINITIONS

April 20, 1992

AQUACULTURE

Aquaculture interests are made up of organizations and individuals involved in the mariculture and aquaculture industry. These organizations are involved in fish hatcheries or oyster/shellfish farming. Examples of organizations within the spill area that would fall within this category include: Cook Inlet Aquaculture Association, Cook Inlet Aquaculture Corporation, Alaska Aquafarms Inc., Alaska Shellfish Growers Association and Prince William Sound Aquaculture.

COMMERCIAL FISHING

Commercial fishing interests are primarily made up of salmon, halibut, herring, shell fish and bottom fish fishermen. Salmon fishermen would be the predominant interest within the oil spill area. Included within this interest group would be boat captains, crew, cannery owners and operators, and fish buyers. Examples or organizations within this interest group are: Cordova District Fishermen United, United Fishermen of Alaska, Prince William Sound Seiners Association, Cook Inlet Gillnetters association, and Area K Seiners Association.

COMMERCIAL TOURISM

Commercial tourism interests include those businesses or individuals involved in promoting or providing commercial travel or recreation opportunities. Charter operators, guiding services, visitor associations, boat, and kayak rental companies would be represented by this interest group. Examples within the spill area include: the Anchorage Convention and Visitors Bureau, cruise ship operators, the Rental Room, Stan Stephens Charters, and Alaska Wilderness Sailing Safaris.

ENVIRONMENTAL

Environmental interests are normally identified as activist organizations interested in preserving or protecting natural environments. Most environmental organizations would identify themselves as being conservationists. However, not all groups that would consider themselves to be conservation oriented would identify themselves as environmentalists. Examples of environmental organizations that have expressed an interest in the oil spill process to date include: Sierra Club, The Wilderness Society, Alaska Center for the Environment, Prince

William Sound Conservation Alliance, Environmental Defense Fund, and Natural Resource Defense Council.

CONSERVATION

Conservation interests would include those people and organizations interested in the wise use and protection of natural resources through planned management of natural resources to prevent destruction or neglect. Examples of conservation organizations that have expressed an interest in the oil spill process include: The Nature Conservancy, Prince William Sound Science Center, National Parks and Conservation Association, Izaak Walton League, and Prince William Sound Users Association.

FOREST PRODUCTS

Forest product interests are those individuals and organizations that utilize the timber resource, usually for economic gain. Loggers, logging companies, timber resource owners and lumber mill owners and employees would be included in this category. Examples include: Prince William Sound Loggers United, Sherestone Inc., Koncor Forest Management, Chugach Alaska Corporation, Eyak Corporation, Afognak Joint Venture, Whitestone Logging, and South Central Timber Development.

LOCAL GOVERNMENT

Local government interests are the incorporated cities and boroughs within the oil spill area. For example this would include governments from Valdez, Cordova, Homer, Whittier, Seward, Kodiak, Kodiak Island Borough, and Kenai Peninsula Borough.

NATIVE LANDOWNERS

Native landowner interests are those corporations established under the Alaska Native Claims Settlement Act either as Regional or Village Corporations. Examples include: Chugach Alaska, Eyak, Tatitlek, Chenega, Koniag, Seldovia, English Bay, Ouzinke, Port Graham, Cook Inlet Region Inc.,

RECREATION USERS

Recreation user interests are individuals and organizations that represent the broad spectrum of recreation activities that occur within the oil spill area. Kayakers, power boaters, sailing clubs, sightseers, fishermen, and hunters. Examples include: Knik Canoers and Kayakers, Seward Sailing Club, and Prince William Sound Users Association.

SPORT HUNTING AND FISHING

Sport hunting and fishing interests are organizations and individuals that promote or partake in hunting and fishing.

Examples include: Izaak Walton League, Alaska Sport Fishing Association, Alaska Outdoor Council, and Trout Unlimited. Alaska Fish and Game Advisory Committees in Homer, Kodiak, Seldovia, Seward, Copper River-Prince William Sound, English Bay-Port Graham and Whittier would also fall within this category.

SUBSISTENCE

Subsistence interests are those rural Alaska residents who customarily and traditionally use wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; and for customary trade.

SCIENCE/ACADEMIC

Science/academic interests are those people and institutions involved in or interested in scientific aspects of the spill area and the effects of the oil spill. This would include academic institutions such as the University of Alaska Fairbanks and other branches of the University of Alaska system; other universities, both national and international; the Prince William Sound Science Center; the American Association for the Advancement of Science, The Wildlife Society; American Fisheries Society; Society of American Foresters; Alaska Archaeological Association and scientists interested or involved in research related to oil spills or resources and services within the oil spill area.

It is important to note that any organization identified above may be represented by more than one interest group.

PRINCIPAL INTEREST GROUPS

At the Trustee Council Meeting of March 9th it was decided to approve twelve (12) Interest Groups to use when choosing the fifteen (15) members of the Public Advisory Group. In addition, it was decided to have two (2) ex-officio members; one each from the Alaska State House and Senate.

The preceding set of definitions for those twelve (12) Principal Interest Groups was requested at the March 9th meeting.

Should the Trustee Council wish to expand this list, the Restoration Team suggests consideration of the following new categories:

- commercial marine transportation
- mining
- public at large

Additionally, three of the approved Interest Groups could be broken into two (2) each. They are:

- Local Government could be broken into:
 - a) municipal government; and
 - b) traditional native government
- Native Landowners could be broken into:
 - a) corporate landowners; and
 - b) individual landowners
- Sport Hunting & Fishing could be broken into:
 - a) sport hunting; and
 - b) sport fishing

While considering these potential additions, the Trustee Council may want to reflect on the options of 1) having fewer interest groups than there are Public Advisory Group members (the current situation which allows dual representation from certain interest groups - only requiring a good balance); 2) the same number of interest groups as there are members (which may imply each interest group having a "seat"); 3) a larger number of interest groups than there are members, perhaps giving the Trustee Council greater flexibility.

April 20, 1992

Public Advisory Group Nomination Process

The process for soliciting nomination for the public advisory group involves notifying the public, evaluating the nominations and compiling a list of potential nominees for Trustee Council consideration. The Trustee Council will review the nominations and recommend membership to the Trustees for final appointment by the Secretary of Interior.

Nominations will be solicited using a wide range of media. Examples include:

- Newspapers in the affected area;
- Federal Register;
- Existing *Exxon Valdez* oil spill mailing list;
- Agencies' interest group mailing lists;
- Public service announcements;
- Flyers for posting in communities; and
- All persons having expressed interest in serving on the Public Advisory Group.

The request for nominations will ask for the following information:

- Biographical sketch (education, experience, address, phone);
- Demonstrated knowledge of the region, peoples or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, or; demonstrated expertise in public lands and resource management;
- Identification of relationship/involvement with one or more of the identified interest groups; and
- Identification of group(s), if any, recommending this appointment. (Provide the point of contact and phone number for the group.)

The timeline attached shows the major steps in getting a Public Advisory Group in place by the end of August.

April 15, 1992

PUBLIC ADVISORY GROUP
NOMINATION AND SELECTION PROCESS
TIMELINE

April 27	Timeline and Process approved by the Trustee Council
May 6	Request for Nominations published
June 5	Deadline for receipt of Nominations
June 22	Nomination package to Trustee Council
June 29	Preliminary selections made by Trustee Council (in executive session)
July 8	Trustee Council selections to Trustees/Department of Interior for appointment
July 17	Appointment letters sent
July 31	Receive confirmation of acceptance of appointment (set first meeting date)
Aug 10	Notice first Public Advisory Group meeting
Week of Aug 25	First meeting of the Public Advisory Group

April 20, 1992

**DRAFT PUBLIC MEETING SCHEDULE
TO ACCEPT PUBLIC COMMENT ON THE
1992 DRAFT WORK PLAN AND RESTORATION FRAMEWORK**

RT member attending = [in brackets]. There will also be a member of the Restoration Planning Work Group at each meeting.

Homer 7 p.m., Monday, May 4

City Council Chambers

Contact: Mary Shannon, City Clerk 235-3130

[M. Rutherford], Staff

Seldovia 2 p.m., Monday, May 4

Multi-purpose Room, City Building

Contact: Mr. Widon, City of Seldovia 234-7643

[M. Rutherford], Staff

Kodiak 7 p.m. Tuesday, May 5

Borough Assembly Chambers

Contact: Donna Smith, Borough Clerk 486-5736, FAX 486-2886

Note: broadcast via KMXT

[M. Rutherford], Staff

Juneau 7 p.m. Thursday, May 7

Contact: Terence O'Malley 465-4968

Note: Send invitations to state legislators

[J. Montague, (M. Broderson as backup)], Staff

Valdez 7 p.m. Monday, May 11

City Council Chambers

Contact: Dave Janka, PWSCA 835-2799, FAX 835-8083

Location Contact: Sherry Caples, City clerk, 835-4313

[M. Rutherford], Staff

Tatitlek Monday, May 11, mid-day

Contact: Gary Kompkoff, IRA Council 325-2311, FAX 315-2298

[M. Rutherford], Staff

Seward 7 p.m. Wednesday, May 13

Kenai Fjords Visitors Center

Contact: Anne Castellina 224-3175 FAX 224-7100

[P. Bergmann], Staff

Whittier 5 p.m., Thursday, May 14

Contact: Linda Hyce or Kelly Carlisle, Mayor 472-2327
FAX 472-2343 (train schedules 6 daily starting May 10, last one to
Portage at 9 p.m. RCAC full meeting scheduled in Whittier on
5/14)
[Ken Rice], Staff

Cordova 7 p.m., Tuesday, May 19

Council Chambers, Cordova Public Library
Contact: Library staff, 424-6667 after 1 p.m.
[B. Morris], Staff

Anchorage 7:00 p.m., Wednesday, May 20

Trustee Council Meeting Room, 645 G St.
[D. Gibbons], Staff

Fairbanks 7:00 p.m. Thursday, May 21

UAF Wood Center Conference Room (upstairs)
Contact: Jeri Maxwell, Wood Center 474-7038, Fax: 474-5508
[J. Montague], Staff

Akhiok - Mayor Eluska called: do not need to go there, but Mr. Eluska may be
in Kodiak on the 5th and will attend if so

**We sent letters to the following communities - as of 4/20 have not heard
from them:**

Chenega
Karluk
Larsen Bay
Nanwalek (English Bay)
Old Harbor
Ouzinkie
Port Graham
Port Lions

**DRAFT SUMMARY OF COMMENTS FROM COMMUNITY
MEETINGS ON A PUBLIC PARTICIPATION PROCESS
FOR THE EXXON/VALDEZ RESTORATION PROGRAM**

KEY to communities where comments were noted:

A = Anchorage (2/13/92)	J = Juneau (1/22/92)
CB = Chenega Bay (2/10/92)	K = Kodiak (1/30/92)
C = Cordova (1/20/92)	S = Seward (2/6/92)
F = Fairbanks (2/11/92)	T = Tatitlek (2/4/92)
H = Homer (2/3/92)	V = Valdez (2/4/92)

NOTES: Comments were taken from official minutes of public meetings unless marked as a letter (Ltr.), in which case the comment came instead from a written submission from that community.

Comments were included here only if they were expressed by more than one individual or if the notetaker had recorded that others at the same meeting showed clear signs of agreeing with what one individual had said.

All comments were paraphrased or edited, but every attempt was made to accurately portray the sense and the tone of the speaker.

Public Participation, Public Advisory Group, Trust in the Restoration Process

Most Frequent Comments:

Trust in the Process

Comments stated that people do not trust the Trustee Council. They fear they will not trust the public process the Trustee Council will put in place, but feel a good public process can still make up for the rocky start. Reasons given for distrust are:

Trustees are political appointees. (C)

The Trustee Council has not released as much of the damage study results as the public feels it needs to give recommendations on restoration. (C/F/H/V/CB/J/A-1 Ltr.)

It seems that major decisions about use of the money have been made before the public has a chance to review options. Agency reimbursements were only one of the examples given. (A/F/H/J)

How this problem can be overcome:

The efforts so far to reach the public are, for the most part, appreciated. Teleconferencing is appreciated in the villages. However, one meeting commented that early meetings of the Trustee Council showed great disorganization. (C/CB/A/V/T/S)

There needs to be a greater effort to get good advance materials out.

Travel costs are high, but spending money for the Trustee Council and Public Advisory Group to actually talk to communities, including smaller villages, is worth it. (A/K/S/H/T/A-2 Ltrs.)

Public Advisory Council Relationship to the Trustee Council

A large majority of people who commented on the issue of membership of Public Advisory Group member(s) on the Trustee Council said at least one representative of the Public Advisory Group should be seated on the Council and be fully involved in Council decisions, but not have voting or veto power. Otherwise, the Public Advisory Group would have no real power. (A/H/C/S/K-1 Ltr./A-1 Ltr.)

Public Advisory Group access to the process - The Public Advisory Group should have direct access to the Trustee Council, Restoration Team, and its subcommittees and staff. (A/C/C-1 Ltr.)

Seven speakers expressed some version of the following comment, which follows a model the Regional Citizens Advisory Committee and Alyeska have agreed upon:

If the Trustee Council does not follow a Public Advisory Group recommendation, they should have to explain in writing within a given time period why they did not agree. This may also apply to questions the Groups asks of the Council. (A/H/V/J/S)

Public Advisory Group Composition and Selection

Most Frequent Comments:

The Trustees should not decide who they want on the Public Advisory Group. Public Advisory Group members should be selected by already existing groups or coalitions they represent. If such groups do not exist, they should be given a chance to organize just for the purpose of trying to gain consensus on who will represent them. (A/H/K/A-3 Ltrs.)

A Clear Difference of Opinion on the following point:

One position - Assume groups and communities from different geographic areas can come to agreement, not that they will oppose each other. Then you have the chance of consensus. Do not "cluster" members from the various regions affected.

Another position - it is important to have regional or subregional groups to develop community consensus.

Public Advisory Group membership should emphasize specifically those communities, user groups, and interests most directly affected, not those who have a more remote connection to injured resources. (K-1 Ltr. A-1 Ltr.)

Process Suggestions for Public Participation and Public Advisory Group

Most Frequent Comments:

The Public Advisory Group should not function as a filter for all information flowing between the public and the Trustee Council, although it should actively distribute information to the public. There should continue to be direct contact between Trustee Council members and public, including Trustee Council meetings being held in affected communities and adequate public comment time at meetings. (S/A/K)

Strong comments in every community on the desirability and necessity of having both science study results and working documents of the restoration process available to the public. Catalogue the information and let everyone know where it can be obtained. Fairbanks meeting (several researchers attended) very concerned with this point. (C/F/H/V/CB/J/A-1 Ltr.)

Scientific work should not be cut off now just to save money. Finish this work, review it and make it the primary factor in planning restoration. (F/V/F-1 Ltr.)

There should be timely notice of meetings and distribution of relevant materials. (C/H/J/A-1 Ltr.) Suggestions for timing of meetings included frequently, bi-monthly, and quarterly.

Public repositories for restoration information - Designate and advertise an office or library or local contact person as the community site for restoration information. (A/C/K/V)

Several comments that restoration process should not be moving forward now before there is public review of plans and/or completion and review of damage assessment information. In some cases, decisions seem to have been made, and then afterward the public is asked its opinion on the same decision. (A/F/H/J/A-1 Ltr.)

There should be a clear record of all Trustee Council decision-making. (K/H)

Budget and Staff

Most Frequent Comments:

The Trustee Council should be willing to spend the amount of money it takes to do the job well. The Public Advisory Group and public participation effort should be adequately staffed. Comments ranged from one to two staff for the Public Advisory Group, with specific staff for public information functions and money to contract for expert assistance. One example used for comparison was the Regional Citizens Advisory Council budget of \$1.5 million for a somewhat similar task. (H/A/S/J-1 Ltr./K-1 Ltr./A-1 Ltr.)

Need for Subgroups or Subcommittees of the Public Advisory Group

The question of how to structure the Public Advisory Group to get the best and broadest representation was a common theme, although there was no unanimity on the solution. Structures proposed included:

The Public Advisory Group should be able to organize its own subcommittees so that it has some chance of getting work done.

Each major geographic area could have a group, then these groups could select members to serve on the Public Advisory Group. One rationale was that fishing interests are so different in the different regions. (K/C/H/V)

Impacted towns and villages should have members on the Public Advisory Group. Some comments specified that these be elected representatives of local government. (V-1 Ltr./A-1 Ltr.) In addition, there would be subcommittees to get input from the interest groups, e.g. fishing, subsistence, recreation. The opposite was also proposed - Public Advisory Group members could represent interest groups and then, if desired geographic representatives could be put on subcommittees. (A/V/T/S)

There should be community coordination groups to focus and define the community's concerns. Kodiak's approach could be a model. After that, communities would be more ready to meet to consider other communities' concerns. (K/H/CB)

Staff may be needed to help smaller communities, and the Public Advisory Group itself, produce well written restoration proposals. (CB/A-1 Ltr./F-1 Ltr.).

Comment on patterns to be avoided:

Don't explicitly or implicitly divide up the money between communities ahead of time or create a structure which encourages this approach. This perpetuates the feeling of "pork barrel politics". (A/V)

How to Spend the Money

Note: Even though this was not the primary question these public meetings were asked to address, comments were made and noted on how restoration money should be spent.

Immediate Actions Needed

Most Frequent Comments:

Pay immediate attention to the drop in availability of subsistence foods which is being reported in villages. Show existing study information to residents. Continue the studies until restoration options can be figured out because otherwise subsistence users will not have information to base restoration proposals on. And involve local people whenever possible. (T/CB/H)

Get going on habitat acquisition for areas that may be logged this year because public interest is high now and because some of the logging companies need to know now. (C/A/K/H/A-1 Ltr.)

More General Comments

Spend the majority of the money directly on restoration of the resources injured. The high value of what was lost warrants that attention. (A-1 Ltr.)

Money spent should remain in the oil affected area. (C/CB)

Concern that not enough has been or will be spent on the villagers concerns for absence of subsistence species.

Some fish or wildlife management decisions, e.g. rockfish, may have long range restoration needs - but are alternatives for short range improvements being considered as well.

Oyster mariculture needs to be better funded to succeed. (T)

Mussel beds and clams need reseeded. Deer, seal, crab, octopus, seaducks all are gone. (T)

Since loss of subsistence has meant more reliance on the cash economy, then restoration should mean helping residents of the Sound train or otherwise have more opportunities for cash jobs. The economy of the Sound area will change in part because of the spill - people need help in adapting.

Create an endowment (several different purposes were mentioned). Spend just the interest from the fund. (K/F/H)

Do not use large portion of the money for an endowment. This is just a way to avoid putting the necessary funds into habitat acquisition. Do not fund "unnecessary scientific studies" or padding of agency budgets with settlement money. Spend as much as possible on habitat purchase. (A)

Acquire land and habitat. (A/C/K/H)

The Trustee Council should not let some trustees "philosophical opposition" to government acquisition of private lands keep the Council from doing what is best and most cost-effective for restoration of the resource and the communities which depend on those resources. (A)

Important to get consensus in communities on what money should be spent for. Also described as "local control" or agreement with projects. Some speakers specified what they did not want it spent on, e.g. buildings, ports, agency budgets or spill prevention and cleanup. (K/H)

Specific proposals in Kodiak:

Note on comments from the Kodiak meeting - At least seven specific restoration proposals were submitted at the Kodiak meeting. The Borough introduced a list summarizing all of these. The Borough has established a working group to help ensure that Kodiak issues are a part of the process. So far, this appears to be a unique approach among the communities. The person presenting the Borough proposal said it was an attempt to pull something positive out of the negative spill experience.

Three state park proposals - an appraisal is needed for a Shuyak land exchange, buy native owned land for state parks, and fund a public education center and display about archaeological resources in Shuyak and training in archaeological protection there.

Fund a research lab so that monitoring and related work can be done locally, not sent away.

Kodiak Regional Aquaculture Association - Much more information is needed to support restoration decisions. They specifically support salmon studies and land acquisition.

Area K Seiners - Support land acquisition and the careful prioritization of all suggestions for use of the funds.

Proposal from Kodiak College (Associated with the University of Alaska, Anchorage) - Fund an Environmental Learning Resource Center, a building attached to the college library.

Do a study of what opportunities will be lost through delays in restoration.

Draft Summary of Comments

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The Kodiak Borough proposed their own list of criteria to be used for project selection and also endorsed proposals made by other groups.

Money should be spent on prevention - Kodiak is in need of response preparedness - lags far behind Prince William Sound - and is ready to work on it.

Homer comments:

On land acquisition - Land should be held in perpetuity; Trustee Council should act fairly quickly while the public's interest is high; decide now and pay over time; Trustee Council should look at conservation easements as cheap and effective ways of acquiring habitat. A local group is ready to help. (One speaker suggested putting just \$1 million in a endowment fund to encourage land trusts in the spill area.)

Prevention and research - Spend money to get ready for next spill, on baseline data collection and on response readiness. (H/K/V/F)

Proposals in Cordova:

Prince William Sound Aquaculture Corporation Resolution - The Trustee Council should make directly funded or endowment-backed funding available for cooperative salmon ecology and interaction programs by their corporation. It should also help fund the actions by the aquaculture corporation and other agencies which result from such studies and which lead to restoration, enhancement and management of the salmon resources of the Sound.

Decisionmaking for such programs should be shared with the Prince William Sound Aquaculture Corporation and the information coming out of such programs should be shared with the Corporation and the public.

Habitat acquisition - buy as much as possible if it is not possible to buy whole areas, e.g. Montague Island.

Expand cooperation with the U.S. Forest Service's current study of the Sound. Consider placing a moratorium on all increase in industry in Sound to buy time for good evaluation of plans.

Comments from the Fairbanks meeting:

Note: Most of the people who signed in are connected with the University of Alaska-Fairbanks. Some are or were involved in damage assessment studies.

Many studies are on the brink of really understanding the systems they have been studying - do not cancel studies now. Still left to be done are independent peer review, synthesis and

Summary of Comments

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integration of studies. Also, because past studies were strongly influenced by litigation, there may be a need for new studies to fill in the gaps in information needed for restoration. (This comment was from a researcher who is not state or federal agency funded.) (F-1 Ltr.)

Why is there a rush to begin restoration studies if this is the case? The rush to land acquisition should not be at the expense of finishing the science and getting an impartial review of these studies.

CHARTER

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

1. Official Designation: Exxon Valdez Oil Spill Public Advisory Group

2. Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Group shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce and U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding

- (1) the planning, evaluation, and allocation of available funds;

(2) the planning, evaluation, and conduct of injury assessments;

(3) the planning, evaluation and conduct of restoration activities;

(4) the coordination of (1), (2) and (3).

3. Period of Time Necessary for the Group's Activities: By order of the District Court for the District of Alaska, the Public Advisory Group is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in paragraph V.A.1 of the MOA referenced above. Final payment into the fund is scheduled for September 1, 2001. This Public Advisory Group shall terminate ten years from January 1, 1992 unless extended in writing by unanimous action of the designated Trustees by July 1, 2001.

4. Officials to Whom the Public Advisory Group Reports: The Public Advisory Group shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Group at Trustee Council meetings. Other members of the group may report with the chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Group representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the

designated federal agency to whom the Public Advisory Group reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Group. The designated Federal Official is the Alaska Office of Environmental Affairs' Environmental Assistant.

5. Administrative Support: Administrative support for the Public Advisory Group shall be provided by the Administrative Director. The Trustee Council shall provide funds as deemed appropriate for administrative support for the Public Advisory Group, from the joint fund established in the registry of the United States District Court for the District of Alaska in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation.

6. Public Advisory Group Composition, Selection, and Service: The Public Advisory Group shall consist of fifteen members, including a chair and a vice-chair.

A. Qualifications for service -- Members shall be appointed based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the Exxon Valdez oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration.

B. Nomination and Selection -- Candidates for membership will be nominated by the public. From these nominations the Trustee Council will recommend membership to the Trustees and following selection by the Trustees, the Secretary of the

Interior will make appointments.

C. Minimum term -- Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. The Trustees may remove a member of the advisory group for reasons of malfeasance or incompetence.

D. Officers -- The Public Advisory Group shall have a chair and a vice-chair approved by the Trustee Council in consultation with the members of the Public Advisory Group.

7. Expenses: Travel, per diem and administrative support, shall be borne by the Trustee Council from the joint fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of the business of the Advisory Group, travel expenses, including per diem in lieu of subsistence, shall be allowed at the applicable federal government rates. The estimated annual operating cost is \$106,000 and the estimated man-years for the group is 0.5.

8. Council Meetings and Records. The Public Advisory Group shall meet no less than four times per year.

A. All Public Advisory Group meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Group and any member of the public may speak at a Public Advisory Group meeting.

B. Detailed minutes of all meetings, including the time,

date and place of the meeting, names of the Public Advisory Group members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and the resolution, if any, made by the Public Advisory Group, and copies of each report or other document received, issued or approved by the Public Advisory Group, shall be prepared and made available to the public through the Administrative Director. The Chair shall certify to the accuracy of all minutes of the Advisory Group.

- C. Meetings of the Public Advisory Group shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with AS 44.62.310(e), AS 44.62.175 and 41 C.F.R. 101-6.1015(b).
- D. All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and shall be available for public inspection at the offices of the Administrative Director.
- E. All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council.

9. Administrative Authority. The Public Advisory Group and its

officers shall have no administrative authority, except to recommend budget needs to the Administrative Director. The Trustee Council through the Administrative Director shall procure all needed space, supplies, equipment and support. Any office space of the Public Advisory Group shall be located with the office of the Administrative Director of the Restoration Team.

10. Termination Date: The Public Advisory Group shall terminate on January 1, 2002 unless extended as provided in paragraph 4.

11. Authority: This Public Advisory Group is established as mandated by paragraph V.A.4 of the MOA and shall be located in Alaska.

12. The charter of the Public Advisory Group is filed on _____.

Formulates in conjunction with the Restoration Team long-term plans for restoration. Administers a large, complex program of work including a program staff, program finances, administrative support, other organizational elements including liaison within and external to the Trustee Council and administrative support to a 15 member Public Advisory Group.

Represents the Trustee Council in coordination of planning and contacts with high level officials from other federal and state agencies, local governments, international experts, private corporations, Alaska Native Corporations.

Represents the Trustee Council in media contacts regarding the oil spill injury assessment and restoration efforts.

Develops administrative record. Interacts with the Office of General Counsels, for USDA and NOAA, State Department of Law and USDI Solicitor's Office.

Exercises the full range of supervisory duties for:

- 2-Clerical positions
- 1-Budget Assistant
- 1-Paralegal position
- 2-Librarians
- 1-Public Information Officer

Formulates a balanced program acceptable to the Trustee Council on a unanimous decision based process outlined in the State/Federal and Exxon Corporation Exxon Valdez oil spill settlement agreement. Performs overall work planning, establishes work schedules and priorities, and assigns and reviews work. Personally discusses progress of work and problem areas as they arise. Recommends employee status changes, such as promotions, reassignments, and other personnel changes. Sets performance standards and evaluates performance. Identifies training needed by subordinates, and ensures that training opportunities are provided. Resolves complaints or minor grievances, and advises employees on matters related to less than adequate performance. Keeps employees informed of management policies and goals.

FACTOR 1. KNOWLEDGE REQUIRED BY THE POSITION

This position requires mastery of the concepts, science, and practices of Resource Restoration sufficient to serve as the Administrative Director and to provide leadership and technical knowledge to administer management of a long-term restoration program for the Exxon Valdez oil spill area. Similarly, employs a mastery of the principles, concepts, and practices of restoration to: (1) plan a long-term program of innovation of national importance and significance; (2) generate new restoration techniques and lead in the development of new concepts, (3) assure acceptance of organizational and

DRAFT

Oil Spill Administrative Director

GM-401-15
Range 28

Position No.

Introduction:

The incumbent serves as Administrative Director of the Exxon Valdez Oil Spill Restoration Team for the Trustee Council encompassing six members, one each representing the Alaska Departments of Law, Fish and Game, and Environmental Conservation, Secretaries of Agriculture, and Interior, and the Administrator for the National Oceanic and Atmospheric Administration. The position is headquartered in Anchorage, Alaska.

This Restoration Team's responsibility is to direct, coordinate, facilitate and evaluate all work related to the restoration of the Exxon Valdez oil spill area, after legal settlement. The mission of the Administrative Director and the Restoration Team is to restore the natural resources injured as a result of the Exxon Valdez oil spill to pre-spill conditions. The terms of the settlement provides \$900 million dollars over a 10 year period for this purpose. The scope of the program covers the spill affected areas in the Gulf of Alaska including Prince William Sound.

Duties:

Serves as the Administrative Director of the Exxon Valdez Oil Spill Restoration Team for the Trustee Council for the purpose of the restoration and injury assessment that involves six trustees, one each representing the Alaska Departments of Law, Fish and Game, and Environmental Conservation, Secretaries of Agriculture and Interior and the Administrator for the Natural Oceanic and Atmospheric Administration.

In conjunction with the Restoration Team, provides vision and leadership, plans, organizes, directs, and coordinates a broad and complex restoration program to improved injured natural resources and related services as a result of the Exxon Valdez oil spill. Directs the development of a general overall plan, budget and accounts for all phases of the oil spill activities, and direction to ensure internal and external consistency for the Trustee Council. Develops a plan for the documentation of the spill restoration and injury assessment processes. Represents the Trustee Council and supports the Restoration Team activities in the resource recovery phase.

Provides oversight with the Restoration Team to appropriate science advisors from across the United States in review of the Restoration Program over the Exxon Valdez oil spill area.

Formulates in conjunction with the Restoration Team long-term plans for restoration. Administers a large, complex program of work including a program staff, program finances, administrative support, other organizational elements including liaison within and external to the Trustee Council and administrative support to a 15 member Public Advisory Group.

perspectives of various agencies, groups, organizations, and individuals to determine appropriate actions and approaches.

Knowledge of related natural resource disciplines that pertain to multi-resource management, such as forestry, water sciences, watershed management, wildlife biology, and fisheries biology, in order to integrate multiple resource values and multiple needs.

Comprehensive knowledge of public laws such as the National Environmental Policy Act of 1969, The Clean Water Act of 1972, the Water Quality Act of 1987, Comprehensive Environmental Response Compensation and Liability Act of 1980 and the Oil Pollution Act of 1990, and other authorities that set public policies related to resource management.

Comprehensive knowledge of related research and development programs of other government agencies, universities, natural resources agencies, and private organizations.

Knowledge and understanding of how political processes work at all levels of government, as well as, the mechanics of governmental processes at the community, county, state, and national levels.

General knowledge of requirements for administrative record, litigation reports, investigation reports and other documentation and support actions related to litigation.

FACTOR 2. Supervisory Controls

The supervisory guidance is primarily in the form of general policy directives, statutory requirements, and staff, time, or budget constraints.

Incumbent typically develops concepts and initiates new projects or activities. Incumbent is the principal technical and program advisor to and collaborator with the Trustee Council. The Trustee Council is kept informed of progress on major issues but recommendations are accepted as technically authoritative even though final approval depends upon formal action by the Trustee Council.

Completed work is generally reviewed for assurance that broad policy objectives are fulfilled.

FACTOR 3. Guidelines

Guidelines are broadly stated natural resource and land management statutes, agency policy and regulations, research publications, and regulations, standards, policies, and procedures of other Federal and State agencies.

There have been numerous State and Federal legislative changes in recent years that have had a major impact on Exxon Valdez oil spill restoration activities. Incumbent must exercise a high degree of judgment and originality to interpret the laws and regulations and to develop policy, standards, concepts, and procedures relating to the oil spill injury assessment, rehabilitation and restoration plans. On occasion, the incumbent with the Restoration Team, will draft agency regulations for top management.

FACTOR 4. Complexity

Assignments involve the full range of processes, systems, and components pertinent to natural resource and related services restoration.

Primary responsibility is to assess, advise, and report on the technological feasibility of processes, systems and components of a the Exxon Valdez oil spill restoration program, and to assure that individual projects or studies undertaken will further the objectives of State and Federal resource management policies and programs. Most of the projects and studies generally involve the establishment of new, or the refinement of existing agency policies, methods and concepts. They involve highly complex technical and socio-economic problems with many areas of uncertainty; the employee's recommendations and decisions are consequently under close scrutiny by leaders of major public interest groups which typically have differing aims. Some of the processes have been found to be theoretically sound but not necessarily practically feasible, to date. While the processes are theoretically sound, acceptable methods, practices and techniques are in a state of change due to legislative changes, concomitant changes in Administration policy, and the lack of precedence in activities.

FACTOR 5. Scope and Effect

One aspect of this position is to provide administrative support to the Trustee Council and Restoration Team concerning the technological and economic activities associated with the oil spill program.

The employee's actions in evaluating the need for or initiating new or different projects or studies, and changes in policies and procedures, have a short-term and long-term impact on the Trustee Council's ability to meet the nation's needs for restoring Exxon Valdez Oil Spill related injured natural resources and related Services, and the overall State and Federally mandated land and resource management. State and Federally mandated land and resource management. These actions also impact the work of other professionals and experts across State and Federal Agencies.

FACTOR 6. Personal Contacts

High ranking scientific and professional personnel in agency headquarters, in other State and Federal agencies and departments; with high level officials of nationwide associations, private industrial firms, organizations such as The Nature Conservancy, Wilderness Society, Wildlife Defense Fund, and others, with State and Federal congressional staff members, and with nationally known representatives of news media and other groups.

FACTOR 7. Purpose of Contacts

To provide expert opinion and advice on technological advances, economic and technologic feasibility studies, agency policies, procedures and standards, and current and proposed legislation. To defend, and justify controversial technologic or socio-economic issues involving such activities. Involves active participation in high level conferences, negotiations, and meetings on such issues as the compliance with environmental quality standards and State and Federal congressional hearings. The incumbent must be able to influence or persuade other experts to adopt particular approaches, concepts or compromises when serious conflict arise.

FACTOR 8. Physical Demands

Primarily sedentary in nature; however, there is some physical exertion when inspecting field operations.

FACTOR 9. Work Environment

Office setting with some travel to attend meetings, symposia, and conferences. Some travel will be required through use of small aircraft, helicopters, and small boats.

17 April 1992

FINANCIAL OPERATING PROCEDURES

The objective of the Financial Operating Procedures is to ensure public trust and accountability while maximizing the Trustees' ability to utilize Exxon Settlement Funds for approved restoration activities. A flow chart of the Financial Operating Procedures is included as Appendix A. Financial management of Exxon Settlement Funds will be accomplished as outlined herein based on the following principles:

Maximum use will be made of existing agency administrative structures. Each of the Trustee Agencies has established administrative and personnel and financial management systems that will be utilized to the maximum extent possible.

General administrative expenses will be kept to a minimum and applied in a consistent manner by the Trustee Agencies.

Administrative services for the Office of the Administrative Director--including personnel, accounting, contracting, purchasing, and property accountability--will be provided by one or more of the Trustee Agencies in accordance with an MOU approved by the Trustee Council.¹

ANNUAL BUDGET

The TC will annually prepare and approve a current-year budget based on the Federal fiscal year (October 1-September 30).

The annual budget will, at a minimum, include the following elements:

A budget for the Administrative Director (AD) and staff that includes salaries, benefits, travel, office space, supplies and materials, contractual services, utilities, general administrative expenses, and such other items as may be necessary for the efficient operation of the TC and Restoration Team (RT). The budget will be summarized on a Project Budget Form (Appendix B).

A budget for the RT and standing working groups established by the

¹ These administrative services would include such functions as contracting for office space, personnel services, payment of utilities, small purchasing, imprest fund, etc. The purpose of this concept is two-fold: (1) to obviate the need for legislation (either Federal or State) authorizing the Trustee Council to carry out these functions, and (2) to utilize existing agency structures and thus eliminate duplication and inefficiency.

TC will be summarized by agency on a Project Budget Form (Appendix B) and will include the cost of personnel, travel, contractual services, commodities, equipment, and general administrative expenses. Personnel (full-time equivalents) and travel will be identified for each standing working group.

A budget for each project specifying activities, costs, and expected results will be summarized on a Project Budget Form (Appendix B) and will include, as a minimum, project costs broken down by program management, direct project personnel, travel, contractual services, commodities, equipment, and general administrative expenses.

CALCULATION OF GENERAL ADMINISTRATION COSTS

General administration costs will be calculated as follows:²

Projects. Each approved project may contain a line item for general administration costs not to exceed an amount calculated as follows:

- (1) 15 percent of each project's direct personnel costs; plus
- (2) up to 7 percent of the first \$250,000 of each project's contract costs, plus 2 percent of project contract costs in excess of \$250,000.

The specific general administration rate assessed on contract costs may be based on existing rates used by a State or Federal agency for similar contracts but may not exceed the rates established herein.

ANNUAL BUDGET FORMULATION PROCESS

The TC, with public participation, will formulate a draft annual work plan for the coming year.

Notification of availability of the draft annual work plan will be published in the Federal Register and major Alaskan newspapers for a public and PAG review period of at least 30 days.

Agencies will submit their tentatively approved budgets to the RT on the Project Budget Form (Appendix B). The Financial Committee will review these submissions and submit budget recommendations for

² In lieu of calculating general administrative costs by formula, agencies may elect to receive a base rate of not more than \$45,000 for general administration. General administration costs include personnel services, fiscal and accounting services, and other general administrative functions in support of agency personnel on the RT or a working group.

consideration by the RT. The RT will review the complete package and make recommendations to the TC that include a summary of the tentatively approved budgets by agency on the Project Budget Summary Form, with future-year costs for long-term projects (Appendix C).

After the review period expires, the TC will again--in an open meeting with opportunity for public comment--review the tentative program, make changes as appropriate, and approve a final program budget. Project-budget decisions made by the TC will be subject to the review and notification procedures established by the State and Federal Governments.

FEDERAL/STATE PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

Upon final approval of the annual budget by the TC, State and Federal agencies will notify the public of the availability of the budget for public review. State procedures for public notification and review are contained in Appendix D. Federal procedures for public notification and review are contained in Appendix E.

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Upon completion of public notification and review processes of the annual budget (as described above) by both the State and Federal Governments and final approval of the annual budget by the Trustees, the Trustees will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the court for the release of settlement funds (see Appendix F) and their transfer to the U.S. Department of the Interior Natural Resource Damage Assessment and Recovery (NRDA&R) Fund and to an account to be designated by the State of Alaska, Department of Administration, Division of Finance. The State and Federal Governments will report quarterly to the AD on interest earned and cash disbursed.

ACCOUNTING AND REPORTING

Trustee agencies will maintain accountability for the expenditure of Exxon Settlement Funds utilizing generally accepted accounting principles and agency-approved accounting procedures (Appendix G). As a minimum, these procedures will identify expenditures as approved in the annual work plan with supporting documentation. State and Federal agencies must account separately for their respective portions of each project or program.

Within ninety days following the end of each quarter, State and Federal agencies will report monthly expenditures for each quarter to the AD. The lead agency responsible for a multiagency activity is responsible for collecting this information from and reporting on each participating agency. Agencies will submit expenditure reports (Appendix H) to the AD's Office for review by the Financial Committee before consolidation and dissemination to the RT and AD.

for approval.

The AD will submit to the TC quarterly expenditure reports and reports of cash balances of the NRDA&R Fund and equivalent State accounts.

State and Federal governments will each adopt internal reporting rules governing the information required to transfer cash received from the Court Registry to agencies incurring expenditures. For Federal agencies, the estimated expenditures will provide the basis for transfer of Exxon Settlement Funds from the NRDA&R Fund to the appropriate agency accounts. The procedures for such transfers are contained in Appendix I.

