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Notice of Availability of the Draft Environmental Impact Statement for the
Exxon Valdez Oil Spill Restoration Plan

Vol. 59, No. 116

59 FR 31191

Friday, June 17, 1994

AGENCY: DEPARTMENT OF THE INTERIOR (DOI); Office of the Secretary of the
Interior

DOC TYPE: Notices

DATES: Comments concerning the DEIS should be received within 45 days of
the publication of the Notice of Availability by the Environmental
Protection Agency in the Federal Register.

ADDRESSES: Send written comments to or for copies of a Summary of the DEIS
or for copies of the DEIS itself, contact the Oil Spill Public
Information Office, 645 G. Street, Anchorage, Alaska, 99501. Phone number
907 278-8008 or within Alaska 800 478-7745, outside Alaska 800 283-7745.
Copies also will be sent to public libraries in Anchorage, Juneau,
Fairbanks, Valdez, Cordova, Kodiak, Homer, and Seward, Alaska for review.

ACTION: Notice of availability of the draft environmental impact statement
for the Exxon Valdez restoration plan.

SUMMARY: On behalf of the Exxon Valdez Trustee Council, the Department of
Agriculture, Forest Service announces the availability of the Draft
Environmental Impact Statement (DEIS) for the Exxon Valdez Oil Spill
Restoration Plan. This notice announces the locations and dates of public
meetings to solicit comments on the DEIS. The responsible official for
the preparation of the DEIS is the Regional Forester, Phil Janik. The
Restoration Plan will establish management direction and guide all
natural resource restoration activities covered by the civil settlement
to the Exxon Valdez oil spill.

WORD COUNT: 1,868

TEXT:

SUPPLEMENTARY INFORMATION:

A. Introduction

On October 8, 1991, a federal court approved settlement between the
State and Federal governments and Exxon under which Exxon will pay \$1
billion in criminal restitution and civil damages to the governments. The
State and Federal Trustees will receive \$900 million in civil damages from
Exxon over the 10 years. The funds are to be used to restore to their
pre-spill condition the natural resources and the services they provide,
that were injured by the Exxon Valdez oil spill. This includes the
restoration of any natural resource injured, lost or destroyed and the
services provided by that resource or which replaces or substitutes for the
injured, lost or destroyed resource and affected services. Restoration
includes {pg 31192} all phases of injury assessment, restoration,
replacement, and enhancement of natural resources, and acquisition of
equivalent resources and services.

All decisions about restoration and uses of restoration funds are determined by six natural resources Trustees, three Federal and three State. The three Federal Trustees are: The Administrator for the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the Secretaries of the Department of Agriculture and of the Interior. The three State Trustees are: The Commissioners of Fish and Game and Environmental Conservation, and the Attorney General. A Trustee Council, located in Alaska, which is made up of the three State Trustees and designees of the three Federal Trustees, is responsible for decisions relating to the assessment of injuries, uses of the restoration funds, and all restoration activities including the preparation of a Restoration Plan.

On April 10, 1992 (57 FR 12473- 12475) on behalf of the Exxon Valdez Trustee Council, the Forest Service published a Notice of Intent to prepare an EIS on the Restoration Plan. This was later revised on January 14, 1994 (59 FR 2352-2353). Since then the Trustee Council developed a draft Restoration Plan which has become the proposed action for the analysis conducted in the DEIS.

B. Draft Restoration Plan

The proposed action (Draft Restoration Plan) consists of nine policy statements, a discussion of categories of restoration actions and broad objectives for injured resources. The policies for identifying and conducting restoration actions are:

1. The restoration program will take an ecosystem approach.
2. Restoration activities may be considered for any injured resource or service.
3. Most restoration activities will occur within the spill area. However, restoration activities outside the spill area, but within Alaska, may be considered when the most effective restoration actions for an injured migratory population are in a part of its range outside the spill area or when the information acquired from research and monitoring activities outside the spill area will be important for restoration or understanding injuries within the spill area.
4. Restoration activities will emphasize resources and services that have not recovered. Resources and services will be enhanced, as appropriate, to promote restoration. Restoration projects should not adversely affect the ecosystem.
5. Projects designed to restore or enhance an injured service must have a sufficient relationship to an injured resource; must benefit the same user group that was injured; and, should be compatible with the character and public uses of the area.
6. Competitive proposals for restoration projects will be encouraged.
7. Restoration projects will be subject to independent scientific

review before Trustee Council approval.