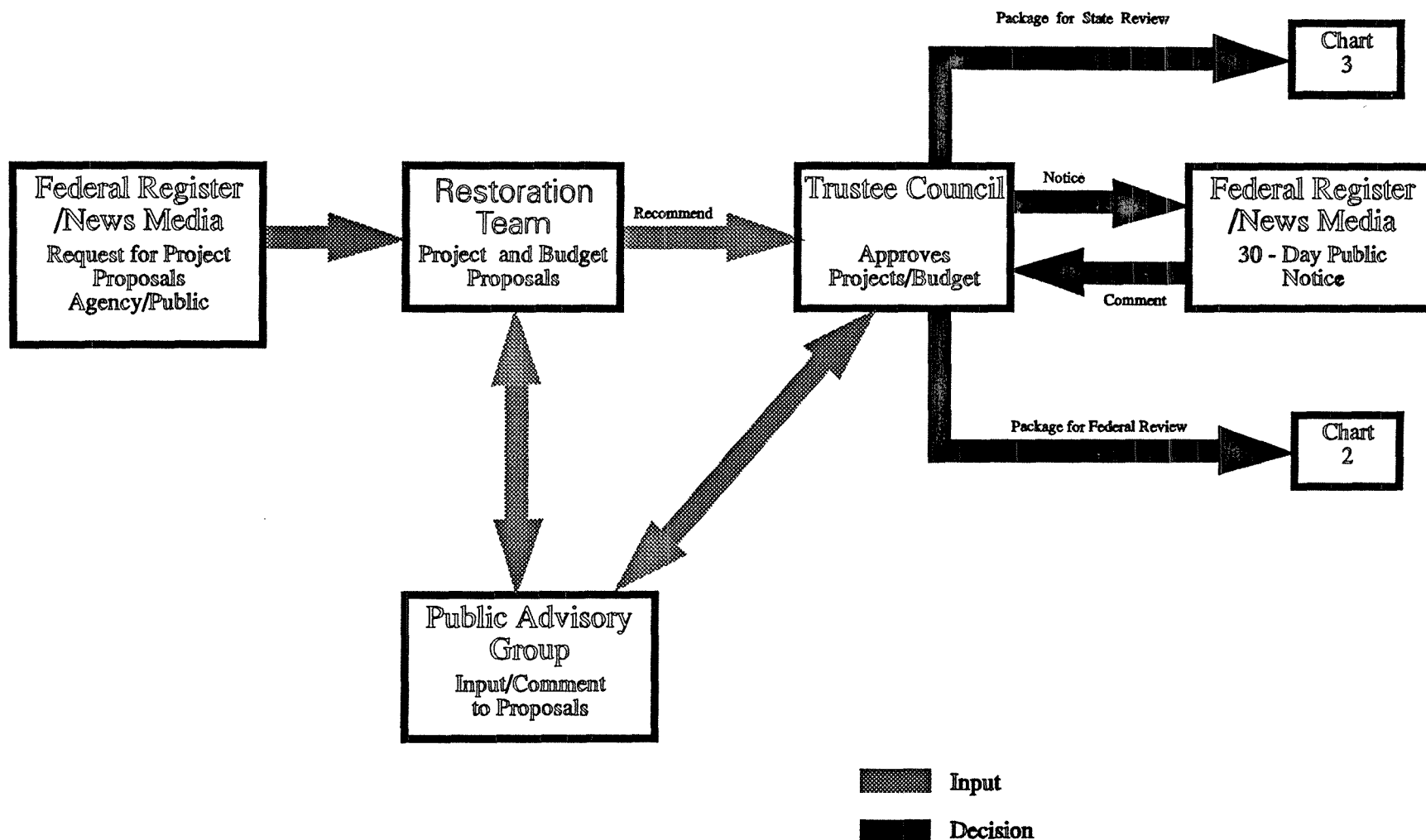
State agencies, operating under a unified accounting system, will draw from the account containing funds transferred from the Court Registry. Quarterly disbursements will not be necessary, and all unexpended funds received from the court will earn interest.

Trustee Agencies will provide documentation for authorized past expenditures to the AD's Office for review by the Financial Committee in order to obtain reimbursement. Documentation, which will use existing Trustee Agency formats, will include an up-to-date quarterly report of past expenditures and supporting information. This quarterly report should break out costs by category; i.e., salaries travel, supplies, contracts, and equipment.

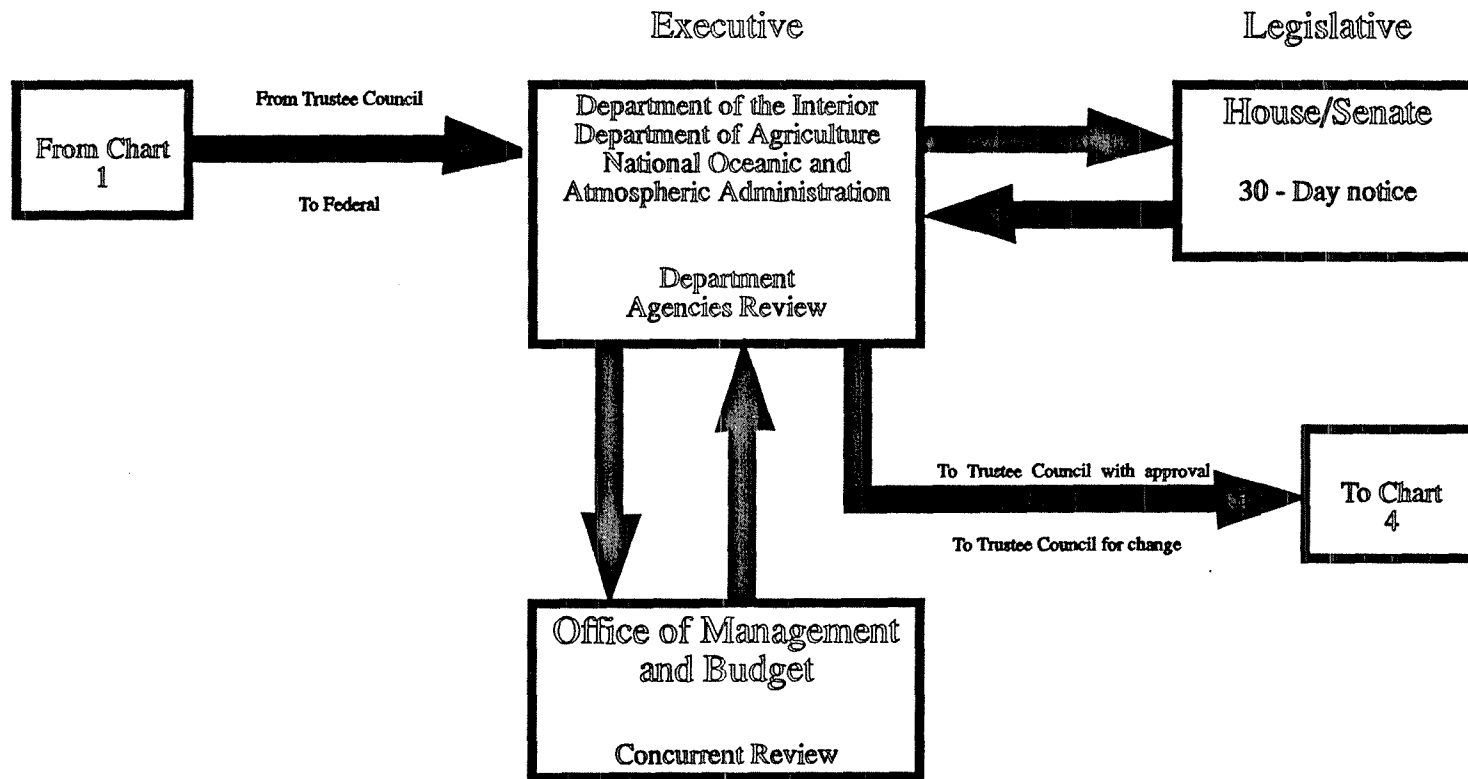
AUDITS

Accountability for the expenditure of Exxon Settlement Funds is of critical importance to maintaining public trust and confidence. Each Federal agency and the State of Alaska have Federally- and State-approved audit functions, respectively. Periodic audits of Exxon Settlement expenditures and financial controls will be conducted in accordance with established policy. State and Federal agencies will be subject to regular audits. A copy of all completed audits will be submitted to the AD's office.

APPENDIX A
FINANCIAL OPERATING PROCEDURES
(CHART 1)



APPENDIX A
FINANCIAL OPERATING PROCEDURES: FEDERAL PROCESS
(CHART 2)

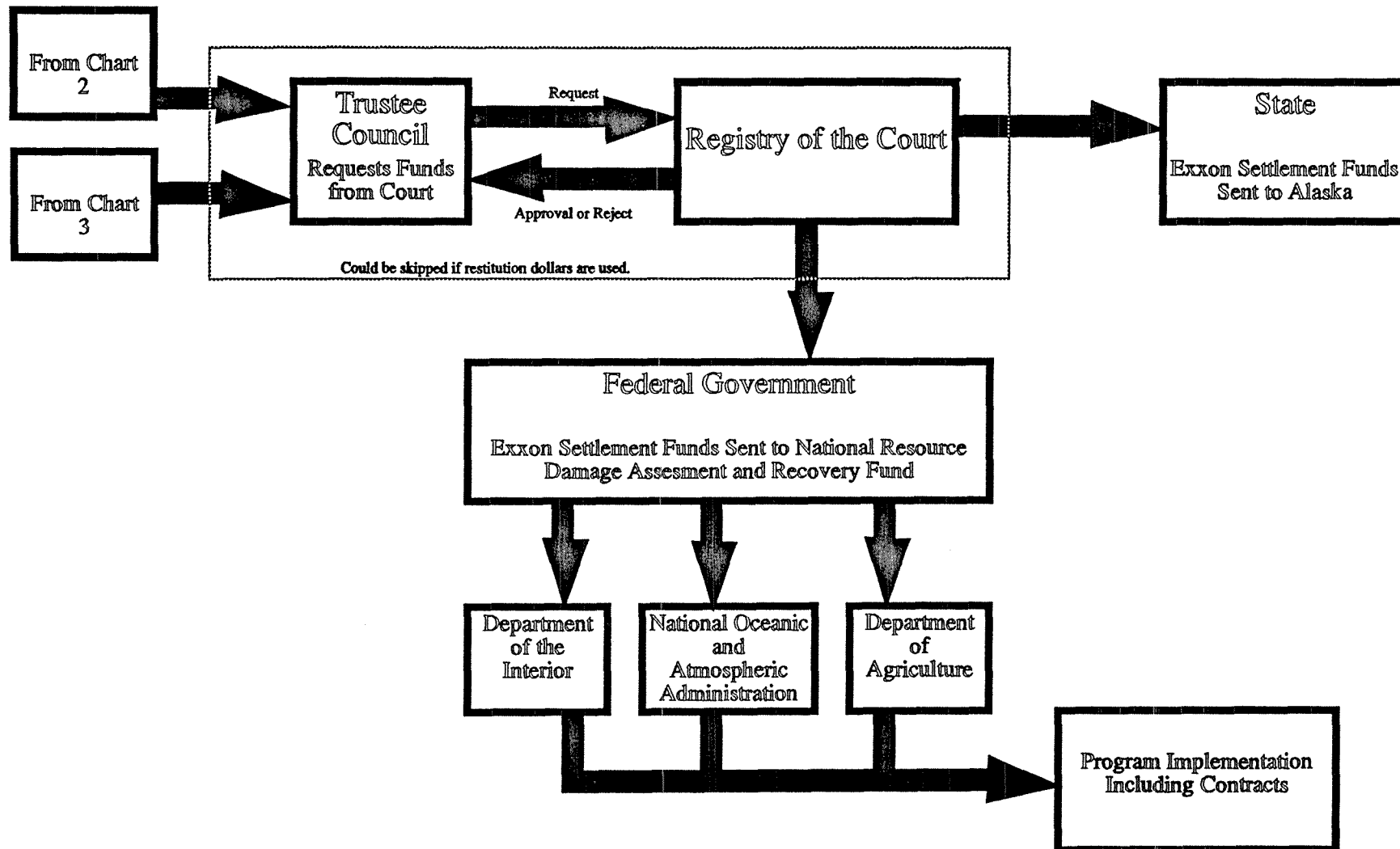


APPENDIX A
FINANCIAL OPERATING PROCEDURES: STATE OF ALASKA PROCESS
(CHART 3)



STATE
REVIEW
PROCESS

APPENDIX A
FINANCIAL OPERATING PROCEDURES
(CHART 4)



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APPENDIX B

PROJECT BUDGET FORM

PROJECT NUMBER:		
PROJECT NAME:		
AGENCY:		
PROJECT DESCRIPTION:		

BUDGET CATEGORY	FY:	FY:
PERSONNEL (100)		
(11) PERSONNEL COMPENSATION		
(12) PERSONNEL BENEFITS		
TRAVEL (200/21)		
CONTRACTUAL (300)		
(22) TRANSPORTATION OF THINGS		
(23) RENT, COMMUNICATIONS, UTILITIES		
(24) PRINTING AND REPRODUCTION		
(25) OTHER SERVICES		
COMMODITIES (400)		
(26) SUPPLIES AND MATERIALS		
EQUIPMENT (500/31)		
CAPITAL OUTLAY (600)		
GENERAL ADMINISTRATION		
PROJECT TOTAL		

APPENDIX C

PROJECT BUDGET SUMMARY FORM

PROJECT NUMBER	PROJECT NAME	AGENCY	AGENCY PORTION (\$1,000)	TOTAL BUDGET (\$1,000)

APPENDIX D

STATE OF ALASKA PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF
ANNUAL BUDGET

(Awaiting draft from D. Gentry)

APPENDIX E

FEDERAL GOVERNMENT PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW
OF ANNUAL BUDGET

(Awaiting draft from R. McCoy)

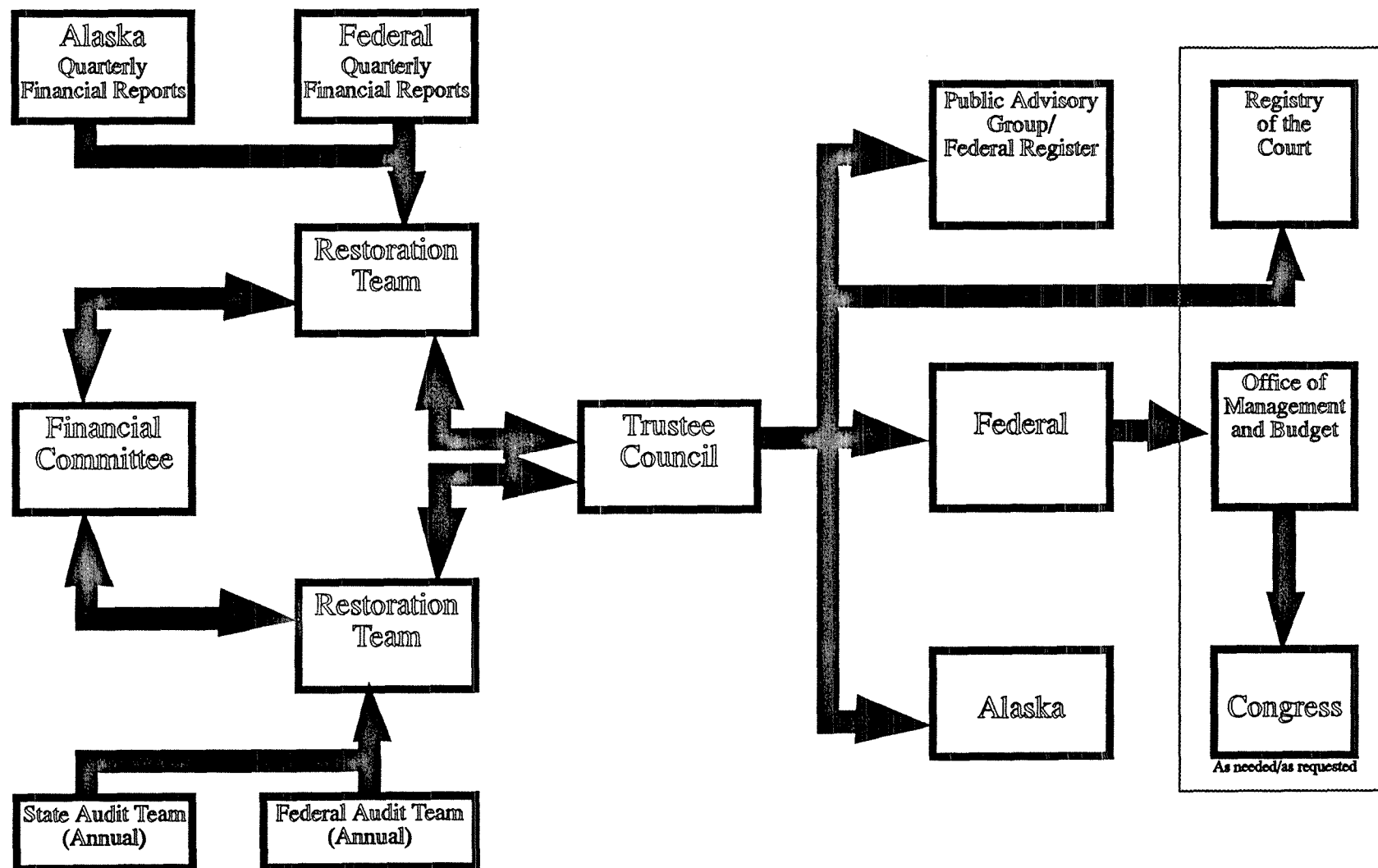
APPENDIX F

PROCEDURE FOR REQUESTING MONEY FROM THE COURT REGISTRY

(Awaiting draft from D. Gentry and J. Henderson)

APPENDIX G

ACCOUNTING AND REPORTING PROCEDURES



APPENDIX I

PROCEDURE FOR TRANSFERRING FUNDS FROM THE FEDERAL GOVERNMENT
NRDA&R FUND ACCOUNT TO APPROPRIATE FEDERAL AGENCY ACCOUNTS

(Awaiting draft from R. McCoy)

APPLIED MARINE SCIENCES, INC.

2155 Las Positas Court, Suite S
 LIVERMORE, CA 94550
 Telephone No. (510) 373-7142
 Facsimile No. (510) 373-7834

March 17, 1992

Dr. David Gibbons
 Interim Director
 Restoration Team
 Simpson Building
 645 G Street
 Anchorage, Alaska 99501

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To DAVE GIBBONS		From
Co.		Co.
Dept.		Phone #
Fax # 907 586-8781		Fax #

Dear Dave,

On January 30th I sent a draft scope of work, tasks and budget for Applied Marine Sciences (AMS) to provide peer reviewers for the completion of the *Exxon Valdez* damage assessment and for restoration studies. Now that the budget and work plan for 1992-1993 is better defined, I enclose a revised submission for your consideration. This submission assumes a contract of one year starting approximately April 1, 1992. This enclosed budget is based on my best estimate of what will probably be required over the next year. Special requests or an increased level of activity may require an ammended scope of work and budget.

The main activities for peer reviewers this coming year will be review of draft final reports for damage assessment, proposals for restoration and in planning a monitoring program. Unlike the past, reviewers will be assigned particular tasks by the chief scientist and asked to make an estimate of total costs for completion of the task. This estimate will be evaluated, and if too high, a request for a reduction will be made or an alternate reviewer will be found. Since we are no longer in a litigation mode, an attempt will be made to achieve cost savings through lower hourly rates whenever possible. Accountability directly to the chief scientist rather than a third party should also ensure reasonable costs.

Scope of Work

Applied Marine Sciences will contract with scientific experts to review study plans for restoration projects and for draft and final damage assessment reports. These reviewers will also be available to come to a limited number of meetings in Anchorage, Alaska. They will provide written reviews in a timely manner to the Chief Scientist and Restoration Team for their consideration. The activities of the Chief Scientist will not be covered by this contract.

Tasks

1. Review of damage assessment draft and final reports. Generally two reviewers would be contracted to review each study. Reports would be sent from Anchorage to the reviewers by the support staff of the Restoration Team at the direction of AMS. Administrative personnel at AMS would track the timely completion of reviews and make them available for use by the Chief Scientist, Restoration Team and Principal Investigators.
2. Arrange for attendance of reviewers at review meetings. Most reviewers were projected to have 1 to 2 trips to Alaska for the next year. AMS would handle travel arrangements for those reviewers needing assistance and track all costs associated with travel.
3. AMS will track level of effort and costs for this contract and make monthly reports to the Restoration Team on the progress of the contract.
4. AMS will, at the direction of the legal team, maintain confidentiality of the information on damage assessment until such time as the data is made available to the public.

Manpower

I have estimated that there are about 23 reviewers needed (see attached table). These represent the most productive and useful of the approximately 60 reviewers retained by the State and Federal Governments during the damage assessment phase. Every effort will be made to make the review process as efficient as possible in terms of manpower. Unanticipated requests and needs for additional reviewers will be accommodated if possible within the existing budget. AMS will assign an administrator to track all aspects of this contract. AMS will bill actual

hours. It is estimated that this task will require about 20 h/week; the actual work load will vary from week to week depending on the activities.

In Table 1 are the list of experts proposed as peer reviewers in 1992, the number of estimated hours, the estimated labor cost for each reviewer, and the cost of travel. We have estimated travel on the basis of standard 4-d trips to Alaska from the Pacific northwest (\$1,430), elsewhere in the west (\$1,930) and from the east coast (\$2,230). These costs are based on full coach fare. We will attempt to obtain better rates, partly by planning meetings far enough ahead of time to qualify for discounted fares.

Table 1. Estimated peer review budget for 1992

Experts	Expertise	Estimated hours 1992	Estimated cost	Travel	Totals
Boesch	ecology	80	\$8,000	\$2,230	\$10,230
Eberhardt	population biology	100	\$10,000	\$1,430	\$11,430
Ford	killer whales	20	\$2,000	\$1,430	\$3,430
Heineman	birds, population models	200	\$20,000	\$1,430	\$21,430
Hunt	sea birds	80	\$8,000	\$3,860	\$11,860
Jarvis	ducks	40	\$4,000	\$3,860	\$7,860
Kocan	herring	80	\$8,000	\$1,430	\$9,430
Mundy	salmon	80	\$8,000	\$4,290	\$12,290
Peterson	intertidal ecology	200	\$20,000	\$8,920	\$28,920
Rebar	veterinarian	60	\$6,000	\$2,230	\$8,230
Robson	statistics	150	\$15,000	\$2,230	\$17,230
Rothschild	fish populations	40	\$4,000	\$2,230	\$6,230
Sharp	birds	200	\$10,050	\$3,860	\$13,910
Siniff	sea otters	100	\$10,000	\$2,230	\$12,230
McAllister	archeology	150	\$15,000	\$4,290	\$19,290
Hilborn	salmon	150	\$15,000	\$7,150	\$22,150
Fry	bird toxicology	150	\$15,000	\$3,860	\$18,860
Green	statistics	150	\$15,000	\$6,690	\$21,690
Bowden	statistics	40	\$4,000	\$4,460	\$8,460
Gardels	Geo. Info. Syst.	80	\$8,000	\$5,790	\$13,790
Roby	Bird restoration	120	\$12,000	\$4,460	\$16,460
unnamed	Toxicologist	150	\$15,000	\$4,460	\$19,460
unnamed	Habitat biologist	200	\$20,000	\$5,790	\$25,790
SUM		2620	\$252,050	\$88,610	\$340,660

In Table 2 is the total budget for the work AMS is proposing to do. We can provide information to substantiate our overhead rate, if necessary.

Table 2. Budget for total peer review activities

Personnel	hours/year	hourly wage	wages	overhead (83%)	Total
administrator	1040	\$14.30	\$14,872	\$12,343.76	\$27,216
			Total personnel costs		<u>\$27,216</u>
Subcontracts					\$340,660
General and administrative overhead (4.12%)					\$15,156
Fee (8%)					\$30,643
			TOTAL		\$413,675

The cost for peer review by NRDA last year was over \$2.2 million. The original estimate in January from AMS was \$573,593. The cut of \$159,918 was possible due to the reduction of the field program for 1992-1993. Please call if you have any questions about this proposal.

Sincerely yours,

Robert B. Spies
President

CC: Tim Steele

PEER REVIEW NEEDS FOR THE
1992 WORK PLAN AS IDENTIFIED BY AGENCIES

Alaska Department of Fish & Game

<u>Peer Reviewer</u>	<u>Hours</u>	<u>Estimated Cost</u>	<u>Travel</u>	<u>Total</u>	<u>Area of Expertise</u>
1. Burns *	20	\$ 2,000	\$ 600	\$ 2,600	Harbor Seals
2. Lentfer *	20	2,000	600	2,600	River Otters
3. Reijnders *	30	3,000	900	3,900	Harbor Seals
4. Jarvis	30	3,000	1,200	<u>4,200</u>	Ducks
Subtotal				\$ 13,300	

National Oceanic & Atmospheric Administration

<u>Peer Reviewer</u>	<u>Hours</u>	<u>Estimated Cost</u>	<u>Travel</u>	<u>Total</u>	<u>Area of Expertise</u>
1. Ford	20	\$ 2,000	\$1,000	\$ <u>3,000</u>	Sea Birds
Subtotal				\$ 3,000	

United State Department of Agriculture

<u>Peer Reviewer</u>	<u>Hours</u>	<u>Estimated Cost</u>	<u>Travel</u>	<u>Total</u>	<u>Area of Expertise</u>
1. Green	20	\$ 2,000	\$ 600	\$ 2,600	Statistics
2. McAlister	80	8,000	2,400	<u>10,400</u>	Archeology
Subtotal				\$ 13,000	

Alaska Department of Environmental Conservation

<u>Peer Reviewer</u>	<u>Hours</u>	<u>Estimated Cost</u>	<u>Travel</u>	<u>Total</u>	<u>Area of Expertise</u>
1. To be determined * (Subtidal #1)	10	\$ 1,000	\$ 0	\$ 1,000	Microbiology
2. To be determined * (Subtidal #3)	10	1,000	0	<u>1,000</u>	Sediment Transport
Subtotal				\$ 2,000	

* Peer Reviewers not on Bob Spies List.

United States Department of the Interior

	<u>Peer Reviewer</u>	<u>Hours</u>	<u>Estimated Cost</u>	<u>Travel</u>	<u>Total</u>	<u>Area of Expertise</u>
1.	Albers *	60	\$ 6,000	\$ 800	\$ 6,800	Contaminants
2.	Bart *	0	0	1,100	1,100	Birds
3.	Bowden	125	12,500	0	12,500	Statistics
4.	Costa *	15	1,500	0	1,500	Otters
5.	Eberhart	21	2,100	800	2,900	Pop. Biology
6.	Fraser *	80	8,000	1,100	9,100	Eagles
7.	Fry	60	6,000	800	6,800	Birds / Contaminants
8.	Heineman	36	3,600	0	3,600	Birds
9.	Henny *	32	3,200	800	4,000	Contaminants
10.	Johnson *	29	2,900	900	3,800	Otters
11.	Leighton *	60	6,000	800	6,800	Contaminants
12.	Roby	98	9,800	0	9,800	Birds
13.	Sealy *	17	1,700	0	1,700	Murrelets
14.	Sharp	32	3,200	0	3,200	Shore Birds
16.	Wade *	32	3,200	800	4,000	Contaminants
17.	Wienmeyer *	32	3,200	800	4,000	Contaminants
	Subtotal				\$81,600	

Restoration Planning Work Group

	<u>Peer Reviewer</u>	<u>Hours</u>	<u>Estimated Cost</u>	<u>Travel</u>	<u>Total</u>	<u>Area of Expertise</u>
1.	Mundy	30	\$ 3,000	\$1,200	\$ 4,200	Fish
	Subtotal				\$ 4,200	

Multiple Agencies

	<u>Peer Reviewer</u>	<u>Hours</u>	<u>Estimated Cost</u>	<u>Travel</u>	<u>Total</u>	<u>Area of Expertise</u>
1.	Peterson (ADF&G, NMFS, USDA, USDI, RPWG)	356	\$ 35,600	\$9,000	\$ 44,600	Intertidal Ecology
2.	Rebar (ADF&G & USDI)	60	6,000	2,000	8,000	Veterinarian Ecology
3.	Boesch (ADF&G & USDA)	80	8,000	2,200	10,200	
4.	Ackerman/Workman * (ADNR, USDI, USDA)	40	4,000	1,200	5,200	
5.	Hunt (USDI & RPWG)	20	2,000	600	2,600	
6.	Siniff (USDI & RPWG)	40	4,000	1,200	5,200	
7.	Gardels (USDI & ADNR)	50	5,000	2,400	7,400	
	Subtotal				\$ 83,200	
=====						
	TOTAL				\$200,300	

Budget Summary by Agency

Court Petition

	<u>Total</u>
1. Alaska Department of Fish & Game	\$ 7,504,100
2. Alaska Department of Natural Resources	1,056,300
3. Alaska Department of Environmental Conservation	776,600
4. U.S. Department of Agriculture	3,297,100
5. U.S. Department of the Interior	2,107,800
6. National Oceanic & Atmospheric Administration	<u>2,370,500</u>
Total	\$17,112,400

Date _____
MICHAEL A. BARTON
Regional Forester,
Alaska Region
USDA Forest Service

Date _____
CHARLES E. COLE
Attorney General
State of Alaska

Date _____
CURTIS V. MCVEE
Special Assistant to
the Secretary
U.S. Department of the Interior

Date _____
STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service

Date _____
CARL L. ROSIER
Commissioner
Alaska Department of Fish
& Game

Date _____
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental

AGENCY
ALASKA DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

1.	<u>Projects</u>	<u>Programmed Costs</u>
1.	Air/Water #1	\$ 17.0
2.	Subtidal #1	17.1
3.	Subtidal #3	50.9
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30.	Additional General Administration to meet minimum approved amount in Financial process.	<u>37.7</u>
	Subtotal	\$122.7

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.	Information Specialist	\$ 58.7
2.	Trustee Council Meeting	84.0
3.	Public Meetings	37.5
4.	Equipment	<u>3.3</u>
	Subtotal	\$ 183.5
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 127.6
2.	Support	<u>127.3</u>
	Subtotal	\$ 254.9
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 114.5
B.	Other Working Groups	<u>101.0</u>
	Subtotal	\$ 215.5
<hr/> TOTAL		<hr/> \$776,600

AGENCY
ALASKA DEPARTMENT OF
FISH AND GAME

1.	<u>Projects</u>	<u>Programmed Costs</u>
	1. Subtidal #2A	\$ 109.8
	2. Subtidal #2B	87.6
	3. Subtidal #6	16.6
	4. Terrestrial Mammal #3	74.0
	5. Fish/Shellfish #1	64.3
	6. Fish/Shellfish #2	29.3
	7. Fish/Shellfish #3	126.7
	8. Fish/Shellfish #4A	145.2
	9. Fish/Shellfish #5	22.2
	10. Fish/Shellfish #11	303.6
	11. Fish/Shellfish #13	106.3
	12. Fish/Shellfish #28	250.6
	13. Bird #11	22.9
	14. Fish/Shellfish #27	583.0
	15. Fish/Shellfish #30	202.5
	16. Subtidal #5	90.6
	17. Restoration #60C	389.8
	18. Restoration #90	91.5
	19. Restoration #102	485.7
	20. Restoration #105	263.2
	21. Restoration #113	55.9
	22. Restoration #47	399.6
	23. Restoration #71	424.5
	24. Restoration #53	674.2
	25. Restoration #59	320.9
	26. Restoration #60A&B	1,479.7
	27. Restoration #73	25.0
	28. Restoration #103D	175.9
	29. Restoration #106	<u>34.9</u>
	30. Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	\$ 7,056.0

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.		\$ 0.0
2.		
3.		
Subtotal		\$ 0.0
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 111.5
2.	Support	8.6
Subtotal		\$ 120.1
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 128.1
B.	Other Working Groups	199.9
Subtotal		\$ 327.0
TOTAL		\$ 7,504.1

AGENCY
ALASKA DEPARTMENT OF
NATURAL RESOURCES

1.	<u>Projects</u>	<u>Programmed</u> <u>Costs</u>
1.	Archeology #1	\$ 248.8
2.	Technical Services #3	255.1
3.	Restoration #92	60.3
4.	Restoration #104A	59.5
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30.	Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	\$ <u>623.7</u>

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.		\$ 0.0
2.		
3.		
	Subtotal	\$ 0.0
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 119.0
2.	Support	51.1
	Subtotal	\$ 170.1
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 85.1
B.	Other Working Groups	177.4
	Subtotal	\$ 262.5
TOTAL		\$ 432.6

AGENCY
UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION

1.	<u>Projects</u>	<u>Programmed Costs</u>
1.	Coastal Habitat #1B	\$ 51.4
2.	Subtidal #1A	103.5
3.	Subtidal #3A	39.1
4.	Subtidal #4	52.6
5.	Subtidal #7	60.4
6.	Marine Mammal #1	17.3
7.	Marine Mammal #2	33.3
8.	Fish/Shellfish #4B	119.4
9.	Technical Services #1	851.7
10.	Subtidal #8	205.6
11.	Restoration #103A	524.6
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30.	Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	<u>\$2058.9</u>

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.		\$ 0.0
2.		
3.		
	Subtotal	\$ 0.0
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 114.0
2.	Support	37.0
	Subtotal	\$ 151.0
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 62.6
B.	Other Working Groups	98.0
	Subtotal	\$ 160.6
TOTAL		\$ 2370.5

AGENCY
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

1.	<u>Projects</u>	<u>Programmed Costs</u>
1.	Coastal Habitat #1A	\$ 2,358.5
2.	Restoration #15	76.2
3.	Restoration #105	84.9
4.	Restoration #104	<u>4.0</u>
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30.	Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	<u>\$ 2,524.5</u>

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.	100 Personnel	\$ 95.0
2.	200 Travel and Per diem	62.4
3.	300 Contractual	<u>150.0</u>
	Subtotal	\$ 307.4
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 114.0
2.	Support	<u>30.7</u>
	Subtotal	\$ 144.7
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 94.0
B.	Other Working Groups	<u>189.0</u>
	Subtotal	\$ 283.0
TOTAL		\$ 3,259.6

AGENCY
UNITED STATES DEPARTMENT OF INTERIOR

1.	<u>Projects</u>	<u>Programmed Costs</u>
	1. Marine Mammals #6	\$ 199.7
	2. Birds #2	48.5
	3. Birds #3	75.7
	4. Birds #4	60.6
	5. Birds #6	24.8
	6. Birds #7	7.5
	7. Birds #8	7.5
	8. Birds #9	18.0
	9. Birds #12	20.7
	10. Technical Services #1	176.6
	11. Technical Services #3	120.1
	12. Restoration #92	65.2
	13. Restoration #11	316.7
	14. Restoration #15	343.1
	15. Restoration #103B	51.9
	16. Restoration #103C	121.6
	17. Restoration #104A	94.8
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	30. Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	<u>\$1,753.0</u>

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.		\$ 0.0
2.		
3.		
	Subtotal	\$ 0.0
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 41.7
2.	Support	0.0
	Subtotal	\$ 41.7
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 63.8
B.	Other Working Groups	249.277
	Subtotal	\$ 313.077
TOTAL		\$2,107.8

ADMINISTRATIVE BUDGET

NON-AGENCY RELATED EXPENSES

- | | | |
|----|--|------------------|
| 1. | CACI Contract
- Simpson Bldg.
- Personnel (CACI)
- Phones, etc. | (688.8K) |
| 2. | Trustee Council
Meeting Costs | (84K) |
| 3. | Document Printing | (150K) |
| 4. | Public Advisory
Group | (107K) |
| 5. | RPWG Contracts | (186K) |
| 6. | Travel for Public
Meetings | (37.5)
(37.5) |

PROPOSED AGENCIES

Recommended
Priorities
1. NOAA - Sole
Source
2. Federal Agency
3. State Agency

ADEC

USFS

USDI

ADEC

ADEC

USDA

AGENCY RELATED EXPENSES

- | | | |
|----|--|----------|
| 1. | Administrative
Director
- Salary, Travel
& Relocation Costs | (127.4K) |
| 2. | Public Information
Officer | (65K) |

PROPOSED AGENCY

USFS (Interim)

ADEC

WORKING GROUPS BUDGET SUMMARY 3/1/92 - 2/28/93

	9 Working Groups	Support to Restoration Team Member for Working Groups	Total
1. AK. Dept. of Fish & Game	\$199,841	\$ 8,550	\$ 208,391
2. AK. Dept. of Environmental Conservation	\$101,000	\$127,300	\$ 228,300
3. AK. Dept. of Natural Resources	\$177,400	\$ 51,100	\$ 228,500
4. U.S. Dept. of Agriculture	\$189,000	\$ 30,700	\$ 219,700
5. U.S. Dept. of the Interior	\$138,568	\$ 4,109	\$ 142,677
6. National Oceanic & Atmospheric Administration	\$ 98,000	\$ 37,000	\$ 135,000
TOTAL	\$903,809	\$258,759	\$1,162,568

**STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WORKING GROUP SPREAD/AGENCY**

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$ 52,500.0	\$ 0.0
200 Travel	20,000.0	10,000.0
300 Contractual	20,500.0	79,300.0
400 Supplies	5,000.0	22,000.0
500 Equipment	3,000.0	16,000.0
----- Total	----- \$101,000.0	----- \$127,300.0

UNITED STATES DEPARTMENT OF COMMERCE
NOAA
WORKING GROUP SPREAD/AGENCY

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$ 78,000.0	\$ 0.0
200 Travel	15,000.0	12,000.0
300 Contractual	0.0	10,000.0
400 Supplies	0.0	5,000.0
500 Equipment	5,000.0	10,000.0
----- Total	----- \$ 98,000.0	----- \$ 37,000.0

UNITED STATES DEPARTMENT
OF THE INTERIOR
WORKING GROUP SPREAD/AGENCY

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$126,242.0	\$ 4,109.0
200 Travel	12,416.0	0.0
300 Contractual	0.0	0.0
400 Supplies	0.0	0.0
500 Equipment	0.0	0.0
----- Total	----- \$138,568.0	----- \$ 4,109.0

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WORKING GROUP SPREAD/AGENCY

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$ 66,300.0	\$ 29,700.0
200 Travel	18,200.0	0.0
300 Contractual	100,000.0	0.0
400 Supplies	1,000.0	200.0
500 Equipment	3,500.0	800.0
----- Total	----- \$189,000.0	----- \$ 30,700.0

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
WORKING GROUP SPREAD/AGENCY**

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$109,900.0	\$ 30,100.0
200 Travel	5,000.0	2,000.0
300 Contractual	42,500.0	10,000.0
400 Supplies	11,000.0	3,000.0
500 Equipment	9,000.0	6,000.0
----- Total	----- \$177,400.0	----- \$ 51,100.0

PROPOSAL FOR AN EXXON VALDEZ
OIL SPILL SYMPOSIUM

Who: Trustee Council, NRDA Principal Investigators

What: Public symposium to present the results of Exxon Valdez Natural Resources Damage Assessment studies conducted by the Trustee agencies.

Where: Egan Convention Center, Anchorage, Alaska

When: Early Spring (February or March), 1993

Why: To inform the public, other scientists, and other interested parties of the results of the NRDA studies, documenting the effects of the Exxon Valdez oil spill on natural resources and services, and describing the extent of injuries in need of restoration at present and in the future.

How: Trustee Council approves concept of Symposium at 4/27 meeting. Working group established to begin preparing arrangements for Symposium, costs and planning schedules. Site and dates are verified. Principal Investigators are notified to prepare presentations and Proceedings' papers. Public announcements are made of location, time and dates. Preparations for publication of a Proceedings are begun. Arrangements are finalized.

Notes: Egan Convention Center is available for the first week in February and the first week in March. Cost for the Summit Room, an auditorium that will seat 1100 people, is \$1500/day. Audio-visual equipment is included, but fancy projectors etc. can be rented for an additional \$50-75/day. Cost of publication of the Proceedings is unclear but could be less than \$25,000. In all, the Symposium should not exceed \$50,000, including Proceedings.

OGDEN ENTERTAINMENT SERVICES

William A. Egan Civic and Convention Center
555 West Fifth Avenue
Anchorage, AK 99501
907 263 2800
Fax 907 263 2858

April 7, 1992

Byron F. Morris, PH.D.
Fax 276-7178

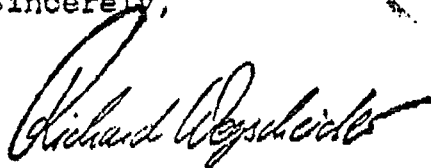
Dear Mr. Morris,

We are pleased you are considering the Egan Convention Center to hold your event. I have tentatively reserved space for you on February 1-4, 1993, and March 1-4, 1993. Under our booking policy we will hold this space for you until April 30, 1992 without a firm commitment from you. At that time, if we have not heard from you, the hold will automatically be released and the space relinquished.

We are holding the Summit Hall at the Egan Center with a seating capacity of 1100 people theatre style (11,738 square feet). Space rental is \$1500.00 per day, 14' screen and P/A system included in space rental. Standard A.V. equipment available in house from \$20.00 to \$75.00 per day pending on type of equipment.

If you have any questions please do not hesitate to call. We look forward to working with you.

Sincerely,



Richard Wegscheider
Director of Food and Beverage

**STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
WORKING GROUP SPREAD/AGENCY**

CATEGORY		9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100	Salaries	\$179,941.0	\$ 7,450.0
200	Travel	12,550.0	700.0
300	Contractual	2,550.0	200.0
400	Supplies	3,850.0	200.0
500	Equipment	950.0	0.0
-----		-----	-----
Total		\$199,841.0	\$ 8,550.0

RESTORATION TEAM WORKING GROUPS

A. RESTORATION PLANNING WORKING GROUP

Tasks:

1. Develop Restoration Framework
2. Coordinate public comments on the Restoration Framework
3. Develop draft Restoration Plan
4. Coordinate public comments on draft Restoration Plan
5. Develop final Restoration Plan

Personnel Needs (1 March - 31 December 1992): 102 Months

Stan Senner (ADF&G)*--10 mo
John Strand (NOAA)*--10 mo
Ray Thompson (USFS) 10 mo
Sandy Rabinowitch (NPS)--5 mo
Carol Gorbics (FWS)--5 mo
ADEC--10 mo
Art Weiner (ADNR)--10 mo

SUPPORT STAFF

Karen Klinge--10 mo (natural resource specialist)
Jim Slocomb--3 mo (computer)
Nadimm Sadqqi--7 mo (computer)
Ken Chalk--10 mo (fisheries/habitat)
Economist--2.5 mo
Writer Editor/Desk Top Publishing--10 mo.

B. GEOGRAPHIC INFORMATION SYSTEM (GIS) WORKING GROUP

Tasks:

1. Review and approve requests for data sets and GIS products
2. Provide oversight of GIS projects and products

Personnel Needs (March 1 - February 28, 1993): 3 Months

Mark Brodersen (ADEC)*-

Doug Mutter (DOI)--1 mo

Mark Fraker (ADF&G)--1 mo

Marty Rutherford (ADNR)--

Bruce Williams (USFS)--1 mo

C. PUBLIC PARTICIPATION WORKING GROUP

Tasks:

1. Review and analyze public comments on the Public Advisory Group (PAG)
2. Develop draft generic PAG charter
3. Ensure that PAG structure and membership options are consistent with Federal Advisory Committee Act
4. Develop draft detailed PAG structure and membership options
5. Identify processes for nominating PAG members
6. Develop draft PAG budget options
7. Develop draft guidelines for PAG operations

Personnel Needs (March 1 - August 31, 1992): 6 months

Marty Rutherford (ADNR)*
Peg Kehrer (ADF&G)--2 mo
Ken Rice (USFS)
Sandy Rabinowitch (DOI)--2 mo
Tim Steele (NOAA)--2 mo

D. FINANCIAL WORKING GROUP

Tasks:

1. Obtain consensus on agency overhead costs: project/program
2. Obtain consensus on EVOS budget cycles (State/Federal timeline)
3. Develop consistent Federal/State budget accounting/reporting procedures
4. Participate in quarterly/annual budget preparation
5. Develop auditing procedures
6. Develop budget/accounting procedures for non-Trustee agency work
7. Identify the mechanism for obtaining money from the Joint Fund
8. Identify members of Standing Finance Committee and associated budget

Personnel Needs (March 1 - February 28, 1993): 26 Months

Pamela Bergmann (DOI)*
David Bruce (ADEC)--4 mo.
Joe Henderson (NOAA)--4 mo.
ADNR--4 mo.
Ron McCoy (DOI)--4 mo.
Walt Sheridan (USFS)--4 mo.
Mike Dean (ADF&G)--4 mo.
David Gentry (State OMB)--2 mo.

E. PROCESS WORKING GROUP

Tasks:

1. Establish procedures for maintaining administrative record of the damage assessment and restoration processes
2. Compile historic administrative record
3. Develop and implement tracking procedure for incoming public correspondence and ongoing responses
4. Establish procedures for implementing Administrative Director's budget

Personnel Needs (March 1 - August 31, 1992): 4 Months

Dave Gibbons*

Cordell Roy (DOI)--1 mo

Byron Morris (NOAA)--1 mo

Davis Bruce (ADEC)--1 mo

ADNR--1 mo

F. 1992 WORK PLAN WORKING GROUP

Tasks:

1. Develop procedure for distributing Trustee Council recommended studies/projects to the public for review and collating resulting comments
2. Ensure that study/project budgets are developed in accordance with guidelines established by the Financial Working Group
3. Prepare draft 1992 Work Plan with detailed study/project descriptions and associated budgets
4. Submit final 1992 Work Plan recommendations to the Trustee Council

Personnel Needs (March 1 - July 31, 1992): 9 Months

Bryon Morris (NOAA)*
Carol Gorbics (FWS)--2 mo
Mark Fraker (ADF&G)--2 mo
Jim Slocomb (ADNR)--1 mo
Joe Sullivan (ADF&G)--1 mo
Peg Kehrer (ADF&G)--2 mo
Annette Untalasco (USFS)--1 mo
Ken Rice (USFS)
Jerome Montague (ADF&G)

G. 1993 WORK PLAN WORKING GROUP

Tasks:

1. Identify studies/projects needed for 1993 under the Framework Document
2. Coordinate public comments on identified study/project needs
3. Prepare Requests for Proposals for appropriate studies/projects
4. Collect, collate, and screen proposals received
5. Evaluate studies/projects
6. Prepare draft 1993 Work Plan with detailed study/project descriptions and associated budgets
7. Coordinate public comments on the 1993 Work Plan
8. Submit final 1993 Work Plan recommendations to the Trustee Council

Personnel Needs (March 1 - February 28, 1993): 33 Months

Jerome Montague (ADF&G)*

DOI--4 mo.

Mark Fraker (ADF&G)--4 mo.

Jim Slocomb (ADNR)--3 mo.

Peg Kehrer (ADF&G)--4 mo.

Ken Holbrook (USFS)--5 mo

ADNR--4

ADEC--4

Byron Morris (NOAA)

Tim Steele (NOAA)--4 mo

H. CULTURAL RESOURCES WORKING GROUP

Tasks:

1. Review and screen 1992 and 1993 study/project proposals to ensure Section 106 compliance
2. Provide 1993 Work Plan Working Group with proposed cultural resource restoration studies/projects

Personnel Needs (March 1 - February 28, 1993): 4 Months

Pamela Bergmann (DOI)*

Judy Bittner (ADNR)--1 mo

Ted Birkedal (NPS)--1 mo

Chuck Ditters (FWS)--1 mo

John Mattson (USFS)--1 mo

I. ENVIRONMENTAL COMPLIANCE WORKING GROUP

Tasks:

1. Review proposed 1992 and 1993 projects/studies to ensure compliance with the National Environmental Policy Act (NEPA) and the Alaska Coastal Zone Management Act and other applicable laws and regulations
2. Advise lead agency of need for environmental compliance as appropriate
3. Provide oversight and advice on completion of required environmental compliance documentation
4. Draft Notice of Intent for draft Restoration Plan Environmental Impact Statement (EIS)
5. Manage the NEPA analysis of the draft Restoration Plan
6. Draft the Record of Decision for the Restoration Plan

Personnel Needs (March 1 - February 28, 1993): 6 Months

Ken Rice (USFS)*

Mark Fraker (ADF&G)--3 mo

Doug Mutter (DOI)--3 mo

J. LAND/HABITAT PROTECTION WORKING GROUP

Tasks:

1. Develop objectives for land/habitat protection
2. Develop criteria for selecting and evaluating land nominated for protection
3. Identify technical experts to provide assistance in acquiring land
4. Determine experts needed to identify injured species habitat and manage the identification process
5. Write the RFP for nominations
6. Review proposals and nominations, analyze public comments on criteria and nomination list, and apply the criteria to lands nominated for protection
7. Determine information management needs
8. Manage the negotiations and acquisition process

Personnel Needs (March 1 - February 28, 1993): 23 Months

Dave Gibbons*

Marty Rutherford (ADNR)*

Mark Brodersen (ADEC)

Sandy Dunn (DOI)--4 mo

NOAA--4 mo

ADNR--4 mo

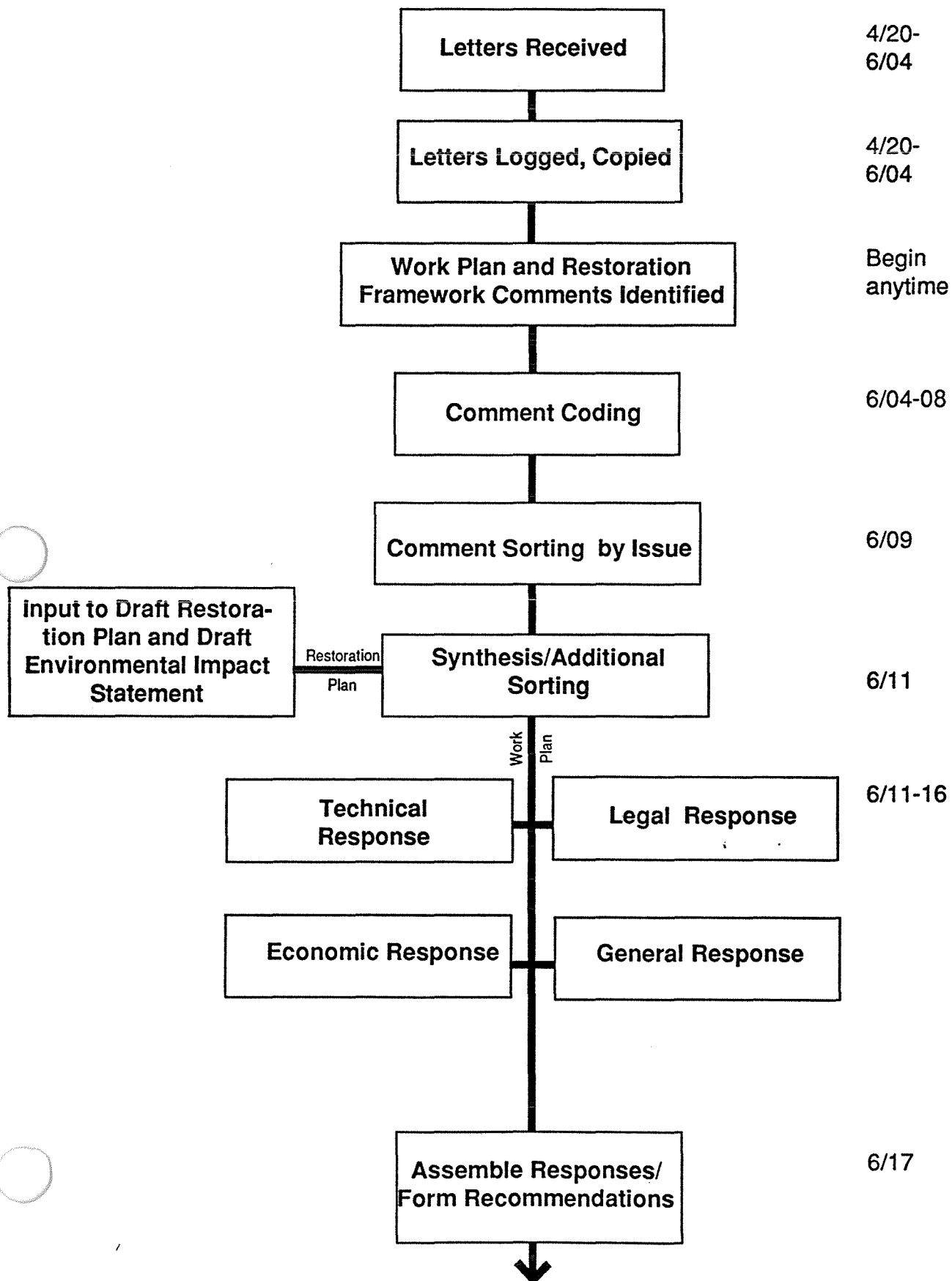
Jim Slocomb (ADNR)--3 mo

Kim Sunberg (ADF&G)--4 mo

Walt Sheridan (USFS)--3 mo

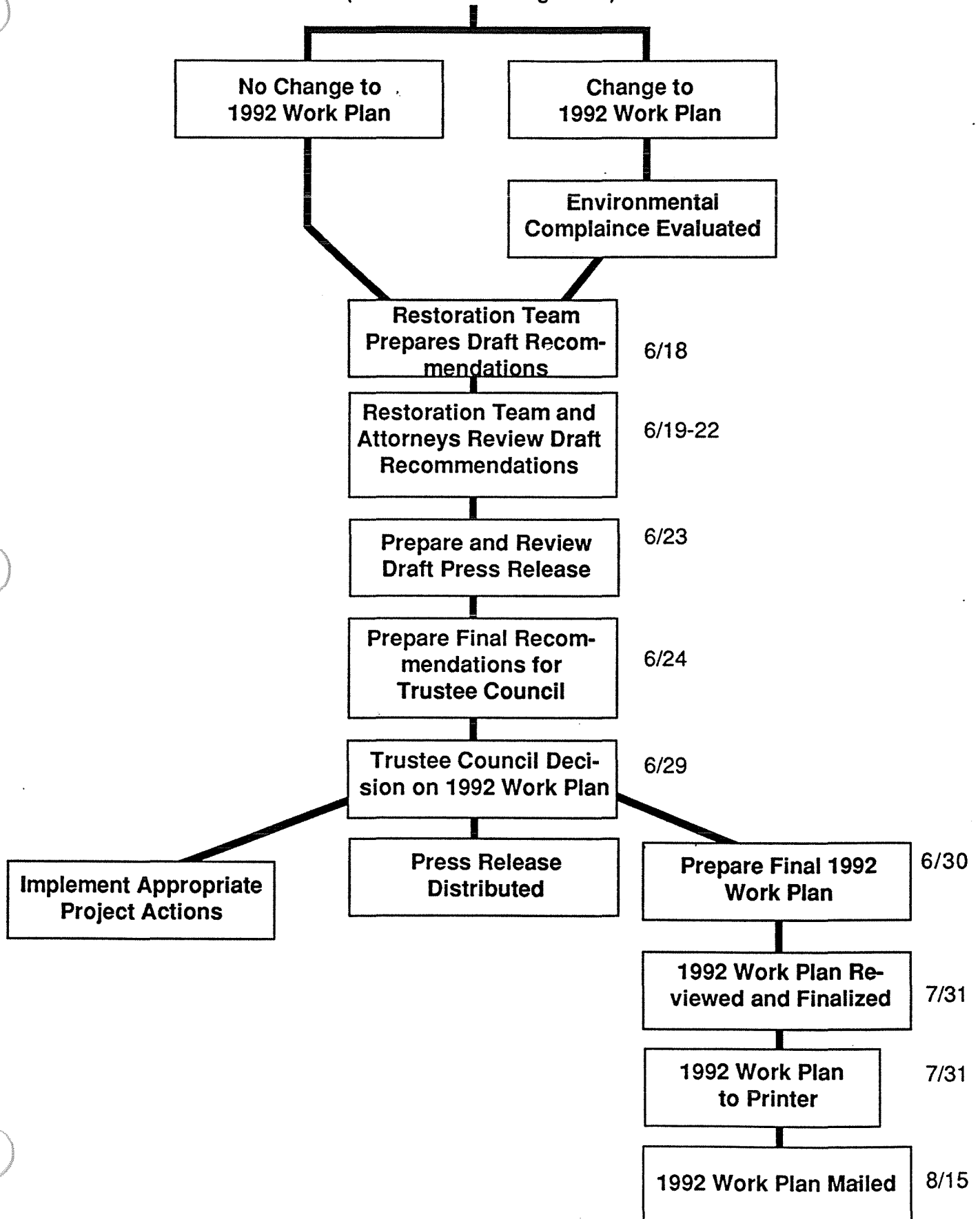
John Harmening (USFS)--1 mo

Procedure for Responding to Public Comments on 1992 Draft Work Plan And Restoration Framework



Procedure for Responding to Public Comments on 1992 Draft Work Plan and Restoration Framework

(Continued from Page One)



1993 Work Plan Development Schedule

<u>DATE</u>	<u>MILESTONE AND/OR ACTIVITY</u>
Apr 92	Restoration Team develops criteria and format for project ideas from public; Restoration Team finalizes 1993 planning outline.
27 Apr 92	Trustee Council approves project idea criteria and format; Trustee Council approves schedule for 1993 work plan. Trustee Council provides guidance on scope of 1993 work plan.
1 May 92	Send letter to public requesting project ideas. Request project ideas from agencies.
May-Sep 92	Preparation of draft 1992 work plan.
May 92	Request project ideas from public during scoping meetings.
15 Jun 92	Deadline for receipt of ideas from the public and agencies.
15 Jun-1 Jul	Public project ideas sorted and coded; agency ideas reviewed.
1 Sep 92	Complete draft 1993 work plan; budget-in-principle.
15 Sep 92	TC approves draft 1993 work plan; budget-in-principle.
1 Oct 92	Draft 1993 work plan released for public comment; invite non-agency unsolicited proposals.
1 Oct 92-	Lead agencies prepare requests-for-proposals for work to be contracted; prepare proposals for work to be done 1 Jan 93 by agencies.
15 Nov 92	Comments on draft 1993 work plan due.
15 Dec 92	Trustee Council approves 1993 work plan modifications. Agencies release requests-for-proposals for approved projects to be contracted.
1 Feb- 1 Mar 93	Unsolicited proposals due; agencies review and select proposals.
1 Mar- 1 May 93	Agencies issue contracts for non-agency projects.
1 Feb 94	Draft 1993 final reports due. Draft reports sent out for review.
1 Mar 94	Review comments returned to principal investigators.
1 Apr 94	Final reports of 1993 projects.

Dear Participant -

The Exxon Valdez Trustee Council is soliciting ideas from the public on restoration projects that may be undertaken in 1993 and beyond. If you have suggestions for work that you believe should be considered in designing next years work plan, please provide them to us on the form provided or on a separate page according to the format indicated. Your ideas will be considered along with other ideas received. Submit as many suggestions as you like. The Trustee Council will consider these suggestions to assist in drafting the 1993 and future Work Plans. Suggestions should be received by **June 15, 1992.**

Because the Oil Spill Restoration is a public process, your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege over them.

_____ fold here _____

PLACE
STAMP
HERE

Exxon Valdez Trustee Council
645 G St.
Anchorage, Alaska 99501

Attn: 1993 Work Plan

FORMAT FOR PUBLIC IDEAS FOR RESTORATION PROJECTS

Justification: (Link to Injured Resource or Service)

Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)

Estimated Duration of Project: _____

Estimated Cost per Year: _____

Other Comments:

Name, Address, Telephone

Because the Oil Spill Restoration is a public process, your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.

Timeline for Completion of the Restoration Plan and Environmental Impact Statement

<u>DATE</u>	<u>MILESTONE AND/OR ACTIVITY</u>
24 Apr 1992	Establish categories for information to be compiled for describing and evaluating the restoration options
15 May	Provide draft outline of Draft Restoration Plan and Draft Environmental Impact Statement to Restoration Team
04 Jun	Deadline for receipt of public comments on the <u>Restoration Framework</u>
15 Jun	Modify outline of Draft Restoration Plan and Draft Environmental Impact Statement to reflect public comment on the <u>Restoration Framework</u> ; identify draft final list of NEPA issues to be addressed in Draft Environmental Impact Statement
26 Jun	Trustee Council approves outline of Draft Restoration Plan and Draft Environmental Impact Statement; present list of NEPA issues to be addressed in the Draft Environmental Impact Statement
30 Jun	Complete compilation of information needed to describe and evaluate restoration options
30 Jul	Complete evaluation of restoration options
15 Aug	Provide draft sets of restoration alternatives to the Trustee Council
15 Nov	Complete 1st draft of the Draft Restoration Plan and draft of the Draft Environmental Impact Statement and present to Restoration Team
15 Jan 1993	Trustee Council approves Draft Restoration Plan and Draft Environmental Impact Statement
15 Feb	Draft Restoration Plan and Draft Environmental Impact Statement released to public
31 Mar	Comments on Draft Restoration Plan and Draft Environmental Impact Statement due from public
30 Apr	Complete draft Final Restoration Plan and Environmental Impact Statement and present to Restoration Team
31 May	Trustee Council approves Final Restoration Plan and Environmental Impact Statement

Reply to: Exxon Valdez Oil Spill

Date: April 21, 1992

Subject: Habitat Protection Working Group Presentation

To: Trustee Council

At the March 9 Trustee Council meeting, you charged the Restoration Team to develop a Draft goal statement, process and criteria for potential habitat protection and acquisition options regarding restoration of Exxon Valdez oil spill area. The Habitat Protection/Lands Working Group has made good progress towards this assignment. Included for your review:

1. decisional items - (a) goal statement
(b) detailed process with narratives;
2. informational item - (a) two optional sets of threshold criteria.

The Restoration Team included in the Restoration Framework reference to the March, 1991 Federal Register Notice, so we believe a supplement to this document including a habitat protection process is not needed. We would recommend that the overall habitat protection process be presented to the public for comment as part of the Draft Restoration Plan and Draft Environmental Impact Statement. All restoration options, including habitat protection and acquisition options along with proposed general evaluation criteria are included in Chapter VI of the Restoration Framework.



Dave R. Gibbons, Ph.D.
Interim Administrative Director

Reply to: Exxon Valdez Oil Spill

Date: April 21, 1992

Subject: Habitat Protection Working Group Presentation

To: Trustee Council

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Dave R. Gibbons, Ph.D.
Interim Administrative Director

Flow Charts

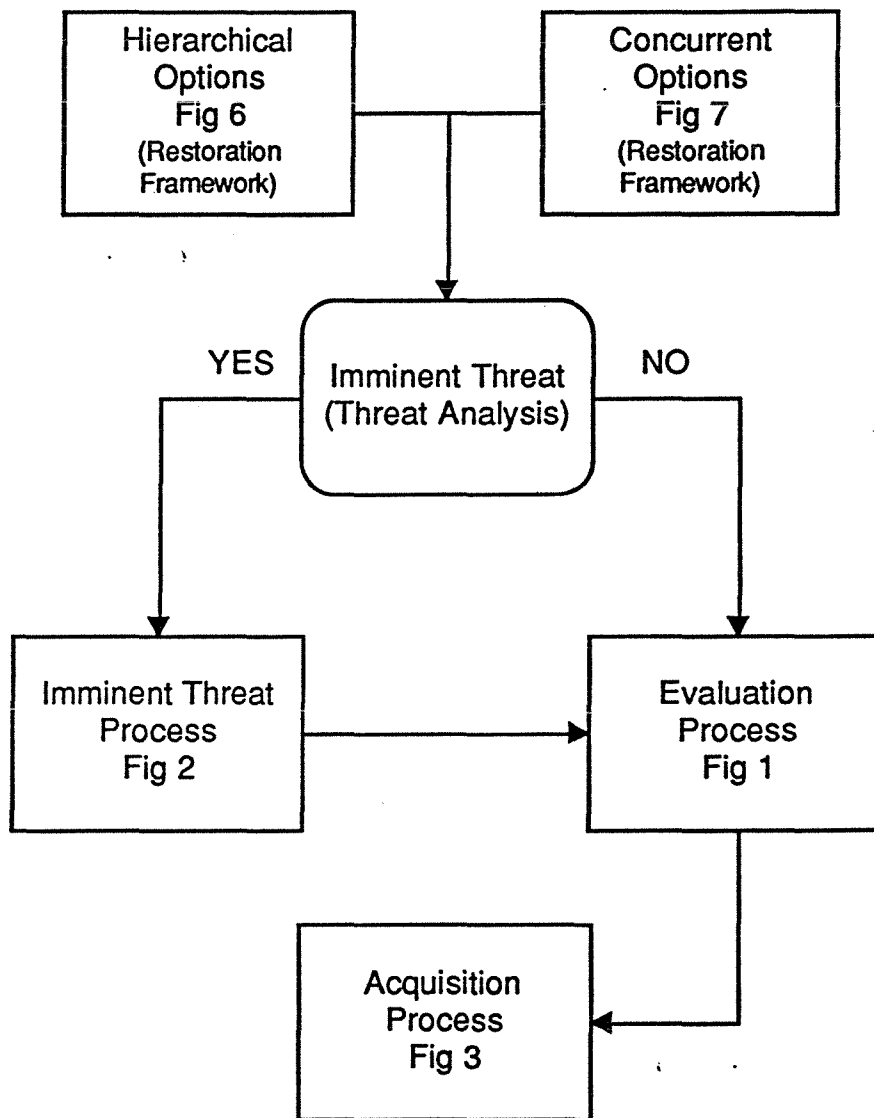
- Flow Chart Guide Diagram
- Figure 6 from the Restoration Framework
- Figure 7 from the Restoration Framework
- Figure 1 Evaluation Process
- Figure 2 Imminent Threat Protection Process
- Federal Acquisition Process
 - Figure 3 Donation/Purchase/Exchange
 - Figure 3a Timeline

Narratives

- Habitat Protection and Acquisition Process
 - I. Evaluation Process
 - II. Imminent Threat Protection Process
- Federal Acquisition Process

Habitat Protection and Acquisition Process

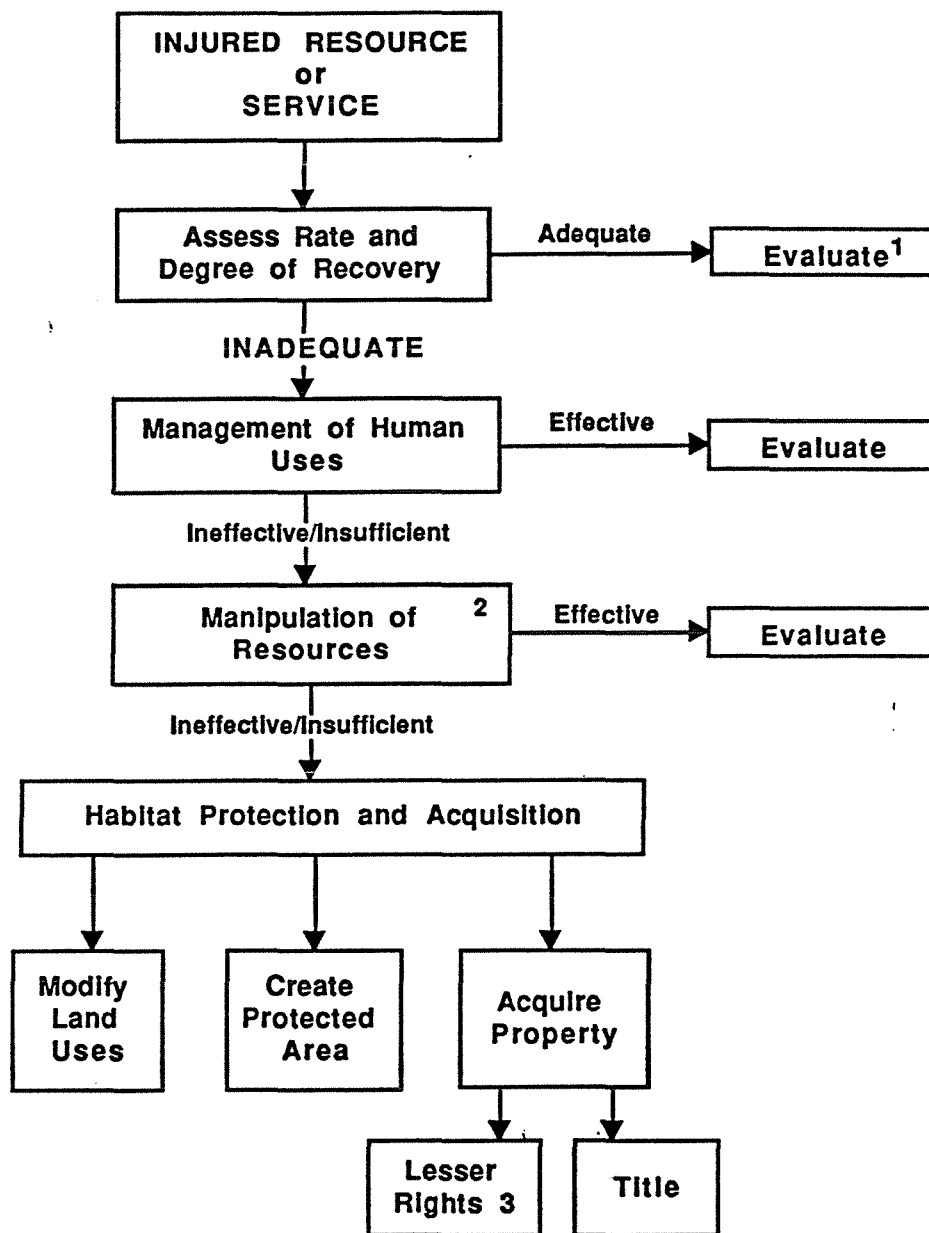
Flow Chart Guide Diagram



Habitat Protection and Acquisition Process

Figure 6.

Possible conceptual approach to the analysis of restoration options.
This approach considers options in an **hierarchical** fashion.
(Framework Document)



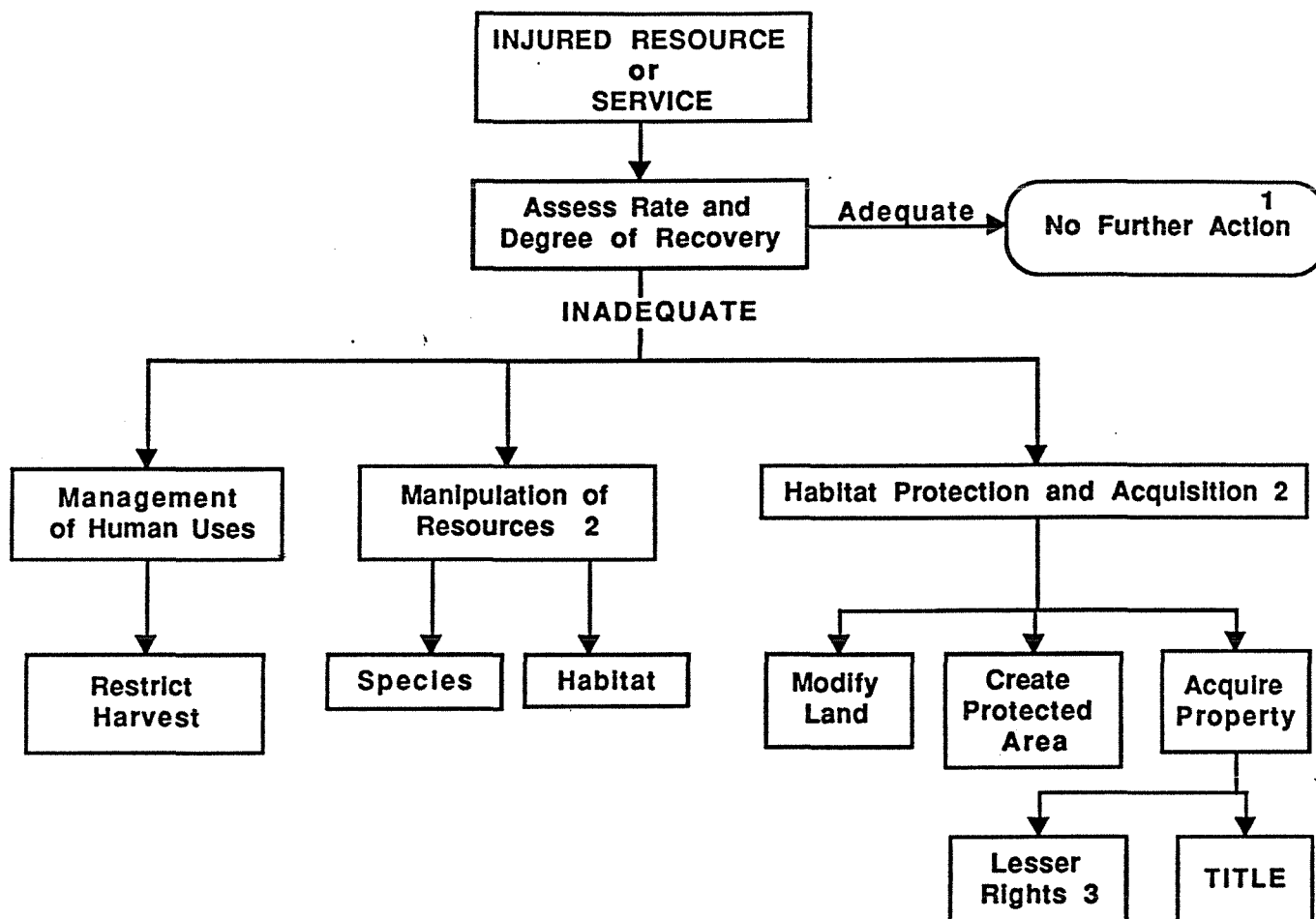
¹ All restoration actions will be evaluated to assess their effectiveness on the recovery rate of the target injured resource.

² These approaches can be implemented on a direct-restoration or equivalent-resource basis.

³ Acquisition of full title or lesser rights exclusive of full ownership of title (partial interests), e.g., conservation easement, timber rights, access rights, etc.

Habitat Protection and Acquisition Process

Figure 7. Possible conceptual approach to the analysis of restoration options. This approach uses **concurrent** analysis of restoration options. (Framework Document)

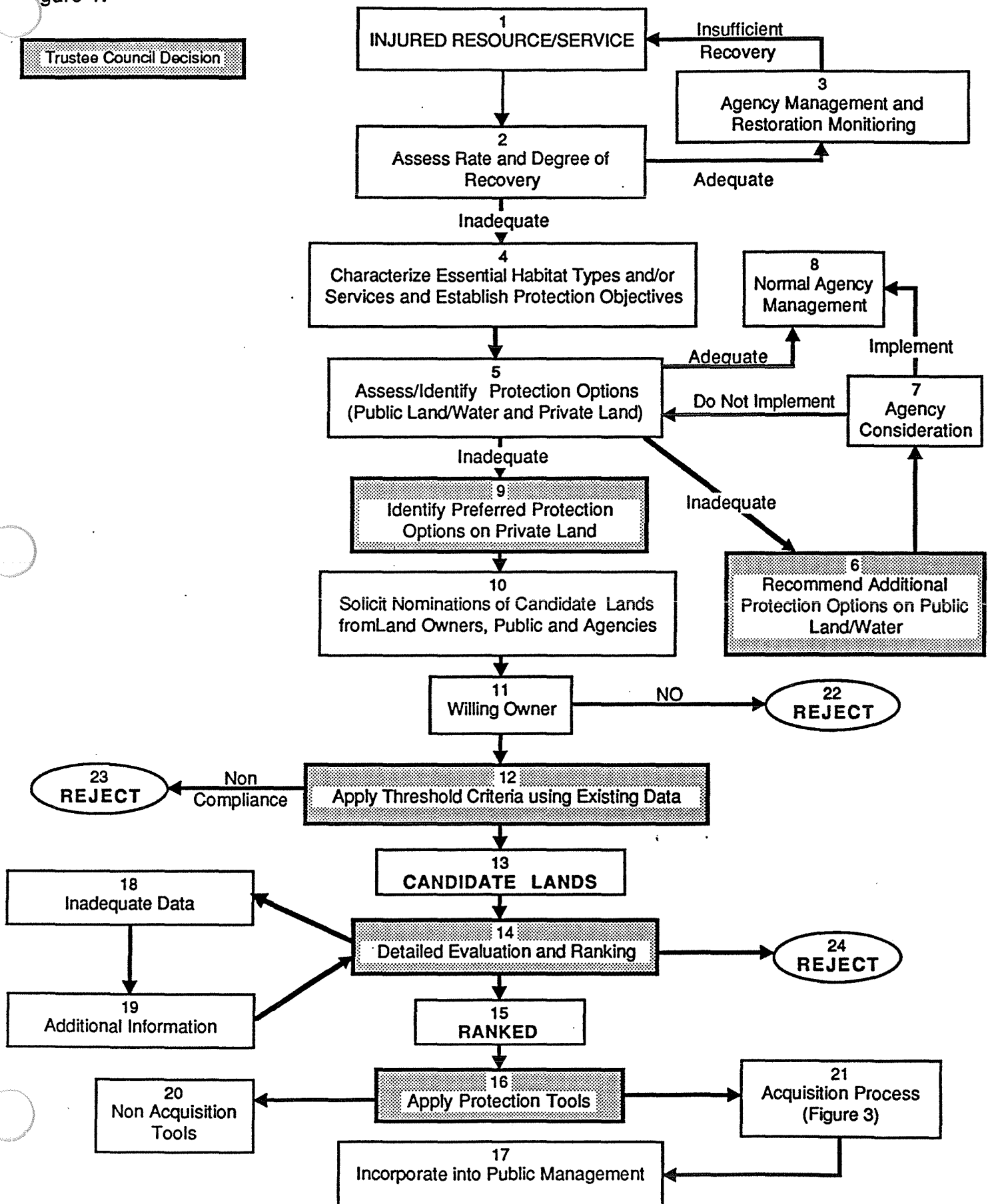


-
- 1 All restoration actions will be evaluated to assess their effectiveness on the recovery rate of the target injured resource.
 - 2 These approaches can be implemented on a direct-restoration or equivalent-resource basis.
 - 3 Acquisition of full title or lesser rights exclusive of full ownership of title (partial interests), e.g., conservation easement, timber rights, access rights, etc.
-

Habitat Protection and Acquisition Process

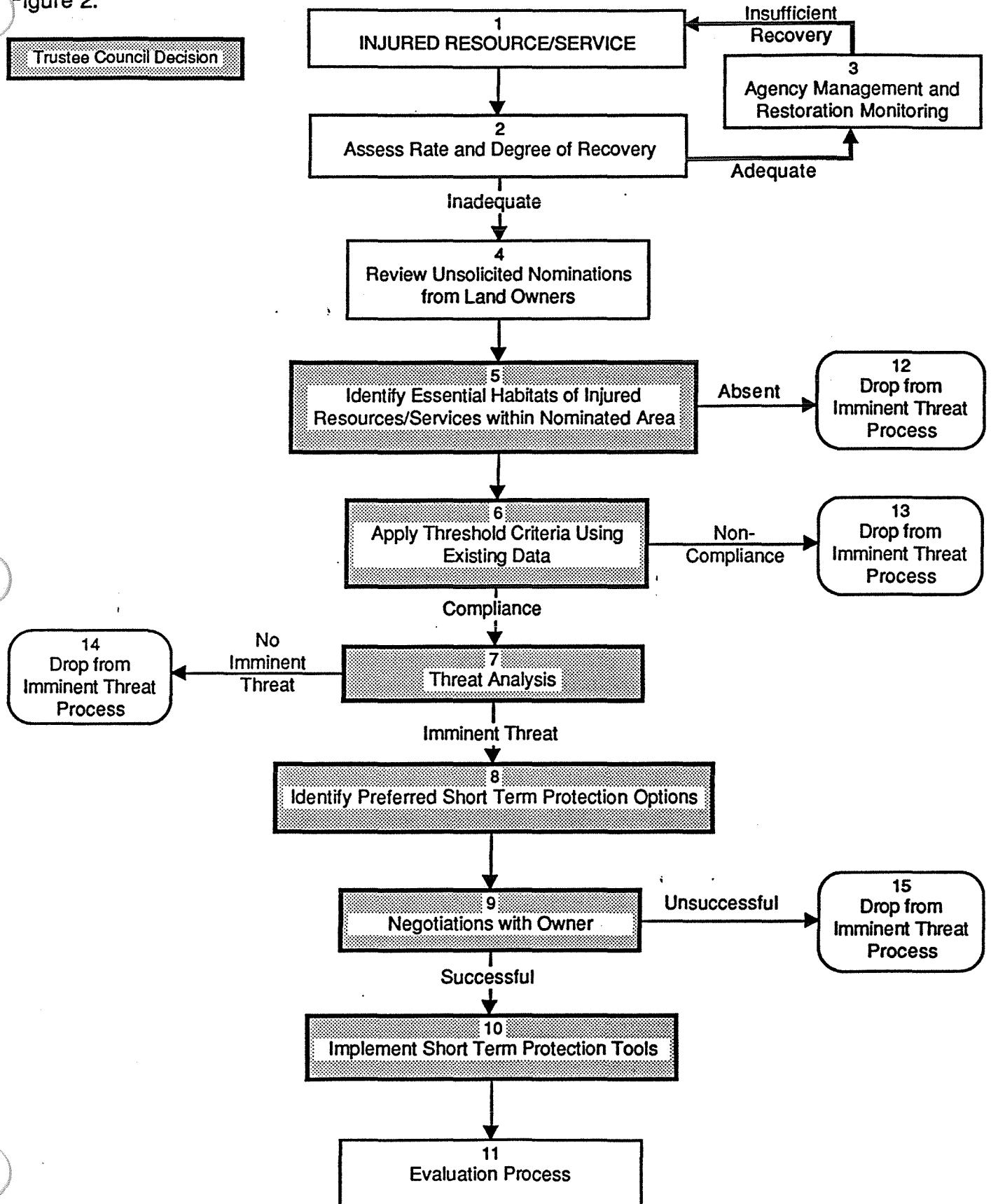
HABITAT PROTECTION AND ACQUISITION OPTIONS EVALUATION PROCESS

Figure 1.



HABITAT PROTECTION AND ACQUISITION OPTIONS IMMINENT THREAT PROTECTION PROCESS

Figure 2.



HABITAT PROTECTION AND ACQUISITION PROCESS

I. EVALUATION PROCESS

II. IMMINENT THREAT PROTECTION PROCESS

INTRODUCTION

The goal of the Habitat Protection and Acquisition process is to contribute to the restoration of injured resources and services by identifying and, where appropriate, protecting strategic habitats and services.