8. Meaningful public participation in restoration decisions will be actively solicited.

9. Government agencies will be funded only for restoration work that they do not normally conduct.

Four types of restoration actions are identified and discussed in the Draft Restoration Plan: General restoration, habitat protection and acquisition, monitoring and research, and public information and administration. Alternatives to the proposed action place different emphases on each of these categories of restoration actions.

General Restoration consists of activities that fall within manipulation of the environment, management of human use for reduction of marine pollution. Decisions about conducting general restoration projects would look at the following factors: Extent of natural recovery, the value of an injured resource to the ecosystem and to the public, the duration of benefits, the technical feasibility of the project, the likelihood of success, the relationship of costs to expected benefits, potential for harmful side effects, benefits to more than one resource, effects on health and human safety, consistency with applicable laws, and policies, and duplication with other actions.

Habitat Protection and Acquisition is a category that includes purchase of private land or interests in land such as conservation easements, mineral rights, or timber rights. It also includes recommendations for changing public agency management practices. Specific policies that relate to habitat protection and acquisition are proposed. These policies deal with ranking potential lands to determine potential benefits, the need for a willing seller, purchasing at fair market value, post acquisition management of the acquired lands and involving the public in the prioritization process.

Monitoring and Research consists of recovery monitoring, restoration monitoring and ecological monitoring and research. Specific policies governing the selecting and performance of monitoring activities are discussed in the Draft Restoration Plan.

Public Information and Administration is the last category of restoration actions. It consists of all necessary administrative actions that are not attributable to a particular project. The Draft Restoration Plan goal for this category is for administrative costs to average no more than 5% of overall restoration expenditures for the remainder of the settlement period.

General restoration objectives have been developed for resources that are recovering, resources not recovering, resources where the recovery is unknown, resources such as archaeological resources and wilderness, and services. These broad objectives will guide in the development of annual work plans.

Further information regarding the proposed action and possible restoration alternatives is included in the Draft Exxon Valdez Oil Spill Restoration Plan, Summary of Alternatives for Public Comment, April 1993; the Supplement to Draft Exxon Valdez Oil spill Restoration Plan, Summary of Alternatives for Public Comment, June 1993; the Summary of Public Comment on Alternatives of the Draft Exxon Valdez Oil Spill Restoration Plan, September 1993; and the Draft Exxon Valdez Oil Spill Restoration Plan, November 1993. Copies of these documents may be requested from the Oil Spill Public Information Office, 645 G. Street, Anchorage, Alaska, 99501. Phone number 907 278-8008 or within Alaska 800 478-7745, outside Alaska 800 283-7745. {pg 31193}

C. Public Meetings

During the comment period for the DEIS public meetings will be held on the following dates at the locations shown:

June 27, 1994-EVOS Trustee Council Restoration Office, 645 G. Street, suite 100, Anchorage, AK

June 29, 1994-Kenai Fjords National Park Visitor's Center, 1212 4th Avenue, Small Boat Harbor, Seward, AK

July 1, 1994-City Council Chambers, 491 E Pioneer Avenue, Homer, AK

July 5, 1994-Alaska Dept. of Fish and Game Conference Room, 211 Mission Road, Kodiak, AK

July 7, 1994-U.S. Forest Service Third Floor Conference Room, 612 Second Street, Cordova, AK

July 19, 1994-City Council Chambers, 212 Chenega Avenue, Valdez, AK

D. Comments

The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register. It is very important that those interested in this proposed action participate at this time. To be most helpful, comments on the DEIS statement should be as specific as possible, and may address the adequacy of the statement or the merits of the alternatives discussed. (See the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of DEIS statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and concerns. Vermont Yankee Nuclear Power Corp. v. NRDC. 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. Wisconsin Heritage, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that

substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: June 9, 1994.

Phil Janik,

Regional Forester, Alaska Region Forest Service, Department of Agriculture.

Dated: June 13, 1994.