Habitat Protection and Acquisition is one of the potential restoration alternatives presented in the Restoration Framework document. This alternative: ... includes changes in management practices on public or private lands and creation of "protected" areas on existing public lands in order to prevent further damage to resources injured by the Exxon Valdez oil spill. Going beyond land management practices, there also are options that involve the acquisition of ... habitats or property rights short of title by public agencies to protect strategic wildlife, fisheries habitat or recreation sites.

Another potential restoration alternative that involves habitat protection and acquisition is the *Acquisition of Equivalent Resources*. The Restoration Framework defines this alternative to mean: *...compensation for an injured, lost, or destroyed resource by substituting another resource that provides the same or substantially similar services as the injured resource (56 Federal Register 8899 [March 1, 1991]). Restoration approaches, such as the manipulation of resources and habitat protection and acquisition, can be implemented on an equivalent-resource basis.*

The March 1, 1991 Federal Register (56 FR 8903), as part of a description for a lands/habitat protection restoration project, stated that the objective is *... to identify and protect strategic wildlife and fisheries habitats and recreation sites and to prevent further potential environmental damages to resources injured by the Exxon Valdez oil spill.*

The purpose of the Evaluation Process and Imminent Threat Protection Process is to provide a conceptual framework and strategy for habitat protection and to serve as a guide to the Trustee Council. Central to this strategy is the requirement that a) the Trustee Council approve a list of candidate lands recommended by the Restoration Team for detailed evaluation, and b) the Trustee Council approve the actual purchases of title or property rights.

HABITAT PROTECTION AND ACQUISITION PROCESS

In addition, the Trustee Council would review all candidate lands, decide which proposals should receive further evaluation, determine protection tools and boundaries, and establish the ranking of the proposals.

Figures 6 and 7 in the *Restoration Framework* depict alternative approaches to evaluating restoration options, including habitat protection and acquisition options. Figure 6 depicts a hierarchical strategy whereas Figure 7 illustrates one wherein all alternatives would be considered concurrently. The choice of habitat protection and acquisition options as a restoration alternative is compatible with either the hierarchical or concurrent approach.

Both of these approaches require the identification of an injured resource or service whose rate and degree of recovery have been assessed as inadequate. Both the Evaluation Process [Figure 1] and Imminent Threat Protection Process [Figure 2] recognize the importance of these two elements. Consequently, they begin with these common elements as prerequisites, as is depicted in the top portions of Figures 1 and 2.

The *Habitat Protection and Acquisition Process* involves the solicitation of proposals of Candidate Lands from land owners, the public and from State and Federal resource agencies. In order to supplement this basic process, the Imminent Threat Process was developed as an accelerated assessment procedure that recognizes the need to respond to a proposed change in land use that would foreclose habitat protection opportunities that would, if implemented, facilitate recovery of injured resources or services or allow for acquisition of equivalent resources.

The *Habitat Protection and Acquisition Process* will be presented to the public for comment as part of the Draft Restoration Plan and Draft Environmental Impact Statement. All restoration options, including habitat protection and acquisition options along with proposed evaluation criteria are included in Chapter VI of the *Restoration Framework*.

The following discussion describes the two processes by explaining the elements depicted in Figures 1 and 2. Each symbol is numbered and contains *symbol text* that identifies process or structural elements. Text which is outside of all symbols is known as *caption text* and will be defined and discussed along with the appropriate symbol text. Shaded boxes in Figures 1 and 2 represent points in the process where Trustee Council decisions are required.

HABITAT PROTECTION AND ACQUISITION PROCESS

EVALUATION PROCESS

#1 Injured Resource/Service

The definition of injury used herein is that found in the *Restoration Framework* document:

A natural resource has experienced "consequential injury" if it has sustained a loss (a) due to exposure to oil spilled by the T/V Exxon Valdez, or (b) which otherwise can be attributed to the oil spill and clean up.

A natural resource service has experienced "consequential injury" if the Exxon Valdez oil spill or clean up:

- has significantly reduced the physical or biological functions performed by natural resources, including loss of human uses; or*
- has significantly reduced aesthetic, intrinsic or other indirect uses provided by natural resources; or, in combination with either of these,*
- has resulted in the continued presence of oil on lands integral to the use of special-purpose lands.*

Chapter IV of the *Restoration Framework, Summary of Injury*, provides a summary of the injuries to organisms, habitat and other resources and services from the Exxon Valdez oil spill.

#2 Assess Rate and Degree of Recovery

The Restoration Framework states that: *In a scientific sense, full ecological recovery has been achieved when the pre-spill flora and fauna are again present, healthy and productive, and there is a full complement of age classes. A fully recovered ecosystem is one which provides the same functions and services as were provided by the pre-spill, uninjured system.*

Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

#3 Agency Management and Restoration Monitoring

Recovered resources and services will be monitored by both the resource agencies that are responsible for the management of the respective resource or service and by specific recovery monitoring studies. These studies will be part of a comprehensive and integrated monitoring program funded and managed by the Trustees.

HABITAT PROTECTION AND ACQUISITION PROCESS

If resource agency managers and/or results from the recovery monitoring studies indicate that recovery is not proceeding in a sufficient manner, the injured resource or service will be re-introduced into the main stream of the Evaluation Process. Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

#4 Characterize Essential Habitat Types and/or Service Components and Establish Protection Objectives

Essential habitat components of critical life history stages, i.e., reproduction, and feeding, of injured resources will be characterized. Habitat components that support injured services, e.g., spawning areas for anadromous fish, will also be defined. Implementation of this step requires the characterization of non-site specific habitat components, e.g., anadromous streams, old growth forests, riparian woodland, cliff ledges on offshore islands, etc. Identification of discrete, geographically-specific sites comes later in the process.

Establishing protection objectives and/or management strategies for these habitat types, that are designed to facilitate the recovery of injured resources or services, will result from reviews of life history literature, on-going studies and other sources, including the best professional judgment of recognized experts.

#5 Assess/Identify Protection Options (Public Land/Water and Private Land)

Federal, State and local regulations and policies will be identified and reviewed to determine whether or not they provide adequate protection for injured resources/services and their essential habitat components. This review will include both private and public land/water. An assessment will be made of the adequacy of this protection within the EVOS context, i.e., do these regulations act to facilitate the recovery of resources/services injured by the oil spill. If these regulations are consistent with the requirements for recovery, additional protection options will not be recommended.

#6 Recommend Additional Protection Options on Public Land/Water

If protection options currently in force on public land/water are found to inadequately promote and protect recovery, additional options will be developed and recommended to the appropriate resource agency. For example, more stringent resource development regulations might be recommended, for what is considered to be the recovery period for a specific resource or service.

HABITAT PROTECTION AND ACQUISITION PROCESS

#7 Agency Consideration

Additional protection options will be submitted to and reviewed by the appropriate resource agency. If deemed acceptable, the agency will incorporate the option(s) into normal agency management procedures. If the agency decides to reject the recommended option(s), the options may be re-evaluated and/or new options developed.

#8 Normal Agency Management

Additional protection options accepted by resource agencies will be incorporated into normal agency management procedures and policies for the appropriate duration. Additional recovery monitoring will be part of a comprehensive and integrated monitoring program funded and managed by the Trustees.

#9 Identify Preferred Protection Options on Private Land

If protection options that are in force on private lands are inconsistent or insufficient with the requirements for recovery, additional protection options will be recommended. For example, if the *Alaska Forest Resources and Practices Act (1990)* does not provide for the desired rate of recovery of injured resources/services in riparian habitats, additional protection options for these habitat types will be identified.

For each injured resource/service for which essential habitat components are considered to be inadequately protected on private lands, a suite of preferred protection options will be identified and approved by the Trustee Council. Most of these protection options have been enumerated and described in *Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites* (The Nature Conservancy Handbook, 1991).

-
- Steps 1-9 have accomplished the following tasks:
 - Identification of injured species and services, that are not adequately recovering.
 - Identification of habitat components linked to recovery.
 - Development of protection objectives for each injured resource/service and linked habitat component.
 - Assessment of existing protection options on private and public land/water.
 - Identification of additional protection options needed to be implemented on private and public land/water.
-
- Each of these steps will be described in both the Draft Restoration Plan and the Draft Environmental Impact Statement.
-

HABITAT PROTECTION AND ACQUISITION PROCESS

#10 Solicit Nominations of Candidate Lands from Land Owners, Public and Agencies

A Request for Proposal [RFP] will be issued by the Trustee Council in order to solicit nominations of candidate lands. The RFP will contain information describing, in generic terms, the types of land that the Trustees are interested in evaluating in order to protect injured resources/services. Geographically-specific sites will not be enumerated. The RFP will also contain a list and description of the preferred protection options that will be considered for those nominations that become candidate lands. The RFP will contain language that explicitly states that this is a voluntary program and that condemnation is not contemplated by the Trustees.

#11 Willing Owner

The first steps in the review of all nominations is the determination of land ownership and willingness, on the part of the owner/seller, to negotiate with the Trustees for rights and/or title to the land. All interests in the land should be identified by the land owner/seller, i.e. surface rights, subsurface rights, other development rights.

#22 Reject

A nomination will be rejected if clear title to the land or other desired interests in the land cannot be demonstrated or if an unambiguous statement of willingness to negotiate is not obtained from the land owner/seller.

#12 Apply Threshold Criteria using Existing Data

Each nomination will be evaluated against a set of threshold criteria designed to determine whether or not a nomination is acceptable for further consideration. Based on existing information, the threshold criteria should provide a basis for eliminating proposals that are inappropriate or unreasonable.

#23 Reject

A nomination will be rejected if it is not in compliance with ALL threshold criteria. Rejected proposals can be recycled back into the process for another review if additional information is made available that could allow for compliance with all threshold criteria.

HABITAT PROTECTION AND ACQUISITION PROCESS

#13 Candidate Lands

This element is a list of nominated lands approved by the Trustee Council for detailed evaluation.

-
- At this point in the process there is a list of Candidate Lands that:
 - Are in private ownership.
 - Contain essential habitat components linked to recovery of injured resources/services.
 - Are not afforded adequate protection by existing law, regulation and/or policy.
 - Are owned by a willing owner/seller.
 - Are in full compliance with all threshold criteria.
-

#14 Detailed Evaluation and Ranking

Each candidate land will be evaluated and ranked against a set of detailed evaluation criteria designed to determine whether or not a nomination should be prioritized. The Trustee Council will determine the ranking. These criteria will include, but not be limited to, those identified in Chapter VI of the Restoration Framework. The purpose of this component is to conduct a more rigorous analysis of proposals utilizing more specific information than was available for step #12 [Threshold Criteria]. In some cases, it may be necessary to acquire additional information to complete the detailed evaluation. Owners of candidate lands will be provided the results of the detailed evaluation.

#18 Inadequate Data

This step involves characterization of the data gaps and a determination of the most cost-effective and timely method to obtain any necessary information. Funding for the acquisition of any additional data must be approved by the Trustee Council.

HABITAT PROTECTION AND ACQUISITION PROCESS

#19 Additional Information

Any necessary additional information may be obtained from the studies funded by the Trustee Council. These studies will be subject to review by the appropriate experts and entered into the detailed Evaluation Process.

#24 Reject

Rejection of a candidate land at this step may result from:

- Non-compliance with the detailed evaluation criteria after initial review.
- Non-compliance with the detailed evaluation criteria after additional information was obtained.

#15 Ranked Lands

This element contains proposals that were ranked or prioritized according to the degree of each proposal's conformance with the stated goal of the process [Step #14]. Ranking will also be based upon the outcome of the detailed evaluation.

#16 Apply Protection Tools

The appropriate and most cost-effective protection tool(s) will be matched to each ranked, candidate parcel. This decision will be made by the Trustee Council. In some cases, a single tool will be chosen if it provides adequate protection. In other cases, several protection tools may be deemed necessary; there may even be a mix of non-acquisition and acquisition tools selected.

#20 Non-Acquisition Tools

These could include, but not be restricted to:

- Landowner contact and education
- Voluntary agreements: registration and cooperative management agreements
- Rights of first refusal

These protection tools are discussed in *Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites* (The Nature Conservancy Handbook, 1991). Agency management and monitoring will be recommended where appropriate.

HABITAT PROTECTION AND ACQUISITION PROCESS

#21 Acquisition Process

Tools that involve acquisition of property rights or interests could include, but not be restricted to:

- Conservation easements
- Deed restrictions and reversioners
- Acquisition of partial interests: timber, mineral and access rights
- Fee acquisitions

These protection tools are discussed in *The Nature Conservancy Handbook*. The process by which acquisition tools should be implemented is depicted in Figure 3 and discussed in the accompanying narrative.

#17 Incorporate into Public Management

Acquired rights or title will be incorporated into existing management plans where appropriate. Management plans for newly acquired parcels will be written where necessary. Each plan's goal will be to manage the parcel or interest in a manner that will benefit the long term recovery of resources and services injured by the Exxon Valdez oil spill. The Trustee Council will decide which agency will manage the land or will create a new management authority.

HABITAT PROTECTION AND ACQUISITION PROCESS

IMMINENT THREAT PROTECTION PROCESS

#1 Injured Resource/Service

The definition of injury used herein is that found in the Restoration Framework document:

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Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

HABITAT PROTECTION AND ACQUISITION PROCESS

#3 Agency Management and Restoration Monitoring

Recovered resources and services will be monitored by both the resource agencies that are responsible for the management of the respective resource or service and by specific recovery monitoring studies. These studies will be part of a comprehensive and integrated monitoring program funded and managed by the Trustees.

If resource agency managers and/or results from the recovery monitoring studies indicate that recovery is not proceeding in a sufficient manner, the injured resource or service will be re-introduced into the main stream of the Evaluation Process. Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

#4 Review Unsolicited Nominations from Land Owners

Nominations that the Trustee Council receive without their solicitation will be reviewed.

#5 Identify Essential Habitats of Injured Resources/Services

Essential habitat components, that were characterized as part of the Evaluation Process [Figure 1], will be identified on the nominated parcels. This site-specific analysis will be conducted utilizing existing information. It is understood that the available information describing the environmental character of these lands is, for the most part, both limited and imprecise.

#12 Drop from Imminent Threat Process

Nominations that do not contain essential habitat components will be dropped from this process. This decision does not prevent the land owner from responding to the RFP solicitation from the Evaluation Process [Figure 1]. Given data limitations that constrain this fast track type of review, it is necessary to allow for the admission of a nomination into the Evaluation Process, after being dropped from the Imminent Threat Process, because more information may become available that could alter the conclusions.

HABITAT PROTECTION AND ACQUISITION PROCESS

#6 Apply Threshold Criteria using Existing Data

Each nomination will be evaluated against a set of threshold criteria designed to determine whether or not a nomination is acceptable for further consideration. The threshold criteria should:

- Eliminate proposals that will not facilitate recovery of injured resources/services.
- Eliminate proposals that do not represent a reasonable selection for equivalent resource acquisition.

#13 Drop from Imminent Threat Process

A nomination will be rejected if it is not in compliance with ALL threshold criteria. Rejected proposals can be recycled into the Evaluation Process at step #5 (Figure 1) for another review if additional information is made available that conceivably would allow for compliance with all threshold criteria.

#7 Threat Analysis

Nominations in compliance with all threshold criteria will be subjected to a *Threat Analysis*. This is a method for determining the magnitude/validity/reality of a threat to an injured resource/service and the imminence of the threat. Nominations that would be considered on an equivalent-resource basis would also be subject to a threat analysis. The Nature Conservancy defines it as: *...a means of determining whether an accelerated identification, ranking, and protection process is necessary due to immediate threats to recreation resources, activities, or opportunities. Where a short-term threat exists, use of a rapid, or abbreviated assessment will enable decision makers to decide on appropriate actions to buy time or immediately protect significant existing or potential resources. If time can be bought, a comprehensive assessment can proceed. Similarly, in the absence of any short-term threat, a comprehensive assessment would be initiated* [The Nature Conservancy Handbook, 1991].

#14 Drop from Imminent Threat Process

If the threat analysis indicates that there is no imminent threat, the nomination will be considered under the Evaluation Process beginning at step #5 (Figure 1).

HABITAT PROTECTION AND ACQUISITION PROCESS

#8 Identify Preferred Short-Term Protection Options

If the threat analysis indicates that there is an imminent threat, a suite of short-term protection options will be identified that address the specific situation at hand. Implementation of one or several of these options will provide additional time to allow for the Trustee Council to conduct a detailed evaluation of the proposal. Information needed to carry out this evaluation may require additional field studies. Consequently, the short-term protection option(s) that is selected must provide additional time to collect, analyze and incorporate the additional information into the detailed evaluation. Examples of short-term options are:

a) development moratorium, b) lease, and c) management agreement.

#9 Negotiations with Owner

The Trustee Council will negotiate with the land owner utilizing the preferred short-term protection options identified in step #8.

#15 Drop from Imminent Threat Process

Unsuccessful negotiations result in the nomination being dropped from the Imminent Threat Process. The land owner has the option of nominating the proposal for consideration in the Evaluation Process.

#10 Implement Short-Term Protection Options ...

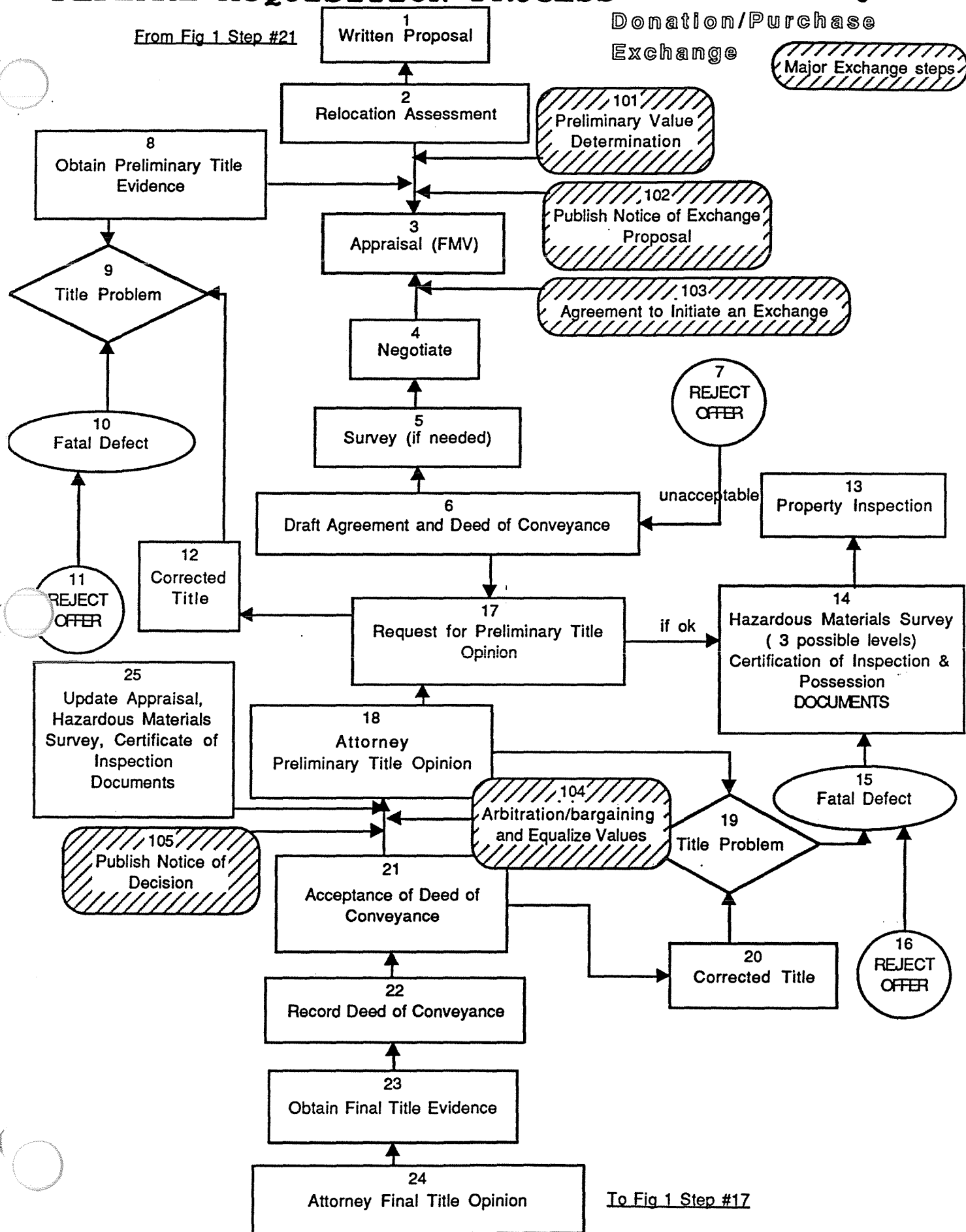
After successful negotiations with the land owner, the mutually-agreed-upon option(s) will be implemented. During the period that the option(s) is in affect, the required, additional information will be assembled.

#11 Evaluation Process

The proposal will be inserted into the Evaluation Process as a Candidate Land [Step #13, Figure 1] and be subject to the process from that point forward.

FEDERAL ACQUISITION PROCESS

Figure 3



FEDERAL ACQUISITION PROCESS

Figure 3a

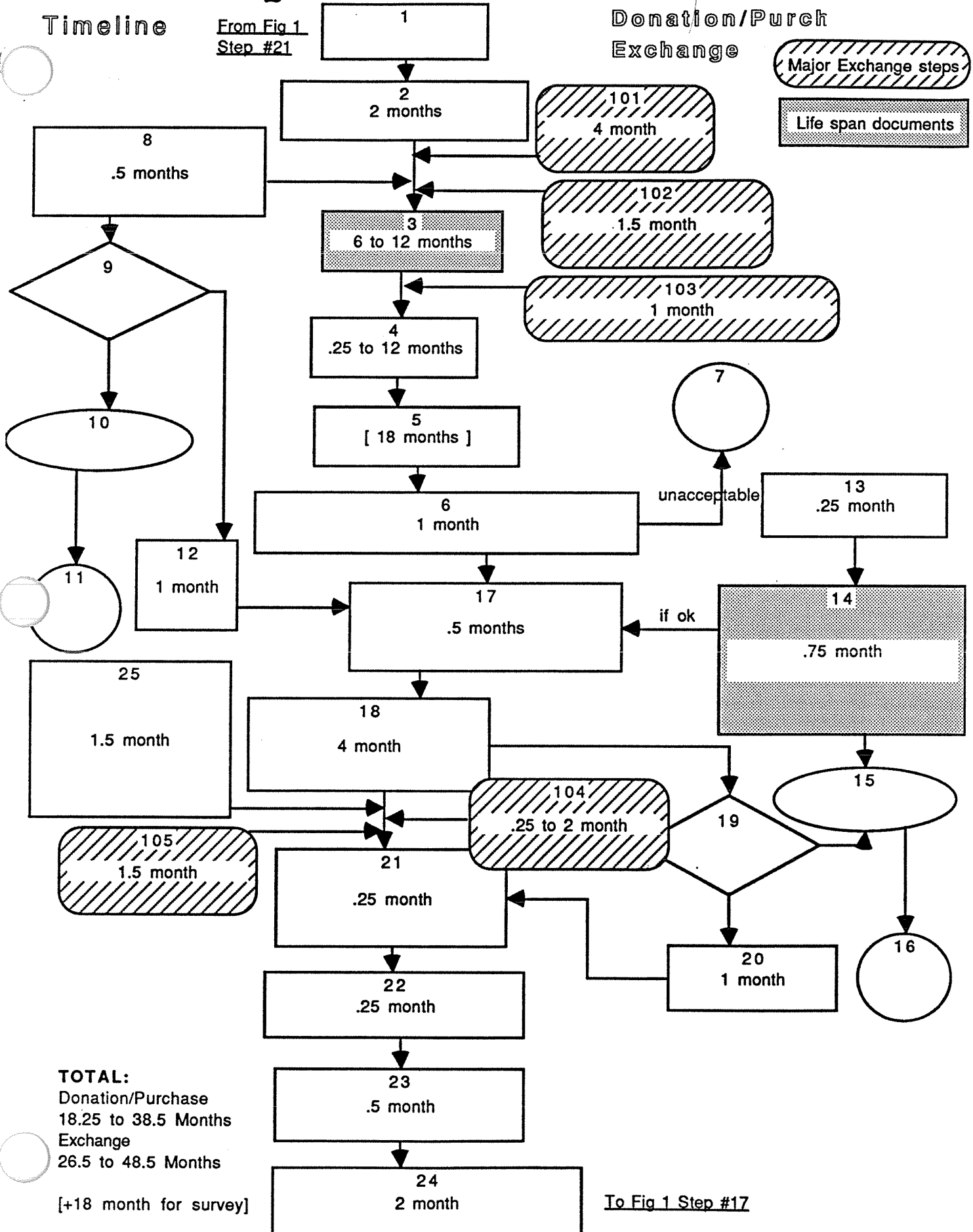
Timeline

From Fig 1
Step #21

Donation/Purchase
Exchange

Major Exchange steps

Life span documents



FEDERAL ACQUISITION PROCESS

This process outlines the basic acquisition steps used by Federal agencies. It does not reflect all agency specific steps. Each agency has specific authority and requirements that may vary within the context of this outline.

#1 Written Proposal

Each written proposal should include a legal description of the land and maps, and statements indicating that 1)the offeror is the record owner of the land/interests, 2) the land is free and clear of all encumbrances, 3)there are no persons claiming the land adversely, 4)the status of any unpaid taxes or assessments levied against the land, and 5)the status of any lien assessed which is not due and payable. This written proposal should also include any terms or conditions the offeror is proposing. (Action: land owner)

#2 Relocation Assessment

Use the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" to assess the need to relocate any displaced people or users. (Action: agency)

#3 Appraisal (Fair Market Value)

Using the "Uniform Appraisal Standards for Federal Land Acquisitions Procedures" (1973) a certified appraiser will complete a written appraisal of the fair market value (FMV) of the real property or interests being considered. If the value and amount being paid is over \$250,000 the U.S. Forest Service must provide a 30 day comment period to the House Agriculture Committee on oversight review. If approved, the Secretary of Agriculture will then accept the option. Note: The life span of the appraisal is 6 months in the Department of the Interior (DOI) or 12 months in the U.S. Forest Service (USFS). If the Deed of Conveyance is not accepted within these timeframes, the appraisal will need to be updated before the DOI Regional Solicitor or the USFS Office of the General Counsel issues a final title opinion (see Block #25). (Action: agency)

#4 Negotiate

Negotiate terms of the offer. (Action: land owner and agency)

#5 Survey

If needed, the land will be surveyed. In some cases, the lands being offered will be unsurveyed. (For example, lands were conveyed from the Federal government to Native Corporations, pursuant to the Alaska Native Claims Act, without survey). Although not ideal, lands could be conveyed and accepted without survey. (Action: agency)

#6 Draft Agreement and Deed of Conveyance

Draft document that outlines the terms of the donation or purchase. It should include all conditions, reservations, and exceptions, in addition to timeframes, escrow terms (if necessary), and payment procedures. A draft copy of the Deed of Conveyance is completed at this time. (Action: land owner and agency)

#7 Reject Offer

If terms of the draft agreement are not acceptable and consensus cannot be reached, formal rejection of the offer is completed and the acquisition process is terminated. (Action: agency)

#8 Obtain Preliminary Title Evidence

An accepted title company searches title records and prepares a title report listing the recorded land owner, any liens, and exceptions to title and agreements that affect the ownership or use of the land. Title insurance or appropriate title guarantee is obtained to support the title report. This report is reviewed by appropriate Federal agency attorneys (i.e., Regional Solicitor for DOI and Office of General Counsel for USFS) in Block #18. (Action: title company)

#9 Title Problem

Recognition that there is a title problem that needs to be corrected before attorney review (see Block #18). (Action: agency)

#10 Fatal Defect

A title problem that cannot be corrected that would make acceptance of title impossible. Final decision rests with appropriate Federal agency attorneys (Regional Solicitor for DOI and Office of General Counsel for USFS).

#11 Reject Offer

Formal document to reject the offer and stop the acquisition process. (Action: agency)

#12 Corrected Title

Process where curable defects are corrected. For example, the title evidence may indicate that the party making the offer is not the land owner of record. All that may be necessary to remedy this problem is for the landowner to record the original deed of conveyance showing they own the land/interest. (Action: agency and/or land owner)

#13 Property Inspection

On-the-ground inspection to gather information to complete the documents identified in Block #14. Obtain approvals for access to private lands for purposes of inspecting the property. While this work can begin at anytime in the process, it would be best to wait until there is at least confirmation that there is an agreement between all parties. (Action: agency)

#14 Hazardous Materials Survey and Certificate of Inspection & Possession

Prepare two documents that are required for any acquisition of land and/or interests. The Certificate of Inspection & Possession describes the condition of the lands, and identifies any known or physically identifiable conditions that may affect title to the land. The Hazardous Materials Survey and Contaminant (hazardous substances) Survey Checklist describes the condition of the land and identifies any potential or known hazardous materials. If the answer to all questions on the checklist is "no", "none" or "not applicable" a Level I survey is signed by an authorized officer (e.g., Bureau of Land Management = State Director, National Park Service = Regional Director, U.S. Fish & Wildlife Service = Assistant Secretary - Policy, Budget and Administration in the Washington office). A Level II Survey is

completed when the answer to any question on the checklist is other than "no", "none" or "not applicable" and the agency wishes to proceed with the acquisition. The Level II Survey is signed by the Assistant Secretary. The Level III Survey requires sampling and further work to determine the extent of contaminants and cost of clean up. Note: These documents have a limited life span and may need to be updated later in the process. (Action: agency)

#15 Fatal Defect

A problem that cannot be corrected that would make acceptance of title not advisable. For example, the property contains a contamination problem that cannot be resolved. Level II survey results might reveal a fatal defect depending on whether the acquisition is for an interest in land or for fee title.

#16 Reject Offer

Formal document to reject the offer and stop the acquisition process. (Action: agency)

#17 Request for Preliminary Title Opinion

Written request for a Preliminary Title Opinion from appropriate Federal agency attorneys (i.e., Regional Solicitor for DOI and Office of General Counsel for USFS). The request includes the title company title evidence, legal description, evidence of any clearance actions that have been completed (Block #12), and description of the acquisition proposal. The Certification of Inspection & Possession and the Hazardous Materials Surveys are a part of this request package. (Action: agency)

#18 Attorney Preliminary Title Opinion

Written opinion that addresses the sufficiency of the title evidence provided by the title company (see Block #8) The opinion will identify any deficiencies that need to be corrected before title can be accepted. (Action: DOI Regional Solicitor and USFS Office of General Counsel)

#19 Title Problem

Recognition that there is an identified problem that prohibits title acceptance. (Action: DOI Regional Solicitor and USFS Office of General Counsel and agency)

#20 Corrected Title

Process where curable defects are corrected. For example, the title opinion may show that the owner has a management agreement or has created a third party interest that affects the lands and that the agreement or interest needs to be terminated or amended to delete the land in question or if the lands have been placed in a Land Bank or a there is a lien on the lands. These problems can usually be cured by the land owner executing and recording additional documents. (Action: agency and/or land owner)

#21 Acceptance of Deed of Conveyance

Based on the preliminary title opinion and completion of any identified defects, the Authorized officer can sign the documents that accept the deed of conveyance. Payment, if any, takes place at this time. (Action: agency)

#22 Record Deed of Conveyance

Authorized Officer records the signed Deed of Conveyance at the local State

#23 Obtain Final Title Evidence

Final title evidence provided by a title company. This report would reflect any changes that had taken place since the preliminary report. It would also show the recording of any curable documents and the Deed of Conveyance recorded in Block #22. Final title would also reflect the completion of the process and ownership by an agency. (Action: title company)

#24 Attorney Title Opinion

Prepare Final Title Opinion that serves as a final review of all documents and closes the legal process of acquisition. (Action: DOI Regional Solicitor and USFS Office of General Counsel)

#25 Update Appraisal, Hazardous Materials Survey, Certificate of Inspection Documents

The Appraisal, Hazardous Materials Survey and Certificate of Inspection & Possession would be updated if too much time had elapsed since their original completion. If values have changed, agency may have to return to Block #4 and negotiate a new agreement/offer. (Action: agency)

Major Exchange Steps

#101 Preliminary Value Determination

Estimated appraisal to determine whether the lands and interests in lands to be exchanged are of equal value. The "Uniform Appraisal Standards for Federal Land Acquisitions" is used for this process.

#102 Publish Notice of Exchange Proposal

A Notice of Realty Action that is published in the Federal Register and once each week for three weeks thereafter in a local newspaper. This document puts all interested parties on notice that an exchange, by the Federal government, is being considered. This document has a 45-day public comment period.

#103 Agreement to Initiate an Exchange

Agreement signed by all exchange parties that: 1)describes the lands or interest in lands being considered for exchange; 2)lists the exchange processing steps; 3)addresses knowledge of hazardous substances on the lands; 4)physical access and Right to Enter; 5)terms of relocation benefits, if any; and 6)closing procedures.

#104 Arbitration/Bargaining and Equalize Value

A formal process to resolve disagreements among parties as to appraised value of the lands involved in the exchange. Determination if equalization of value is necessary. A money payment for equalization of value can not exceed 25 percent of the value of the public lands and interests being conveyed.

#105 Publish Notice of Decision

The document identifies all terms of the exchange, describes the lands involved, identifies the parties involved, any reservations, terms, covenants and conditions, needs for value equalization, and intended time frames to complete the exchange.

Habitat Protection and Acquisition Process
Threshold Criteria
Discussion
04/20/92

Introduction

One of the key steps within the proposed Habitat Protection and Acquisition Process is the application of "threshold" criteria. The purpose of this step is to quickly evaluate proposals nominated by land-owners, agencies, or the public and eliminate those that do not contribute to restoration objectives or are inappropriate or unreasonable. Acquisition proposals that successfully meet the threshold criteria become "Candidate Lands," which then are subject to more detailed evaluation.

The Restoration Team is presenting two sets (A & B) of threshold criteria for consideration by the Trustee Council. Although the criteria in these sets partially overlap, they do reflect different approaches. The Trustee Council needs to discuss these concepts and provide direction to the Restoration Team before adopting a set of threshold criteria for inclusion in the Draft Restoration Plan and Draft Environmental Impact Statement.

Overlap

The two sets of criteria, with brief explanations, are attached. There is conceptual agreement with respect to three criteria. Both sets acknowledge that:

- a willing seller is required;
- there must be linkage to injured resources or services; and
- that acquisition should provide some benefit or protection beyond that which is afforded under existing ownership and law.

Cost is also an element in both sets of criteria:

Set A invokes fair market value, which by law is what the governments must pay for any acquisition. Set B does not address cost *per se*, but brings in the element of the cost-effectiveness of acquisition relative to other restoration actions.

Set B specifically incorporates the following four additional concepts into the threshold criteria:

- expected changes in land uses which threaten injured resources and services;
- foreclosure of restoration opportunities;

- the inadequacy of options other than acquisition; and
- incorporation into public land management systems

Set A assumes that these same concepts are considered elsewhere in the evaluation of nonacquisition options or in the proposed processes (basic or imminent threat) for the evaluation of habitat protection and acquisition options.

Issues

The Restoration Team suggests that the Trustee Council discuss the following issues and questions that arise from the differences in the two sets of criteria:

- A. How difficult or restrictive should the threshold criteria be? How fine is the mesh in this first sieve?
- B. How should the concept of acquisition of equivalent resources be treated and reflected in the threshold criteria?
- C. Should the evaluation of acquisition options be strictly hierarchical in approach or more broadly concurrent?
- D. Should acquisition opportunities be excluded from further review because of a lack of an identifiable threat?
- E. How detailed should the evaluation be at the threshold level?
- F. What criteria are most appropriate at the threshold versus secondary levels?

Proposed Threshold Criteria
Set A
(04/20/92 version)

- (1) There is a willing seller of the parcel or property rights.

In the case of land-owner nominations, willingness to sell is self-evident. For nominations by the public or agencies, willingness to consider selling the parcel or property right should be established in writing by the landowner to satisfy this criterion.

- (2) The seller acknowledges that the governments can only purchase the parcel or property rights at fair market value.

By law, the state and federal governments can only make acquisitions at fair market value. This criterion is explicitly intended to discourage unrealistic expectations by land-owners about the prices they propose and give the Trustee Council a basis for rejecting out-of-hand a proposal for which there is no indication that a realistic price can be negotiated.

- (3) The parcel contains key habitats that are linked to the recovery of injured resources or services by scientific data or other relevant information.

Parcels that do not include significant habitat or areas related to injured resources or services will be rejected. The basis for this judgment should be documented by the best available data from scientific or other sources. In the case of equivalent-resource proposals, this criterion can be satisfied on the basis of providing the "same or substantially similar service" as was provided elsewhere by an injured resource.

- (4) Recovery of the injured resource or service would benefit from protection in addition to that provided by the owner and applicable laws and regulations.

This criterion rests on an evaluation of the protection afforded under existing laws and regulations. One judgment to be made is whether the existing ownership and laws and regulations are sufficient to prevent further harm to injured resources and services within the context of the recovery from oil-spill injuries (i.e., this is not a test of whether under "normal" circumstances the laws and regulations are sufficient). Consistent with the settlement, consideration also must be given to the ability of the proposal to enhance an injured resource or service. The additional benefit afforded by habitat acquisition will be incremental and may or may not be measurable.

Proposed Threshold Criteria
Set B
(04/20/92 version)

- (1) The nature and immediacy of expected changes in use will further affect resources injured by the oil spill.**

The thrust of this criterion is that if the change is not expected to slow or prevent achievement of restoration goals then the property right(s) should probably not be a candidate for acquisition. A threat to achievement of restoration goals, even if not expected to occur "immediately", would pass easily. What would not pass would be potential changes that are of such a speculative nature and so far in the future as not be a factor in any reasonable consideration of restoration objectives.¹

- (2) Failure to act will foreclose restoration opportunities.**

This criterion is designed to insure that restoration opportunities are not foregone as a result of a priority on non-acquisition options, i.e., direct restoration.

- (3) The parcel contains key habitats that are linked to the recovery of injured resources or services by scientific data or other relevant information.**

The purpose of this criterion is to insure that there is an obvious nexus between the contemplated acquisition action and an injured resource or service.

- (4) Restoration strategies other than acquisition of the property right(s) are inadequate to meet restoration objectives.**

This criterion recognizes a priority for direct restoration over other alternatives.

- (5) The protection afforded by existing law, regulations, and other alternatives is inadequate to meet restoration objectives.**

¹The term restoration, both here and for all of the Threshold Criteria, is assumed to be consistent with Sec. 11.72(a)(1) of the NRDA regulations for baseline services determinations as follows: "(1) Baseline data should reflect conditions that would have been expected at the assessment area had the discharge of oil or release of hazardous substances not occurred, taking into account both natural processes and those that are the result of human activities."

This criterion recognizes the protection already provided by existing law and regulation. Detailed analysis of acquisition options would be pursued only in those instances where it is reasonably clear that existing law, regulations, and other alternatives are inadequate to meet restoration goals.

- (6) Acquisition of the property right(s) will result in an identifiable incremental benefit to restoration objectives that is cost-effective relative to other restoration alternatives for the identified resource injuries.

This is a basic "red-face" test. The purpose is to not raise land owner and other expectations, as well as unnecessarily expend settlement funds, doing a detailed analysis of a proposed acquisition that, on its face, does not contribute to restoration objectives.

- (7) There is a willing seller of the property right(s).

The purpose of this criterion is to prevent the unnecessary expenditure of settlement funds for a detailed analysis of a property right that is known to not be available.

- (8) The acquired property rights can reasonably be incorporated into public land management systems.

The purpose of this criterion is to prevent the unnecessary expenditure of settlement funds for a detailed analysis of a proposed acquisition when on its face, the property rights, if acquired, could not reasonably be incorporated into a public land management system.

DATE: April 13, 1992

MEMORANDUM FOR: Restoration Team

FROM: Byron Morris

SUBJECT: Information Release Working Subgroup

The following people were assigned to a small working group to discuss approaches to the release of NRDA information to the public, the scientific community, resource managers, and other interested parties. They were:

Kelly Hepler - ADF&G
Byron Morris - NOAA - chair
Karen Oakley - USFWS
Tim Steele - NOAA

The attached summary was drafted to identify potential mechanisms for the dissemination of NRDA information. Each was felt to be useful in its own right. Most are currently being pursued by NRDA participants, with the possible exception of popular articles and press releases.

The working group wholeheartedly endorsed the symposium option as a much needed approach. Merits of the Symposium are multiple, but the main merits identified were:

1. Centralizes presentation of information in one place and time (the Symposium meeting) and in one published source (the Proceedings);
2. Provides for wide distribution and readership in a cost effective and timely manner;
3. Is a lasting reference to oil spill effects of the EVOS;
4. Provides best public access to results of NRDA studies;
5. Best coordinates release of information among PIs and Trustee agencies.

The work group approved the attached proposal to be placed before the Restoration Team to seek Trustee Council approval to initiate planning for the Symposium. This approval is very time critical if a Symposium is to be conducted in early 1993. If approved, a larger working group would immediately be convened to begin organizing the Symposium and resolving the details involved.

PUBLIC DISSEMINATION OF EXXON VALDEZ
DAMAGE ASSESSMENT RESULTS

The following are the various avenues by which EVOS NRDA information can and will be made available to the public.

- Status of Injury Reports
- Press Releases
- Release of Study Reports (Progress and Final Reports)
- Scientific Publications
 - Scientific Journal Papers
 - Scientific Book Chapters
 - Agency Reports and Publications
- Popular Articles
- Conference Presentations
- Oil Spill Symposium

Each avenue has advantages and disadvantages, and each has a specific purpose and a select audience. Each also has a time span associated with its completion.

AVENUE	AUDIENCE	TIME (mos)	COMPREHENSIVENESS	DETAIL
Injury Report	Broad	1-3	High but superficial	Fair
Press Releases	Broad	1	Narrow and cursory	Poor
Study Reports	Limited	9-12	Poor; disconnected	Good
Scientific Publications	Limited	6-36	Poor; disconnected	Good
Popular Articles	Broad	3-6	Fair to good	Fair
Conferences	Limited	3-12	Poor to fair	Good
Symposium	Broad	10-24	High; indepth	Good
Book	Broad	36-60	High; indepth	Good

In due course, each of these avenues will be used to some degree. There are only two avenues however, that address a widespread audience of interests and entail a high degree of comprehensiveness in depicting the injuries documented by the NRDA studies. Only one, the Symposium, contains an acceptable level of technical detail as well. The Symposium and its' Proceedings will leave a lasting legacy of knowledge gained by study of this oil spill. The Proceedings of the Symposium will be widely distributed, and will be the single comprehensive document containing the results of our NRDA studies.

Packet to Public

AGENDA
EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

April 27, 1992

TRUSTEE COUNCIL MEMBERS:

MICHAEL A. BARTON
Regional Forester, Alaska Region
USDA Forest Service

CHARLES E. COLE
Attorney General
State of Alaska

CURTIS V. MCVEE
Special Assistant to the Secretary
U.S. Department of the Interior

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

CARL L. ROSIER
Commissioner
Alaska Department of Fish & Game

JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

April 27, 1992 @10:00am

- status of the Public Participation Working Group - **Marty Rutherford**
 - definition of Public Advisory Group interest groups
 - status of Public Advisory Group charter
 - nomination process for Public Advisory Group
 - public meeting schedule for 1992 Draft Work Plan & Restoration Framework
- 2. Draft Position Description for the Administrative Director - **Dave Gibbons**
- 3. Approach for Releasing Exxon Valdez Oil Spill Injury Assessment Information - **Byron Morris & Bob Spies**
- 4. Public Review Processes - **Jerome Montague & Stan Senner**
 - 1992 Draft Work Plan
 - 1993 Work Plan Schedule
 - timeline for 1992 & 1993 Work Plans & Draft Restoration Plan
- 5. Financial Process - **Pamela Bergmann & Dave Gibbons**
 - status of financial operating procedures
 - peer review
 - presentation of working group & Restoration Team support budgets
 - two month extension of 1992 Trustee Council approved budget
 - request of funds from the court registry
- 6. Habitat Protection Working Group - **Dave Gibbons & Art Weiner**
 - goal statement & process
 - criteria

- . Response Activities for 1992 & Transition to Restoration - John Sandor
- 8. Endowment Fund Options - Dave Gibbons
- 9. Executive Session - Working Group Personnel
- 10. 5:00 - 7:00 pm - Public Comment Period

ITEM 1

PUBLIC ADVISORY GROUP PRINCIPAL INTERESTS DEFINITIONS

April 22, 1992

AQUACULTURE

Aquaculture interests are made up of organizations and individuals involved in the mariculture and aquaculture industry. These organizations are involved in fish hatcheries or oyster/shellfish farming. Examples within the oil spill area include: Cook Inlet Aquaculture Association, Cook Inlet Aquaculture Corporation, Alaska Aquafarms Inc., Alaska Shellfish Growers Association and Prince William Sound Aquaculture.

COMMERCIAL FISHING

Commercial fishing interests are primarily made up of salmon, halibut, herring, shell fish and bottom fish fishermen. Salmon fishermen would be the predominant interest within the oil spill area. Included within this interest group would be boat captains, crew, cannery owners and operators, and fish buyers. Examples within the oil spill area include: Cordova District Fishermen United, United Fishermen of Alaska, Prince William Sound Seiners Association, Cook Inlet Gillnetters association, and Area K Seiners Association.

COMMERCIAL TOURISM

Commercial tourism interests include those businesses or individuals involved in promoting or providing commercial travel or recreation opportunities. Charter operators, guiding services, visitor associations, boat, and kayak rental companies would be represented by this interest group. Examples within the spill area include: the Anchorage Convention and Visitors Bureau, cruise ship operators, the Rental Room, Stan Stephens Charters, Alaska Wilderness Recreation And Tourism Association and Alaska Wilderness Sailing Safaris.

ENVIRONMENTAL

Environmental interests are often identified as activist organizations interested in preserving or protecting natural environments. Most environmental organizations would identify themselves as conservationists. However, not all groups that consider themselves to be conservation oriented would identify themselves as environmentalists. Examples within the oil spill area include: Sierra Club, The Wilderness Society, Alaska Center for the Environment, Environmental Defense Fund, and Natural Resource Defense Council.

CONSERVATION

Conservation interests would include those people and organizations interested in the wise use and protection of natural resources through planned management of natural resources to prevent destruction or neglect. Examples within the oil spill area include: The Nature Conservancy, Prince William Sound Science Center, National Parks and Conservation Association, Izaak Walton League, and Prince William Sound Conservation Alliance.

FOREST PRODUCTS

Forest product interests are those individuals and organizations that utilize the timber resource, usually for economic gain. Loggers, logging companies, timber resource owners and lumber mill owners and employees would be included in this category. Examples include: Prince William Sound Loggers United, Sherestone Inc., Koncor Forest Management, Chugach Alaska Corporation, Eyak Corporation, Afognak Joint Venture, Whitestone Logging, and South Central Timber Development.

LOCAL GOVERNMENT

Local government interests are the incorporated cities and boroughs within the oil spill area. Examples within the oil spill area include: governments from Valdez, Cordova, Homer, Whittier, Seward, Kodiak, Kodiak Island Borough, and Kenai Peninsula Borough.

NATIVE LANDOWNERS

Native landowner interests are those corporations established under the Alaska Native Claims Settlement Act either as Regional or Village Corporations. Examples within the oil spill area include: Chugach Alaska, Eyak, Tatitlek, Chenega, Koniag, Seldovia, English Bay, Ouzinke, Port Graham, Cook Inlet Region Inc.,

RECREATION USERS

Recreation user interests are individuals and organizations that represent the broad spectrum of recreation activities that occur within the oil spill area. Kayakers, power boaters, sailing clubs, sightseers, fishermen, and hunters. Examples include: Knik Canoers and Kayakers, Seward Sailing Club, and Alaska Wilderness Recreation and Tourism Association.

SPORT HUNTING AND FISHING

Sport hunting and fishing interests are organizations and individuals that promote or partake in hunting and fishing. Examples within the oil spill area include: Izaak Walton League, Alaska Sport Fishing Association, Alaska Outdoor Council, Trout

Unlimited; and Alaska Fish and Game Advisory Committees in Homer, Kodiak, Seldovia, Seward, Copper River-Prince William Sound, English Bay-Port Graham and Whittier.

SUBSISTENCE

Subsistence interests are those rural Alaska residents who customarily and traditionally use wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; and for customary trade.

SCIENCE/ACADEMIC

Science/academic interests are those people and institutions involved in or interested in scientific aspects of the spill area and the effects of the oil spill. This would include academic institutions such as the University of Alaska Fairbanks and other branches of the University of Alaska system; other universities, both national and international; the Prince William Sound Science Center; the American Association for the Advancement of Science, The Wildlife Society; American Fisheries Society; Society of American Foresters; Alaska Archaeological Association and scientists interested or involved in research related to oil spills or resources and services within the oil spill area.

It is important to note that any organization identified above may be represented by more than one interest group.

PUBLIC ADVISORY GROUP: PRINCIPAL INTERESTS

At the Trustee Council Meeting on March 9, 1992, it was decided to approve twelve Principal Interests¹ to use when choosing the fifteen members of the Public Advisory Group². In addition it was decided to have two ex-officio members; one each from the Alaska State House and Senate.

The preceding set of definitions for those twelve Principal Interests was requested at the March 9, 1992, meeting.

Should the Trustee Council wish to expand this list, the Restoration Team suggests consideration of the following new categories:

- commercial marine transportation
- mining
- public at large

Additionally, three of the approved Principal Interests could be broken into two each. They are:

- Local Government into:
 - a) municipal government and
 - b) traditional native government
- Native Landowners into:
 - a) corporate landowners and
 - b) individual landowners
- Sport Hunting and Fishing into:
 - a) sport hunting and
 - b) sport fishing

While considering these potential additions, the Trustee Council may want to reflect on the options of having: 1) fewer Principal Interests than there are Public Advisory Group members (which currently requires dual representation from Principal Interests); 2) the same number of Principal Interests as there are members (which implies that each interest group has a "seat"); or 3) a larger number of Principal Interests than there are Public Advisory Group members.

¹The twelve Principal Interests are: Aquaculture, Commercial Fishing, Commercial Tourism, Environmental, Conservation, Forest Products, Local Government, Native Landowners, Recreation Users, Sport Hunting and Fishing, Subsistence, and Science/Academic.

²The Chenega Bay Settlement states that should a Public Advisory Group be established to provide for public participation, in the natural resource injury assessment and restoration process, such advisory group will include one or more representatives of the Native interests.

CHARTER

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

1. Official Designation: Exxon Valdez Oil Spill Public Advisory Group

2. Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Group shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce and U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding

- (1) the planning, evaluation, and allocation of available funds;

(2) the planning, evaluation, and conduct of injury assessments;

(3) the planning, evaluation and conduct of restoration activities;

(4) the coordination of (1), (2) and (3).

3. Period of Time Necessary for the Group's Activities: By order of the District Court for the District of Alaska, the Public Advisory Group is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in paragraph V.A.1 of the MOA referenced above. Final payment into the fund is scheduled for September 1, 2001. This Public Advisory Group shall terminate ten years from January 1, 1992 unless extended in writing by unanimous action of the designated Trustees by July 1, 2001.

4. Officials to Whom the Public Advisory Group Reports: The Public Advisory Group shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Group at Trustee Council meetings. Other members of the group may report with the chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Group representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the

designated federal agency to whom the Public Advisory Group reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Group. The designated Federal Official is the Alaska Office of Environmental Affairs' Environmental Assistant.

5. Administrative Support: Administrative support for the Public Advisory Group shall be provided by the Administrative Director. The Trustee Council shall provide funds as deemed appropriate for administrative support for the Public Advisory Group, from the joint fund established in the registry of the United States District Court for the District of Alaska in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. ✓

6. Public Advisory Group Composition, Selection, and Service: The Public Advisory Group shall consist of fifteen members, including a chair and a vice-chair.

A. Qualifications for service -- Members shall be appointed based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the Exxon Valdez oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration.

B. Nomination and Selection -- Candidates for membership will be nominated by the public. From these nominations the Trustee Council will recommend membership to the Trustees and following selection by the Trustees, the Secretary of the

Interior will make appointments.

C. Minimum term -- Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. The Trustees may remove a member of the advisory group for reasons of malfeasance or incompetence.

D. Officers -- The Public Advisory Group shall have a chair and a vice-chair approved by the Trustee Council in consultation with the members of the Public Advisory Group.

7. Expenses: Travel, per diem and administrative support, shall be borne by the Trustee Council from the joint fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of the business of the Advisory Group, travel expenses, including per diem in lieu of subsistence, shall be allowed at the applicable federal government rates. The estimated annual operating cost is \$106,000 and the estimated man-years for the group is 0.5.

8. Council Meetings and Records. The Public Advisory Group shall meet no less than four times per year.

A. All Public Advisory Group meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Group and any member of the public may speak at a Public Advisory Group meeting.

B. Detailed minutes of all meetings, including the time,

date and place of the meeting, names of the Public Advisory Group members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and the resolution, if any, made by the Public Advisory Group, and copies of each report or other document received, issued or approved by the Public Advisory Group, shall be prepared and made available to the public through the Administrative Director. The Chair shall certify to the accuracy of all minutes of the Advisory Group.

- C. Meetings of the Public Advisory Group shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with AS 44.62.310(e), AS 44.62.175 and 41 C.F.R. 101-6.1015(b).
- D. All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and shall be available for public inspection at the offices of the Administrative Director.
- E. All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council.

9. Administrative Authority. The Public Advisory Group and its

officers shall have no administrative authority, except to recommend budget needs to the Administrative Director. The Trustee Council through the Administrative Director shall procure all needed space, supplies, equipment and support. Any office space of the Public Advisory Group shall be located with the office of the Administrative Director of the Restoration Team.

10. Termination Date: The Public Advisory Group shall terminate on January 1, 2002 unless extended as provided in paragraph 4.

11. Authority: This Public Advisory Group is established as mandated by paragraph V.A.4 of the MOA and shall be located in Alaska.

12. The charter of the Public Advisory Group is filed on _____.

April 22, 1992

Public Advisory Group Nomination Process

The process for soliciting nomination for the Public Advisory Group involves notifying the public, evaluating the nominations and compiling a list of potential nominees for Trustee Council consideration. The Trustee Council will review the nominations and recommend membership to the Trustees for appointment by the Secretary of Interior.

Nominations will be solicited using a wide range of media. Examples include:

- Newspapers in the affected area;
- Federal Register;
- Existing *Exxon Valdez* oil spill mailing list;
- Agencies' interest group mailing lists;
- Public service announcements;
- Flyers for posting in communities; and
- All persons having expressed interest in serving on the Public Advisory Group.

The request for nominations will ask for the following information:

- Biographical sketch (education, experience, address, phone);
- Demonstrated knowledge of the region, peoples or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, or; demonstrated expertise in public lands and resource management;
- Identification of relationship/involvement with one or more of the identified interest groups; and
- Identification of group(s), if any, recommending this appointment. (Provide the point of contact and phone number for the group.)

The timeline attached shows the major steps in getting a Public Advisory Group in place by the end of August, 1992.

April 22, 1992

**PUBLIC ADVISORY GROUP
NOMINATION AND SELECTION PROCESS
1992 TIMELINE**

April 27	Timeline and Process approved by the Trustee Council
May 6	Request for Nominations published
June 5	Deadline for receipt of Nominations
June 22	Nomination package to Trustee Council
June 29	Preliminary selections made by Trustee Council (in executive session)
July 8	Trustee Council selections to Trustees/ Department of the Interior for appointment
July 17	Appointment letters sent
July 31	Receive confirmation of acceptance of appointment (set first meeting date)
Aug 10	Notice first Public Advisory Group meeting
Week of Aug 25	First meeting of the Public Advisory Group

April 22, 1992

**DRAFT PUBLIC MEETING SCHEDULE
TO ACCEPT PUBLIC COMMENT ON THE
1992 DRAFT WORK PLAN AND RESTORATION FRAMEWORK**

Restoration Team member attending = [in brackets]. There will also be a member of the Restoration Planning Work Group at each meeting.

- Homer** 7 p.m., Monday, May 4
City Council Chambers
Contact: Mary Shannon, City Clerk 235-3130
[M. Rutherford], Staff
- Seldovia** 2 p.m., Monday, May 4
Multi-purpose Room, City Building
Contact: Ivan Widon, City of Seldovia 234-7643
[M. Rutherford], Staff
- Kodiak** 7 p.m. Tuesday, May 5
Borough Assembly Chambers
Contact: Donna Smith, Borough Clerk 486-5736, FAX 486-2886
Note: broadcast via KMXT
[M. Rutherford], Staff
- Juneau** 7 p.m. Thursday, May 7
Assembly Chambers, Municipal Bldg., 155 So. Seward St.
Contact: Patty Ann Polley, City Clerk 586-5278, FAX 586-5385
Legislative Contact: Terence O'Malley 465-4968
Note: Send invitations to state legislators
[J. Montague], Staff
- Valdez** 7 p.m. Monday, May 11
City Council Chambers
Contact: Dave Janka, PWSCA 835-2799, FAX 835-8083
Location Contact: Sherry Caples, City clerk, 835-4313
[M. Rutherford], Staff
- Tatitlek** Monday, May 11, mid-day
Contact: Gary Kompkoff, IRA Council 325-2311, FAX 325-2298
[M. Rutherford], Staff

Seward 7 p.m. Wednesday, May 13
Kenai Fjords Visitors Center
Contact: Anne Castellina 224-3175 FAX 224-7100
[P. Bergmann], Staff

Whittier 5 p.m., Thursday, May 14
Contact: Linda Hyce or Kelly Carlisle, Mayor 472-2327
FAX 472-2343 (train schedules 6 daily starting May 10, last one to
Portage at 9 p.m. RCAC full meeting scheduled in Whittier on
5/14)
[Ken Rice], Staff

Cordova 7 p.m., Tuesday, May 19
Council Chambers, Cordova Public Library
Contact: Library staff, 424-6667 after 1 p.m.
[K. Rice], Staff

Anchorage 7:00 p.m., Wednesday, May 20
Trustee Council Meeting Room, 645 G St.
[D. Gibbons], Staff

Fairbanks 7:00 p.m. Thursday, May 21
Gruening Bldg, Room 310 (ground floor)
Keys to Gruening A/V equipment storage available at library
Equipment Loan Desk, 474-7072
Contact: Jeri Maxwell, Wood Center 474-7038, Fax: 474-5508
[J. Montague], Staff

**Akhiok - Mayor Eluska called: do not need to go there, but Mr. Eluska may be
in Kodiak on the 5th and will attend if so**

**We sent letters to the following communities - as of 4/20 have not heard
from them:**

Chenega
Karluk
Larsen Bay
Nanwalek (English Bay)

Old Harbor
Ouzinkie
Port Graham
Port Lions

DRAFT SUMMARY OF COMMENTS FROM COMMUNITY MEETINGS ON A PUBLIC PARTICIPATION PROCESS FOR THE EXXON/VALDEZ RESTORATION PROGRAM

KEY to communities where comments were noted:

A = Anchorage (2/13/92)	J = Juneau (1/22/92)
CB = Chenega Bay (2/10/92)	K = Kodiak (1/30/92)
C = Cordova (1/20/92)	S = Seward (2/6/92)
F = Fairbanks (2/11/92)	T = Tatitlek (2/4/92)
H = Homer (2/3/92)	V = Valdez (2/4/92)

NOTES: Comments were taken from official minutes of public meetings unless marked as a letter (Ltr.), in which case the comment came instead from a written submission from that community.

Comments were included here only if they were expressed by more than one individual or if the notetaker had recorded that others at the same meeting showed clear signs of agreeing with what one individual had said.

All comments were paraphrased or edited, but every attempt was made to accurately portray the sense and the tone of the speaker.

Public Participation, Public Advisory Group, Trust in the Restoration Process

Most Frequent Comments:

Trust in the Process

Comments stated that people do not trust the Trustee Council. They fear they will not trust the public process the Trustee Council will put in place, but feel a good public process can still make up for the rocky start. Reasons given for distrust are:

Trustees are political appointees. (C)

The Trustee Council has not released as much of the damage study results as the public feels it needs to give recommendations on restoration. (C/F/H/V/CB/J/A-1 Ltr.)

It seems that major decisions about use of the money have been made before the public has a chance to review options. Agency reimbursements were only one of the examples given. (A/F/H/J)

How this problem can be overcome:

The efforts so far to reach the public are, for the most part, appreciated. Teleconferencing is appreciated in the villages. However, one meeting commented that early meetings of the Trustee Council showed great disorganization. (C/CB/A/V/T/S)

There needs to be a greater effort to get good advance materials out.

Travel costs are high, but spending money for the Trustee Council and Public Advisory Group to actually talk to communities, including smaller villages, is worth it. (A/K/S/H/T/A-2 Ltrs.)

Public Advisory Council Relationship to the Trustee Council

A large majority of people who commented on the issue of membership of Public Advisory Group member(s) on the Trustee Council said at least one representative of the Public Advisory Group should be seated on the Council and be fully involved in Council decisions, but not have voting or veto power. Otherwise, the Public Advisory Group would have no real power. (A/H/C/S/K-1 Ltr./A-1 Ltr.)

Public Advisory Group access to the process - The Public Advisory Group should have direct access to the Trustee Council, Restoration Team, and its subcommittees and staff. (A/C/C-1 Ltr.)

Seven speakers expressed some version of the following comment, which follows a model the Regional Citizens Advisory Committee and Alyeska have agreed upon:

If the Trustee Council does not follow a Public Advisory Group recommendation, they should have to explain in writing within a given time period why they did not agree. This may also apply to questions the Groups asks of the Council.
(A/H/V/J/S)

Public Advisory Group Composition and Selection

Most Frequent Comments:

The Trustees should not decide who they want on the Public Advisory Group. Public Advisory Group members should be selected by already existing groups or coalitions they represent. If such groups do not exist, they should be given a chance to organize just for the purpose of trying to gain consensus on who will represent them. (A/H/K/A-3 Ltrs.)

A Clear Difference of Opinion on the following point:

One position - Assume groups and communities from different geographic areas can come to agreement, not that they will oppose each other. Then you have the chance of consensus. Do not "cluster" members from the various regions affected.

Another position - it is important to have regional or subregional groups to develop community consensus.

Public Advisory Group membership should emphasize specifically those communities, user groups, and interests most directly affected, not those who have a more remote connection to injured resources. (K-1 Ltr. A-1 Ltr.)

Process Suggestions for Public Participation and Public Advisory Group

Most Frequent Comments:

The Public Advisory Group should not function as a filter for all information flowing between the public and the Trustee Council, although it should actively distribute information to the public. There should continue to be direct contact between Trustee Council members and public, including Trustee Council meetings being held in affected communities and adequate public comment time at meetings. (S/A/K)

Strong comments in every community on the desirability and necessity of having both science study results and working documents of the restoration process available to the public. Catalogue the information and let everyone know where it can be obtained. Fairbanks meeting (several researchers attended) very concerned with this point. (C/F/H/V/CB/J/A-1 Ltr.)

Scientific work should not be cut off now just to save money. Finish this work, review it and make it the primary factor in planning restoration. (F/V/F-1 Ltr.)

There should be timely notice of meetings and distribution of relevant materials. (C/H/J/A-1 Ltr.) Suggestions for timing of meetings included frequently, bi-monthly, and quarterly.

Public repositories for restoration information - Designate and advertise an office or library or local contact person as the community site for restoration information. (A/C/K/V)

Several comments that restoration process should not be moving forward now before there is public review of plans and/or completion and review of damage assessment information. In some cases, decisions seem to have been made, and then afterward the public is asked its opinion on the same decision. (A/F/H/J/A-1 Ltr.)

There should be a clear record of all Trustee Council decision-making. (K/H)

Budget and Staff

Most Frequent Comments:

The Trustee Council should be willing to spend the amount of money it takes to do the job well. The Public Advisory Group and public participation effort should be adequately staffed. Comments ranged from one to two staff for the Public Advisory Group, with specific staff for public information functions and money to contract for expert assistance. One example used for comparison was the Regional Citizens Advisory Council budget of \$1.5 million for a somewhat similar task. (H/A/S/J-1 Ltr./K-1 Ltr./A-1 Ltr.)

Need for Subgroups or Subcommittees of the Public Advisory Group

The question of how to structure the Public Advisory Group to get the best and broadest representation was a common theme, although there was no unanimity on the solution. Structures proposed included:

The Public Advisory Group should be able to organize its own subcommittees so that it has some chance of getting work done.

Each major geographic area could have a group, then these groups could select members to serve on the Public Advisory Group. One rationale was that fishing interests are so different in the different regions. (K/C/H/V)

Impacted towns and villages should have members on the Public Advisory Group. Some comments specified that these be elected representatives of local government. (V-1 Ltr./A-1 Ltr.) In addition, there would be subcommittees to get input from the interest groups, e.g. fishing, subsistence, recreation. The opposite was also proposed - Public Advisory Group members could represent interest groups and then, if desired geographic representatives could be put on subcommittees. (A/V/T/S)

There should be community coordination groups to focus and define the community's concerns. Kodiak's approach could be a model. After that, communities would be more ready to meet to consider other communities' concerns. (K/H/CB)

Staff may be needed to help smaller communities, and the Public Advisory Group itself, produce well written restoration proposals. (CB/A-1 Ltr./F-1 Ltr.).

Comment on patterns to be avoided:

Don't explicitly or implicitly divide up the money between communities ahead of time or create a structure which encourages this approach. This perpetuates the feeling of "pork barrel politics". (A/V)

How to Spend the Money

Note: Even though this was not the primary question these public meetings were asked to address, comments were made and noted on how restoration money should be spent.

Immediate Actions Needed

Most Frequent Comments:

Pay immediate attention to the drop in availability of subsistence foods which is being reported in villages. Show existing study information to residents. Continue the studies until restoration options can be figured out because otherwise subsistence users will not have information to base restoration proposals on. And involve local people whenever possible. (T/CB/H)

Get going on habitat acquisition for areas that may be logged this year because public interest is high now and because some of the logging companies need to know now. (C/A/K/H/A-1 Ltr.)

More General Comments

Spend the majority of the money directly on restoration of the resources injured. The high value of what was lost warrants that attention. (A-1 Ltr.)

Money spent should remain in the oil affected area. (C/CB)

Concern that not enough has been or will be spent on the villagers concerns for absence of subsistence species.

Some fish or wildlife management decisions, e.g. rockfish, may have long range restoration needs - but are alternatives for short range improvements being considered as well.

Oyster mariculture needs to be better funded to succeed. (T)

Mussel beds and clams need reseeded. Deer, seal, crab, octopus, seaducks all are gone. (T)

Since loss of subsistence has meant more reliance on the cash economy, then restoration should mean helping residents of the Sound train or otherwise have more opportunities for cash jobs. The economy of the Sound area will change in part because of the spill - people need help in adapting.

Create an endowment (several different purposes were mentioned). Spend just the interest from the fund. (K/F/H)

Do not use large portion of the money for an endowment. This is just a way to avoid putting the necessary funds into habitat acquisition. Do not fund "unnecessary scientific studies" or padding of agency budgets with settlement money. Spend as much as possible on habitat purchase. (A)

Acquire land and habitat. (A/C/K/H)

The Trustee Council should not let some trustees "philosophical opposition" to government acquisition of private lands keep the Council from doing what is best and most cost-effective for restoration of the resource and the communities which depend on those resources. (A)

Important to get consensus in communities on what money should be spent for. Also described as "local control" or agreement with projects. Some speakers specified what they did not want it spent on, e.g. buildings, ports, agency budgets or spill prevention and cleanup. (K/H)

Specific proposals in Kodiak:

Note on comments from the Kodiak meeting - At least seven specific restoration proposals were submitted at the Kodiak meeting. The Borough introduced a list summarizing all of these. The Borough has established a working group to help ensure that Kodiak issues are a part of the process. So far, this appears to be a unique approach among the communities. The person presenting the Borough proposal said it was an attempt to pull something positive out of the negative spill experience.

Three state park proposals - an appraisal is needed for a Shuyak land exchange, buy native owned land for state parks, and fund a public education center and display about archaeological resources in Shuyak and training in archaeological protection there.

Fund a research lab so that monitoring and related work can be done locally, not sent away.

Kodiak Regional Aquaculture Association - Much more information is needed to support restoration decisions. They specifically support salmon studies and land acquisition.

Area K Seiners - Support land acquisition and the careful prioritization of all suggestions for use of the funds.

Proposal from Kodiak College (Associated with the University of Alaska, Anchorage) - Fund an Environmental Learning Resource Center, a building attached to the college library.

Do a study of what opportunities will be lost through delays in restoration.

The Kodiak Borough proposed their own list of criteria to be used for project selection and also endorsed proposals made by other groups.

Money should be spent on prevention - Kodiak is in need of response preparedness - lags far behind Prince William Sound - and is ready to work on it.

Homer comments:

On land acquisition - Land should be held in perpetuity; Trustee Council should act fairly quickly while the public's interest is high; decide now and pay over time; Trustee Council should look at conservation easements as cheap and effective ways of acquiring habitat. A local group is ready to help. (One speaker suggested putting just \$1 million in a endowment fund to encourage land trusts in the spill area.)

Prevention and research - Spend money to get ready for next spill, on baseline data collection and on response readiness. (H/K/V/F)

Proposals in Cordova:

Prince William Sound Aquaculture Corporation Resolution - The Trustee Council should make directly funded or endowment-backed funding available for cooperative salmon ecology and interaction programs by their corporation. It should also help fund the actions by the aquaculture corporation and other agencies which result from such studies and which lead to restoration, enhancement and management of the salmon resources of the Sound.

Decisionmaking for such programs should be shared with the Prince William Sound Aquaculture Corporation and the information coming out of such programs should be shared with the Corporation and the public.

Habitat acquisition - buy as much as possible if it is not possible to buy whole areas, e.g. Montague Island.

Expand cooperation with the U.S. Forest Service's current study of the Sound. Consider placing a moratorium on all increase in industry in Sound to buy time for good evaluation of plans.

Comments from the Fairbanks meeting:

Note: Most of the people who signed in are connected with the University of Alaska-Fairbanks. Some are or were involved in damage assessment studies.

Many studies are on the brink of really understanding the systems they have been studying - do not cancel studies now. Still left to be done are independent peer review, synthesis and

integration of studies. Also, because past studies were strongly influenced by litigation, there may be a need for new studies to fill in the gaps in information needed for restoration. (This comment was from a researcher who is not state or federal agency funded.) (F-1 Ltr.)

Why is there a rush to begin restoration studies if this is the case? The rush to land acquisition should not be at the expense of finishing the science and getting an impartial review of these studies.

April 23, 1992

DRAFT
Oil Spill Administrative Director

GM-401-15
Range 28

Position No.

Introduction:

The incumbent serves as Administrative Director of the Exxon Valdez Oil Spill Restoration Team for the Trustee Council encompassing six members, one each representing the Alaska Departments of Law, Fish and Game, and Environmental Conservation, Secretaries of Agriculture, and Interior, and the Administrator for the National Oceanic and Atmospheric Administration. The position is headquartered in Anchorage, Alaska.

This Restoration Team's responsibility is to direct, coordinate, facilitate and evaluate all work related to the restoration of the Exxon Valdez oil spill area, after legal settlement. The mission of the Administrative Director and the Restoration Team is to restore the natural resources injured as a result of the Exxon Valdez oil spill to pre-spill conditions. The terms of the settlement provides \$900 million dollars over a 10 year period for this purpose. The scope of the program covers the spill affected areas in the Gulf of Alaska including Prince William Sound.

Duties:

Serves as the Administrative Director of the Exxon Valdez Oil Spill Restoration Team for the Trustee Council for the purpose of the restoration and injury assessment that involves six trustees, one each representing the Alaska Departments of Law, Fish and Game, and Environmental Conservation, Secretaries of Agriculture and Interior and the Administrator for the National Oceanic and Atmospheric Administration.

In conjunction with the Restoration Team, provides vision and leadership, plans, organizes, directs, and coordinates a broad and complex restoration program to improved injured natural resources and related services as a result of the Exxon Valdez oil spill. Directs the development of a general overall plan, budget and accounts for all phases of the oil spill activities, and direction to ensure internal and external consistency for the Trustee Council. Develops a plan for the documentation of the spill restoration and injury assessment processes. Represents the Trustee Council and supports the Restoration Team activities in the resource recovery phase.

Provides oversight with the Restoration Team to appropriate science advisors from across the United States in review of the Restoration Program over the Exxon Valdez oil spill area.

Formulates in conjunction with the Restoration Team long-term plans for restoration. Administers a large, complex program of work including a program staff, program finances, administrative support, other organizational elements including liaison within and external to the Trustee Council and administrative support to a 15 member Public Advisory Group.

Represents the Trustee Council in coordination of planning and contacts with high level officials from other federal and state agencies, local governments, international experts, private corporations, Alaska Native Corporations.

Represents the Trustee Council in media contacts regarding the oil spill injury assessment and restoration efforts.

Develops administrative record. Interacts with the Office of General Counsels, for USDA and NOAA, State Department of Law and USDI Solicitor's Office.

Exercises the full range of supervisory duties for:

- 2-Clerical positions
- 1-Budget Assistant
- 1-Paralegal position
- 2-Librarians
- 1-Public Information Officer

Formulates a balanced program acceptable to the Trustee Council on a unanimous decision based process outlined in the State/Federal and Exxon Corporation Exxon Valdez oil spill settlement agreement. Performs overall work planning, establishes work schedules and priorities, and assigns and reviews work. Personally discusses progress of work and problem areas as they arise. Recommends employee status changes, such as promotions, reassignments, and other personnel changes. Sets performance standards and evaluates performance. Identifies training needed by subordinates, and ensures that training opportunities are provided. Resolves complaints or minor grievances, and advises employees on matters related to less than adequate performance. Keeps employees informed of management policies and goals.

FACTOR 1. KNOWLEDGE REQUIRED BY THE POSITION

This position requires mastery of the concepts, science, and practices of Resource Restoration sufficient to serve as the Administrative Director and to provide leadership and technical knowledge to administer management of a long-term restoration program for the Exxon Valdez oil spill area. Similarly, employs a mastery of the principles, concepts, and practices of restoration to: (1) plan a long-term program of innovation of national importance and significance; (2) generate new restoration techniques and lead in the development of new concepts, (3) assure acceptance of organizational and

planning documents by the Trustee Council; and (4) assure acceptance, cooperation, and participation of a broad group of scientists, managers, and planners in governmental and non-governmental organizations. Overall skill in administering large, complex program of work including staffing, finances, equipment, and other organizational elements. Skill in analyzing problems, proposing solutions, and implementing decisions made by the Trustee Council. Skill in developing support and understanding of the restoration programs and objectives. Skill in harmonizing conflicting interests, demands, and perspectives of various agencies, groups, organizations, and individuals to determine appropriate actions and approaches.

Knowledge of related natural resource disciplines that pertain to multi-resource management, such as forestry, water sciences, watershed management, wildlife biology, and fisheries biology, in order to integrate multiple resource values and multiple needs.

Comprehensive knowledge of public laws such as the National Environmental Policy Act of 1969, The Clean Water Act of 1972, the Water Quality Act of 1987, Comprehensive Environmental Response Compensation and Liability Act of 1980 and the Oil Pollution Act of 1990, and other authorities that set public policies related to resource management.

* Comprehensive knowledge of related research and development programs of other government agencies, universities, natural resources agencies, and private organizations.

Knowledge and understanding of how political processes work at all levels of government, as well as, the mechanics of governmental processes at the community, county, state, and national levels.

General knowledge of requirements for administrative record, litigation reports, investigation reports and other documentation and support actions related to litigation.

FACTOR 2. Supervisory Controls

The supervisory guidance is primarily in the form of general policy directives, statutory requirements, and staff, time, or budget constraints.

Incumbent typically develops concepts and initiates new projects or activities. Incumbent is the principal technical and program advisor to and collaborator with the Trustee Council. The Trustee Council is kept informed of progress on major issues but recommendations are accepted as technically authoritative even though final approval depends upon formal action by the Trustee Council.

Completed work is generally reviewed for assurance that broad policy objectives are fulfilled.

FACTOR 3. Guidelines

Guidelines are broadly stated natural resource and land management statutes, agency policy and regulations, research publications, and regulations, standards, policies, and procedures of other Federal and State agencies.

There have been numerous State and Federal legislative changes in recent years that have had a major impact on Exxon Valdez oil spill restoration activities. Incumbent must exercise a high degree of judgment and originality to interpret the laws and regulations and to develop policy, standards, concepts, and procedures relating to the oil spill injury assessment, rehabilitation and restoration plans. On occasion, the incumbent with the Restoration Team, will draft agency regulations for top management.

FACTOR 4. Complexity

Assignments involve the full range of processes, systems, and components pertinent to natural resource and related services restoration.

Primary responsibility is to assess, advise, and report on the technological feasibility of processes, systems and components of a the Exxon Valdez oil spill restoration program, and to assure that individual projects or studies undertaken will further the objectives of State and Federal resource management policies and programs. Most of the projects and studies generally involve the establishment of new, or the refinement of existing agency policies, methods and concepts. They involve highly complex technical and socio-economic problems with many areas of uncertainty; the employee's recommendations and decisions are consequently under close scrutiny by leaders of major public interest groups which typically have differing aims. Some of the processes have been found to be theoretically sound but not necessarily practically feasible, to date. While the processes are theoretically sound, acceptable methods, practices and techniques are in a state of change due to legislative changes, concomitant changes in Administration policy, and the lack of precedence in activities.

FACTOR 5. Scope and Effect

One aspect of this position is to provide administrative support to the Trustee Council and Restoration Team concerning the technological and economic activities associated with the oil spill program.

The employee's actions in evaluating the need for or initiating new or different projects or studies, and changes in policies and procedures, have a short-term and long-term impact on the Trustee Council's ability to meet the nation's needs for restoring Exxon Valdez Oil Spill related injured natural resources and related Services, and the overall State and Federally mandated land and resource management. State and Federally mandated land and resource

management. These actions also impact the work of other professionals and experts across State and Federal Agencies.

FACTOR 6. Personal Contacts

High ranking scientific and professional personnel in agency headquarters, in other State and Federal agencies and departments; with high level officials of nationwide associations, private industrial firms, organizations such as The Nature Conservancy, Wilderness Society, Wildlife Defense Fund, and others, with State and Federal congressional staff members, and with nationally known representatives of news media and other groups.

FACTOR 7. Purpose of Contacts

To provide expert opinion and advice on technological advances, economic and technologic feasibility studies, agency policies, procedures and standards, and current and proposed legislation. To defend, and justify controversial technologic or socio-economic issues involving such activities. Involves active participation in high level conferences, negotiations, and meetings on such issues as the compliance with environmental quality standards and State and Federal congressional hearings. The incumbent must be able to influence or persuade other experts to adopt particular approaches, concepts or compromises when serious conflict arise.

FACTOR 8. Physical Demands

Primarily sedentary in nature; however, there is some physical exertion when inspecting field operations.

FACTOR 9. Work Environment

Office setting with some travel to attend meetings, symposia, and conferences. Some travel will be required through use of small aircraft, helicopters, and small boats.

DATE: April 13, 1992

MEMORANDUM FOR: Restoration Team

FROM: Byron Morris

SUBJECT: Information Release Working Subgroup

The following people were assigned to a small working group to discuss approaches to the release of NRDA information to the public, the scientific community, resource managers, and other interested parties. They were:

Kelly Hepler - ADF&G
Byron Morris - NOAA - chair
Karen Oakley - USFWS
Tim Steele - NOAA

The attached summary was drafted to identify potential mechanisms for the dissemination of NRDA information. Each was felt to be useful in its own right. Most are currently being pursued by NRDA participants, with the possible exception of popular articles and press releases.

The working group wholeheartedly endorsed the symposium option as a much needed approach. Merits of the Symposium are multiple, but the main merits identified were:

1. Centralizes presentation of information in one place and time (the Symposium meeting) and in one published source (the Proceedings);
2. Provides for wide distribution and readership in a cost effective and timely manner;
3. Is a lasting reference to oil spill effects of the EVOS;
4. Provides best public access to results of NRDA studies;
5. Best coordinates release of information among PIs and Trustee agencies.

The work group approved the attached proposal to be placed before the Restoration Team to seek Trustee Council approval to initiate planning for the Symposium. This approval is very time critical if a Symposium is to be conducted in early 1993. If approved, a larger working group would immediately be convened to begin organizing the Symposium and resolving the details involved.

PUBLIC DISSEMINATION OF EXXON VALDEZ
DAMAGE ASSESSMENT RESULTS

The following are the various avenues by which EVOS NRDA information can and will be made available to the public.

- Status of Injury Reports
- Press Releases
- Release of Study Reports (Progress and Final Reports)
- Scientific Publications
 - Scientific Journal Papers
 - Scientific Book Chapters
 - Agency Reports and Publications
- Popular Articles
- Conference Presentations
- Oil Spill Symposium

Each avenue has advantages and disadvantages, and each has a specific purpose and a select audience. Each also has a time span associated with its completion.