Robert P. Davison,

Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

INTERNAL DATA: FR Doc. 94-14716; Filed 6-16-94; 8:45 am; BILLING CODE 3410-11-M

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00509972

Environmental Impact Statements; Notice of Availability

Vol. 59, No. 116

59 FR 31243

Friday, June 17, 1994

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

DOC TYPE: Notices

NUMBER: ER-FRL-4712-3

WORD COUNT: 857

TEXT:

RESPONSIBLE AGENCY: Office of Federal Activities, General Information,
(202) 260-5076 or (202) 260-5075.

Weekly receipt of Environmental Impact Statements Filed June 06, 1994
Through June 10, 1994 Pursuant to 40 CFR 1506.9.

EIS No. 940219, DRAFT EIS, COE, LA, West Bank of the Mississippi River
Hurricane Protection Plan, Implementation, east of the Harvey Canal, New
Orleans, LA, Due: August 01, 1994, Contact: Bill Wilson (504) 862-2527.

EIS No. 940220, DRAFT EIS, BLM, CT, Weir Farm National Historic Site,
Implementation, General Management Plan, Possible COE Section 404 Permit,
Towns of Ridgefield and Walton, Fairfield County, CT, Due: August 10, 1994,
Contact: Sarah Olson (203) 834-1896.

EIS No. 940221, DRAFT EIS, EPA, TX, Eagle Pass Coal Mine, Issuing a New
Source NPDES Permit and COE Section 404 Permit, Maverick County, TX, Due:
August 01, 1994, Contact: Norm Thomas (214) 655-2260.

EIS No. 940222, FINAL SUPPLEMENT, AFS, MT, Lewis and Clark National Forest
Noxious Weed Control Program, Updated Information, Implementation, several
counties, MT, Due: July 18, 1994, Contact: Bob Casey (406) 791-7700.

EIS No. 940223, DRAFT EIS, FHW, MD, MD-140 Westminster Bypass
Transportation Improvements, Hughes Shop Road to Reese Road, Funding,
Carroll County, MD, Due: August 08, 1994, Contact: David Lauton (410)
962-4440.

EIS No. 940224, FINAL EIS, GSA, CA, Sacramento Federal Building-United
States Courthouse, Site Selection and Construction within a portion of the
Central Business District, City of Sacramento, Sacramento County, CA, Due:
July 18, 1994, Contact: Albert P. Liu (415) 744-5256.

EIS No. 940225, FINAL EIS, AFS, NC, TN, Nolichucky Gore Segment, Wild and
Scenic River Study, Eligibility and Suitability, National Wild and Scenic
Rivers System, Nondesignation or Designation, Nolichucky River, Pisgah
National Forest, Mitchell and Yancey Counties, NC and Cherokee National
Forest, Unicoi County, TN, Due: July 18, 1994, Contact: David Hammond (704)
257-4253.

EIS No. 940226, DRAFT EIS, BIA, SD, Rosebud and Cheyenne River Sioux Indian Reservations, Management of Livestock Grazing and Prairie Dog Control Plan, Funding, Todd and Mellette Counties, SD, Due: August 20, 1994, Contact: Ken Parr (605) 226-7621.

EIS No. 940227, DRAFT EIS, BLM, CA, Owen Lake Soda Ash Mining Processing Project, Construction and Operation, COE Section 404, NPDES, Right-of-Way and Conditional-Use Permits, Inyo County, CA, Due: August 16, 1994, Contact: Ahmed Mohsen (619) 375-7125.

EIS No. 940228, DRAFT EIS, AFS, AK, Exxon Valdez Oil Spill Restoration Plan, Implementation, Prince William Sound, Gulf of Alaska, AK, Due: August 01, 1994, Contact: Rod Kuhn (907) 278-8012.

EIS No. 940229, FINAL SUPPLEMENT, COE, FL, Fort Pierce Harbor Navigation Improvement, Updated Information concerning Plan Modifications, Indian River, City of Fort Pierce, St. Lucie County, FL Due: July 18, 1994, Contact: Jonathan D. Moulding (904) 232-2286.

EIS No. 940230, FINAL EIS, FHW, AR, Newport/US 63/US 67 Construction, Newport to Walnut Ridge/Hoxie, Funding and COE Section 404 Permit, Jackson, Lawrence, Craighead and Poinsett Counties, AR, Due: July 18, 1994, Contact: Wendall Meyer (501) 324-6430.