AVENUE	AUDIENCE	TIME (mos)	COMPREHENSIVENESS	DETAIL
Injury Report	Broad	1-3	High but super- ficial	Fair
Press Releases	Broad	1	Narrow and cursory	Poor
Study Reports	Limited	9-12	Poor; disconnected	Good
Scientific Publications	Limited	6-36	Poor; disconnected	Good
Popular Articles	Broad	3-6	Fair to good	Fair
Conferences	Limited	3-12	Poor to fair	Good
Symposium	Broad	10-24	High; indepth	Good
Book	Broad	36-60	High; indepth	Good

In due course, each of these avenues will be used to some degree. There are only two avenues however, that address a widespread audience of interests and entail a high degree of comprehensiveness in depicting the injuries documented by the NRDA studies. Only one, the Symposium, contains an acceptable level of technical detail as well. The Symposium and its' Proceedings will leave a lasting legacy of knowledge gained by study of this oil spill. The Proceedings of the Symposium will be widely distributed, and will be the single comprehensive document containing the results of our NRDA studies.

PROPOSAL FOR AN EXXON VALDEZ
OIL SPILL SYMPOSIUM

Who: Trustee Council, NRDA Principal Investigators

What: Public symposium to present the results of Exxon Valdez Natural Resources Damage Assessment studies conducted by the Trustee agencies.

Where: Eagan Convention Center, Anchorage, Alaska

When: Early Spring (February or March), 1993

Why: To inform the public, other scientists, and other interested parties of the results of the NRDA studies, documenting the effects of the Exxon Valdez oil spill on natural resources and services, and describing the extent of injuries in need of restoration at present and in the future.

How: Trustee Council approves concept of Symposium at 4/27 meeting. Working group established to begin preparing arrangements for Symposium, costs and planning schedules. Site and dates are verified. Principal Investigators are notified to prepare presentations and Proceedings' papers. Public announcements are made of location, time and dates. Preparations for publication of a Proceedings begin. Arrangements are finalized.

Assumptions:

- Approximately 500 people will register.
- No additional travel funds will be provided for participants or speakers.
- A minimal registration fee of approximately \$25 will be charged.
- Persons requesting a copy of the conference proceedings will be charged approximately \$25 for each copy of the proceedings.
- The conference will address the full array of natural resource damage assessment studies conducted to date.
- Remaining costs for the conference will be paid by funds approved by the Trustee Council.

Notes: The Eagan Convention Center is available for the first week in February and the first week in March. Cost for the Summit Room, an auditorium seating 1100 people, is \$1500/day. Audio-visual equipment is included, but fancy projectors etc. can be rented for an additional \$50-75/day. Cost of publication of the Proceedings is unclear but could be less than \$25,000. In all, the Symposium should not exceed \$50,000, including Proceedings.

OGDEN ENTERTAINMENT SERVICES

William A. Egan Civic and Convention Center
555 West Fifth Avenue
Anchorage, AK 99501
907 263 2800
Fax 907 263 2858

April 7, 1992

Byron F. Morris, PH.D.
Fax 276-7178

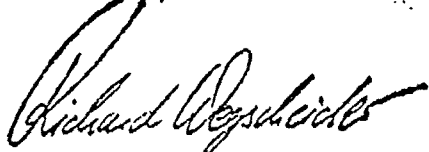
Dear Mr. Morris,

We are pleased you are considering the Egan Convention Center to hold your event. I have tentatively reserved space for you on February 1-4, 1993, and March 1-4, 1993. Under our booking policy we will hold this space for you until April 30, 1992 without a firm commitment from you. At that time, if we have not heard from you, the hold will automatically be released and the space relinquished.

We are holding the Summit Hall at the Egan Center with a seating capacity of 1100 people theatre style (11,738 square feet). Space rental is \$1500.00 per day, 14' screen and P/A system included in space rental. Standard A.V. equipment available in house from \$20.00 to \$75.00 per day pending on type of equipment.

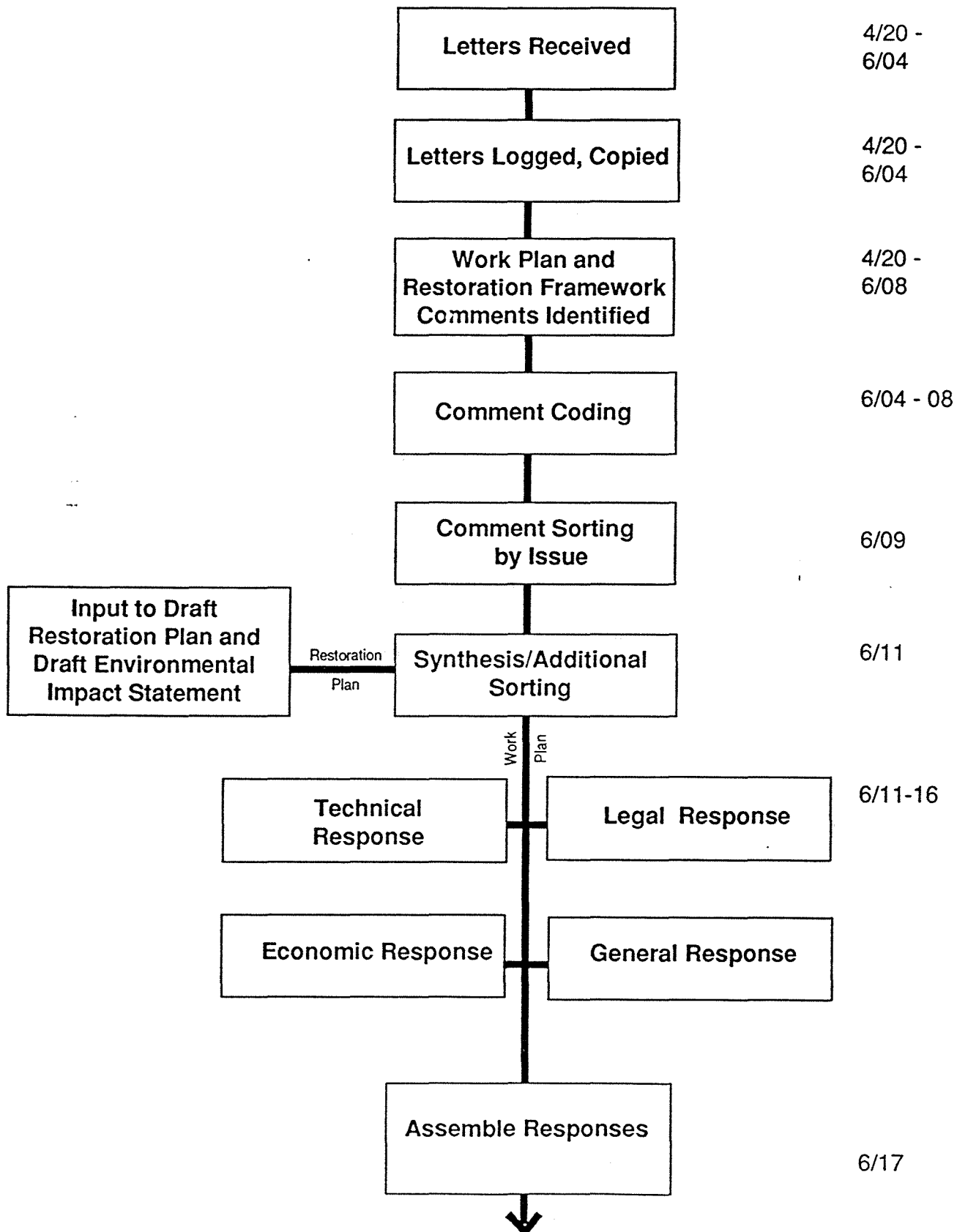
If you have any questions please do not hesitate to call. We look forward to working with you.

Sincerely,



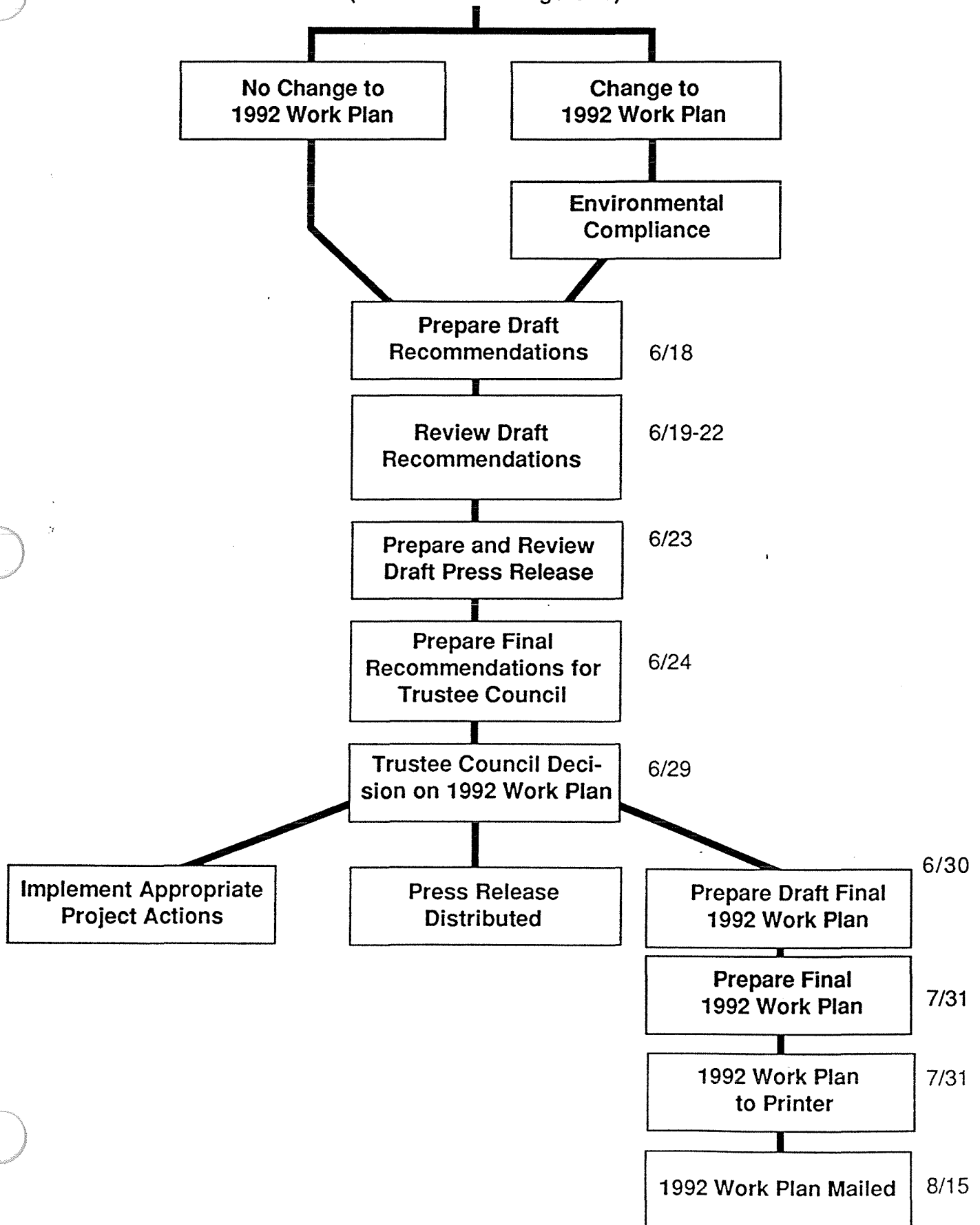
Richard Wegscheider
Director of Food and Beverage

Procedure for Responding to Public Comments on 1992 Draft Work Plan and Restoration Framework



Procedure for Responding to Public Comments on 1992 Draft Work Plan and Restoration Framework

(Continued from Page One)



1992 Work Plan Public Comment Review Schedule

<u>DATE</u>	<u>MILESTONE AND/OR ACTIVITY</u>
15 April	Restoration Team meeting to decide procedures/assignments for 1992 Work Plan Working Group.
1 May	Restoration Team approval of 1992 Work Plan Working Group comment handling process including outline of the document.
5 May	Inform Program Managers and Principle Investigators of process emphasizing five day timeframe to respond to comments after June 8 or 9.
25 May and 1 June	Comments forwarded to Restoration Team who will forward them to Program Managers and Principle Investigators as appropriate.
4 June	Deadline for receipt of public comments.
8 June	Coding completed. Package of all remaining comments to all Restoration Team.
9 June 10 June	Restoration Team and 1992 Work Plan Working Group synthesize and further categorize comments.
11 June 17 June	Restoration Team, attorneys and 1992 Work Plan Working Group respond to synthesized comments by category: (1) technical, (2) general, (3) economic, and (4) legal. Develop recommendations that materially change projects, change costs, or add a new project. Prepare draft for internal review.
18 June	Prepare recommendations in pre-draft form.
21 June	Legal review of draft; comments to Restoration Team.
22 June 23 June	Technical editor edits draft. Restoration Team finalizes recommendations for the Trustee Council.
24 June	Restoration Team provides recommendations to the Trustee Council on Final 1992 Work Plan.
29 June	Trustee Council decision on 1992 Work Plan recommendations.
30 June	Trustee Council issues press release describing changes to 1992 Work Plan.
30 June 20 July	1992 Work Plan Working Group prepares a draft Final 1992 Work Plan, either as an addendum to the 1992 Draft Work Plan or as a revision of the Final Work Plan. Edited by editor.
31 July	1992 Work Plan finalized by the Restoration Team and Trustee Council.
15 August	Document distributed to public. 1992 Work Plan Working Group disbanded.

April 20, 1992

1993 Work Plan Development Schedule

<u>DATE</u>	<u>MILESTONE AND/OR ACTIVITY</u>
Apr 92	Restoration Team develops criteria and format for project ideas from public; Restoration Team finalizes 1993 planning outline.
27 Apr 92	Trustee Council approves project idea criteria and format; Trustee Council approves schedule for 1993 work plan; Trustee Council provides guidance on scope of 1993 work plan.
1 May 92	Send letter to public requesting project ideas. Request project ideas from agencies.
May 92	Request project ideas from public during scoping meetings.
15 Jun 92	Deadline for receipt of ideas from the public and agencies.
15 Jun- 1 Jul 92	Public project ideas sorted and coded; agency ideas reviewed.

The remaining process under review by the Restoration Team.

Dear Concerned Citizen:

The Exxon Valdez Trustee Council is soliciting ideas from the public on restoration projects that may be undertaken in 1993 and beyond. If you have suggestions for work that you believe should be considered in designing next years' work plan, please provide them to us on the form provided or on a separate page according to the format indicated. Your ideas will be considered along with other ideas received. Submit as many suggestions as you like. The Trustee Council will consider these suggestions to assist in drafting the 1993 and future work plans. Suggestions must be received by **June 15, 1992.**

Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege over them. Proprietary information should **not** be divulged unless you want it made public.

_____ fold here _____

PLACE
STAMP
HERE

Exxon Valdez Trustee Council
645 G St.
Anchorage, Alaska 99501

Attn: 1993 Work Plan

FORMAT FOR PUBLIC IDEAS FOR RESTORATION PROJECTS

Justification: (Link to Injured Resource or Service)

Estimated Duration of Project: _____

Estimated Cost per Year: _____

Other Comments:

Name, Address, Telephone:

Because oil spill restoration is a public process, your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.

Timeline for Completion of the Restoration Plan and Environmental Impact Statement

<u>DATE</u>	<u>MILESTONE AND/OR ACTIVITY</u>
24 Apr 1992	Establish categories for information to be compiled for describing and evaluating the restoration options
15 May	Provide draft outline of Draft Restoration Plan and Draft Environmental Impact Statement to Restoration Team
04 Jun	Deadline for receipt of public comments on the <u>Restoration Framework</u>
15 Jun	Modify outline of Draft Restoration Plan and Draft Environmental Impact Statement to reflect public comment on the <u>Restoration Framework</u> ; identify draft final list of issues to be addressed in Draft Environmental Impact Statement
26 Jun	Trustee Council approves outline of Draft Restoration Plan and Draft Environmental Impact Statement; present list of issues to be addressed in the Draft Environmental Impact Statement
30 Jun	Complete compilation of information needed to describe and evaluate restoration options
30 Jul	Complete evaluation of restoration options
15 Aug	Provide draft sets of restoration alternatives to the Trustee Council
15 Nov	Complete first draft of the Draft Restoration Plan and draft of the Draft Environmental Impact Statement and present to Restoration Team
15 Jan 1993	Trustee Council approves Draft Restoration Plan and Draft Environmental Impact Statement
15 Feb	Draft Restoration Plan and Draft Environmental Impact Statement released to public
31 Mar	Comments on Draft Restoration Plan and Draft Environmental Impact Statement due from public
30 Apr	Complete draft Final Restoration Plan and Environmental Impact Statement and present to Restoration Team
31 May	Trustee Council approves Final Restoration Plan and Environmental Impact Statement

23 April 1992

FINANCIAL OPERATING PROCEDURES

The objective of the Financial Operating Procedures is to ensure public trust and accountability while maximizing the Trustees' ability to utilize Exxon Settlement Funds for approved restoration activities. A flow chart of the Financial Operating Procedures is included as Appendix A. Financial management of Exxon Settlement Funds will be accomplished as outlined herein based on the following principles:

Maximum use will be made of existing agency administrative structures. Each of the Trustee Agencies has established administrative and personnel and financial management systems that will be utilized to the maximum extent possible.

General administrative expenses will be kept to a minimum and applied in a consistent manner by the Trustee Agencies.

Administrative services for the Office of the Administrative Director--including personnel, accounting, contracting, purchasing, and property accountability--will be provided in accordance with the "lead-agency" concept based on a Memorandum of Understanding (MOU) approved by the Trustee Council (TC).¹

ANNUAL BUDGET

The TC will annually prepare and approve a current-year budget based on the Federal fiscal year (October 1-September 30).

The annual budget will, at a minimum, include the following elements:

A budget for the Administrative Director (AD) and staff that includes salaries, benefits, travel, office space, supplies and materials, contractual services, utilities, general administrative expenses, and such other items as may be necessary for the efficient operation of the TC and Restoration Team (RT). The budget will be summarized on a Project Budget Form (Appendix B).

¹ A "lead agency" is an agency, either Federal or State, that agrees to the use of its administrative structures and processes in support of the Administrative Director's Office. These administrative services would include such functions as contracting for office space, personnel services, payment of utilities, small purchasing, imprest fund, etc. The purpose of this concept is two-fold: (1) to obviate the need for legislation (either Federal or State) authorizing the Trustee Council to carry out these functions, and (2) to utilize existing agency structures and thus eliminate duplication and inefficiency.

A budget for the RT and each standing working groups established by the TC will be summarized by agency on a Project Budget Form (Appendix B) and will include the cost of personnel, travel, contractual services, commodities, equipment, and general administrative expenses. Personnel (full-time equivalents) and travel will be identified for each standing working group.

A budget for each project specifying activities, costs, and expected results will be summarized on a Project Budget Form (Appendix B) and will include, as a minimum, project costs broken down by program management, direct project personnel, travel, contractual services, commodities, equipment, and general administrative expenses.

CALCULATION OF RESTORATION TEAM SUPPORT COSTS

Restoration Team support costs include professional and technical support for restoration team members. To carry out Trustee responsibilities, each agency will be provided one Restoration Team member, one professional support staff full time equivalent² and, during Restoration Plan development, one restoration planning working group member. Additional support staff for the Administrative Director's office and working groups must be approved by the Trustee Council. In addition, since Restoration Team members are housed in their agencies, this calculation includes support costs for Restoration Team member offices.³ Restoration Team support costs will be based on projected actual costs. These two categories do not include administrative support costs such as personnel, fiscal and accounting services which are calculated as shown in the following section.

CALCULATION OF GENERAL-ADMINISTRATION ADMINISTRATIVE COSTS

General—administration Administrative costs to provide administrative support for the AD's Office, member agencies of the RT, other standing working groups, and project implementation will be calculated as follows:⁴

² This staff time is primarily for support of restoration team members, but is also for support of working groups wherever appropriate.

³ Examples of office support costs include rent, phones, faxes, utilities, supplies, equipment, and equipment maintenance.

⁴ In lieu of calculating general administrative costs by formula, agencies may elect to receive a base rate of not more than \$45,000 for general-administration administrative support. General-administration Administrative costs include personnel services, fiscal and accounting services, and other general administrative functions in support of agency personnel on the RT or a working

Administrative Director's Office. The annual budget for the AD's Office may include an ~~general-administration~~ ~~administrative~~ cost of not more than 5 percent of the personnel costs associated with the AD's Office. Such ~~general-administration~~ ~~administrative~~ support will be allocated to each agency in proportion to each agency's personnel costs for the AD's Office. ~~General-administration~~ ~~Administrative~~ support will not be charged on other activities, such as the Public Advisory Group (PAG) and public-outreach programs.

Restoration Team. The annual budget for the RT may include an ~~general-administration~~ ~~administrative~~ cost of not more than 5 percent of the personnel costs of the RT. Such ~~general-administration~~ ~~administrative~~ support will be allocated by agency in proportion to each agency's personnel costs for the RT.

Working Groups. The annual budgets for the working groups may include an ~~general-administration~~ ~~administrative~~ cost of not more than 5 percent of the personnel costs of the working groups. Such ~~general-administration~~ ~~administrative~~ will be allocated in proportion to each agency's personnel costs for the working groups.

Projects. Each approved project may contain a line item for ~~general-administration~~ ~~administrative~~ costs not to exceed an amount calculated as follows:

- (1) 15 percent of each project's direct personnel costs; plus
- (2) up to 7 percent of the first \$250,000 of each project's contract costs, plus 2 percent of project contract costs in excess of \$250,000.

The specific ~~general-administration~~ ~~administrative~~ rate assessed on contract costs may be based on existing rates used by a State or Federal agency for similar contracts but may not exceed the rates established herein.

ANNUAL BUDGET FORMULATION PROCESS

The TC, with public participation, will formulate a draft annual work plan for the coming year.

Notification of availability of the draft annual work plan will be published in the Federal Register and major Alaskan newspapers for a public and PAG review period of at least 30 days.

Agencies will submit their tentatively approved budgets to the RT on the Project Budget Form (Appendix B). The Financial Committee

group.

will review these submissions and submit budget recommendations for consideration by the RT. The RT will review the complete package and make recommendations to the TC that include a summary of the tentatively approved budgets by agency on the Project Budget Summary Form, with future-year costs for long-term projects (Appendix C).

After the review period expires, the TC will again--in an open meeting with opportunity for public comment--review the tentative program, make changes as appropriate, and approve a final program budget. Project-budget decisions made by the TC will be subject to the review and notification procedures established by the State and Federal Governments.

FEDERAL/STATE PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

Upon final approval of the annual budget by the TC, State and Federal agencies will notify the public of the availability of the budget for public review. State procedures for public notification and review are contained in Appendix D. Federal procedures for public notification and review are contained in Appendix E.

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Upon completion of public notification and review processes of the annual budget (as described above) by both the State and Federal Governments and final approval of the annual budget by the Trustees, the Trustees will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the court for the release of settlement funds (see Appendix F) and their transfer to the U.S. Department of the Interior Resource Damage Assessment and Recovery (NRDA&R) Fund and to an account to be designated by the State of Alaska, Department of Administration, Division of Finance. The State and Federal Governments will report quarterly to the AD on interest earned and cash disbursed.

ACCOUNTING AND REPORTING

Trustee agencies will maintain accountability for the expenditure of Exxon Settlement Funds utilizing generally accepted accounting principles and agency-approved accounting procedures Appendix G. As a minimum, these procedures will identify expenditures as approved in the annual work plan with supporting documentation. State and Federal agencies must account separately for their respective portions of each project or program.

Within ~~thirty~~ ninety days following the end of each quarter, State and Federal agencies will report monthly expenditures for each quarter to the AD. The lead agency responsible for a multi-agency activity is responsible for collecting this information from and reporting on each participating agency. Agencies will submit expenditure reports (Appendix ~~GH~~) to the AD's Office for review by

the Financial Committee before consolidation and dissemination to the RT and AD for approval.

The AD will submit to the TC quarterly expenditure reports and reports of cash balances of the NRDA&R Fund and equivalent State accounts.

State and Federal governments will each adopt internal reporting rules governing the information required to transfer cash received from the Court Registry to agencies incurring expenditures. For Federal agencies, the estimated expenditures will provide the basis for transfer of Exxon Settlement Funds from the NRDA&R Fund to the appropriate agency accounts. The procedures for such transfers are contained in Appendix HI.

State agencies, operating under a unified accounting system, will draw from the account containing funds transferred from the Court Registry. Quarterly disbursements will not be necessary, and all unexpended funds received from the court will earn interest.

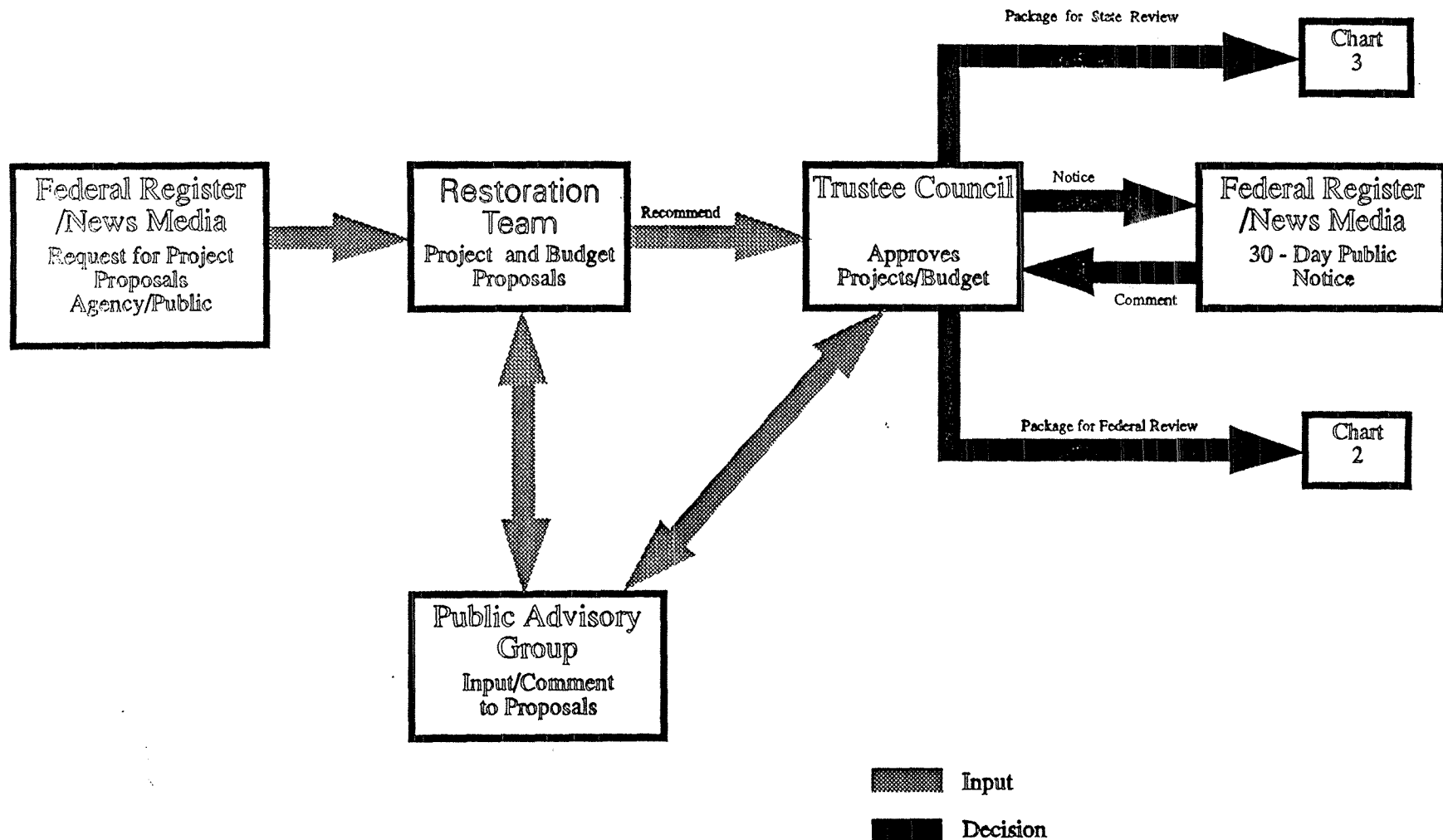
Trustee Agencies will provide documentation for authorized past expenditures to the AD's Office for review by the Financial Committee in order to obtain reimbursement. Documentation, which will use existing Trustee Agency formats, will include an up-to-date quarterly report of past expenditures and supporting information. This quarterly report should break out costs by category; i.e., salaries travel, supplies, contracts, and equipment.

AUDITS

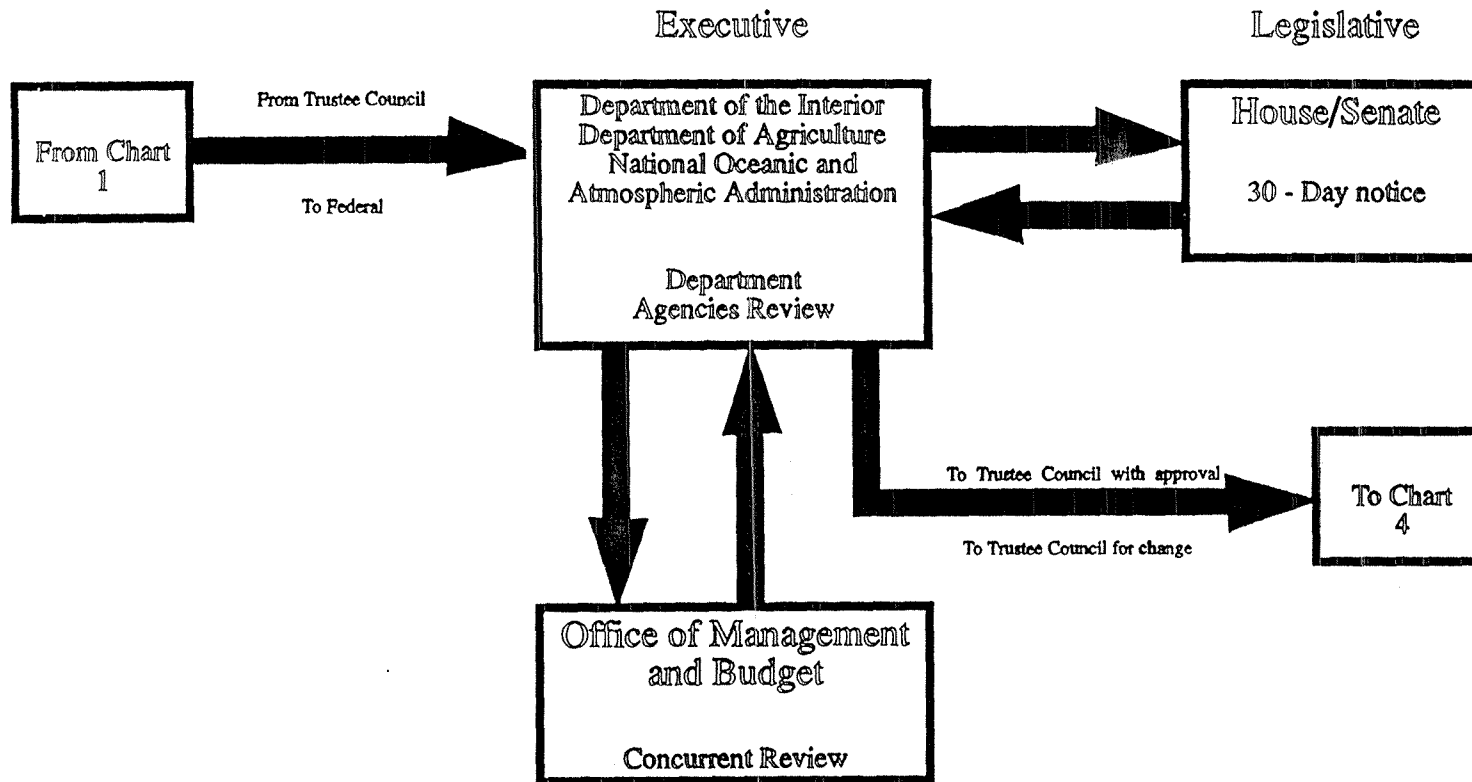
Accountability for the expenditure of Exxon Settlement Funds is of critical importance to maintaining public trust and confidence. Each Federal agency and the State of Alaska have Federally- and State-approved audit functions, respectively. Periodic audits of Exxon Settlement expenditures and financial controls will be conducted in accordance with established policy. State and Federal agencies will submit to the AD's Office a schedule of proposed audits and copies of completed audits be subject to regular audits. A copy of all completed audits will be submitted to the AD's office.

DOCUMENTATION

APPENDIX A
FINANCIAL OPERATING PROCEDURES
(CHART 1)



APPENDIX A
FINANCIAL OPERATING PROCEDURES: FEDERAL PROCESS
(CHART 2)

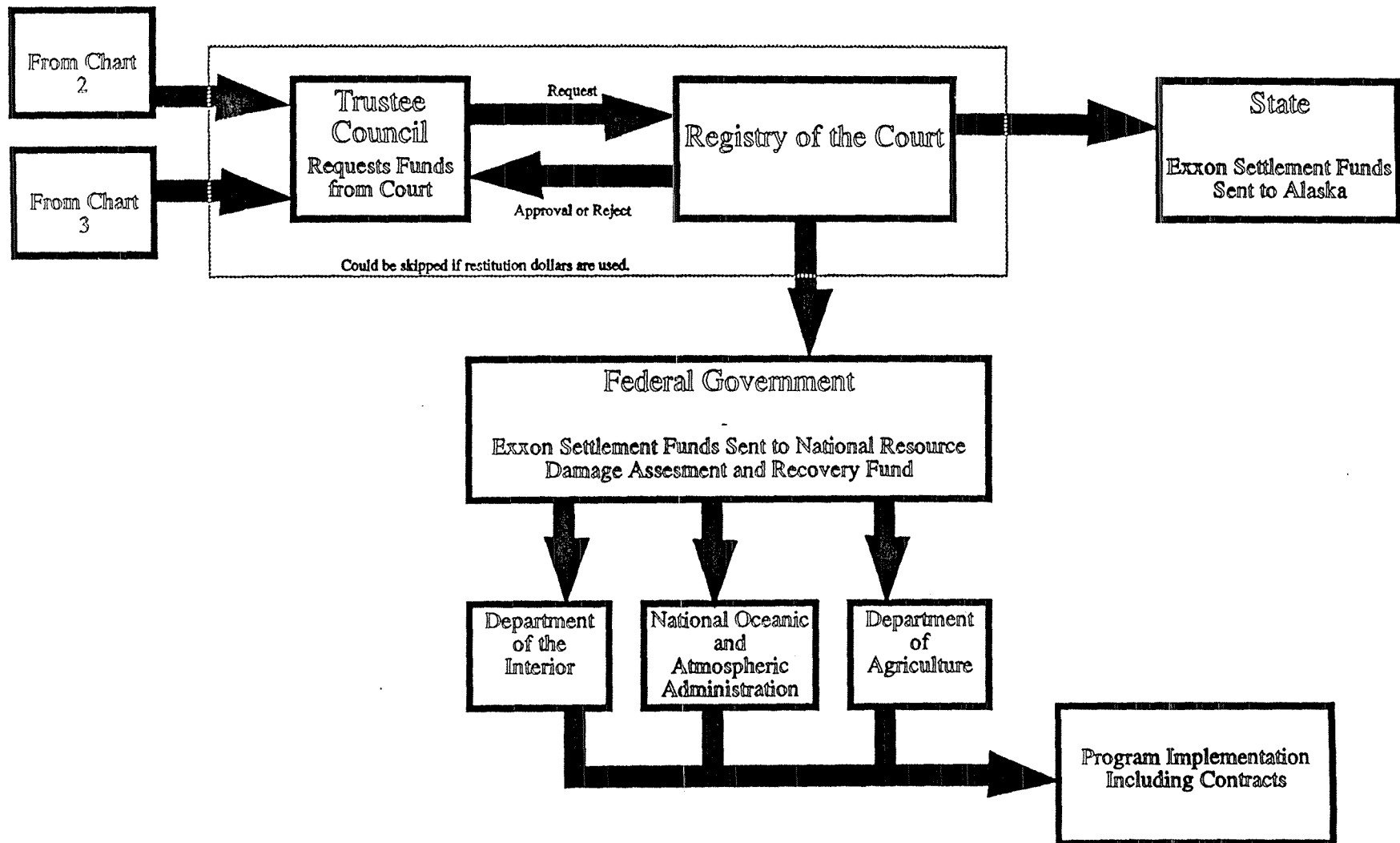


APPENDIX A
FINANCIAL OPERATING PROCEDURES: STATE OF ALASKA PROCESS
(CHART 3)



STATE
REVIEW
PROCESS

APPENDIX
FINANCIAL OPERATING PROCEDURES
(CHART 4)



APPENDIX B
PROJECT BUDGET FORM

PROJECT NUMBER:		
PROJECT NAME:		
AGENCY:		
PROJECT DESCRIPTION:		

BUDGET CATEGORY	FY:	FY:
PERSONNEL (100)		
(11) PERSONNEL COMPENSATION		
(12) PERSONNEL BENEFITS		
TRAVEL (200/21)		
CONTRACTUAL (300)		
(22) TRANSPORTATION OF THINGS		
(23) RENT, COMMUNICATIONS, UTILITIES		
(24) PRINTING AND REPRODUCTION		
(25) OTHER SERVICES		
COMMODITIES (400)		
(26) SUPPLIES AND MATERIALS		
EQUIPMENT (500/31)		
CAPITAL OUTLAY (600)		
GENERAL ADMINISTRATION		
PROJECT TOTAL		

APPENDIX C

PROJECT BUDGET SUMMARY FORM

PROJECT AGENCY/AMOUNT AGENCY/AMOUNT TOTAL

1.

2.

3.

4.

5.

TOTALS

PROJECT NUMBER	PROJECT NAME	AGENCY	AGENCY PORTION (\$1,000)	TOTAL BUDGET (\$1,000)

APPENDIX D

STATE OF ALASKA PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF
ANNUAL BUDGET

(Awaiting draft from State representative)

APPENDIX E

FEDERAL GOVERNMENT PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

During budget formulation, the President establishes general budget guidelines (OMB annual guidance) and fiscal policy guidelines. Under a multi-year planning system, policy guidance and planning ceilings are given to agencies for both the upcoming budget year and for the four following years. The budget guidelines also provide the initial guidelines for preparation of agency budget requests.

ANNUAL BUDGET FORMULATION PROCESS

As a subset of this procedure, the Restoration Team (RT) will provide budget/program recommendations to the Trustee Council (TC) for consideration that will reflect the requirements for the upcoming fiscal year. (For the 1994 Federal budget, it is expected that budgetary information will be received from the TC beginning in June 1992.) These recommendations will include for each agency, a list of projects and their associated project numbers and costs, including multi-year costs. The project list will be used by the RT in making recommendations to the Trustee Council.

Upon approval of the projects by the Trustee Council, the Financial Committee will ensure that the preparation and submission of all Federal budget estimates are in accordance with OMB Circular A-11.

PRESENTATION

Presentation of the annual budget request should be consistent across Federal Trustee Agencies and in accordance with OMB Circular A-11. A new title and code will be established within the Departments of Agriculture, Commerce, and Interior. These title and code designations (referred to as "Budget Activity") will be solely dedicated to Exxon Valdez oil spill assessment and restoration activities.

The Budget Activity will have three subactivities that will provide detailed justification required by OMB for inclusion in the Congressional budget submission. Exxon Valdez oil spill budgetary requirements will be displayed by the Federal Trustee Agencies in the budget justification materials as follows:

- * Activity: Exxon Valdez Restoration Program
- * Subactivity: Damage Assessment Program
- * Subactivity: Restoration Program
- * Subactivity: Administration

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

As stated in Appendix I, Federal funds from the Court Registry will initially be transferred to and deposited in the Department of the Interior's (DOI) Natural Resource Damage Assessment and Restoration (NRDA&R) Fund. Therefore, the DOI annual budget estimate will reflect all Federal budgetary requirements anticipated at the time of submission for continuing activities, new activities, amounts necessary to meet specific financial liabilities imposed by law, and amounts to be transferred to Federal Trustees for Exxon Valdez oil spill-related program activities. The Federal Trustees will reflect in their individual budgets, the amount of the transfer from the NRDA&R Fund account, and will submit all required budget justification materials to OMB for clearance prior to transmittal to Congress.

CONTENT

Required budget materials for the initial and subsequent budget submissions are listed in OMB Circular A-11. These materials will be submitted in accordance with the detailed instructions in the sections indicated and the arrangements made by OMB representatives. OMB guidelines specify requirements that apply only to certain Federal Agencies or under certain circumstances.

FORMAT

As a general rule, approval for changes in budget structure should be requested by October 1, unless OMB specifies an earlier date. Changes in budget structure include establishment of new accounts, changes in account titles, account mergers, changes in the sequence of existing accounts, and new methods of financing. Specific information and format requirements will be determined in consultation with OMB representatives. Advance approval must be obtained before modifications are made to the standard justification material requirements used to present program and financial information.