EIS No. 940231, FINAL EIS, GSA, CA, Ronald Reagan Federal Building-United States Courthouse, Site Selection and Construction in the Central Business Area and Approval of Permits, City of Santa Ana, Orange County, CA, Due: July 18, 1994, Contact: Mitra Nejad (415) 744-5252.

EIS No. 940232, FINAL EIS, BLM, WY, Enron Burly Field Oil and Gas Leasing, Permit to Drill, Temporary Use Permits, COE Section 404 Permit and Right-of-Way Grants, Pinedale Resource Area, Sublette County, WY, Due: July 18, 1994, Contact: Teresa Deakins (307) 382-5350.

Amended Notices

EIS No. 940118, REVISED DRAFT EIS, FRC, NB, Kingsley Dam Project {pg 31244} (FERC. No. 1417) and North Platte/Keystone Diversion Dam (FERC. No. 1835) Hydroelectric Project, Updated Information, Application for Licenses, Near the Confluence of the North/South Platte, Keith, Lincoln, Garden, Dawson and Grasper Counties, NB, Due: July 25, 1994, Contact: J. Ronald McKittrick (202) 219-2783.

Published FR 04-08-94-Review period extended.

Dated: June 14, 1994.

Marshall Cain,

Senior Legal Advisor, Office of Federal Activities.

INTERNAL DATA: FR Doc. 94-14839; Filed 6-16-94; 8:45 am; BILLING CODE 6560V

**ID TEAM MEETING
March 29, 1994**

ATTENDEES

Bill Hauser
Gerry Sanger
Karen Klinge
Rod Kuhn
Tim Holder

HANDOUTS AND DISCUSSION ITEMS

Agenda
Walcoff Figures

Bill - a couple of items which need to be considered are currently funded work and timeframe. I picked out the things which affect me. I am having trouble with titles.

I need a better understanding in order to do cumulative effects. Do we need to talk about writing formats in describing an action? There are certain concerns I want to discuss under each action.

Karen - the pattern that Bill has been doing so far makes a lot of sense.

Bill - should I blow out all the subheadings or leave them in?

Rod - we only have four levels defined right now. Maybe I should look at creating a fifth and sixth level of headers.

Rod diagramed the following:

Structure of Chapter 4 Resource Impacts

- Description - Project
 - Suitable Site
 - Project Consideration
- Potential Applications
- Potential Effects
 - Beneficial
 - Drawbacks
- Conclusions
 - Short-term
 - Long-term

Karen - a lot of mine won't have differences between areas. There are no geographic constraints.

Rod - the TC is sensitive to the aerial distributions of these things.

Bill - I am careful to avoid using PWS unless I really mean PWS. You could list everything and go through a check off.

Karen - for the no action section, I have started with harbor seals. They are one species where we don't have any estimate of recovery. One problem is there are many ways to define recovery when the resource has recovered. For harbor seals, I listed the three most talked about definitions of recovery:

- 1) when the population has increased by 300 individuals (you regain what was lost)
- 2) when the population has returned to its 1970 abundance
- 3) when the population is comparable to those in nonoiled areas

Each of these means something different. Your mechanism should be based on what you are trying to gain.

Rod - our goal for recovery from a NEPA standpoint is how we are changing from where we are now.

Karen - when measuring how effective something is, it depends on what the endpoint is you are trying to get back to. We need to state what recovery means.

For pink salmon, the injury from the spill is egg mortality. The expected recovery is not based on when that egg mortality disappears, and it is not based on egg mortality as a metric of recovery.

Rod - you are using those numbers as what we define as long term.

Bill - I just define long term.

Rod - from a NEPA standpoint, we don't need to define recovery. The only benefit we have is what has been published so far. The brochure didn't have answers for all the questions. You could assume long-term effects based on what we know about the species in the past 20 years.

Tim - you make assumptions.

Karen - I won't try to guess. We could talk about the benefits of certain activities. There are some things that could be done to reduce other factors of mortality.

Rod - if they do nothing, you have some sort of trajectory that has to be assumed. We don't know if we are flat or on a down trajectory. You would have to talk with other people to find out what to assume.

Bill - the approach I am taking is to say I can demonstrate that a tool does work.

Gerry - the problem with birds, murrelets especially, is the estimates of population are so far in error. I don't see any damage right now.

Rod - recovery/nonrecovery is not the sole cut on why we are studying some of these critters. Murrelets are something people have a concern for, so we are studying the impacts to them.

From a NEPA standpoint, we need to say what the benefit is going to be to the population for protecting the habitat.

Bill - it may not be worth a lot other than to say that the critical habitat for murrelets can only happen through protection.

Gerry - all the moreso because private land is being heavily logged and affecting murrelet habitat. I don't know what else I can say.

Rod - from a habitat standpoint, there are some suitable site characteristics. There are some limitations as to where they occur in the area. The benefit will be when we can plug all this in with the habitat group.

Gerry - maybe I need to spell out some of the problems of estimating. We don't know the productivity rate.

Bill - why don't you just take the word of the people that made the Restoration Plan and brochure. Based on the information we got, this is what is going to happen.

Rod - you can get in a lot of quagmire but you can stay out of it. A lot of these factors cancel each other out and are baseline to either case. There isn't any greater level of precision. There are so many variables with willing sellers and willing buyers.

Bill - we won't guess what parcels are going to be purchased. We will just assume they are scattered throughout the spill area. Some parcels have no value for fish and high value for birds.

Rod - habitat protection is going to be the missing piece.

As much as we can, we should be semi-quantitative of what high, medium, and low mean.

Tim - for any given resource, you need to say what the future is going to be without any proposed action. Then it is a relative change to whatever that assumption is. Make an assumption even when you don't have data. It is the relative difference that is the important part.

CUMULATIVE EFFECTS

It is not everything that we have done or plan to do. It is what we are proposing plus what other people are doing. The key to cumulative effects is what else is going to be going on besides what we propose in any of our alternatives. It is what the world would be like outside of our stuff. In looking at where we are affecting things, what other activities could affect the resources? For the resources we are analyzing, what could affect those? The analogy they use is a watershed. If there are other landowners doing something beside your watershed, what is the total effect on that stream?

Rod diagramed the following:

Cumulative Effects

- Berring River Coal Development
- Road to Whittier
- Road to Cordova
- Lower Cook Inlet Oil
- Subsistence Changes - Fish
- Earthquake
- 19-year Climatic Cycle
- Volcanic
- Cordova Harbor Dredging
- Trans-Alaska Gas Pipeline
- Subsistence - Sea Otters
- Pac Fish
- Endangered Species Act
- Changes in Management Structure

Bill - because we include things, doesn't mean they are going to happen. If we include something, we say if it is implemented, it will have some effect on management.

Rod - in cumulative effects, you are not looking at what nature dishes out. You are dealing with "other actions".

Bill - any change in the management strategies will affect the ecosystem.

Rod - what we are trying to do is come up with what we are going to use as our

prediction of the future.

Rod - I have gone through Chapter 3 which is back from the editor. I need each person to read through their part to see if things are on or off base. Exercise some control in marking up the copy.

Gerry - how do we provide the requested information?

Rod - I need to have the information so Barbara can put it in.

Gerry - Spies says that draft reports are not official data.

Karen - you could note that it is preliminary analyses.

Rod - we don't want to do a lot of ibids or other things that might be found in a more scholarly work.

Bill - there are some things so goofy that I don't think we should even consider.

Karen - the use of EVOS can get awkward.

Rod - the MMS revisions are color coded: citations- pink, acronyms-yellow, figures and tables-blue. We don't have to accept all the revisions. We have to be consistent across resources.

I printed out the figures left over from the Walcoff document and distributed copies. If anyone sees a need to use any of them, they are on the computer.

I received a call from DNR asking what type of GIS maps would be needed.

Karen - it would be helpful to have a private-land map, showing where the parcels are.

Rod - DNR has \$5,000. It is not a problem to have the maps done.

Bill - the size, color and type of maps depend on what we are trying to convey.

Karen - we may need oiled shoreline maps dealing with where intertidal work might be done.

Rod - artwork is another matter altogether. If you have some clean artwork, we could cut it and put it in.

You can incorporate it if it is useful to your section.

We are starting to sort through Chapter 4.

We are closing in on the budget (5%). The currently funded budget flies in the face of what some of the attorneys want us to do. The bottom line is we analyze from the beginning of this Draft Restoration Plan.

Tim - will I be expected to participate in public meetings?

Rod - not necessarily.

I anticipate the pace will pick up in mid-July.

Meeting adjourned.