CONGRESSIONAL NOTIFICATION

According to Public Law 102-229, which is dated December 12, 1991, "Making dire emergency supplemental appropriations...", among other provisions, provided "...That, for fiscal year 1992, the Federal Trustees shall provide written notification of the proposed transfer of such amounts to the Appropriations Committees of the House of Representatives and the Senate thirty days prior to the actual transfer of such amounts..."

"Such amounts" refers to amounts received by the United States for restitution and future restoration in settlement of United States v. Exxon Corporation and Exxon Shipping Company and deposited into the NRDA&R Fund prior to the transfer of funds to the other Federal Trustees and notice to OMB. Congressional notification will be by

letter from the Federal Trustees to the Chairpersons of the House and Senate Appropriations Committees.

The notification will include, in summary form, an estimate of the Exxon settlement funds that are to be expended from the NRDA&R Fund by the Federal Trustees and the projects and activities for which the funds are to be used.

PL 102-229 also required "...That, for fiscal 1993 and thereafter, the Federal Trustees shall submit in the President Budget for each fiscal year the proposed use of such amounts."

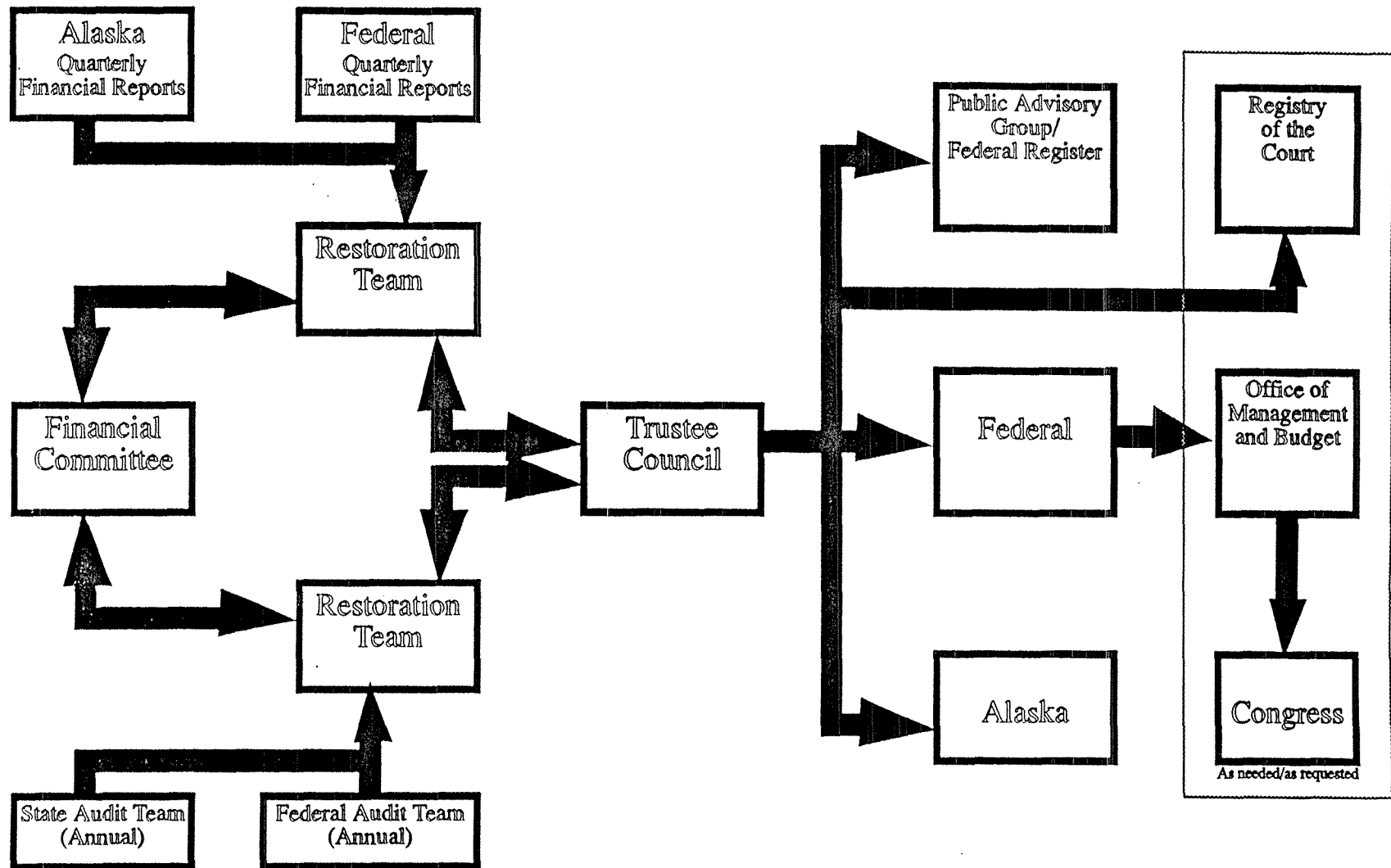
Because this requirement was not incorporated into the President's 1993 Budget, due to time constraints, it is anticipated that the same requirement that was made for the Federal Trustees in 1992 will also be required by the Congress in 1993.

APPENDIX F

PROCEDURE FOR REQUESTING MONEY FROM THE COURT REGISTRY

(Awaiting draft from State and Federal representatives)

APPENDIX G ACCOUNTING AND REPORTING PROCEDURES



As needed/as requested

APPENDIX H
QUARTERLY REPORT FORM

PROJECT NUMBER:			
PROJECT NAME:			
AGENCY:			
APPROVED PROJECT AMOUNT:			
EXPENDITURES AS OF _____:			
BALANCE:			
COMMENTS:			

BUDGET CATEGORY	MONTH 1:	MONTH 2:	MONTH 3:
PERSONNEL (100)			
TRAVEL (200/21)			
CONTRACTUAL (300)			
COMMODITIES (400)			
EQUIPMENT (500/31)			
CAPITAL OUTLAY (600)			
GENERAL ADMINISTRATION			
PROJECT TOTAL			

APPENDIX HI

PROCEDURE FOR TRANSFERRING FUNDS FROM THE U.S. DEPARTMENT OF THE INTERIOR NATURAL RESOURCE DAMAGE ASSESSMENT AND RECOVERY FUND TO APPROPRIATE FEDERAL AGENCY ACCOUNTS

This appendix provides general guidance to Federal Agencies, Bureaus, and Offices in transferring funds from the Court Registry to the U.S. Department of the Interior's (DOI) Natural Resource Damage Assessment and Restoration (NRDA&R) Fund for work approved by the Trustee Council and performed by its representatives. Specific procedures and contacts for the transfer of funds are under development and will become a part of this appendix upon completion.

The transfer of funds from the NRDA&R Fund can be requested by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); Department of Agriculture, U.S. Forest Service (USFS); and DOI and appropriate DOI bureaus and offices.

The following points summarize the drawdown procedure:

- (1) Budget and Finance Officers of the Fish and Wildlife Service (FWS)--the DOI bureau administering the Fund--will be provided by the Trustee Council with the authority to spend. Documentation granting such authority to the FWS will include the identification of each Trustee Council-approved project and its associated project number and dollar amount.
- (2) To maximize interest earned in the NRDA&R Fund, drawdown requests for Trustee Council-approved projects will be made on a quarterly basis after work has started, and estimates of future drawdowns will be submitted quarterly to DOI.
- (3) To use the existing Federal system, agencies, bureaus, and offices will process their billings (transfers) through an electronic On-line Payment and Collection (OPAC) or similar system. The account designation to be used is ALC 14160006.
- (4) Using the OPAC system, a brief summary of the work billed against NRDA&R Fund will include:
 - * Trustee Council-approved project number.
 - * Description of the project.
 - * Object classification code.
 - * Total amount requested.
 - * Contact person.

- (5) The OPAC system implies certification; therefore, no backup documentation is required. However, it will remain the responsibility of the billing Federal Agency, Bureau, or Office to provide backup documentation in support of an audit or upon request by the Trustee Council.

WORKING GROUPS BUDGET SUMMARY 3/1/92 - 2/28/93

	9 Working Groups	Support to Restoration Team Member for Working Groups	Total
1. AK. Dept. of Fish & Game	\$199,841	\$ 8,550	\$ 208,391
2. AK. Dept. of Environmental Conservation	\$101,000	\$127,300	\$ 228,300
3. AK. Dept. of Natural Resources	\$177,400	\$ 51,100	\$ 228,500
4. U.S. Dept. of Agriculture	\$189,000	\$ 16,800	\$ 205,800
5. U.S. Dept. of the Interior	\$138,568	\$ 4,109	\$ 142,677
6. National Oceanic & Atmospheric Administration	\$ 98,000	\$ 37,000	\$ 135,000
TOTAL	\$903,809	\$244,859	\$1,148,668

STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WORKING GROUP SPREAD/AGENCY

CATEGORY		9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100	Salaries	\$ 52,500.0	\$ 0.0
200	Travel	20,000.0	10,000.0
300	Contractual	20,500.0	79,300.0
400	Supplies	5,000.0	22,000.0
500	Equipment	3,000.0	16,000.0
-----		-----	-----
Total		\$101,000.0	\$127,300.0

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
WORKING GROUP SPREAD/AGENCY

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$179,941.0	\$ 7,450.0
200 Travel	12,550.0	700.0
300 Contractual	2,550.0	200.0
400 Supplies	3,850.0	200.0
500 Equipment	950.0	0.0
----- Total	----- \$199,841.0	----- \$ 8,550.0

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
WORKING GROUP SPREAD/AGENCY

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$109,900.0	\$ 30,100.0
200 Travel	5,000.0	2,000.0
300 Contractual	42,500.0	10,000.0
400 Supplies	11,000.0	3,000.0
500 Equipment	9,000.0	6,000.0
-----	-----	-----
Total	\$177,400.0	\$ 51,100.0

UNITED STATES DEPARTMENT OF COMMERCE
NOAA
WORKING GROUP SPREAD/AGENCY

CATEGORY		9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100	Salaries	\$ 78,000.0	\$ 0.0
200	Travel	15,000.0	12,000.0
300	Contractual	0.0	10,000.0
400	Supplies	0.0	5,000.0
500	Equipment	5,000.0	10,000.0
-----		-----	-----
Total		\$ 98,000.0	\$ 37,000.0

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
WORKING GROUP SPREAD/AGENCY

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$ 66,300.0	\$ 16,800.0
200 Travel	18,200.0	0.0
300 Contractual	100,000.0	0.0
400 Supplies	1,000.0	0.0
500 Equipment	3,500.0	0.0
-----	-----	-----
Total	\$189,000.0	\$ 16,800.0

UNITED STATES DEPARTMENT
OF THE INTERIOR
WORKING GROUP SPREAD/AGENCY

CATEGORY	9 WORKING GROUPS	SUPPORT TO RESTORATION TEAM MEMBER FOR WORKING GROUPS
100 Salaries	\$126,242.0	\$ 4,109.0
200 Travel	12,416.0	0.0
300 Contractual	0.0	0.0
400 Supplies	0.0	0.0
500 Equipment	0.0	0.0
----- Total	----- \$138,568.0	----- \$ 4,109.0

Budget Summary by Agency

Court Petition

	<u>Total</u>
1. Alaska Department of Fish & Game	\$ 7,504,100
2. Alaska Department of Natural Resources	1,470,000
3. Alaska Department of Environmental Conservation	963,200
4. U.S. Department of Agriculture	3,968,700
5. U.S. Department of the Interior	2,107,800
6. National Oceanic & Atmospheric Administration	<u>2,561,500</u>
Total	<u>\$18,575,300</u>

Date _____
MICHAEL A. BARTON
Regional Forester,
Alaska Region
USDA Forest Service

Date _____
CHARLES E. COLE
Attorney General
State of Alaska

Date _____
CURTIS V. MCVEE
Special Assistant to
the Secretary
U.S. Department of the Interior

Date _____
STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service

Date _____
CARL L. ROSIER
Commissioner
Alaska Department of Fish
& Game

Date _____
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental

AGENCY
ALASKA DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

1.	<u>Projects</u>	<u>Programmed Costs</u>
1.	Air/Water #1	\$ 17.0
2.	Subtidal #1	17.1
3.	Subtidal #3	50.9
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30.	Additional General Administration to meet minimum approved amount in Financial process.	<u>37.7</u>
	Subtotal	\$122.7

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.	Information Specialist	\$ 58.7
2.	Trustee Council Meeting	84.0
3.	Public Meetings	37.5
4.	Equipment	<u>3.3</u>
	Subtotal	\$ 183.5

3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 123.4
2.	Support	<u>127.3</u>
	Subtotal	\$ 250.7

4.	<u>Working Groups</u>	Programmed Costs
A.	1. Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 119.3
	2. Restoration Planning Working Group (Contract)	186.0
B.	Other Working Groups	<u>101.0</u>
	Subtotal	\$ 406.3

TOTAL	\$ 963.2
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AGENCY
ALASKA DEPARTMENT OF
FISH AND GAME

1.	<u>Projects</u>	<u>Programmed Costs</u>
	1. Subtidal #2A	\$ 109.8
	2. Subtidal #2B	87.6
	3. Subtidal #6	16.6
	4. Terrestrial Mammal #3	74.0
	5. Fish/Shellfish #1	64.3
	6. Fish/Shellfish #2	29.3
	7. Fish/Shellfish #3	126.7
	8. Fish/Shellfish #4A	145.2
	9. Fish/Shellfish #5	22.2
	10. Fish/Shellfish #11	303.6
	11. Fish/Shellfish #13	106.3
	12. Fish/Shellfish #28	250.6
	13. Bird #11	22.9
	14. Fish/Shellfish #27	583.0
	15. Fish/Shellfish #30	202.5
	16. Subtidal #5	90.6
	17. Restoration #60C	389.8
	18. Restoration #90	91.5
	19. Restoration #102	485.7
	20. Restoration #105	263.2
	21. Restoration #113	55.9
	22. Restoration #47	399.6
	23. Restoration #71	424.5
	24. Restoration #53	674.2
	25. Restoration #59	320.9
	26. Restoration #60A&B	1,479.7
	27. Restoration #73	25.0
	28. Restoration #103D	175.9
	29. Restoration #106	<u>34.9</u>
	30. Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	\$ 7,056.0

2. Administrative Director
 (Portion if applicable)

Programmed
Costs

1.		\$	0.0
2.			
3.			
Subtotal		\$	<u>0.0</u>

3. - - - - Restoration Team - - - - -

Programmed
Costs

1.	Member	\$	111.5
2.	Support		<u>8.6</u>
Subtotal		\$	120.1

4. - - - - Working Groups - - - - -

Programmed
Costs

A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$	128.1
B.	Other Working Groups		<u>199.9</u>
Subtotal		\$	328.0

TOTAL		\$	7,504.1
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AGENCY
ALASKA DEPARTMENT OF
NATURAL RESOURCES

1.	<u>Projects</u>	<u>Programmed Costs</u>
1.	Archeology #1	\$ 248.8
2.	Technical Services #3	255.1
3.	Restoration #92	60.3
4.	Restoration #104A	59.5
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30.	Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	\$ 623.7

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.	Peer Review	\$ 413.7
2.		
3.		
	Subtotal	\$ 413.7
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 119.0
2.	Support	51.1
	Subtotal	\$ 170.1
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 85.1
B.	Other Working Groups	177.4
	Subtotal	\$ 262.5
TOTAL		\$1,470.0

AGENCY
UNITED STATES DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION

1.	<u>Projects</u>	<u>Programmed Costs</u>
1.	Coastal Habitat #1B	\$ 51.4
2.	Subtidal #1A	103.5
3.	Subtidal #3A	39.1
4.	Subtidal #4	52.6
5.	Subtidal #7	60.4
6.	Marine Mammal #1	17.3
7.	Marine Mammal #2	33.3
8.	Fish/Shellfish #4B	119.4
9.	Technical Services #1	851.7
10.	Subtidal #8	205.6
11.	Restoration #103A	524.6
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30.	Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	<u>\$2,058.9</u>

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.	Chief Scientist	\$ 191.0
2.		
3.		
	Subtotal	\$ 191.0
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 114.0
2.	Support	37.0
	Subtotal	\$ 151.0
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 62.6
B.	Other Working Groups	98.0
	Subtotal	\$ 160.6
TOTAL		\$2,561.5

AGENCY
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

1.	<u>Projects</u>	<u>Programmed Costs</u>
1.	Coastal Habitat #1A	\$ 2,358.5
2.	Restoration #15	76.2
3.	Restoration #105	84.9
4.	Restoration #104	4.9
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30.	Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	<u>\$ 2,524.5</u>

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
	1. Personnel	\$ 95.0
	2. Travel and Per diem	78.9
	3. Public Meetings	37.5
	4. Contractual	<u>819.0</u>
	Subtotal	\$ 1,030.4
3.	<u>Restoration Team</u>	Programmed Costs
	1. Member	\$ 114.0
	2. Support	<u>16.8</u>
	Subtotal	\$ 130.8
4.	<u>Working Groups</u>	Programmed Costs
	A. Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 94.0
	B. Other Working Groups	<u>189.0</u>
	Subtotal	\$ 283.0
<hr/> TOTAL		<hr/> \$ 3,968.7

AGENCY
UNITED STATES DEPARTMENT OF INTERIOR

1.	<u>Projects</u>	<u>Programmed Costs</u>
	1. Marine Mammals #6	\$ 199.7
	2. Birds #2	48.5
	3. Birds #3	75.7
	4. Birds #4	60.6
	5. Birds #6	24.8
	6. Birds #7	7.5
	7. Birds #8	7.5
	8. Birds #9	18.0
	9. Birds #12	20.7
	10. Technical Services #1	176.6
	11. Technical Services #3	120.1
	12. Restoration #92	65.2
	13. Restoration #11	316.7
	14. Restoration #15	343.1
	15. Restoration #103B	51.9
	16. Restoration #103C	121.6
	17. Restoration #104A	94.8
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	30. Additional General Administration to meet minimum approved amount in Financial process.	
	Subtotal	<u>\$1,753.0</u>

2.	<u>Administrative Director</u> (Portion if applicable)	Programmed Costs
1.	Public Advisory Group	\$ 106.6
2.		
3.		
	Subtotal	\$ <u>106.6</u>
3.	<u>Restoration Team</u>	Programmed Costs
1.	Member	\$ 41.7
2.	Support	<u>4.1</u>
	Subtotal	\$ 45.8
4.	<u>Working Groups</u>	Programmed Costs
A.	Restoration Planning Working Group (Personnel Services, Per Diem & travel only)	\$ 63.8
B.	Other Working Groups	<u>138.6</u>
	Subtotal	\$ 202.4
<hr/> TOTAL		<hr/> \$2,107.8

ADMINISTRATIVE BUDGET

NON-AGENCY RELATED EXPENSES

PROPOSED AGENCIES

1.	CACI Contract (669.0K) - Simpson Bldg. - Personnel (CACI) - Phones, etc.	Recommended Priorities 1. USDA 2. State Agency
2.	Trustee Council (84K) Meeting Costs	ADEC
3.	Document Printing (150K)	USDA
4.	Public Advisory (107K) Group	USDI
5.	RPWG Contracts (186K)	ADEC
6.	Travel for Public (37.5) Meetings (37.5)	ADEC USDA

AGENCY RELATED EXPENSES

PROPOSED AGENCY

1.	Administrative (127.4K) Director - Salary, Travel & Relocation Costs	USDA (Interim)
2.	Public Information (65K) Officer	ADEC

Reply to: Exxon Valdez Oil Spill

Date: April 21, 1992

Subject: Habitat Protection Working Group Presentation

To: Trustee Council

At the March 9 Trustee Council meeting, you charged the Restoration Team to develop a Draft goal statement, process and criteria for potential habitat protection and acquisition options regarding restoration of Exxon Valdez oil spill area. The Habitat Protection/Lands Working Group has made good progress towards this assignment. Included for your review:

1. decisional items - (a) goal statement
(b) detailed process with narratives;
2. informational item - (a) two optional sets of threshold criteria.

The Restoration Team included in the Restoration Framework reference to the March, 1991 Federal Register Notice, so we believe a supplement to this document including a habitat protection process is not needed. We would recommend that the overall habitat protection process be presented to the public for comment as part of the Draft Restoration Plan and Draft Environmental Impact Statement. All restoration options, including habitat protection and acquisition options along with proposed general evaluation criteria are included in Chapter VI of the Restoration Framework.



Dave R. Gibbons, Ph.D.
Interim Administrative Director

Flow Charts

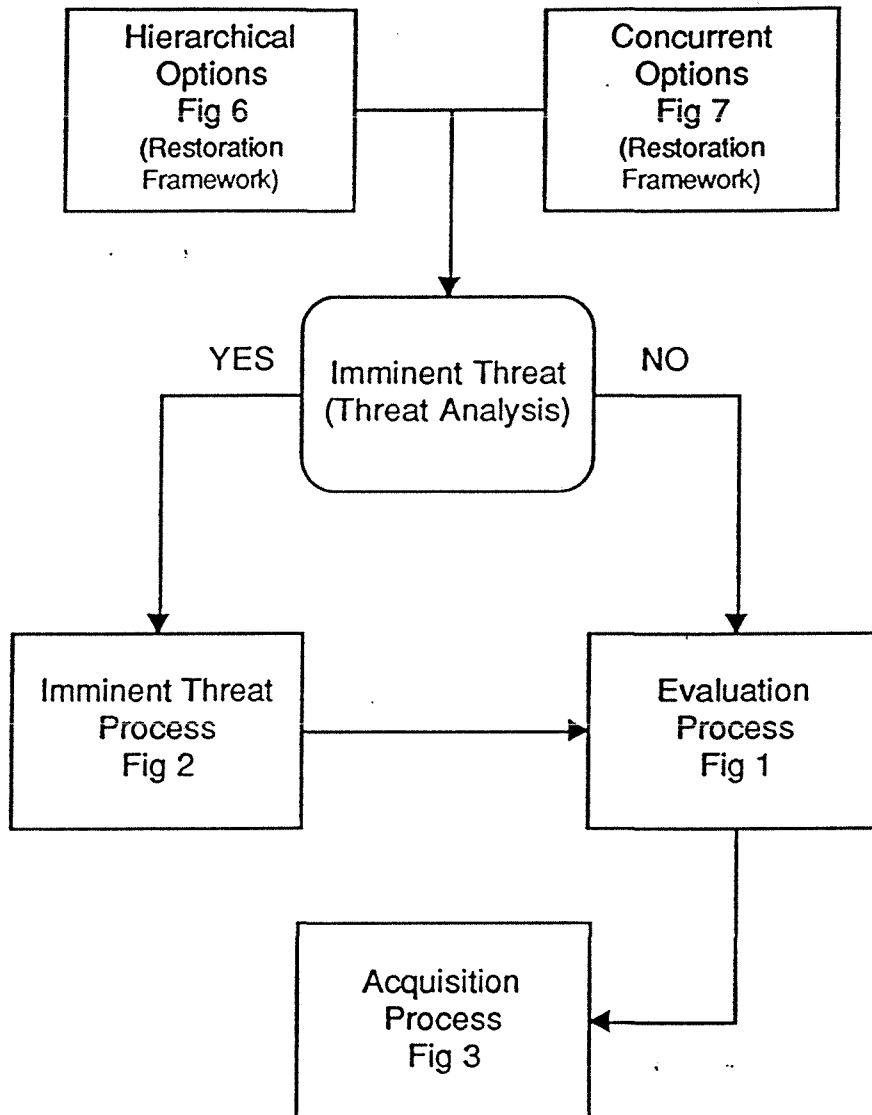
- Flow Chart Guide Diagram
- Figure 6 from the Restoration Framework
- Figure 7 from the Restoration Framework
- Figure 1 Evaluation Process
- Figure 2 Imminent Threat Protection Process
- Federal Acquisition Process
 - Figure 3 Donation/Purchase/Exchange
 - Figure 3a Timeline

Narratives

- Habitat Protection and Acquisition Process
 - I. Evaluation Process
 - II. Imminent Threat Protection Process
- Federal Acquisition Process

Habitat Protection and Acquisition Process

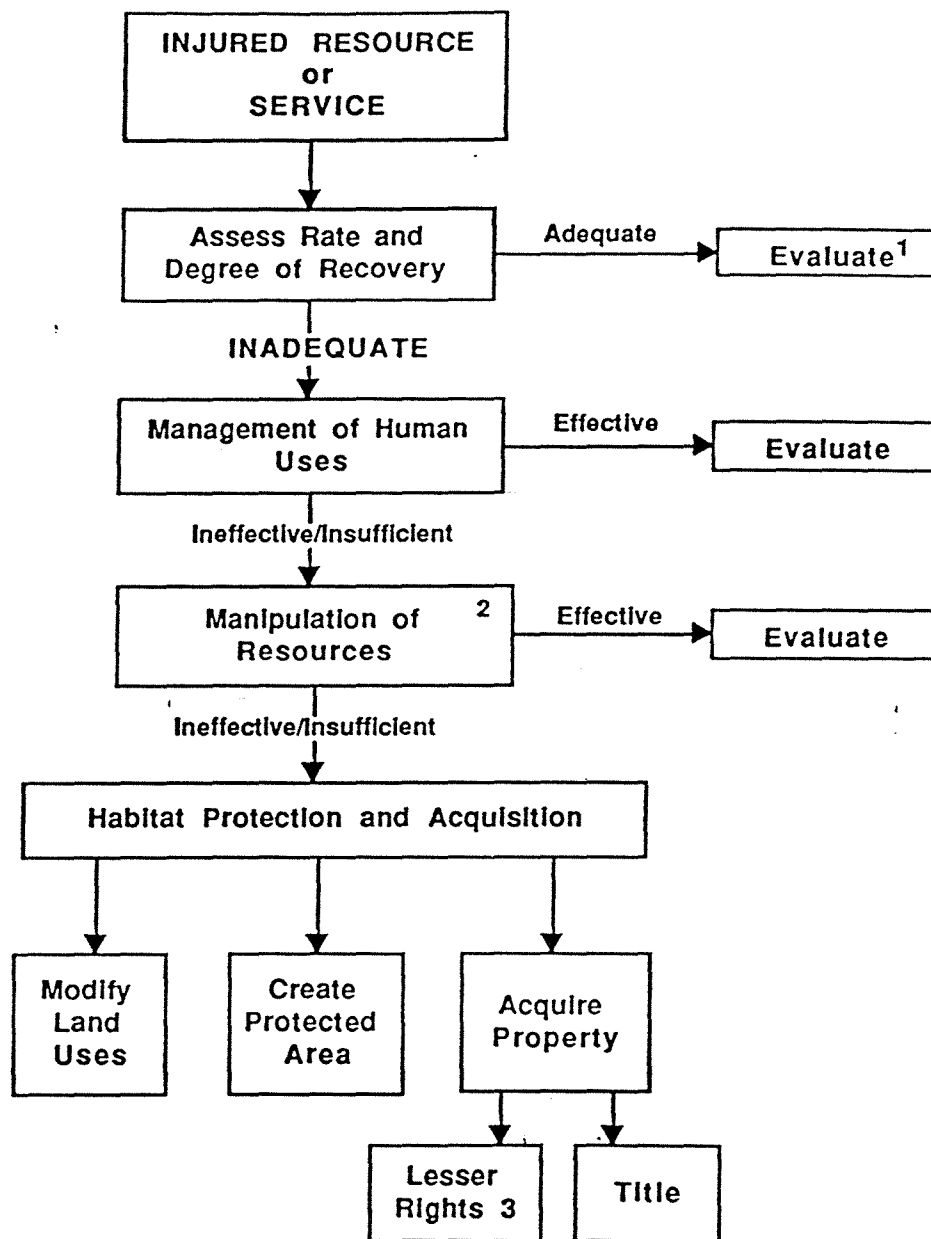
Flow Chart Guide Diagram



Habitat Protection and Acquisition Process

Figure 6.

Possible conceptual approach to the analysis of restoration options.
This approach considers options in an **hierarchical** fashion.
(Framework Document)



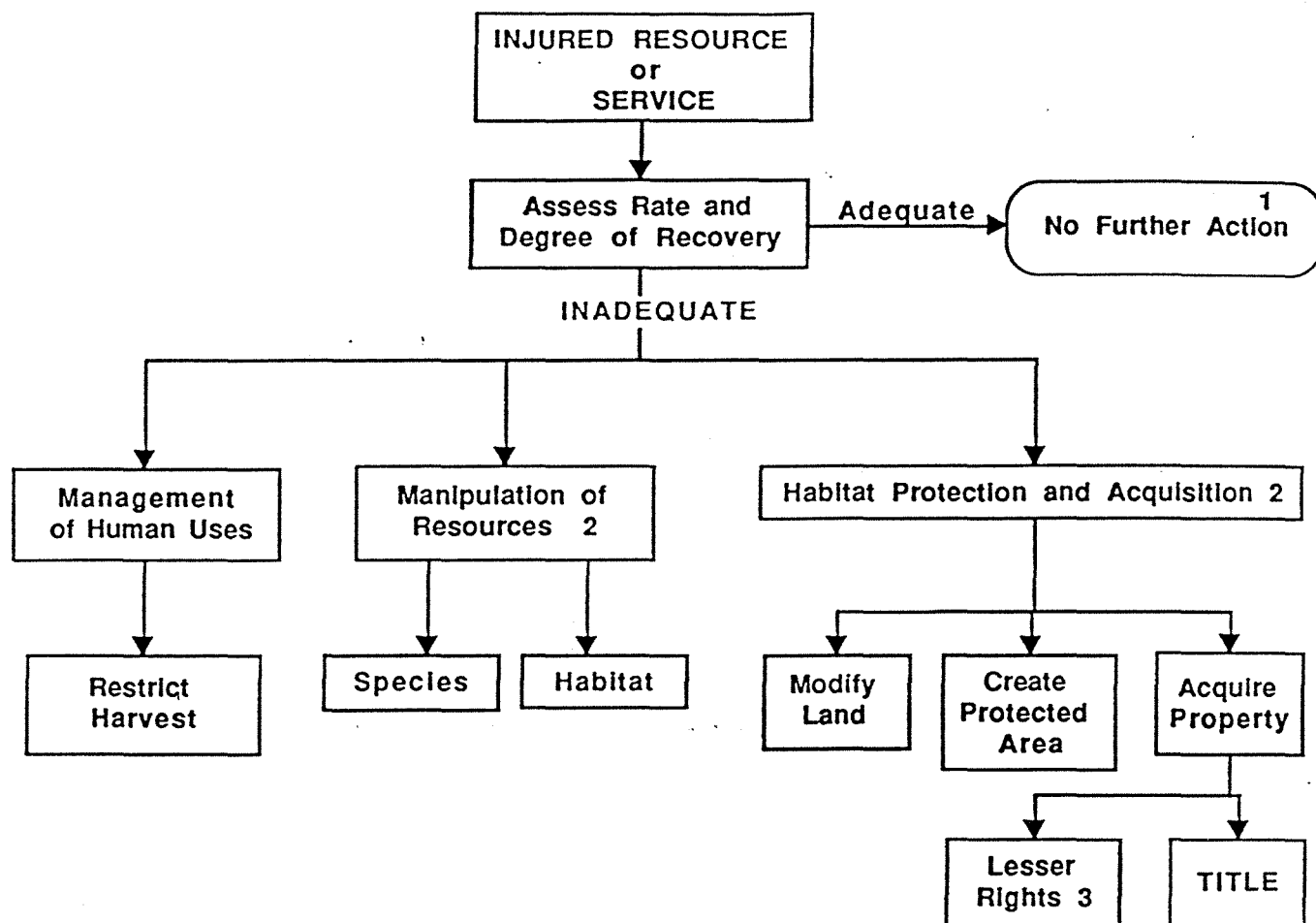
¹ All restoration actions will be evaluated to assess their effectiveness on the recovery rate of the target injured resource.

² These approaches can be implemented on a direct-restoration or equivalent-resource basis.

³ Acquisition of full title or lesser rights exclusive of full ownership of title (partial interests), e.g., conservation easement, timber rights, access rights, etc.

Habitat Protection and Acquisition Process

Figure 7. Possible conceptual approach to the analysis of restoration options. This approach uses **concurrent** analysis of restoration options. (Framework Document)



¹ All restoration actions will be evaluated to assess their effectiveness on the recovery rate of the target injured resource.

² These approaches can be implemented on a direct-restoration or equivalent-resource basis.

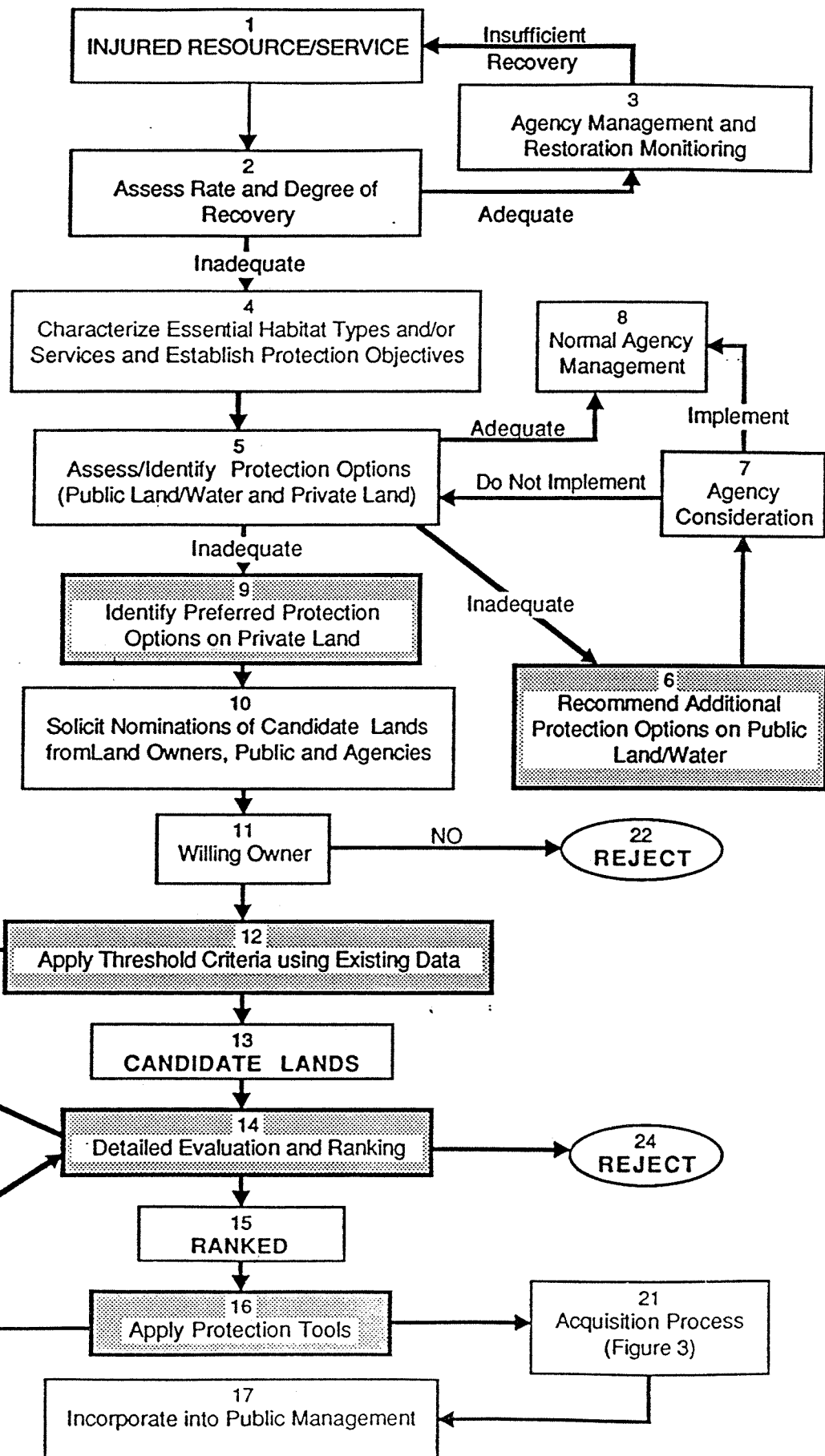
³ Acquisition of full title or lesser rights exclusive of full ownership of title (partial interests), e.g., conservation easement, timber rights, access rights, etc.

Habitat Protection and Acquisition Process

HABITAT PROTECTION AND ACQUISITION OPTIONS EVALUATION PROCESS

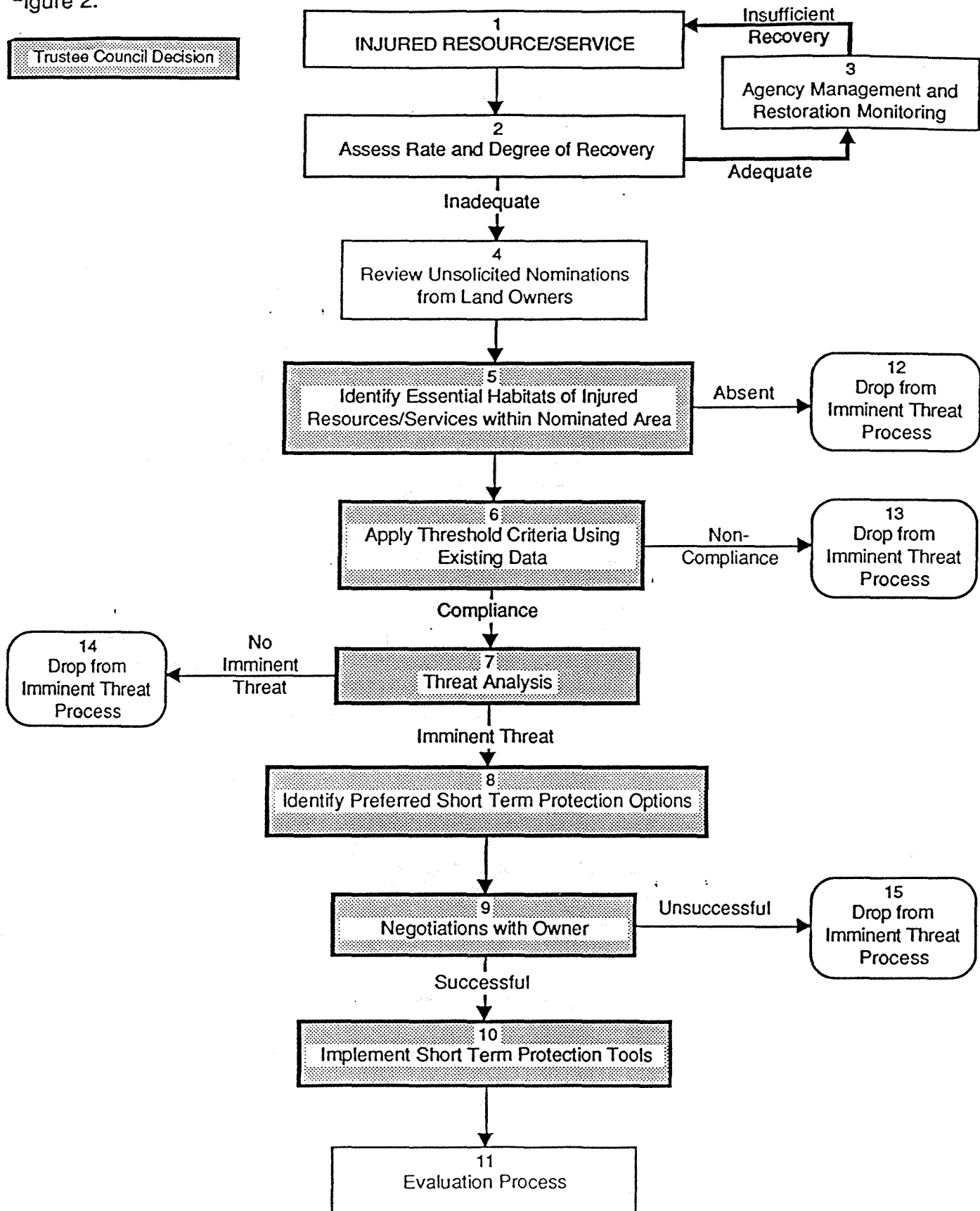
Figure 1.

Trustee Council Decision



HABITAT PROTECTION AND ACQUISITION OPTIONS IMMINENT THREAT PROTECTION PROCESS

Figure 2.



HABITAT PROTECTION AND ACQUISITION PROCESS

I. EVALUATION PROCESS

II. IMMINENT THREAT PROTECTION PROCESS

INTRODUCTION

The goal of the Habitat Protection and Acquisition process is to contribute to the restoration of injured resources and services by identifying and, where appropriate, protecting strategic habitats and services.

Habitat Protection and Acquisition is one of the potential restoration alternatives presented in the Restoration Framework document. This alternative: ... includes changes in management practices on public or private lands and creation of "protected" areas on existing public lands in order to prevent further damage to resources injured by the Exxon Valdez oil spill. Going beyond land management practices, there also are options that involve the acquisition of ... habitats or property rights short of title by public agencies to protect strategic wildlife, fisheries habitat or recreation sites.

Another potential restoration alternative that involves habitat protection and acquisition is the *Acquisition of Equivalent Resources*. The Restoration Framework defines this alternative to mean: *...compensation for an injured, lost, or destroyed resource by substituting another resource that provides the same or substantially similar services as the injured resource (56 Federal Register 8899 [March 1, 1991]). Restoration approaches, such as the manipulation of resources and habitat protection and acquisition, can be implemented on an equivalent-resource basis.*

The March 1, 1991 Federal Register (56 FR 8903), as part of a description for a lands/habitat protection restoration project, stated that the objective is ... *to identify and protect strategic wildlife and fisheries habitats and recreation sites and to prevent further potential environmental damages to resources injured by the Exxon Valdez oil spill.*

The purpose of the Evaluation Process and Imminent Threat Protection Process is to provide a conceptual framework and strategy for habitat protection and to serve as a guide to the Trustee Council. Central to this strategy is the requirement that a) the Trustee Council approve a list of candidate lands recommended by the Restoration Team for detailed evaluation, and b) the Trustee Council approve the actual purchases of title or property rights.

HABITAT PROTECTION AND ACQUISITION PROCESS

In addition, the Trustee Council would review all candidate lands, decide which proposals should receive further evaluation, determine protection tools and boundaries, and establish the ranking of the proposals.

Figures 6 and 7 in the *Restoration Framework* depict alternative approaches to evaluating restoration options, including habitat protection and acquisition options. Figure 6 depicts a hierarchical strategy whereas Figure 7 illustrates one wherein all alternatives would be considered concurrently. The choice of habitat protection and acquisition options as a restoration alternative is compatible with either the hierarchical or concurrent approach.

Both of these approaches require the identification of an injured resource or service whose rate and degree of recovery have been assessed as inadequate. Both the Evaluation Process [Figure 1] and Imminent Threat Protection Process [Figure 2] recognize the importance of these two elements. Consequently, they begin with these common elements as prerequisites, as is depicted in the top portions of Figures 1 and 2.

The *Habitat Protection and Acquisition Process* involves the solicitation of proposals of Candidate Lands from land owners, the public and from State and Federal resource agencies. In order to supplement this basic process, the Imminent Threat Process was developed as an accelerated assessment procedure that recognizes the need to respond to a proposed change in land use that would foreclose habitat protection opportunities that would, if implemented, facilitate recovery of injured resources or services or allow for acquisition of equivalent resources.

The *Habitat Protection and Acquisition Process* will be presented to the public for comment as part of the Draft Restoration Plan and Draft Environmental Impact Statement. All restoration options, including habitat protection and acquisition options along with proposed evaluation criteria are included in Chapter VI of the *Restoration Framework*.

The following discussion describes the two processes by explaining the elements depicted in Figures 1 and 2. Each symbol is numbered and contains *symbol text* that identifies process or structural elements. Text which is outside of all symbols is known as *caption text* and will be defined and discussed along with the appropriate symbol text. Shaded boxes in Figures 1 and 2 represent points in the process where Trustee Council decisions are required.

HABITAT PROTECTION AND ACQUISITION PROCESS

EVALUATION PROCESS

#1 Injured Resource/Service

The definition of injury used herein is that found in the *Restoration Framework* document:

A natural resource has experienced "consequential injury" if it has sustained a loss (a) due to exposure to oil spilled by the T/V Exxon Valdez, or (b) which otherwise can be attributed to the oil spill and clean up.

A natural resource service has experienced "consequential injury" if the Exxon Valdez oil spill or clean up:

- has significantly reduced the physical or biological functions performed by natural resources, including loss of human uses; or*
- has significantly reduced aesthetic, intrinsic or other indirect uses provided by natural resources; or, in combination with either of these,*
- has resulted in the continued presence of oil on lands integral to the use of special-purpose lands.*

Chapter IV of the *Restoration Framework, Summary of Injury*, provides a summary of the injuries to organisms, habitat and other resources and services from the Exxon Valdez oil spill.

#2 Assess Rate and Degree of Recovery

The Restoration Framework states that: *In a scientific sense, full ecological recovery has been achieved when the pre-spill flora and fauna are again present, healthy and productive, and there is a full complement of age classes. A fully recovered ecosystem is one which provides the same functions and services as were provided by the pre-spill, uninjured system.*

Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

#3 Agency Management and Restoration Monitoring

Recovered resources and services will be monitored by both the resource agencies that are responsible for the management of the respective resource or service and by specific recovery monitoring studies. These studies will be part of a comprehensive and integrated monitoring program funded and managed by the Trustees.

HABITAT PROTECTION AND ACQUISITION PROCESS

If resource agency managers and/or results from the recovery monitoring studies indicate that recovery is not proceeding in a sufficient manner, the injured resource or service will be re-introduced into the main stream of the Evaluation Process. Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

#4 Characterize Essential Habitat Types and/or Service Components and Establish Protection Objectives

Essential habitat components of critical life history stages, i.e., reproduction, and feeding, of injured resources will be characterized. Habitat components that support injured services, e.g., spawning areas for anadromous fish, will also be defined. Implementation of this step requires the characterization of non-site specific habitat components, e.g., anadromous streams, old growth forests, riparian woodland, cliff ledges on offshore islands, etc. Identification of discrete, geographically-specific sites comes later in the process.

Establishing protection objectives and/or management strategies for these habitat types, that are designed to facilitate the recovery of injured resources or services, will result from reviews of life history literature, on-going studies and other sources, including the best professional judgment of recognized experts.

#5 Assess/Identify Protection Options (Public Land/Water and Private Land)

Federal, State and local regulations and policies will be identified and reviewed to determine whether or not they provide adequate protection for injured resources/services and their essential habitat components. This review will include both private and public land/water. An assessment will be made of the adequacy of this protection within the EVOS context, i.e., do these regulations act to facilitate the recovery of resources/services injured by the oil spill. If these regulations are consistent with the requirements for recovery, additional protection options will not be recommended.

#6 Recommend Additional Protection Options on Public Land/Water

If protection options currently in force on public land/water are found to inadequately promote and protect recovery, additional options will be developed and recommended to the appropriate resource agency. For example, more stringent resource development regulations might be recommended, for what is considered to be the recovery period for a specific resource or service.

HABITAT PROTECTION AND ACQUISITION PROCESS

#7 Agency Consideration

Additional protection options will be submitted to and reviewed by the appropriate resource agency. If deemed acceptable, the agency will incorporate the option(s) into normal agency management procedures. If the agency decides to reject the recommended option(s), the options may be re-evaluated and/or new options developed.

#8 Normal Agency Management

Additional protection options accepted by resource agencies will be incorporated into normal agency management procedures and policies for the appropriate duration. Additional recovery monitoring will be part of a comprehensive and integrated monitoring program funded and managed by the Trustees.

#9 Identify Preferred Protection Options on Private Land

If protection options that are in force on private lands are inconsistent or insufficient with the requirements for recovery, additional protection options will be recommended. For example, if the *Alaska Forest Resources and Practices Act (1990)* does not provide for the desired rate of recovery of injured resources/services in riparian habitats, additional protection options for these habitat types will be identified.

For each injured resource/service for which essential habitat components are considered to be inadequately protected on private lands, a suite of preferred protection options will be identified and approved by the Trustee Council. Most of these protection options have been enumerated and described in *Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites* (The Nature Conservancy Handbook, 1991).

- Steps 1-9 have accomplished the following tasks:
 - Identification of injured species and services, that are not adequately recovering.
 - Identification of habitat components linked to recovery.
 - Development of protection objectives for each injured resource/service and linked habitat component.
 - Assessment of existing protection options on private and public land/water.
 - Identification of additional protection options needed to be implemented on private and public land/water.
-

- Each of these steps will be described in both the Draft Restoration Plan and the Draft Environmental Impact Statement.
-

HABITAT PROTECTION AND ACQUISITION PROCESS

#10 Solicit Nominations of Candidate Lands from Land Owners, Public and Agencies

A Request for Proposal [RFP] will be issued by the Trustee Council in order to solicit nominations of candidate lands. The RFP will contain information describing, in generic terms, the types of land that the Trustees are interested in evaluating in order to protect injured resources/services. Geographically-specific sites will not be enumerated. The RFP will also contain a list and description of the preferred protection options that will be considered for those nominations that become candidate lands. The RFP will contain language that explicitly states that this is a voluntary program and that condemnation is not contemplated by the Trustees.

#11 Willing Owner

The first steps in the review of all nominations is the determination of land ownership and willingness, on the part of the owner/seller, to negotiate with the Trustees for rights and/or title to the land. All interests in the land should be identified by the land owner/seller, i.e. surface rights, subsurface rights, other development rights.

#22 Reject

A nomination will be rejected if clear title to the land or other desired interests in the land cannot be demonstrated or if an unambiguous statement of willingness to negotiate is not obtained from the land owner/seller.

#12 Apply Threshold Criteria using Existing Data

Each nomination will be evaluated against a set of threshold criteria designed to determine whether or not a nomination is acceptable for further consideration. Based on existing information, the threshold criteria should provide a basis for eliminating proposals that are inappropriate or unreasonable.

#23 Reject

A nomination will be rejected if it is not in compliance with ALL threshold criteria. Rejected proposals can be recycled back into the process for another review if additional information is made available that could allow for compliance with all threshold criteria.

HABITAT PROTECTION AND ACQUISITION PROCESS

#13 Candidate Lands

This element is a list of nominated lands approved by the Trustee Council for detailed evaluation.

-
- At this point in the process there is a list of Candidate Lands that:
 - Are in private ownership.
 - Contain essential habitat components linked to recovery of injured resources/services.
 - Are not afforded adequate protection by existing law, regulation and/or policy.
 - Are owned by a willing owner/seller.
 - Are in full compliance with all threshold criteria.
-

#14 Detailed Evaluation and Ranking

Each candidate land will be evaluated and ranked against a set of detailed evaluation criteria designed to determine whether or not a nomination should be prioritized. The Trustee Council will determine the ranking. These criteria will include, but not be limited to, those identified in Chapter VI of the Restoration Framework. The purpose of this component is to conduct a more rigorous analysis of proposals utilizing more specific information than was available for step #12 [Threshold Criteria]. In some cases, it may be necessary to acquire additional information to complete the detailed evaluation. Owners of candidate lands will be provided the results of the detailed evaluation.

#18 Inadequate Data

This step involves characterization of the data gaps and a determination of the most cost-effective and timely method to obtain any necessary information. Funding for the acquisition of any additional data must be approved by the Trustee Council.

HABITAT PROTECTION AND ACQUISITION PROCESS

#19 Additional Information

Any necessary additional information may be obtained from the studies funded by the Trustee Council. These studies will be subject to review by the appropriate experts and entered into the detailed Evaluation Process.

#24 Reject

Rejection of a candidate land at this step may result from:

- Non-compliance with the detailed evaluation criteria after initial review.
- Non-compliance with the detailed evaluation criteria after additional information was obtained.

#15 Ranked Lands

This element contains proposals that were ranked or prioritized according to the degree of each proposal's conformance with the stated goal of the process [Step #14]. Ranking will also be based upon the outcome of the detailed evaluation.

#16 Apply Protection Tools

The appropriate and most cost-effective protection tool(s) will be matched to each ranked, candidate parcel. This decision will be made by the Trustee Council. In some cases, a single tool will be chosen if it provides adequate protection. In other cases, several protection tools may be deemed necessary; there may even be a mix of non-acquisition and acquisition tools selected.

#20 Non-Acquisition Tools

These could include, but not be restricted to:

- Landowner contact and education
- Voluntary agreements: registration and cooperative management agreements
- Rights of first refusal

These protection tools are discussed in *Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites* (The Nature Conservancy Handbook, 1991). Agency management and monitoring will be recommended where appropriate.

HABITAT PROTECTION AND ACQUISITION PROCESS

#21 Acquisition Process

Tools that involve acquisition of property rights or interests could include, but not be restricted to:

- Conservation easements
- Deed restrictions and reverters
- Acquisition of partial interests: timber, mineral and access rights
- Fee acquisitions

These protection tools are discussed in *The Nature Conservancy Handbook*. The process by which acquisition tools should be implemented is depicted in Figure 3 and discussed in the accompanying narrative.

#17 Incorporate into Public Management

Acquired rights or title will be incorporated into existing management plans where appropriate. Management plans for newly acquired parcels will be written where necessary. Each plan's goal will be to manage the parcel or interest in a manner that will benefit the long term recovery of resources and services injured by the Exxon Valdez oil spill. The Trustee Council will decide which agency will manage the land or will create a new management authority.

HABITAT PROTECTION AND ACQUISITION PROCESS

IMMINENT THREAT PROTECTION PROCESS

#1 Injured Resource/Service

The definition of injury used herein is that found in the Restoration Framework document:

A natural resource has experienced "consequential injury" if it has sustained a loss (a) due to exposure to oil spilled by the T/V Exxon Valdez, or (b) which otherwise can be attributed to the oil spill and clean up.

A natural resource service has experienced "consequential injury" if the Exxon Valdez oil spill or clean up:

- has significantly reduced the physical or biological functions performed by natural resources, including loss of human uses; or*
- has significantly reduced aesthetic, intrinsic or other indirect uses provided by natural resources; or, in combination with either of these,*
- has resulted in the continued presence of oil on lands integral to the use of special-purpose lands.*

Chapter IV of the *Restoration Framework, Summary of Injury*, provides a summary of the injuries to organisms, habitat and other resources and services from the Exxon Valdez oil spill.

#2 Assess Rate and Degree of Recovery

The *Restoration Framework* states that: *In a scientific sense, full ecological recovery has been achieved when the pre-spill flora and fauna are again present, healthy and productive, and there is a full complement of age classes. A fully recovered ecosystem is one which provides the same functions and services as were provided by the pre-spill, uninjured system.*

Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

HABITAT PROTECTION AND ACQUISITION PROCESS

#3 Agency Management and Restoration Monitoring

Recovered resources and services will be monitored by both the resource agencies that are responsible for the management of the respective resource or service and by specific recovery monitoring studies. These studies will be part of a comprehensive and integrated monitoring program funded and managed by the Trustees.

If resource agency managers and/or results from the recovery monitoring studies indicate that recovery is not proceeding in a sufficient manner, the injured resource or service will be re-introduced into the main stream of the Evaluation Process. Adequacy of the rate and degree of recovery will be estimated from on-going damage assessment and restoration studies, the scientific literature and other sources including the *best professional judgment* of recognized experts.

#4 Review Unsolicited Nominations from Land Owners

Nominations that the Trustee Council receive without their solicitation will be reviewed.

#5 Identify Essential Habitats of Injured Resources/Services

Essential habitat components, that were characterized as part of the Evaluation Process [Figure 1], will be identified on the nominated parcels. This site-specific analysis will be conducted utilizing existing information. It is understood that the available information describing the environmental character of these lands is, for the most part, both limited and imprecise.

#12 Drop from Imminent Threat Process

Nominations that do not contain essential habitat components will be dropped from this process. This decision does not prevent the land owner from responding to the RFP solicitation from the Evaluation Process [Figure 1]. Given data limitations that constrain this fast track type of review, it is necessary to allow for the admission of a nomination into the Evaluation Process, after being dropped from the Imminent Threat Process, because more information may become available that could alter the conclusions.

HABITAT PROTECTION AND ACQUISITION PROCESS

#6 Apply Threshold Criteria using Existing Data

Each nomination will be evaluated against a set of threshold criteria designed to determine whether or not a nomination is acceptable for further consideration. The threshold criteria should:

- Eliminate proposals that will not facilitate recovery of injured resources/services.
- Eliminate proposals that do not represent a reasonable selection for equivalent resource acquisition.

#13 Drop from Imminent Threat Process

A nomination will be rejected if it is not in compliance with ALL threshold criteria. Rejected proposals can be recycled into the Evaluation Process at step #5 (Figure 1) for another review if additional information is made available that conceivably would allow for compliance with all threshold criteria.

#7 Threat Analysis

Nominations in compliance with all threshold criteria will be subjected to a *Threat Analysis*. This is a method for determining the magnitude/validity/reality of a threat to an injured resource/service and the imminence of the threat. Nominations that would be considered on an equivalent-resource basis would also be subject to a threat analysis. The Nature Conservancy defines it as: *...a means of determining whether an accelerated identification, ranking, and protection process is necessary due to immediate threats to recreation resources, activities, or opportunities. Where a short-term threat exists, use of a rapid, or abbreviated assessment will enable decision makers to decide on appropriate actions to buy time or immediately protect significant existing or potential resources. If time can be bought, a comprehensive assessment can proceed. Similarly, in the absence of any short-term threat, a comprehensive assessment would be initiated* [The Nature Conservancy Handbook, 1991].

#14 Drop from Imminent Threat Process

If the threat analysis indicates that there is no imminent threat, the nomination will be considered under the Evaluation Process beginning at step #5 (Figure 1).

HABITAT PROTECTION AND ACQUISITION PROCESS

#8 Identify Preferred Short-Term Protection Options

If the threat analysis indicates that there is an imminent threat, a suite of short-term protection options will be identified that address the specific situation at hand. Implementation of one or several of these options will provide additional time to allow for the Trustee Council to conduct a detailed evaluation of the proposal. Information needed to carry out this evaluation may require additional field studies. Consequently, the short-term protection option(s) that is selected must provide additional time to collect, analyze and incorporate the additional information into the detailed evaluation. Examples of short-term options are:

a) development moratorium, b) lease, and c) management agreement.

#9 Negotiations with Owner

The Trustee Council will negotiate with the land owner utilizing the preferred short-term protection options identified in step #8.

#15 Drop from Imminent Threat Process

Unsuccessful negotiations result in the nomination being dropped from the Imminent Threat Process. The land owner has the option of nominating the proposal for consideration in the Evaluation Process.

#10 Implement Short-Term Protection Options

After successful negotiations with the land owner, the mutually-agreed-upon option(s) will be implemented. During the period that the option(s) is in affect, the required, additional information will be assembled.

#11 Evaluation Process

The proposal will be inserted into the Evaluation Process as a Candidate Land [Step #13, Figure 1] and be subject to the process from that point forward.

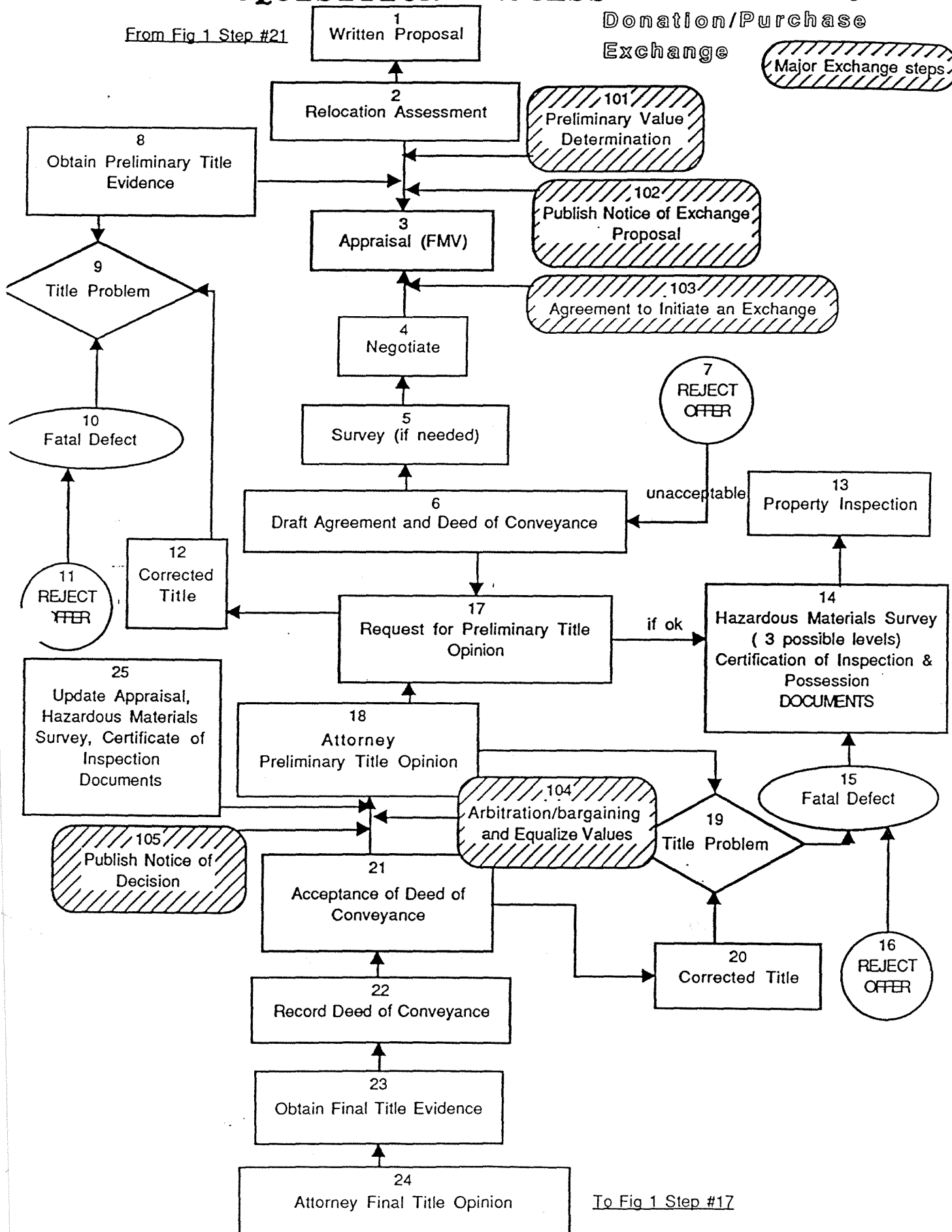
FEDERAL ACQUISITION PROCESS

Figure 3

From Fig 1 Step #21

Donation/Purchase
Exchange

Major Exchange steps



To Fig 1 Step #17

FEDERAL ACQUISITION PROCESS

Figure 3a

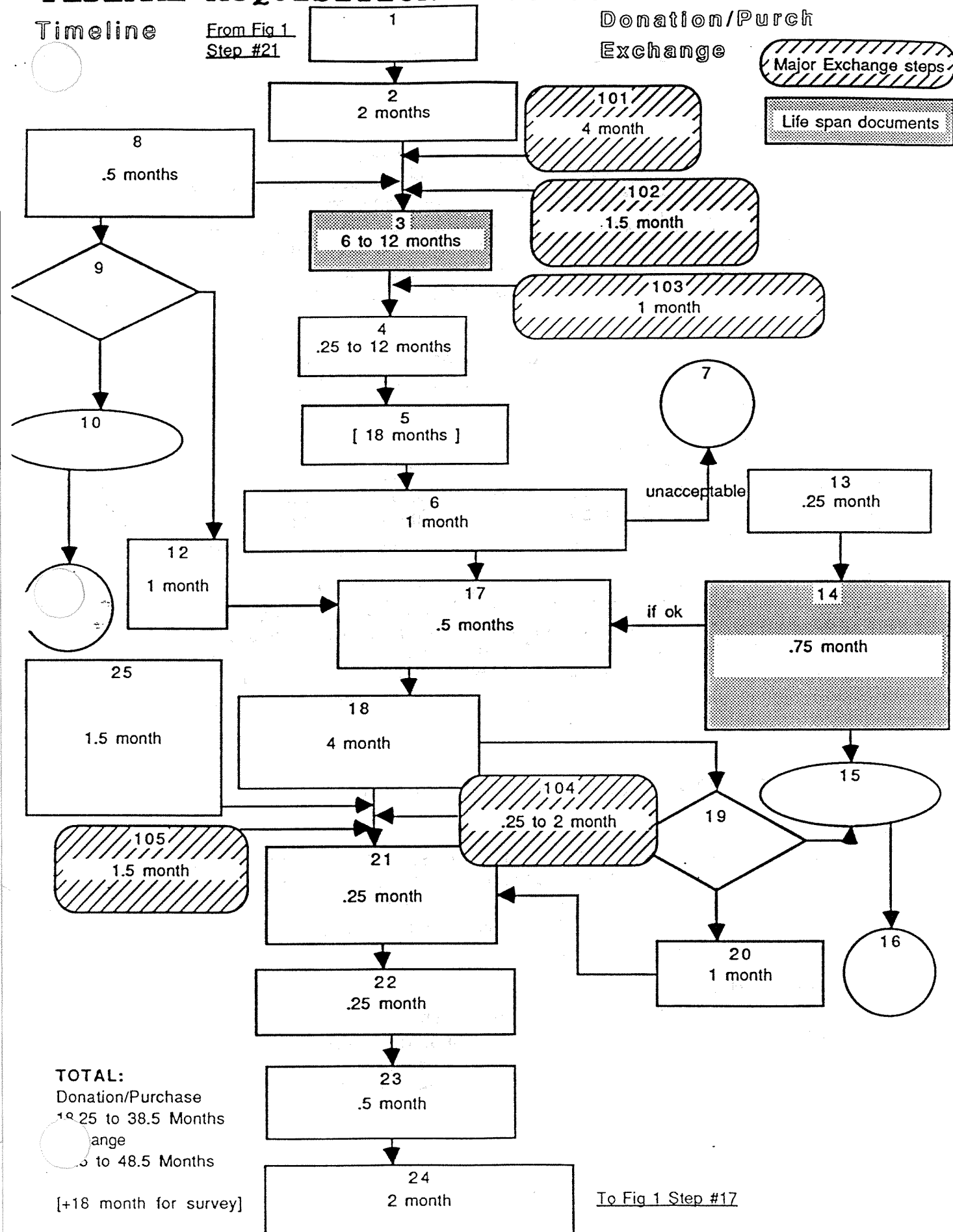
Timeline

From Fig 1
Step #21

Donation/Purchase
Exchange

Major Exchange steps

Life span documents



FEDERAL ACQUISITION PROCESS

This process outlines the basic acquisition steps used by Federal agencies. It does not reflect all agency specific steps. Each agency has specific authority and requirements that may vary within the context of this outline.

#1 Written Proposal

Each written proposal should include a legal description of the land and maps, and statements indicating that 1) the offeror is the record owner of the land/interests, 2) the land is free and clear of all encumbrances, 3) there are no persons claiming the land adversely, 4) the status of any unpaid taxes or assessments levied against the land, and 5) the status of any lien assessed which is not due and payable. This written proposal should also include any terms or conditions the offeror is proposing. (Action: land owner)

#2 Relocation Assessment

Use the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" to assess the need to relocate any displaced people or users. (Action: agency)

#3 Appraisal (Fair Market Value)

Using the "Uniform Appraisal Standards for Federal Land Acquisitions Procedures" (1973) a certified appraiser will complete a written appraisal of the fair market value (FMV) of the real property or interests being considered. If the value and amount being paid is over \$250,000 the U.S. Forest Service must provide a 30 day comment period to the House Agriculture Committee on oversight review. If approved, the Secretary of Agriculture will then accept the option. Note: The life span of the appraisal is 6 months in the Department of the Interior (DOI) or 12 months in the U.S. Forest Service (USFS). If the Deed of Conveyance is not accepted within these timeframes, the appraisal will need to be updated before the DOI Regional Solicitor or the USFS Office of the General Counsel issues a final title opinion (see Block #25). (Action: agency)

#4 Negotiate

Negotiate terms of the offer. (Action: land owner and agency)

#5 Survey

If needed, the land will be surveyed. In some cases, the lands being offered will be unsurveyed. (For example, lands were conveyed from the Federal government to Native Corporations, pursuant to the Alaska Native Claims Act, without survey). Although not ideal, lands could be conveyed and accepted without survey. (Action: agency)

#6 Draft Agreement and Deed of Conveyance

Draft document that outlines the terms of the donation or purchase. It should include all conditions, reservations, and exceptions, in addition to timeframes, escrow terms (if necessary), and payment procedures. A draft copy of the Deed of Conveyance is completed at this time. (Action: land owner and agency)

#7. Reject Offer

If terms of the draft agreement are not acceptable and consensus cannot be reached, formal rejection of the offer is completed and the acquisition process is terminated. (Action: agency)

#8 Obtain Preliminary Title Evidence

An accepted title company searches title records and prepares a title report listing the recorded land owner, any liens, and exceptions to title and agreements that affect the ownership or use of the land. Title insurance or appropriate title guarantee is obtained to support the title report. This report is reviewed by appropriate Federal agency attorneys (i.e., Regional Solicitor for DOI and Office of General Counsel for USFS) in Block #18. (Action: title company)

#9 Title Problem

Recognition that there is a title problem that needs to be corrected before attorney review (see Block #18). (Action: agency)

#10 Fatal Defect

A title problem that cannot be corrected that would make acceptance of title impossible. Final decision rests with appropriate Federal agency attorneys (Regional Solicitor for DOI and Office of General Counsel for USFS).

#11 Reject Offer

Formal document to reject the offer and stop the acquisition process. (Action: agency)

#12 Corrected Title

Process where curable defects are corrected. For example, the title evidence may indicate that the party making the offer is not the land owner of record. All that may be necessary to remedy this problem is for the landowner to record the original deed of conveyance showing they own the land/interest. (Action: agency and/or land owner)

#13 Property Inspection

On-the-ground inspection to gather information to complete the documents identified in Block #14. Obtain approvals for access to private lands for purposes of inspecting the property. While this work can begin at anytime in the process, it would be best to wait until there is at least confirmation that there is an agreement between all parties. (Action: agency)

#14 Hazardous Materials Survey and Certificate of Inspection & Possession

Prepare two documents that are required for any acquisition of land and/or interests. The Certificate of Inspection & Possession describes the condition of the lands, and identifies any known or physically identifiable conditions that may affect title to the land. The Hazardous Materials Survey and Contaminant (hazardous substances) Survey Checklist describes the condition of the land and identifies any potential or known hazardous materials. If the answer to all questions on the checklist is "no", "none" or "not applicable" a Level I survey is signed by an authorized officer (e.g., Bureau of Land Management = State Director, National Park Service = Regional Director, U.S. Fish & Wildlife Service = Assistant Secretary - Policy, Budget and Administration in the Washington office). A Level II Survey is

completed when the answer to any question on the checklist is other than "no", "none" or "not applicable" and the agency wishes to proceed with the acquisition. The Level II Survey is signed by the Assistant Secretary. The Level III Survey requires sampling and further work to determine the extent of contaminants and cost of clean up. Note: These documents have a limited life span and may need to be updated later in the process. (Action: agency)

#15 Fatal Defect

A problem that cannot be corrected that would make acceptance of title not advisable. For example, the property contains a contamination problem that cannot be resolved. Level II survey results might reveal a fatal defect depending on whether the acquisition is for an interest in land or for fee title.

#16 Reject Offer

Formal document to reject the offer and stop the acquisition process. (Action: agency)

#17 Request for Preliminary Title Opinion

Written request for a Preliminary Title Opinion from appropriate Federal agency attorneys (i.e., Regional Solicitor for DOI and Office of General Counsel for USFS). The request includes the title company title evidence, legal description, evidence of any clearance actions that have been completed (Block #12), and description of the acquisition proposal. The Certification of Inspection & Possession and the Hazardous Materials Surveys are a part of this request package. (Action: agency)

#18 Attorney Preliminary Title Opinion

Written opinion that addresses the sufficiency of the title evidence provided by the title company (see Block #8). The opinion will identify any deficiencies that need to be corrected before title can be accepted. (Action: DOI Regional Solicitor and USFS Office of General Counsel)

#19 Title Problem

Recognition that there is an identified problem that prohibits title acceptance. (Action: DOI Regional Solicitor and USFS Office of General Counsel and agency)

#20 Corrected Title

Process where curable defects are corrected. For example, the title opinion may show that the owner has a management agreement or has created a third party interest that affects the lands and that the agreement or interest needs to be terminated or amended to delete the land in question or if the lands have been placed in a Land Bank or a there is a lien on the lands. These problems can usually be cured by the land owner executing and recording additional documents. (Action: agency and/or land owner)

#21 Acceptance of Deed of Conveyance

Based on the preliminary title opinion and completion of any identified defects, the Authorized officer can sign the documents that accept the deed of conveyance. Payment, if any, takes place at this time. (Action: agency)

#22 Record Deed of Conveyance

Authorized Officer records the signed Deed of Conveyance at the local State

#23 Obtain Final Title Evidence

Final title evidence provided by a title company. This report would reflect any changes that had taken place since the preliminary report. It would also show the recording of any curable documents and the Deed of Conveyance recorded in Block #22. Final title would also reflect the completion of the process and ownership by an agency. (Action: title company)

#24 Attorney Title Opinion

Prepare Final Title Opinion that serves as a final review of all documents and closes the legal process of acquisition. (Action: DOI Regional Solicitor and USFS Office of General Counsel)

#25 Update Appraisal, Hazardous Materials Survey, Certificate of Inspection Documents

The Appraisal, Hazardous Materials Survey and Certificate of Inspection & Possession would be updated if too much time had elapsed since their original completion. If values have changed, agency may have to return to Block #4 and negotiate a new agreement/offer. (Action: agency)

Major Exchange Steps

#101 Preliminary Value Determination

Estimated appraisal to determine whether the lands and interests in lands to be exchanged are of equal value. The "Uniform Appraisal Standards for Federal Land Acquisitions" is used for this process.

#102 Publish Notice of Exchange Proposal

A Notice of Realty Action that is published in the Federal Register and once each week for three weeks thereafter in a local newspaper. This document puts all interested parties on notice that an exchange, by the Federal government, is being considered. This document has a 45-day public comment period.

#103 Agreement to Initiate an Exchange

Agreement signed by all exchange parties that: 1)describes the lands or interest in lands being considered for exchange; 2)lists the exchange processing steps; 3)addresses knowledge of hazardous substances on the lands; 4)physical access and Right to Enter; 5)terms of relocation benefits, if any; and 6)closing procedures.

#104 Arbitration/Bargaining and Equalize Value

A formal process to resolve disagreements among parties as to appraised value of the lands involved in the exchange. Determination if equalization of value is necessary. A money payment for equalization of value can not exceed 25 percent of the value of the public lands and interests being conveyed.

#105 Publish Notice of Decision

The document identifies all terms of the exchange, describes the lands involved, identities the parties involved, any reservations, terms, covenants and conditions, needs for value equalization, and intended time frames to complete the exchange.

Habitat Protection and Acquisition Process
Threshold Criteria
Discussion
04/20/92

Introduction

One of the key steps within the proposed Habitat Protection and Acquisition Process is the application of "threshold" criteria. The purpose of this step is to quickly evaluate proposals nominated by land-owners, agencies, or the public and eliminate those that do not contribute to restoration objectives or are inappropriate or unreasonable. Acquisition proposals that successfully meet the threshold criteria become "Candidate Lands," which then are subject to more detailed evaluation.

The Restoration Team is presenting two sets (A & B) of threshold criteria for consideration by the Trustee Council. Although the criteria in these sets partially overlap, they do reflect different approaches. The Trustee Council needs to discuss these concepts and provide direction to the Restoration Team before adopting a set of threshold criteria for inclusion in the Draft Restoration Plan and Draft Environmental Impact Statement.

Overlap

The two sets of criteria, with brief explanations, are attached. There is conceptual agreement with respect to three criteria. Both sets acknowledge that:

- a willing seller is required;
- there must be linkage to injured resources or services; and
- that acquisition should provide some benefit or protection beyond that which is afforded under existing ownership and law.

Cost is also an element in both sets of criteria:

Set A invokes fair market value, which by law is what the governments must pay for any acquisition. Set B does not address cost per se, but brings in the element of the cost-effectiveness of acquisition relative to other restoration actions.

Set B specifically incorporates the following four additional concepts into the threshold criteria:

- expected changes in land uses which threaten injured resources and services;
- foreclosure of restoration opportunities;

- the inadequacy of options other than acquisition; and
- incorporation into public land management systems

Set A assumes that these same concepts are considered elsewhere in the evaluation of nonacquisition options or in the proposed processes (basic or imminent threat) for the evaluation of habitat protection and acquisition options.

Issues

The Restoration Team suggests that the Trustee Council discuss the following issues and questions that arise from the differences in the two sets of criteria:

- A. How difficult or restrictive should the threshold criteria be? How fine is the mesh in this first sieve?
- B. How should the concept of acquisition of equivalent resources be treated and reflected in the threshold criteria?
- C. Should the evaluation of acquisition options be strictly hierarchical in approach or more broadly concurrent?
- D. Should acquisition opportunities be excluded from further review because of a lack of an identifiable threat?
- E. How detailed should the evaluation be at the threshold level?
- F. What criteria are most appropriate at the threshold versus secondary levels?

Proposed Threshold Criteria

Set A

(04/20/92 version)

- (1) There is a willing seller of the parcel or property rights.

In the case of land-owner nominations, willingness to sell is self-evident. For nominations by the public or agencies, willingness to consider selling the parcel or property right should be established in writing by the landowner to satisfy this criterion.

- (2) The seller acknowledges that the governments can only purchase the parcel or property rights at fair market value.

By law, the state and federal governments can only make acquisitions at fair market value. This criterion is explicitly intended to discourage unrealistic expectations by land-owners about the prices they propose and give the Trustee Council a basis for rejecting out-of-hand a proposal for which there is no indication that a realistic price can be negotiated.

- (3) The parcel contains key habitats that are linked to the recovery of injured resources or services by scientific data or other relevant information.

Parcels that do not include significant habitat or areas related to injured resources or services will be rejected. The basis for this judgment should be documented by the best available data from scientific or other sources. In the case of equivalent-resource proposals, this criterion can be satisfied on the basis of providing the "same or substantially similar service" as was provided elsewhere by an injured resource.

- (4) Recovery of the injured resource or service would benefit from protection in addition to that provided by the owner and applicable laws and regulations.

This criterion rests on an evaluation of the protection afforded under existing laws and regulations. One judgment to be made is whether the existing ownership and laws and regulations are sufficient to prevent further harm to injured resources and services within the context of the recovery from oil-spill injuries (i.e., this is not a test of whether under "normal" circumstances the laws and regulations are sufficient). Consistent with the settlement, consideration also must be given to the ability of the proposal to enhance an injured resource or service. The additional benefit afforded by habitat acquisition will be incremental and may or may not be measurable.

Proposed Threshold Criteria
Set B
(04/20/92 version)

- (1) The nature and immediacy of expected changes in use will further affect resources injured by the oil spill.

The thrust of this criterion is that if the change is not expected to slow or prevent achievement of restoration goals then the property right(s) should probably not be a candidate for acquisition. A threat to achievement of restoration goals, even if not expected to occur "immediately", would pass easily. What would not pass would be potential changes that are of such a speculative nature and so far in the future as not be a factor in any reasonable consideration of restoration objectives.¹

- (2) Failure to act will foreclose restoration opportunities.

This criterion is designed to insure that restoration opportunities are not foregone as a result of a priority on non-acquisition options, i.e., direct restoration.

- (3) The parcel contains key habitats that are linked to the recovery of injured resources or services by scientific data or other relevant information.

The purpose of this criterion is to insure that there is an obvious nexus between the contemplated acquisition action and an injured resource or service.

- (4) Restoration strategies other than acquisition of the property right(s) are inadequate to meet restoration objectives.

This criterion recognizes a priority for direct restoration over other alternatives.

- (5) The protection afforded by existing law, regulations, and other alternatives is inadequate to meet restoration objectives.

¹The term restoration, both here and for all of the Threshold Criteria, is assumed to be consistent with Sec. 11.72(a)(1) of the NRDA regulations for baseline services determinations as follows: "(1) Baseline data should reflect conditions that would have been expected at the assessment area had the discharge of oil or release of hazardous substances not occurred, taking into account both natural processes and those that are the result of human activities."

This criterion recognizes the protection already provided by existing law and regulation. Detailed analysis of acquisition options would be pursued only in those instances where it is reasonably clear that existing law, regulations, and other alternatives are inadequate to meet restoration goals.

- (6) Acquisition of the property right(s) will result in an identifiable incremental benefit to restoration objectives that is cost-effective relative to other restoration alternatives for the identified resource injuries.

This is a basic "red-face" test. The purpose is to not raise land owner and other expectations, as well as unnecessarily expend settlement funds, doing a detailed analysis of a proposed acquisition that, on its face, does not contribute to restoration objectives.

- (7) There is a willing seller of the property right(s).

The purpose of this criterion is to prevent the unnecessary expenditure of settlement funds for a detailed analysis of a property right that is known to not be available.

- (8) The acquired property rights can reasonably be incorporated into public land management systems.

The purpose of this criterion is to prevent the unnecessary expenditure of settlement funds for a detailed analysis of a proposed acquisition when on its face, the property rights, if acquired, could not reasonably be incorporated into a public land management system.



LEVEL

NOTEBOOK NO. 611

obtained copies of April 10th
Federal Register Notice for RPWG
files

John Sandoz's alternate - Mead Treadwell